

**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of **Area Planning Committee (Central and East)** held remotely via **Microsoft Teams** on **Tuesday 10 November 2020** at **9.30 am**

**Present:**

**Councillor J Clark (Chair)**

**Members of the Committee:**

Councillors D Brown, K Corrigan, B Coult, M Davinson, D Freeman, A Laing (Vice-Chair), R Manchester, L Marshall (substitute for S Iveson), J Robinson, J Shuttleworth and P Taylor

**Also Present:**

Councillors J Blakey, L Brown, S Dunn, D Hall and M McKeon

**1 Apologies for Absence**

Apologies for absence were received from Councillors I Cochrane and K Hawley and S Iveson.

**2 Substitute Members**

Councillor L Marshall substituted for Councillor S Iverson.

**3 Minutes**

The minutes of the meeting held on 13 October 2020 were confirmed as a correct record by the Committee and would be signed by the Chair.

**4 Declarations of Interest**

Councillor D Freeman noted in respect of Item 5b - DM/20/01124/FPA - Land to South of Flass Vale House, he a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not been party to their submission in objection to the application.

**5 Applications to be determined by the Area Planning Committee (Central and East)**

**a DM/20/02163/FPA - Tiana Lane, Pittington Road, Rainton Gate, Houghton-le-Spring, DH5 9RG**

The Principal Planning Officer, Alan Dobie, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of a single storey dwelling and was recommended for refusal.

The Principal Planning Officer referred Members to the application site on both site plans and aerial photographs showing a square plot with a narrow access past the adjacent property, The Rowans. He noted the context of the site within the local area, with a handful of detached properties all with large grounds. He referred to the nearby A690 and the busy junction between it and Pittington Road. The Committee noted photographs of the site showing the site and narrow access, which had recently been tarmacked and with fencing along the boundary with The Rowans. Members noted the mobile home on site, currently occupied, which did not yet have planning permission, subject to an ongoing investigation by Planning Enforcement. The Principal Planning Officer noted that enforcement action was not relevant in terms of the application before the Committee.

The Committee noted the proposed site plan with a rectangular bungalow, parking, turning area and garden to the rear. Members noted the elevations, with the Principal Planning Officer adding the proposed bungalow was of a relatively low level and well screened from the main road.

The Principal Planning Officer referred Members to a slide highlighting the extent of the Green Belt designation, noting it predated the City of Durham Local Plan, and effectively cut off at Pittington Road, with properties on one side of the road being within the Green Belt, on the other side being outside of the Green Belt.

In terms of responses, the Principal Planning Officer noted no objections from Northumbrian Water, subject to some advice on surface water drainage, and no objections from the Council's Highways Section, the access and bin storage arrangements being considered acceptable. He added that the Spatial Policy Team noted that, in terms of the National Planning Policy Framework (NPPF) a dwelling would impact on the openness of the Green Belt and would be inappropriate development and would be, by definition, harmful to the Green Belt. He noted that they added that such development should not be approved except in very special circumstances.

The Principal Planning Officer explained that the Landscape Team had responded noting that the proposal would be sited within the countryside outside any defined settlement boundary and a dwelling on the site would encroach on the countryside and further erode the rural character and openness of the greenbelt in that location.

The Committee were asked to note the response from the Design and Conservation Team which stated that they felt the information submitted did not justify a new dwelling in the location and the design was such that would result in a new dwelling of simple design with little architectural merit.

Members noted the Contaminated Land Team would require a condition requiring a land contamination scheme, due to the previous uses of the site, and the Noise Action Team raised no objections and provided advice regarding achieving acceptable noise levels in the dwelling, in terms of nearby traffic noise. It was noted there were no objections from the Air Quality, Drainage and Ecology Sections and that Tree Officers offered no objection, confirming the tree report supplied was satisfactory and complied with current standards. It was noted that one tree would be removed with all other trees to have been found to be in good health and would be retained.

In respect of representations, the Principal Planning Officer noted at the time of publication of the report no letters of support or objection had been received. He added that subsequent to the publication of the report a Local Member, Councillor B Kellett had been in contact to note that he supported the Officer recommendation due to the concerns expressed within the report as regards the Green Belt.

The Principal Planning Officer noted there had been four letters of support, received via Local Member, Councillor D Hall on behalf of the applicant, from the local school, the health visiting service and traveller organisations. He noted the main points of support related to: the family currently living in caravan; the family were settled in the area and wanted to remain part of the community; their children were established in the local school; and that mental health and wellbeing were important, especially in current times.

The Principal Planning Officer referred to the planning considerations, noting they were set out in detail within the report. He noted the new County Durham Plan (CDP) was now in force, adopted in October 2020, and was the statutory development plan for consideration of planning applications. He noted the site was a greenfield site within the Durham City Green Belt and the site was behind an existing property which was constructed prior to Green Belt boundaries being established. He added that the proposal would be contrary to CDP Policy 10, Development in the Countryside, and NPPF Section 13, Protecting Green Belt land).

He noted Officers felt that the application had not demonstrated any very special circumstances to comply with exceptions afforded by Policy 10 or NPPF Paragraph 145.

The Principal Planning Officer noted in terms of the impact upon the openness of the countryside and the Green Belt, that Policy 20 stated that proposals would be determined in accordance with the NPPF and that NPPF Paragraph 143 stated that inappropriate development was, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. He added that the construction of a new dwelling as proposed was considered to be inappropriate development as it did not qualify under any of the exemptions, for uses such as agricultural and leisure developments. Members noted Officers did not view the site as being previously developed, the previous coal and rail related uses, as shown on historic mapping, had long since ceased and the site was therefore considered as a greenfield site. The Principal Planning Officer noted no special circumstances had been identified within the application and reiterated that the proposal was contrary to Policy 20 of the CDP and NPPF Section 13.

The Principal Planning Officer noted impact on the character and appearance of the area, being located within the countryside and beyond the residential framework of the locality and as it was proposed to be behind an existing property, it did not relate well to the established built form and would be an incongruent addition to the existing landscape.

Members noted that in terms of residential amenity, it was considered unlikely that the proposals would result in impact to the current levels enjoyed by neighboured properties.

In terms of sustainability, the Principal Planning Officer noted the site was not located within a settlement and was, by definition, in the countryside. He added that occupiers of the proposed dwelling would need to rely heavily on the use of a private car for their day-to-day needs and the proposal would be contrary to Policy 21, Delivering Sustainable Transport, which sought to minimise the need for the use of a private car as the only or main source of transport. It was noted Low Pittington was the nearest settlement, located approximately 1.5 km away, with an unlit road with a footpath. He added that West Rainton was located on the far side of the A690, which would require a difficult manoeuvre across two carriageways to get to, and it was not felt as being a safe route on foot, particularly taking children to school.

The Principal Planning Officer reiterated there were no issues in terms of highway safety, parking or ecology.

The Principal Planning Officer reiterated the recommendation for refusal based upon the points set out within the report and summarised within his presentation. He added that while there was a modest boost to housing supply and a temporary contribution to the local economy through the provision of jobs during the construction phase of development, the Council was able to demonstrate a housing land supply in excess of five years. He noted the application referred to personal circumstances, however, it was felt these were insufficient to outweigh the harm due to the inappropriateness of development within the Green Belt and reiterated that the application and supporting information failed to demonstrate very special circumstances as required by Policy 20 and Paragraph 145 of the NPPF and therefore the proposal was felt by Officers to be unacceptable.

The Chair thanked the Principal Planning Officer and asked Local Member, Councillor D Hall to speak in support of the application.

Councillor D Hall noted he was a Local County Councillor for the Sherburn Division and respectfully requested Members of the Committee grant the application for a modest, one storey family home. He noted he had e-mailed a statement to Committee Members and therefore he would keep his address concise to avoid repetition. He explained he wish to address the main issue was that of the Green Belt designation, noting it was applied to large swathes of land of different types and uses including, in this instance, streets of residential houses and small plots of land behind them. He explained that if it were not for the Green Belt designation, the application would have probably been granted without much delay and noted he felt the designation created a fog of semantic planning arguments which lost sight of the truth that the application referred to a relatively small, discrete, enclosed plot of land, adjacent to existing houses and a business, none of whom objected to the application, with no impact on the adjacent areas and was a sensible place for the proposed new home. Councillor D Hall noted he felt that through its Green Belt designation the report had considered by default that the development was in the open countryside. He noted this was not the case, noting it did not incur into the countryside and was already naturally enclosed and screened so that one would be hard pressed to spot the location now or once built out, as confirmed by the Committee report. He added that it was an underused plot of land sitting redundantly alongside larger properties built before the Green Belt designation.

Councillor D Hall noted there were no objections to the application, only letters of support and added it was sustainable development as it was within walking distance of the local primary school, pub, shops and was a one minute walk from several local and into town bus routes, not least on the A690. He noted the A690 would have traffic lights and a pedestrian crossing installed next year for easier access to West Rainton.

He noted the crossroads at Low Pittington and added there was an excellent farm shop selling a fantastic range of goods just next door to the application site.

Councillor D Hall noted the family were currently living with extended family in crowded circumstances and were trying hard to resolve the issue. He added that they were an embedded part of the local community through their family upbringing, profession, support network, with their children doing well at the local primary school and also through their involvement and volunteering in the community. He explained that recently had involved raising thousands of pounds for local COVID-19 and community projects. Councillor D Hall noted Mr Thomas Ward was a hardworking local who had made himself a very successful professional boxer and used his experience and skill to mentor young people within the village through the local youth project, with special focus on children and young people that may be harder to reach. He noted that the young family simply wished to have a home in their local village, on their own plot of land for their family's needs. Councillor D Hall noted the application was a sensible development, a good use of underused land, formerly industrial but long since turned green, and now perfect for a new home. He noted there were no objections and he felt no real or physical harm to give weight to and added that thankfully there were Planning Committees with the democratically given powers to fairly weigh matters and make a decision in the best interests of all concerned, including the applicant and the community both of which he respectfully argued were best served by the granting of the application. He noted that Planning Officers had confirmed to him that it was open to Committee Members to weigh the circumstances for themselves and it was perfectly within the Committee's power to grant the application should they wish to, with no precedent set for future similar applications.

Councillor D Hall noted in summary that the proposed one storey development did not breach or harm the principle of the Green Belt and served the important service of providing a much needed family home through a respectful use of available screened and underused space next to existing houses. He noted that he respectfully requested that the Committee grant the application for a family home with any conditions that Planning Officers would require.

The Chair thanked Councillor D Hall and asked Ms Chantelle Morrison, the applicant, to speak in support of her application.

Ms C Morrison thanked the Chair and introduced herself and Mr Thomas Ward, applicants in respect of the proposed development and noted they wished to build themselves a family home as they had lived in the area for all of their lives, both having grown up on the nearby Traveller site at Adventure Lane, which had been welcomed by the community of West Rainton.

Ms C Morrison explained that there was no availability on the Traveller site for them and they were not a priority in terms of Council builds. She added that as Mr T Ward was self-employed they were unable to obtain a mortgage for a house that they would need and noted as part of the Traveller community they faced a lot of discrimination adding that if they were required to travel that would have a big impact upon their mental health. She explained their children attended the school at West Rainton and noted they were thriving in terms of their education.

Ms C Morrison noted that should they obtain a smaller house elsewhere, they would still require planning permission for an extension adding it would be more cost effective to build on the land they had owned for many years. She explained they currently lived in a caravan owned by Mr T Ward's parents and noted that with 10 adults and 13 children it was very cramped with animosity developing due to the overcrowding. She noted it was important that family did not fall out over the issue and she wished to maintain the strong family bonds and noted they relied upon family for support. She reiterated if they were to revert to their Traveller roots it would have a big impact upon the mental health of her and her family, with her children having to leave their school for months on end, adding that the family had good relationships with their Doctor, Health Visitors and the local school which would be hard to rebuild if not settled in the same location.

Ms C Morrison explained that Mr T Ward was a very well respected figure in the local community and a great role model, supporting all local events and fundraising activities, volunteering a lot of his time to help others in the community. She added that they had the full support of their neighbours and explained that the proposed property would fit in with the surroundings. She noted that they would not be proposing to remove any of the trees on their land and would only be developing less than half of the area for the property itself. She thanked the Committee for listening and noted she, and Mr T Ward would be happy to answer any questions from Members.

The Chair thanked Ms C Morrison and asked the Principal Planning Officer to respond to the points raised by the speakers.

The Principal Planning Officer noted in respect of the Green Belt issues raised by Councillor D Hall that those issues were the fundamental concern in respect of the application. He added that unless the Local Planning Authority agreed very special circumstances there was no subjectivity in terms of the application.

He noted the NPPF was quite clear in stating that: “*inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*”, he added that exceptions included: buildings for agricultural forestry; facilities for outdoor sport or recreation that was clearly in place; cemeteries; alterations to an existing building or replacement of an existing building; and limited in-fill within villages. He noted that therefore there was not an exception that could apply in terms of the application being considered.

He added that Members had heard from the family in terms of their background and the impressive work of their family, and while there was sympathy for the situation they found themselves in, the reasons were not sufficient in planning terms to be considered very special circumstances to override the Green Belt.

The Principal Planning Officer noted Councillor D Hall had stated that the application would likely have been granted had it not been within the green Belt, he explained that he would not agree with that and referred Members to statements within the report as regards the Officers view that the site was in an unsustainable location relative to shopping and other facilities. He noted there was a farm shop nearby, however, that would not be able to provide a full range of shopping and any occupiers would need to make supermarket trips. He reiterated that it was considered that attempting to cross the A690 on foot would be extremely dangerous and therefore it was far more likely that a private car would be used for trips to the school and for shopping.

The Principal Planning Officer noted that Officers felt that approval of the application would undermine Green Belt principles and did not feel that there were very special circumstances to warrant approval and therefore the recommendation remained the same.

The Chair thanked the Principal Planning Officer and the Committee for their comments and questions.

Councillor J Shuttleworth noted he could get quite irate when reference was made to locations being unsustainable, he explained he felt a location 50 miles from anywhere was unsustainable and that a plot a few miles from facilities was sustainable. He added that he felt the special circumstances in terms of the application would be that it was allowing a local family to stay in their local area, allowing their children to attend their local school and he felt the Committee should support the application and moved that it be approved, adding there had been no objections from residents to the application.

Councillor P Taylor noted he found it difficult in terms of not judging with emotion an application by a young family to build a home. He noted from the presentation that there was a roadway constructed to access the site, the area had been cleared and asked why the application had gotten so far through the planning process, and whether there had been pre-application advice in terms of the principle of development on the site as, in accordance with policy, it was unlikely any such application would have been granted in the Green Belt. He added that it was also important to take into account the personal circumstances of the young family, and he added he disagreed with Planning Officers as he considered the site to be a sustainable location. Councillor P Taylor noted he was torn as regards the application and noted he was always very mindful as regards planning rules and policies and was always strict in their application at Committee. He added the application was for a site within the Green Belt and reiterated he was torn as regards the application and wondered if the family had been given false hope in relation to the proposal.

The Principal Planning Officer confirmed that the applicants had asked for and received pre-application advice and were given firm advice that the proposal would not be acceptable, and the site was an inappropriate site for development, the applicants however proceeded with their application.

Councillor A Laing moved the application be refused in line with the Officer's recommendation. Councillor L Marshall seconded refusal.

Councillor D Brown seconded Councillor J Shuttleworth.

The Chair noted no further comments or questions from the Committee and asked the Solicitor – Planning and Development, Neil Carter to explain as regards the votes to be taken and for reasons in terms of the motion for approval.

The Solicitor – Planning and Development noted the key policy test was that of the Green Belt and that development was inappropriate by definition and therefore was harm arising from that development. He added that therefore if Members were to approve the development, they would need to be of the view that the circumstances were such that they clearly outweighed the harm by reason of inappropriateness and any other harm that had been identified, with Members having been informed of additional harm in respect of sustainability, though Members may agree or disagree with that aspect. He added that Officers had also identified additional harm in terms of the impact on the open countryside, the visual impact on the character and appearance of the location. The Solicitor – Planning and Development noted Officers had set out their view, that being they felt the personal circumstances, while amounting to material planning considerations, would not be sufficient.

He reiterated that if Members were to approve the application, they would have to be of the view that those circumstances were sufficient to outweigh that harm. He asked if Councillor J Shuttleworth could indicate what material planning consideration he felt outweighed the harm and, if approved, there would need to be a standard suite of conditions attached to such an approval.

Councillor P Taylor noted that Councillor J Shuttleworth would be able to take the contrary view to Officers in order to justify his motion for approval of the application.

Councillor J Shuttleworth noted that in approving the application it would allow local people to live in their local area, adding it was often reported in the press that local people in the countryside not being able to have a home or buy a home due to the cost. He noted that the proposal would help the family to stay in their local area, with their three children helping to support the local school. He added that the shops were not so far away in terms of sustainability and therefore he felt the application should be allowed. He noted he felt there were exceptional circumstances and he noted the contribution of Mr T Ward in the local community in terms of providing boxing training for young people.

Councillor D Brown noted in terms of the Green Belt and the application being an intrusion into the countryside, he noted the land was not agricultural land and he felt that it was a useless little corner that was crying out for development, would not intrude on anyone's privacy and had received no objections from local residents. He concluded by noting he felt the plot would benefit from having a house build on it and that approval was common sense.

The Solicitor – Planning and Development summarised that Members proposing the approval were noting they felt the applicants' personal circumstances, together with the sustainability credentials of the site and assistance with the sustainability of the school in terms of pupil numbers, were sufficient to clearly outweigh the Green Belt harm that had been identified. He noted that, should the application be approved, delegated authority would be required for Planning Officers to agree a suite of conditions in conjunction with the Chair and Vice-chair, and he asked if the Principal Planning Officer could give further information in terms of conditions.

The Principal Planning Officer explained that there would be requirements in terms of a contaminated land assessment as outlined within consultation responses within the report, as well as suitable conditions associated with materials, landscaping amongst others, again to be endorsed by the Chair and Vice-Chair as required.

The Solicitor – Planning and Development noted the vote was for the approval of the application, subject to a suite of conditions to be agreed by the Planning Officer in consultation with the Chair and Vice-Chair.

Upon a vote being taken the motion was **LOST**.

The Chair noted the result and asked the Solicitor – Planning and Development to take the vote in respect of the motion for refusal of the application.

Upon a vote being taken it was:

### **RESOLVED**

That the application be **REFUSED** for the reasons as set out within the report.

#### **b DM/20/01124/FPA - Land to South of Flass Vale House, Ainsley Street, Durham, DH1 4BJ**

The Planning Officer, Lisa Morina, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the retention of use of land for 2 car parking spaces and was recommended for approval.

The Planning Officer referred the Committee to a plan and aerial photograph of the application site and noted the status of the land was unclear, however, there was an established historic route in the area. She explained the parking spaces were in connection to a previous scheme carried out for residential development at the Former Companions club.

Members were asked to note photographs of the land prior to development and subsequent to completion and were informed of the gravel surface construction and low-level wooden fencing with chain link along the front of the site.

In respect of consultee responses, the Planning Officer advised there were no objections from the Highways Section, Northumbrian Water and the Design and Conservation Section noted the proposal would have a neutral impact. It was noted the Public Rights of Way Team objected to the proposal.

She explained that 13 letters of objection had been received to the application, including from the City of Durham Parish Council and a Local Member for the area.

The Planning Officer noted that the application was considered to have a neutral impact in terms of the visual impact on the conservation area and surrounding listed buildings. She noted that no neighbouring properties were impacted in terms of residential amenity. In respect of Highways and Public Rights of Way issues, while there were the issues as regards the status of the land and impact on the historic route those were outside of the consideration of the application through the planning system and the application was able to be determined in respect of the application. She added that other issues set out in the report included information regarding ownership and possession of the land.

The Planning Officer noted that the impact upon visual amenity of the area, including the conservation area and heritage assets, as well as the impact on residential amenity was considered to be acceptable. She explained the application was considered to meet the requirements of the NPPF, the CDP policies as well as satisfying the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. She concluded by noting the objections and concerns raised had been taken into account and addressed within the report and it was felt, on balance, that the concerns raised were not to be of sufficient weight to justify refusal of the application.

For clarity the Planning Officer noted that in respect of the public right of way issues, whilst there were potential issues, they were not planning related and could be considered under separate legislation

The Chair thanked the Planning Officer and asked Parish Councillor R Cornwell to speak on behalf of the City of Durham Parish Council in objection to the application.

Parish Councillor R Cornwell thanked the Chair and Committee and explained the Parish Council had two arguments in relation to the application, either of which should lead the Committee to refuse this application.

He noted that the Parish Council was at a disadvantage however, because it was only with the publication of the Committee report that they learned of the legal opinion obtained by the applicant and forwarded to the Planning Officer. He added, this was not on the public record and the Parish Council would like to read and assess this, which would require an adjournment, which the Parish Council would ask for unless, as we hope, the other arguments lead the Committee to refuse this application.

Parish Councillor R Cornwell explained the first ground on which Committee should refuse the application was the impact on historic assets. He noted the lane itself was a historic route and was shown on Thomas Forster's map of 1754, with others noting it was an ancient pilgrim route. He added that while the parking bays were at a relatively low level, the intention was, of course, that they would be used. He noted Members would have to consider the impact with two cars parked there, the officer's report (paragraph 49) overlooking that point.

It was noted that within the lane was Flass Well, not Fram Well as stated in paragraph 51 of the report, and it was clear from multiple objectors that plans were well-advanced to clear the vegetation to give better access. Parish Councillor R Cornwell noted the parking bays would obstruct that access and the clearing will also improve the views of Redhills Miners' Hall. He added that the report described that as not intentional, but it was still valued and the Durham Mineworkers Association, in their heritage statement on another planning application, commended it. Parish Councillor R Cornwell noted that consequently the Parish Council did not agree with the conclusion that the impact was nil or neutral. He added that there were policies that the Committee should use to refuse the application: Policy 44 of the CDP as summarised in paragraph 18 of the Committee report.

He explained that the City of Durham Neighbourhood Plan was now in its final form with no outstanding objections or changes required. He added that the version that will be put the referendum was with the County Council and explained that under the Coronavirus Regulations it now had very considerable weight. He noted Policy H2 was relevant here and as the parking bays in use would not sustain and enhance the conservation area, Policy H4 was also relevant. He added there was no understanding of the significance of Redhills nor of the Flass Well.

Parish Councillor R Cornwell referred to highways issues and noted that when the Rights of Way team stated that the status was unclear, they meant they were unsure whether it was a footpath, a bridleway or a byway. He noted they were clear that it was some kind of public highway. Parish Councillor R Cornwell noted there was a legal maxim of "once a highway, always a highway", the reference being *Harvey v Truro Rural District Council*: 1903. He noted the applicant accepted that a footpath exists running past the application site (paragraph 2.3 of the Heritage Statement) and the surveyor in 1854 said it was 15 feet wide. He noted that would be the legal width of the footpath and added that the applicant had no right to narrow it to 1.4 metres, which was less than five feet.

Parish Councillor R Cornwell explained the route of Flass Lane, now Ainsley Street, was a green tongue running up to the Flass Well and below the Miners' Hall at Redhills. He added that quite aside from its legal status, it was part of the Green Infrastructure which was the subject of CDP Policy 26. He noted he was looking particularly at part of the Policy:

*Development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements.*

He noted Policy G1 of the City of Durham Neighbourhood Plan also protected Green Infrastructure with the relevant section reading:

*Development proposals should have regard to the local distinctiveness, character, quality and biodiversity of public rights of way and other footpaths. Proposals which connect to, improve or extend the network of public rights of way and improve its accessibility will be supported.*

Parish Councillor R Cornwell explained Members would note the reference to "other footpaths", the precise status of the route was not relevant to this Policy. He added that the parking bays blocked access unless you were a pedestrian and narrowed that access if you were. He explained there were plans to improve the area, which the parking bays would make more difficult, with later speakers being able to inform Members more about those plans.

Parish Councillor R Cornwell noted the Parish Council agreed with the conclusion of the Rights of Way team, when they stated:

*"This path is within the red line boundary; however, as mentioned, a Land Registry search reveals this land is unregistered. The applicant has not demonstrated that they own or are in control of the land. It is not clear therefore who would become responsible for maintaining or be liable for this path. If approval is granted, then this needs to be clarified especially in the event of a trip or accident. A third party, not the landowner nor the County Council as Highway Authority, has laid and improved the path surface, so I would assume that any potential future claims for public liability would be directed towards the third party.*

*Furthermore, the proximity of a path directly next to residential property can create amenity and or antisocial issues. This could become a concern, given the narrowness of the path and could lead to a desire to close or stop up the remainder of the path.*

*We cannot support the application as it restricts public access by means of fencing from the full width of the lane to a narrow 1.4 m width alongside residential property”.*

Parish Councillor R Cornwell concluded by noting, for all of those reasons, the Parish Council urged the Committee to refuse the planning application.

The Chair thanked Parish Councillor R Cornwell and asked the Solicitor – Planning and Development to respond to the points raised.

The Solicitor – Planning and Development noted in terms of the legal disclosure or non-disclosure of the Barrister’s opinion submitted as part of the applicant’s case, there was a separate process for such requests to be made, and the Parish Council’s request had been passed to the appropriate team within the Council to process that request.

He noted his advice was that it did not make a difference in terms of determining the application, as the Council’s position was clear in terms of the issue of the status of the application site, that the Council did not feel it had sufficient evidence at the present time to assert that it was a highway, essentially the same position as taken by the applicant. The Solicitor – Planning and Development noted that even if there was sufficient evidence to assert that the land was highway, that would not necessarily impact in terms of the Officer’s assessment of the application, it would simply mean if planning permission was granted the applicant would need to go through a separate procedure to have that highway stopped up. He added that it was not felt that the lack of disclosure of the legal opinion and/or the unclear status of the land at present would have any material impact upon the planning merits of the application. The Solicitor – Planning and Development noted Parish Councillor R Cornwell referred to public liability in terms of the remaining 1.4 metre pedestrian route to the side of the fenced area and while it was not a matter for Members to consider in respect of the planning application, it would be a matter to be considered outside of the planning process.

The Chair thanked the Solicitor – Planning and Development and asked Local Member, Councillor L Brown to speak in relation to the application.

Councillor L Brown thanked the Chair and Committee and noted she was speaking at Committee to ask Members to refuse permission for what could be construed as a land grab about which there had been considerable local disquiet. She noted the planning history of the site was as described by the Officer, however, she wished to clarify a few points. She explained that the site of the old Companions Club was granted planning permission on the grounds that it was a sustainable site close to public transport hubs, adding that as such the parking spaces were reduced.

She noted that then 3R found room for another flat and needed more parking and the two bays were laid out, outside the boundary of the property on Aynsley Street. She pointed out, as mentioned by Parish Councillor R Cornwell, that the Rights of Way Officer had asked for the bays to be removed, with the Committee report stating at Paragraph 69 that there was strong circumstantial evidence that the site was highway land. She noted the Miners' Hall also felt that some of the land was within their curtilage, adding that certainly ownership was in dispute.

Councillor L Brown explained that the area lay within the Durham City Conservation Area very close to the Grade 2 listed building, The Miners' Hall, in fact it was overlooked by it as the applicants' Heritage Statement made clear. She noted the area was also just down the footpath from the Flass Well, a non-designated heritage asset.

She noted that as such, the area received a great deal of protection from the CDP and the Durham City Neighbourhood Plan which superseded the City of Durham Saved local plans. She added that both the new plans were supported by the NPPF.

Councillor L Brown noted Policy H2 of the new Neighbourhood Plan offered similar protections to both Listed Buildings and non-designated heritage assets, as well as the conservation area. She added that the design of the parking bays was not in keeping with the area. Councillor L Brown added that the wooden birds mouth fencing was obtrusive, with the plastic car parking grid with the gravel inset not echoing any features within the area and she noted the white plastic chain was "quite frankly nasty".

Councillor L Brown noted point (k) of part H2 stated development in Conservation Areas should "*use high quality design sympathetic to the character and context of the local area and its significance and distinctiveness...*", adding the application quite plainly did not. She noted furthermore that the eyesore affected the setting of not one, but two notable structures which was in conflict with Neighbourhood Plan Policy H4. She added she would also like to draw the Committee's attention to Policy T1 which gave a hierarchy of transport where cars were very low on the list and paragraph 4.261 gave a list of questions to be considered when assessing car parking associated with new development including: "Does existing street character rule out on-site parking?"; and "Are key local services conveniently and safely accessible by walking, cycling and public transport?". She noted that the answer to those two questions were quite clearly No and Yes.

Councillor L Brown noted the new CDP also protected Conservation areas and the setting of notable buildings within it with Policy 44 stating that applications in the Conservation Area must show “*respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing).*” She noted that referring to Heritage Assets the Plan asserted: “*Development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting.*”. She added that Policy 21 dealt with sustainable transport with paragraph 5.219 having a similar set of transport policies to the Neighbourhood Plan and a similar position for car travel.

Councillor L Brown noted that if Committee were minded to approve the application then she would ask Members to set certain conditions on materials for the development because Committee would notice that, as it was a retrospective application, there were none. She added that the area was within a conservation area and deserved a sympathetic design.

She noted rear streets in the area were surfaced with granite cobs and she suggested a surface that mixed granite cobs traditional paving slabs for the pavement area and that the parking area was delineated by bollards, such as seen in other parts of Ainsley Street. She added that the birds-mouth fencing and the white plastic chain should be removed. Councillor L Brown noted the materials she suggested would be far more in keeping with the conservation area and the setting of two notable heritage assets. She added that the developer surely could afford to pay a parking firm to police the area, as other developers can and do.

Councillor L Brown concluded by noting she had quoted Neighbourhood Plan Policies H2 and H4, CDP Policies 21 and 44, all of which were supported by NPPF parts 9 and 16, in order to encourage the Committee to refuse the application and she felt that Parish Councillor R Cornwell and herself had put up very good arguments against the application, however, if Members were still minded to approve, she would respectfully ask that they considered placing conditions on the development so that materials were more sympathetic to the surrounding notable buildings and that access was far easier.

The Chair thanked Councillor L Brown and asked Officers to respond to the points raised.

The Planning Officer noted in respect of ownership and “land grab” they were not material planning concerns, however, the applicants did serve a notice in the press which was the standard procedure if the owner of the land was unknown and relevant certificates were served as part of the application.

She added that the opinion of the impact upon the Conservation Area was detailed within the report and it was felt to the impact on the Conservation Area and the heritage assets was acceptable. She concluded by noting that any change of materials was an issue for the Committee to consider if they felt appropriate.

The Chair thanked the Officers and asked Ms Val Standen to speak on behalf of the Friends of Flass Vale in objection to the application.

Ms V Standen thanked the Chair and explained she represented the Friends of Flass Vale as Chairwoman of the community group, with the group having over 200 members.

She explained that Flass Vale was a Local Wildlife Site and Local Nature Reserve which had been very important to families, not just local, over the past months as a safe retreat for exercise and enjoyment. She noted Volunteers contributed over 1,000 person hours of hands-on conservation work each year. She added that Ainsley Street and Flass Lane, were part of a historic route running from the Market Place along the bottom of Flass Vale and it was therefore the entrance to the nature reserve.

She noted, however, the lane had started to become dilapidated and neglected, with the yard being used as dump, and therefore in March 2018 the Friends of Flass Vale outlined a project to improve the appearance of the area which was approved in principle by Public Rights of Way department of Durham County Council. Ms V Standen explained the Friends of Flass Vale then began to make contact with stakeholders such as Miners' Hall and the Kings Lodge Hotel. She noted they had met on site with staff of the Miners' Hall who, at that time, were preparing a bid to the Heritage Lottery Fund to renovate the Hall and its grounds which border Flass Lane. She added that plan included the removal of unsafe trees, replanting with suitable tree species, as well as work on Flass Well which was situated just beyond the parking bays. She noted that the projected plan was then put on hold because work started on the Companions Club. She added that on two separate occasions she gave a copy of the proposed project to the Development Site Manager for their information, suggesting that they might support the project once their work was completed. She explained that the plan included installing retractable bollards where the parking bays were now to prevent cars parking there, but to still allow access for pedestrians and for any works, such as tree felling, or emergency vehicles as needed.

Ms V Standen concluded by explaining that the issue of two parking bays may seem trivial but she would ask for support for local people, who had a long term practical commitment to the area, in their desire to reject the application and so maintain the semi-rural character of Flass Lane in the wider context of the nature reserve, the historic roads of Durham and to allow for better access.

The Chair thanked Ms V Standen and asked the Committee for their comments and questions.

Councillor D Freeman noted he was a Member of the City of Durham Parish Council; however, he was not a member of their Planning Committee and had not been party to their submission in objection to the application. He asked as regards the point raised by Councillor L Brown in terms of the Council's Rights of Way Team having told the developer of the parking bays that they needed to be removed, he understood the issues as explained by the Planning Officer and Solicitor, however, he felt it was important the Committee should know whether the Team within the Council had stated that the parking bays must be removed.

The Solicitor – Planning and Development noted the position was that while the Public Rights of Way Team maintain their objection to the application and would, in an ideal world, like the development to be removed, the strict legal position was that they were not in a position to require it, as it was not felt that the Council had sufficient evidence of its highways status. He reiterated that the planning application had to be determined on the basis of the situation at the moment, and while that may change in the future it was outside of the scope of the planning system with a separate system under which the issue may or may not be resolved in the future, not an issue for Members of the Committee to try and resolve.

Councillor B Coult noted she understood the issue of ownership was outside of the scope of the Committee, however, she felt the visual impact on the Conservation Area, the green space and heritage was an issue, with the development looking out of character and having a negative impact on the Conservation Area.

Councillor P Taylor asked if there were any Officers present at the meeting from the Design and Conservation Section. It was confirmed no Officers from the section were present at the meeting. Councillor P Taylor noted he would have wished to speak directly to an Officer. He explained that he was horrified by the comments as set out within the report from Design and Conservation that stated the development would have a “neutral effect”.

He noted he felt it was not a neutral effect and while the application may only be for two parking bays, after listening to representations from the Parish Council and the Local Member, he felt that perhaps such issues were taken too lightly. He noted the application was in a Conservation Area, the area was part of our history and he felt the materials used were not acceptable, adding that the materials would not be considered appropriate for Palace Green and he felt they were similarly unsuitable for the application site.

Councillor M Davinson asked if permission was granted, and subsequently the land was determined as being highway land, would the applicant be required to reinstate the land to its previous state. He noted the deadline for determining ownership was by 2026 and asked, if there was period by which the application could be deferred by which time the status of the land would be determined.

The Solicitor – Planning and Development explained that the two issues were entirely separate and that if planning permission was granted by Committee and it was subsequently discovered through better evidence that the land was highway, the grant of planning permission would have no impact upon that highway status. He added in that circumstance there would be two possibilities, either the applicant could apply for a stopping up of the highway or the Council's Public Rights of Way Team or Highways Team could "assert the highway", informing the applicant that the structures needed to be removed. He reiterated that the issue was entirely outwith the scope of the application before Committee.

Councillor P Taylor noted many policies had been mentioned and lots of reasons suggested for the justification of the parking bays being removed. He noted he was drawn to Policy 44 "*Historic Environment seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate...*" and asked whether Members felt the application was compliant as he did not believe it was.

Councillor D Freeman noted the situation had been described as a "land grab" and explained he was interested in going back in time adding he presumed the applicant was the same developer that had developed the former Companions Club. He noted he could not recall if the development was student accommodation or otherwise, however, he noted that at that time the Council would have decided, in terms of the sustainability aspect of that development whether extra car parking spaces were not required outside of the development site of the former Companions Club. He noted the current application was from the same developer, adding to the car parking for the previous development and he felt that would be against the original planning permission in the first place.

He noted that if those additional parking spaces had been discussed at the time of the original application, permission may have been refused as a result of that aspect. He noted two extra car parking spaces, possibly on highway, and added that, following the point raised by Councillor P Taylor, he found it difficult to see how the current application was compatible with Policy 44 of the CDP, the application doing nothing to enhance the Conservation Area of the city and that location in particular.

Councillor M Davinson asked if the application was deferred for a month whether information as regards the highway status of the land could be uncovered.

The Planning Officer noted in response to Councillor P Taylor that the issue of the impact on the Conservation Area was set out at Paragraph 50 of the report, with the impact being not to be harmful overall and therefore acceptable in terms of Policy 44.

The Solicitor- Planning and Development noted that the public Rights of Way Officer was present at the meeting and Members may wish to hear from him in respect of the issues raised. He added that as he understood there would be significant time and resource required to research the matter further and therefore, he felt it would be unlikely that a determination could be made within one month should the application be deferred.

The Senior Public Rights of Way Officer, Nick Howell noted that 2026 cut off was the deadline for any applications coming in based upon historic evidence, to be received by the Council before the 1 January 2026. He noted that date may be reviewed by Government in due course, in light of COVID-19 restrictions and access to records offices. In terms of such applications, he explained that normally there may be one a year received, however, following the introduction of the cut-off date by Government there were currently around 10 applications being submitted each month from user groups, with approximately 200 applications now being looked at by the Council's Definitive Map Officers. He noted that timescales in determining such applications varied, with COVID-19 making access to record offices and archives impossible and added that each application required in-depth research in terms of historic documents, maps and Council minutes to be able to make an interim decision. He added that individuals could object to that interim decision and then it would need to be considered by the Planning Inspectorate and he noted their timescales had also been affected, with around a year for a public inquiry to be arranged. Accordingly, the Senior Public Rights of Way Officer noted he felt a month to be able to determine the status of the land would be impossible, however, the application would continue to be researched and a decision would be made in due course.

He reiterated the point made by the Solicitor – Planning and Development that the Council would reserve the right to go back to the applicant to either ask them to remove the development or apply for a stopping up.

The Chair thanked the Senior Public Rights of Way Officer and asked for clarification in terms of, if the Committee were minded to approve the application, whether the Public Rights of Way Section would be able to come back with whatever actions deemed necessary based upon the outcome of the investigation into the status of the land. The Senior Public Rights of Way Officer noted the risk was for the applicant, with the Council reserving the right to seek action outside of the planning process under Highways Act powers.

Councillor P Taylor thanked the Planning Officer and noted Paragraph 50 of the report which stated: “*Overall, the development has changed the appearance of the site but the resulting impact on the designated heritage asset of Durham City Centre Conservation Area as a whole is negligible and not considered harmful and therefore preserves the setting and character of the area*”. He noted he disagreed with the report and asked if Members of the Committee agreed.

The Chair thanked Members for their comments and questions and asked if any Member wished to propose a motion in respect of the application.

Councillor P Taylor noted he would propose that the application was refused as he felt it was contrary to Policy 44 of the CDP, the application did not preserve the character and appearance of the area, adding he felt the development was a dreadful thing to have happened to a much loved and respected area of the city.

Councillor B Coult seconded Councillor P Taylor’s proposal to refuse the application.

The Solicitor – Planning and Development asked if there was any particular aspect of the development that Members felt was incongruous or had an adverse negative impact on the character of the Conservation area or heritage assets, such as the materials used, or whether it was the overall appearance of the development.

Councillor P Taylor noted it was all the elements, the gravel surface, birds mouth fencing, the plastic chain, noting he did not feel it fit in with the historic nature of the city.

The Area Planning Team Leader - Central and East, Sarah Eldridge noted that following Councillor P Taylor citing CDP Policy 44, there were corresponding policies within the Neighbourhood Plan and the NPPF, namely Policy H2 and part 16 respectively, which Members may also wish to consider.

Councillor P Taylor noted he would be happy to add those to his reasons for refusal, noting he felt Policy 44 would have been a strong enough policy for refusal in any case.

Councillor M Davinson reiterated the comments made by Councillor L Brown in terms of noting similar parking provision in other neighbouring areas which had been constructed sympathetically and asked if it would be add that to the list of refusal reasons as he felt that was also an important point.

The Chair asked the Solicitor – Planning and Development whether that would be possible. The Solicitor – Planning and Development noted the suggestion was an amplification of the reasons put forward by Councillor P Taylor in terms of the visual impact and did not see any problem with a reference to a lack of sympathy with the other car parking provision within the immediate surrounding area.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **REFUSED** as it was considered that the proposal by virtue of its design, materials and location had an adverse visual impact within the streetscene and conservation area and also was not considered to be in keeping with the character and appearance of other parking spaces within the area, thereby failing to preserve or enhance the character and appearance of the conservation area, contrary to policy 44 of the County Durham Plan, policy H2 of the emerging City of Durham Neighbourhood Plan and part 16 of the NPPF.

### **c DM/20/02195/FPA - Land North East of Grange Farm, Old Cassop, DH6 4QA**

The Senior Planning Officer, Paul Hopper, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the demolition of agricultural building and construction of 7no. holiday let units with associated car parking and landscaping and was recommended for approval subject to conditions.

The Senior Planning Officer referred Members to the location plan and aerial photograph and noted the application site was within the Old Cassop Conservation Area and an Area of High Landscape Value (AHLV). He noted the predominantly rural setting with the application site framed by farmland and a cluster of residential dwellings at Old Cassop. He explained access to the village was taken by a single width lane from the west by the A688 and the north by the A181.

The Committee were shown a number of site photographs showing the site and the site in context, with the Senior Planning Officer noting the public right of way which crossed the site, and the relationship with the nearest residential building and wider surrounding area. The Senior Planning Officer referred to further photographs showing the access to the site, the road leading towards Silent Bank, the A181 and also the main route through Old Cassop, a single width lane.

The Senior Planning Officer referred to the proposed site layout plan and noted the proposed holiday lets would be conversions that would broadly occupy the footprint of the existing building, set around a central courtyard.

He noted access would utilise the existing arrangement with the unclassified road to the west, car parking would be provided to the south of the buildings and soft landscaping would be provided to the north of the site with a native species hedgerow around the site and some additional tree planting. He noted two trees would be lost to the development, however, replacement planting was proposed.

The Senior Planning Officer referred to the proposed layout and elevations of the holiday lets. He highlighted the Committee report should have contained a condition that required a submission and agreement of privacy glass to the balcony shown, to provide extra privacy for users of the unit and the nearest adjacent property. Members were asked to note the mix of materials proposed and referred to a 3D visualisation provided by the applicant, though the Senior Planning Officer noted elements of the landscaping that were included would take time to be as established as represented within the visualisation.

In respect of consultee responses, the Senior Planning Officer noted the Highways Authority noted no objections subject to conditions ensuring new passing places, upgrades to existing passing places and the creation of a prohibited right turn onto the A181. He added that the report had not included a condition relating to a request from the Highways Authority for a Traffic Regulation Order (TRO) for no entry via the western access from the A181 and referred Members to photographs highlighting the proposed TRO.

He noted Northumbrian Water had not commented on the application and the Council's Drainage and Coastal Protection Section had confirmed no consultation was required.

The Senior Planning Officer noted representations had been received from Cassop-cum-Quarrington Parish Council objecting to the application citing concerns regarding the suitability of the development for the location and highway safety. He noted the Environment Agency had not commented on the application.

In reference to internal and statutory consultee responses, the Senior Planning Officer noted Design and Conservation had no objections to the application, noting the development would have a positive impact upon the Old Cassop Conservation Area. He noted the Landscape Section and Arborist had no objections to the application. He explained that the Public Rights of Way Team had no objection to the application, however, had noted that the Council would only maintain the surface of the public right of way to the standard necessary for pedestrians, cyclists and equestrians. The Senior Planning Officer noted no objections from the Contaminated Land Section, Environmental Health Officer and Ecology Team subject to conditions.

It was noted that the Campaign for the Protection for Rural England (CPRE) had objected to the application citing concerns regarding highways safety and the impact upon visual amenity and the Old Cassop Conservation Area.

The Senior Planning Officer noted a number of objections to the application had been received, with 12 letters of objection and representations from the three Local Members for the Electoral Division with the concerns raised including: unacceptable impact on highway safety from increased traffic, noting the narrow single lane nature of the unclassified road; the adverse impact upon the public right of way; adverse impact upon residential amenity; impact upon the conservation area; the area being unsuitable for development of that type; the development did not promote Healthy Communities; adverse impact on local wildlife and biodiversity; the impact on the balance of the existing community from transient visitors; and concerns over how the remaining land would be farmed.

The Senior Planning Officer noted that in terms of the principle of development, Policy 8 of the CDP provided a policy framework in support of new visitor accommodation where it met stated criteria, broadly in accord with national policy as outlined within the report. He noted Policy 8 required new visitor accommodation in the countryside to meet an identified need, albeit being an extension to an existing facility, and that it respected the character of the countryside and demonstrated clear opportunities to make the location more sustainable.

In terms of need, the Senior Planning Officer noted the application had received basic support from Visit County Durham. He added that in terms of maximising opportunities to make the site sustainable, there was a large provision of cycle storage for visitors and noted links to the cycle network to the south of the site.

The Senior Planning Officer explained that the development would result in additional movements on the surrounding road network and the application was accompanied by a Highway Statement. He noted that proposed mitigation in the form of the passing places to be constructed and existing passing places to be upgraded as well as the arrangements in relation to the junction with the A181. He noted those measures could be secured via conditions and that the Highways Authority were satisfied they would mitigate any adverse impact of the development in highway safety terms.

In respect of the impact upon the public right of way it was noted that whilst the development would introduce vehicles to part of the route, that was the case when the site was in agricultural use. The Senior Planning Officer noted concerns had been raised that the proposals would be a breach of Section 34 of the Road Traffic Act, however, colleagues from the Highways Section and Public Rights of Way Team both noting that would not be the case.

The Senior Planning Officer noted that in terms of the impact on the Conservation Area and AHLV, the application was subject to pre-application advice and proposals were reflective of the comments from the Council's Landscape and Design and Conservation sections.

He added the Design and Conservation Officer considered that the development would have a beneficial impact on the Conservation Area through the removal of the agricultural buildings and replacement with what was considered to be a sensitive and redevelopment of the site. It was explained that any landscape and visual impact upon the AHLV could be mitigated through an appropriately designed landscape scheme, secured through condition.

The Senior Planning Officer noted the development would introduce seven holiday units in a rural location and would have some impact in terms of increased noise, with a noise management plan having been submitted as part of the development, reviewed by Officers from Environmental Health. He added that the development had sought to mitigate any impacts through its design, with details as listed in the report in terms of further mitigation how the site would be managed and control over external areas within the development, with Officers from Environmental Health being comfortable subject to conditions. It was reiterated there would be a condition requiring the submission and details of the privacy glass.

The Committee were informed that in terms of all other issues, the impact of the development could be mitigated through conditions as detailed in the report.

The Senior Planning Officer noted that the application was considered acceptable in principle and one which could be satisfactorily accommodated by reasons of size, scale, mass, layout and appearance and in accordance with Policies 8, 10, 21, 26, 29, 31 and 41 of the CDP. He added that the development was considered to meet the requirements of paragraphs 193 and 197 of the NPPF and Policy 44 of the CDP and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it would enhance the character and appearance of the Conservation Area.

He noted that whilst the concerns of residents and Local Councillors had been considered as part of the proposal, it was felt, on the basis of consultation responses and consideration of the application that they were not considered to be sufficient to justify refusal of the application and any issues or any impact could be mitigated through condition. The Senior Planning Officer referred Members to a slide setting out the proposed additional conditions relating to the TRO and privacy glass as discussed, which had been agreed in principle with the applicant.

The Chair thanked the Senior Planning Officer and asked Local Members, Councillors J Blakey, S Dunn and M McKeon to speak in objection to the application.

Councillor J Blakey thanked the Chair and Committee and explained she would wish the Committee to vote against the application because of the impact it would have on residents. She added that the historical hamlet should be preserved at all costs, with there already being traffic issues in the area. She noted there were no footpaths for pedestrians or provision in terms of bridleways or for cyclists. She noted the application was against national policy in respect of building in the countryside and she felt that there had not been any thought to the design with it not appearing to fit with the existing buildings.

Councillor J Blakey noted there was no investment into the local community and noted the passing points were not maintained by the County Council, it was by the residents themselves. She noted incidents with accidents with delivery wagons leaving the road, as it was a single track. She added that the location was not sustainable, with the nearest shop being four miles away. She explained there was nothing at all to support the area through what was being developed, with the only enhancement being for the developer and with nothing for the existing residents.

Councillor J Blakey referred to the citing of Policy 44 by Councillor P Taylor in the previous application and noted that she felt similarly that the current application did not enhance the area, adding that conservation was not just about Durham City. She added that accidents on the A181, because of the speed of the traffic along that particular section usually resulted in a fatality and she concluded by reiterating she would ask Committee to refuse the application.

The Chair thanked Councillor J Blakey and asked Councillor S Dunn to speak in relation to the application, noting he had accompanying slides and a video as part of his presentation.

Councillor S Dunn thanked the Chair and Committee and talked Members through a brief video demonstrating the roads and routes relating to the application, including use of passing places, the context of the width of the roads, access points and visibility issues, the route through the village and access on to and from the A181.

Councillor S Dunn referred to paragraphs within the report, setting out his responses on a slide for the Committee, noting he felt the development brought virtually no benefits for the hamlet of Old Cassop and that the only acceptable remediation would be for demolition of the unsightly barns and restoration of the countryside. He added he felt the development did not conserve the historic environment or any historically valuable buildings and represented unacceptable growth that would inevitably become permanent housing. He noted that while there was a need for the type of visitor accommodation proposed, the location in Old Cassop was not suitable and the application did not make Old Cassop any more sustainable. Councillor S Dunn noted that he felt the conditions relating to the installation and upgrading of passing places would be circumvented and that the additional traffic from the development could not be safely accommodated even with the enhanced passing places. He asked the Committee that the application be refused.

Councillor S Dunn concluded by quoting an objection from a local resident who had stated: *“Old Cassop will be changed forever and out of the 25 households, 12 will be owned by the applicant. Is this to become his own personal hamlet? This will give him more leverage for a slew of future applications which will surely follow. Old Cassop will no longer be valued historically as one of the few remaining agricultural hamlets but as holiday park with no amenities and a treacherous road running through its heart”*.

The Chair thanked Councillor S Dunn and asked Councillor M McKeon to speak in relation to the application.

Councillor M McKeon explained that Old Cassop was a lovely, small agrarian community with a big problem that affected many long established rural communities. She noted that the problem was the hamlet was a nightmare to get to, with two roads into the village one from the A181, a fast moving road, and the other from Red Briar Bank the road between Quarrington Hill and the Bowburn bypass. She explained she was a Governor at the school located at Quarrington Hill and noted that there were lots of conversations as regards the drive to the school and at what times that route would be an appropriate route to use, given it was very narrow, steep, had poor visibility and with it being frequently covered in leaves and detritus it was treacherous in winter.

She noted the roads to the village were themselves narrow, single track and enclosed by ancient hedgerows and there were already frequent issues with traffic on the road, in particular between Red Briar Bank and the hamlet, with the A181 being virtually impassable during winter. She added there were ongoing issues in terms of fly-tipping with items including ball-bearings and others items that were dangerous to motorists.

Councillor M McKeon noted that the roads were such that one needed to know the area well to be able to drive along it safely and explained that visitors to a holiday home, using the home as a base to explore the area, would be travelling back and forth along unfamiliar roads, increasing the pressure on roads that were already not fit for purpose. She added there were no bus stops near the village, no footpaths and therefore to get in or out of the hamlet private car use was required. She noted the hamlet lacked all amenities, from plumbing to shops and pubs and explained the Council had already recognised the problem 5 years ago when planning permission was sought on the same property by a company of which the current applicant was a Director. Councillor M McKeon noted that proposed development was for the conversion of the existing barns to new residential use. She noted that the Highways Department made comments about the road between Old Cassop and the A181 that "*intensification of use of the Y-junction would create considerable concern for safe movement of traffic on the A181 which is already subject to road safety concerns*". She explained that Officers then noted a previous fatality on the site and the unsuitability of the location due to the aforementioned lack of local amenities. She noted that permission was eventually given with an explicit condition that the developer installed a network of passing places on the road between the Bowburn bypass and Old Cassop. She noted the Council agreed the plans for the passing places in 2016 and building commenced, however, the passing places did not materialise, and residents noted that only recently had works been undertaken.

Councillor M McKeon noted that in terms of the current application, Officers were minded to approve the application providing the applicant upgraded five existing passing places on the road to the Bowburn bypass and create two new ones close to the junction. She noted a feeling on déjà vu as reassurance was given that the outcome could be controlled by condition, however, as a near identical condition had been given to a near identical approval for the same applicant five years ago the wording of the condition did not protect the village for several years with residents having lived with the consequences. She noted that the current application was of more concern to her as a Local Member than the application from five years ago as the previous application was for dwellings and the current application for holiday lets implied a higher volume of traffic, more travelling and drivers who did not know the area. She added that even with the inclusion of more passing places the road would remain too dangerous for seven holiday lets' worth of tourists to use on a regular basis. Councillor M McKeon explained that even with the TRO, the concerns in terms of the road to the Bowburn bypass would remain and the displaced traffic from the TRO would have to move to the other road. She concluded by noting she hoped the Committee would recognise the unsuitability of the location for holiday lets and deny permission.

The Chair thanked the Local Members and asked Officers to respond to the issues raised.

The Senior Planning Officer noted issues raised in terms of the sustainability of the location, and noted sustainability was referred to within Policy 8, Part 1, subsection (f) where visitor accommodation in the countryside was required to demonstrate clear opportunities to make its location more sustainable. He reminded Members of reference within his presentation of access to the wider public rights of way network to the south of the site and that was weighed in the balance in consideration of the development, demonstrating broad accordance with that policy.

In reference to the footage provided by Councillor S Dunn, he noted it spoke for itself and he would only note that the manoeuvre in terms of returning back onto the unclassified road from the A181 would be prohibited through the TRO.

The Senior Planning Officer explained that in reference to the removal of the buildings being the best scenario in terms of improving the conservation area, he felt that it was unlikely any works would be undertaken in that regard without associated redevelopment of the site. He noted the scheme delivered that and referred to the comments of the Design and Conservation Officer in terms of the beneficial impact he felt the development would have on the Conservation Area.

He noted that in reference to the 2015 application for the conversion of an agricultural building to the south of the site, that application had been granted consent subject to a condition that required an upgrade and installation of passing places along the western leg of the unclassified road and noted an enforcement case relating to the occupation of that site, the condition being tied to the occupation of the property. He noted that subsequently works were undertaken in December 2019, with enforcement noting that the requirements of those conditions having been met. He noted the current application was to be judged on its own merits and there was a mitigation proposed, to be secured through condition, to overcome issues, based upon the advice of the Highways Authority and it was worded such that no development on the application site could take place until the passing places were installed and were usable.

The Solicitor – Planning and Development reiterated the points made by the Senior Planning Officer in terms of the enforcement history associated with the previous development and that the issues with passing places linked to that previous development were not directly relevant to the application being considered by Members. He noted the Committee needed to operate on the basis that any conditions that would be imposed if the application were to be approved would be complied with and if there was an issue of non-compliance in the future that would be a separate matter for the relevant enforcement team.

The Chair thanked the Officers and asked local resident, Ms Dawn Watson-Love to speak in objection to the application.

Ms D Watson-Love thanked the Chair and Committee for the opportunity to speak and noted she represented the residents of Old Cassop, eight of whom objected to the application. She noted she wished to speak to the Councillors of the Committee as she imagined one of the reasons they would have become a Councillor was to represent the communities in which they lived and to try and make a difference to the lives of people within County Durham. She explained that the decision the Committee would make today would have an impact upon everyone living in Old Cassop and added that it was not a decision she had taken lightly in terms of speaking to Committee, something which she noted was outside of her comfort zone.

Ms D Watson-Love noted she was not a NIMBY (not in my backyard), and added that if the development had been smaller, did not have as much associated traffic, or was in a different location she felt she probably would not have objected. She added that in relation to the other development within Old Cassop she had supported those developments. She added that she took her children to school along the road Councillor S Dunn had shown in his video and felt she was putting her and her children's lives at risk with the current level of traffic.

She noted that in winter there were numerous accidents and over the last two winters there had been multiple vehicles piled up, vans had over-turned, her husband's car had been written off in addition to the incidents as described by Councillors J Blakey and S Dunn.

Ms D Watson-Love noted there were no speed restrictions and asked Members to recall the images of the road passing through the hamlet and to understand that speeds of vehicle could be 60, 70 or 80 mph, as the route was an established rat-run, and that had been a contributory factor to the accidents that occurred.

Ms D Watson-Love noted the references made to the passing places and whether they should or should not have been installed and added that in her opinion the passing places did not deal with root cause the accidents. She noted a meeting as regards the issues, prior to lockdown, where the cause was determined as being drivers not knowing the roads and understanding the risks and too many vehicles using the road. She added the road was more of a farm track and on a previous journey from the A688 she had been delayed for 25 minutes due to sheep on the road.

She explained that therefore the TRO to prevent traffic entering from the A181 was going to have such an impact and she felt it should not be part of a planning condition and should have been open to consultation.

Ms D Watson-Love noted that in terms of the scale of the development there would be seven holiday cottages with up to six bedrooms, 15 car parking spaces, though with potential for up to 22 vehicles, and therefore one could imagine the amount of traffic on the road and, as Local Members had mentioned, there were no services within the hamlet, there was no pub, no ability to purchase a pint of milk or a newspaper, those requiring a journey by car. She added that there was nothing within the application that supported Policy 21 in terms of sustainable development, noting there was nothing sustainable in terms of the level of traffic from the scheme and felt it was a fatality waiting to happen. She noted that it may be acceptable for a Highways Consultant sitting 300 miles away in Milton Keynes on their computer to look at the application and think the paths and passing places were acceptable and would reduce the risks, however, she felt that nobody in their right mind would approve or support the application if they had to drive along those roads every day like residents.

Ms D Watson-Love noted in terms of Policy 21 there was no evidence in relation to the level of traffic from the development that could be safely accommodated and added she felt there was nothing within the application or the Committee report that demonstrated the level of traffic could be accommodated.

She explained she felt the application contravened Policy 10 which referred to development in the countryside which stated that it would not be acceptable if there was prejudice to highway safety. She noted Policy 8 stated that holiday accommodation would only be permitted if it was appropriate in scale and character, and pointed out that visitors would outnumber residents, 49 to 45. She noted there were issues in terms of the public right of way, with 15 car parking spaces that could be accessed along the right of way, another accident waiting to happen. Ms D Watson-Love noted there would be vehicles coming in and out at peak departure and arrival times.

Ms D Watson-Love concluded by thanking the Committee and asking them to note that it was not an exaggeration to say that the decision they made today could save lives or further endanger them and to use common sense. She noted the underlying issue was, for all the mention of sustainability within policy, that there was nothing sustainable about the scheme in terms of the scale of the development, the amount of traffic, there were no services and the development would cause absolute misery every day for the local residents. She noted there had been no benefits to the community from the 2016 application and were none within the current application either.

The Chair thanked Ms Dawn Watson-Love and noted Councillor S Dunn wish to make a point of clarification.

Councillor S Dunn noted for clarity that on his return journey in his video he had turned right off the A181 and that right turn would still be allowed, the proposed TRO would prevent turning from the next right hand turning along at the Y-junction, the one after the one he had used.

The Chair noted the comments and asked Mr Joe Ridgeon, agent for the applicant, to speak in support of the application.

Mr J Ridgeon thanked the Chair and Committee for the opportunity to speak in support of the application.

He explained that Old Cassop was ideally located to support the visitor attractions of County Durham, with fantastic views of Durham Cathedral and being just off the new Northern Saints walking route. He added that with easy access to the City and the Coast it was an ideal location for the development of luxury holiday accommodation. He noted a lot of time and effort had gone into ensuring that the right scheme was before Members, in compliance with Policy 8, and he and the applicant were grateful for the support from Visit County Durham during the development of the scheme. He added that the holiday properties would bring people to the area, helping support the nearby tourism and hospitality businesses, which have taken such a hit recently.

Mr J Ridgeon explained that the diversification project came about due to the current buildings becoming surplus to requirements and given the site's location, there was an ideal opportunity to invest in alternative development to support the wider farm business, helping cushion any future changes to the UK farming economy.

Mr J Ridgeon noted that the high quality design had been integral to the proposals, which had been landscape and heritage-led from the outset to ensure they enhanced the area. He added that the proposal used both the current built form and the historic plan form to inform and inspire the scheme, ensuring that the proposal reflects the existing historic context in terms of scale, massing and materials. He welcomed the comments from the Design and Conservation Officer that the proposals would result in a beneficial impact and net gain to the character, appearance and significance of Old Cassop, fully in compliance with Policy 44. During the application additional landscaping has been proposed as part of the scheme to address comments from the Landscape Officer.

Mr J Ridgeon explained, as set out in the application, the properties would be responsibly managed to minimise any adverse impacts on local residents. He added that, when booking, guests would be advised on the best route to the property and be provided with 'Welcome packs' which would set out expectations for the guests in terms of respecting nearby residents. He noted the packs would also provide an opportunity to let guests know about local attractions, facilities and services in the area.

Mr J Ridgeon noted the concerns from neighbouring residents in relation to potential highway impacts had been addressed from the outset, with additional passing places proposed as part of the application. He added that the type of use would have the least amount of impact during peak hours, with holiday makers unlikely to be using the road during morning and evening rush hours and school no runs. He explained that the applicant proposed that the additional passing places were in place prior to commencement of development, which could be controlled by appropriately worded condition.

Mr J Ridgeon noted that, in addition, the Council had requested a further highway improvement to be delivered as part of this application which were detailed in the Highway Statement dated 21 October and the TRO as discussed. He noted this was welcomed, with the requested change to the road priority benefiting existing residents and future visitors.

Mr J Ridgeon explained those road improvements, which would otherwise not be delivered, will mitigate both the impact of the holiday accommodation and addressed some of the existing issues that residents experienced, which Members had heard about.

Mr J Ridgeon noted that there was huge demand for more holiday accommodation in the County. He added tourism was an important part of the local economy, and the development would be a benefit because of the increased spending averages of visitors staying overnight. He noted the scheme was very high quality and would result in enhancement to the Conservation Area.

Mr J Ridgeon explained the development therefore accorded with local policy, and specifically Policy 8 and Policy 44, and national policy and would help support the Visitor Economy in County Durham, including a beneficial impact on the local area through new jobs and increased spending and delivery of highway improvements.

Mr J Ridgeon concluded by respectfully requesting that Members approve the application, subject to the proposed planning conditions, adding he was more than happy to answer any questions Members may have.

The Chair thanked Mr J Ridgeon and asked the Committee for their comments and questions.

Councillor P Taylor noted the contrast between the last two speakers' comments, the resident and the applicant's agent. He added he felt it was a case of what looked good on paper being totally different to the reality of a situation. He thanked the Local Members for their insight and noted, when looking at the report, he had felt that the application had looked to be a good idea. He noted he travelled along the A181 regularly, however, he had not travelled along the unclassified road adding he felt if Members had been undertaking site visits, it would have proven impossible to get to the site. He noted that if he was going down that road in the snow, he would probably abandon his car. He added he was horrified by the state of the roads as shown in the video footage, though the village had appeared wonderful. He noted he felt the application was not sustainable and explained he took the contrary view to everything that was said by the applicant's agent and when mentioning welcome packs for users of the cottages there was no mention of local people whatsoever. He noted his opinion on paper was completely different to the reality and thanked all the speakers for opening his eyes.

Councillor J Shuttleworth noted he was not against development in the countryside, however, he felt it was important to listen to residents and what Local Members had said and from their comments it was clear it was in the wrong place. He noted that he felt the application should be refused as it was wrong for the area and that it was an accident waiting to happen. He noted the proposal in another location may not have been a problem, however, the access issues and the amount of development meant it was not right for Old Cassop or its residents.

The Chair asked the Principal Highway Development Management Engineer, Dave Smith to comment on the issues raised.

The Principal Highway Development Management Engineer noted the comments from speakers and Members in relation to the traffic to the proposed development and added he wished to give some perspective in terms of what sort of traffic the development would generate as a holiday destination. He explained that Junction 61 of the A1(M) would likely be the area where most traffic would come from in terms of tourists, coming via the A688 and then along the unclassified road where the inter-visible passing places would be provided. He explained that seven inter-visible passing places would be provided along that route which would benefit the residents and all road users. He added that, in terms of the passing places agreed, they would be to full road construction standards to allow vehicles to pass each other, 5.5 metres wide and 18 metres in length. He noted that ultimately, they would benefit everyone in that location in terms of highway safety, being a positive impact making it safer for existing residents.

The Principal Highway Development Management Engineer noted there were few houses at Old Cassop and there were very low volumes of traffic on the unclassified road both from the A181 and the A688 adding those volumes represented light traffic. He referred to the video provided by Councillor S Dunn and noted there was nothing unusual in terms of the video, they were typical country roads similar to those throughout the county and added that people should drive to the conditions and give way to people.

In reference to the TRO, the Principal Highway Development Management Engineer he noted the right turn manoeuvres that would be omitted and referred to anti-skid barrier systems and bollards that had been installed in the past and had improved highway safety at that location. He noted that there had been a reduction in accidents in the area, and in checking the accident statistics relating to the unclassified highway, there had been only two accidents recorded over the last five years, which did not give rise to a significant highway safety impact, given how the development would operate in terms of low trip distribution from the development.

The Principal Highway Development Management Engineer noted in summary that there was low volume of traffic, journeys outside of peak traffic times, mitigation in terms of the A181 junction improvement and the upgraded and additional inter-visible passing places and he added that, taking all those elements together, it could not be claimed that there was a significant highways impact. He added that he felt an Inspector would not refuse the application on highways grounds.

Councillor A Laing noted she agreed with the comments made by Councillor P Taylor and congratulated the three Local Members for their work on behalf of residents.

Councillor P Taylor noted the comments of the Principal Highway Development Management Engineer and thanked him for the information, however, he felt he did not understand the points made and would find it difficult to make a decision without seeing the site and routes, or a presentation by Officers similar to that made by Councillor S Dunn. He understood the statement was professional and well thought out, however, he felt he did not understand it. He noted he was struggling to come to a considered decision and reiterated that similar evidence to that of Councillor S Dunn, provided by Officers, would have been useful.

The Chair asked as regards the TRO and whether it was conditional on the application being approved, whether the additional passing places were also conditional on approval, and whether anything else would be done in terms of the existing passing places.

The Principal Highway Development Management Engineer noted in respect of the passing place provision, that had been looked at by the Highways Department, with the Senior Planning Officer having a copy of the plan setting out the provision of the additional passing places and where existing places would be upgraded, he noted seven in total to allow safe operation of the unclassified road to the development site. He noted he understood from the Senior Planning Officer that the condition was pre-commencement in terms of the adoption standard passing places. In respect of the TRO, he noted that there had been dialogue with the Police and the Council's Traffic Department in respect of banning the right turn, though he would need to check with Highways colleagues to understand at what stage that was at. He added that before the proposed development would commence the Council would want to ensure that through a Grampian condition that would be put in place to alleviate those manoeuvres. He noted that a lot of the trips would be from the A1(M), the Bowburn direction and he felt that traffic would come from the west to the development and therefore he felt that mitigation, secured on top of the passing places overall was such that it would be difficult to argue that there was severe highways impact as there was low traffic volumes and low accident statistics along the unclassified lane. He reiterated that the Authority would want the passing places and TRO to be in place and secured before the development was ready for holiday visitors as residents would be affected if those measures were not put in place. He explained that it would be to ensure they were all built to the correct highways standards and carried out through the proper processes in terms of the TRO stopping the right turn manoeuvre.

The Chair asked if the Senior Planning Officer would clarify as regards the TRO, whether it was tied to the approval of the development or otherwise.

The Senior Planning Officer reiterated the point made by the Principal Highway Development Management Engineer that the provision of the passing places was solely tied to the proposed development, without the development there was no mechanism in terms of them being provided. In respect of the TRO, he noted this had been brought forward through condition as part of the application and he was not aware of any application being made outside of the planning process.

The Chair asked whether the TRO would only go ahead if the application was approved, even with the Police noting the junction was dangerous. The Senior Planning Officer noted that was the case at present.

The Solicitor – Planning and Development brought to the Chair's attention a point of order, with some present at the meeting making use of the chat function to comment. The Chair thanked the Solicitor – Planning and Development and noted the chat function was solely for use in terms of Members of the Committee requesting to speak.

Councillor A Laing noted that when the Principal Highway Development Management Engineer had responded to questions in terms of accidents and noted two over the last five years, the local resident Ms D Watson-Love appeared to disagree and therefore residents may know of more incidents. The Chair noted the meeting had moved on to the Members' debate and asked Councillor Robinson to speak next.

Councillor J Robinson noted the application had highlighted the value of site visits and explained he would wish to propose refusal of the application on the basis of highways safety, having found the statement of the local resident compelling, and also on the effect on residents, with potentially more people visiting than residents. He added that therefore on highway safety and impact upon the residents he would move refusal.

Councillor B Coult asked, if the establishment was approved, would it be open all year round or would it operate seasonally. The Senior Planning Officer noted there were no restrictions, only that it was not occupied as a sole residence.

Councillor A Laing noted she would second the refusal proposal made by Councillor J Robinson.

The Solicitor – Planning and Development noted he would advise Members against a refusal based on highways safety, adding that while clearly the decision rested with Members, he wished to make Members aware of the risks that might be faced upon appeal given the professional Officer's view in terms of the impacts on highway safety. He noted the technical advice given by the Principal Highway Development Management Engineer in that the highway in question would be lightly trafficked, there would not be a significant additional number of vehicle movements associated with the development and in any event, the mitigation by way of the proposed TRO and improvements to existing and additional passing places would sufficiently address any of those impacts that might arise. He reminded Members that highway safety issues were quite technical, and it was often quite difficult to sustain a refusal reason on highway safety which was contrary to the professional Officer's advice. He reiterated that Members could make the decision, however, he wished for Members to be aware that there could be significant difficulty sustaining that reason for refusal on appeal.

Councillor J Robinson noted he still felt he believed the information given by the local resident when she spoke and he felt that there would be impact upon the residents of the community, the fact there were a limited number of people in that community and that it would affect their whole lifestyle and he believed the application should be turned down. He noted that Councillor J Blakey had referred to Councillor P Taylor's comments on the previous application relating to Policy 44 of the CDP, and he noted a similar situation in Old Cassop to that in Durham City and that Policy 44 would therefore apply.

Councillor P Taylor noted the statement within the report from the Highways Section and a really good presentation from Principal Highway Development Management Engineer, however, he still did not understand the situation, not being able to see the situation physically. He noted a plan setting out the location of the passing places had been mentioned by the Officer, adding he had not seen that plan. He added that he would respond to the Solicitor – Planning and Development in that he would go against what Highways had said as he did not understand the case being made.

The Solicitor – Planning and Development noted he would advise Councillor P Taylor that if he did not feel he understood the advice from the technical Officer or that he felt he may need further advice to come to a reasonable view it may be that the best course of action would be to defer for any additional information to be forthcoming. He added he would be concerned if Members were making a decision whilst saying they did not fully understand some of the highways issues.

The Senior Planning Officer noted the plan referred to in respect of the passing places had formed part of the application pack that was available to view online, and he asked the Chair if it would be useful to share that on screen with the Committee. The Chair agreed that would be helpful. The Senior Planning Officer referred Members to a plan setting out the proposed additional passing places and upgraded passing places and noted all would be constructed in line with the standards as outlined by the Principal Highway Development Management Engineer.

The Chair asked how the passing places would look in terms of construction.

The Principal Highway Development Management Engineer explained that the passing places would be constructed with a surface of tarmac, a base course and a subgrade, that being full road construction makeup and would widen those sections of the lane out to 5.5 metres, with one and three tapers at each end. He added there would be signs indicating "passing place", the overall widths would be to highway standards and they would also be positively drained. He added that the passing places would improve safe two-way traffic flow along the road which only had light traffic movements of just over 100 vehicles.

The Chair asked if it would only be the two new passing places or whether all would be upgraded. The Principal Highway Development Management Engineer noted that all seven would be upgraded to that standard, 18 metres in length, to allow for a tractor and trailer to pass each other.

The Chair noted the motion for refusal that had been put by Councillor J Robinson, seconded by Councillor A Laing and asked the Solicitor – Planning and Development to take the vote.

The Solicitor – Planning and Development asked if Councillor P Taylor could clarify if he felt he now had sufficient information to come to a view on the application. Councillor P Taylor noted he did, with the additional information provided by Officers, noting that it just remained now the significant change to the lives and amenity and history of the village.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **REFUSED** for the following reasons:

1. The development would result in an increase in vehicular traffic on the surrounding road network which could not be safely accommodated and would therefore have a significant adverse impact upon highway safety both for vehicular users and pedestrians contrary to the aims of policy 21 of the County Durham Plan and paragraph 108 of the NPPF.
2. By reason of its scale, size and massing the development would result in harm to the significance of Old Cassop Conservation Area that would not be outweighed by public benefits contrary to the aims of policy 44 of the County Durham Plan and paragraph 196 of the NPPF. Consequently, the development is also considered to be contrary to the aims of Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 in that it fails to preserve the Character and Appearance of Old Cassop Conservation Area.