

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 17 November 2022 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, V Andrews, J Atkinson, D Brown, N Jones, I Roberts, M Stead, S Zair and L A Holmes (substitute for D Oliver)

Apologies:

Apologies for absence were received from Councillor Liz Maddison, Councillor Maura McKeon and Councillor Shirley Quinn

1 Apologies for Absence

Apologies for absence were received from Councillor L Maddison, Councillor M McKeon, Councillor D Oliver and Councillor S Quinn

2 Substitute Members

Councillor L Holmes was present as substitute for Councillor D Oliver.

3 Declarations of Interest

No Declarations of Interest were received

4 Minutes

The minutes of the meeting held on 20 October 2022 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

6 DM/22/01083/FPA and DM/22/01084/LB - Three Tuns Inn, Church Bank, Eggleston, Barnard Castle

The Committee considered a report of the Planning Officer, Susan Hyde which provided details of the applications for the conversion of public house to one permanent dwelling and 2 no. holiday lets with alterations including altered windows on the front, rear and side elevation at Three Tuns Inn, Church Bank, Eggleston, Barnard Castle, a full planning application and a listed building application (for copy see file of minutes).

The Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photographs and photographs of the site. She noted that the applications were recommended for approval, subject to the conditions as set out in the report.

Maria Ferguson, Agent for the Applicant addressed the Committee and explained that she fully acknowledged the strength of feeling from the Parish Council, and members of the community who had raised concerns about the loss of the public house, including noting that it 'was the end of an era'. She added times had changed, especially in recent years, and it was not possible to ignore the evidence supporting that the Three Tuns was not a viable business and would never open as a public house again. M Ferguson informed the Committee her clients had unfortunately purchased the building, long after the pub had failed and they did so without any fixtures and fittings, not a viable business. She noted that the Parish Council ignored the fact that, in total, five sets of individuals had tried to make the pub a successful business between 2013 and 2021, when it finally closed, and all had failed. She added it was not for the want of trying, some of those parties had filed for insolvency. M Ferguson informed the Committee that poor trading and the significant cost of the necessary refurbishments, which included the need for a new extraction system to replace the outmoded one and new electrical systems throughout, adding that there would be associated downtime-while those works were carried out. The Agent brought Members attention to the fact there had been no interest in the Three Tuns Inn and that the Egglestone Community Asset Group's application, to have the property listed as an asset of community value, had failed due to a lack of evidence of any use of the building which furthered the social wellbeing of the local community. It was felt by the Agent that the Planning Authority in this case-would be hard pushed to defend on appeal-a decision to refuse permission on the basis of the loss of the public house. The Agent informed the Committee the Applicants wanted to convert and fully refurbish the pub into a house for them to live in, whilst operating two holiday lets to supplement their income. M Ferguson explained the property needed complete re-wiring, wood rot treatment throughout, specialist re-pointing with hydraulic lime mortar, replacement sliding sash windows throughout,-including unauthorised UPVC windows, new fascia boards, and cast-iron gutters and downpipes, a new flat roof, damp proofing, new heating, and full decoration. She added was a listed building in a prominent position in the Egglestone Conservation Area.

She noted that planning policy stated that finding a viable use for a heritage asset was the best way of ensuring its survival. She reiterated that the Applicants had invested significant sums of money into the property, despite the loss of the pub use, adding that the building continued to make a positive contribution to the character and appearance of the area.

Councillor Adam asked if the building was currently being offered as accommodation—and why the application to have the building listed as an asset of community value had been rejected. The Agent informed the Committee that the building was not currently offered for accommodation and added that the application to list the building as an asset of community value had failed due to it not being seen as furthering community wellbeing. Councillor Adam asked for further clarification. The Planning Officer informed the Committee that the application had failed Section 88(1) due to a lack of evidence to support its ancillary use, with little evidence of support from the local community.

Councillor Jones entered the meeting at 9.56 am

The Chair noted that Councillor Jones could not take part in the vote on this item.

Councillor Atkinson explained he was in support of the application and saw it as a positive step forward, noting the extent of the repairs needed. He also noted that any attempt to bring the property back into use as a public house would be a step too far for anyone and added that therefore he would move approval of the application in line with the Officer's recommendation.

Councillor Adam and Councillor Brown noted they were in full agreement with comments made by Councillor Atkinson.

Councillor Atkinson moved the applications be approved, he was seconded by Councillor Adam.

Upon a vote being taken it was:

RESOLVED:

That Application DM/22/01083/FPA be **APPROVED** subject to the conditions listed in the report.

That Application DM/22/01084/LB be **APPROVED** subject to the conditions listed in the report.

7 DM/21/03639/FPA - Bowlees Farm, Durham Road, Wolsingham, Bishop Auckland

The Committee considered a report of the Senior Planning Officer, George Spurgeon which provided details of an application for proposed 15 no. Holiday Lodges at Bowlees Farm, Durham Road, Wolsingham, Bishop Auckland (for copy see file of minutes).

George Spurgeon, The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photographs and photographs of the site. He noted that the application was recommended for refusal as set out within the presentation and report.

Amelia Robson, Agent for the Applicant addressed the Committee and explained that the proposals would allow for an extension to an existing successful business to provide an alternative offer to visitors, in accordance with Policy 8 of the Local Plan. She noted the location for the lodges had been identified following full consideration by a landscape architect, adding it was located within a dip in the valley. She added that although elevated from the A689, views of the site were limited from public view as there was existing screening surrounding the site. She explained that the scheme was landscape-led which meant that the least visible location had been chosen for the proposed lodges. She added that the application had received no objections from residents and Visit County Durham were very supportive of the proposals noting a significant demand for tourist accommodation within the local area. She noted that it was agreed that the economic benefit should be weighed in the planning balance when considering any potential impact to the landscape, however, she disagreed with the Officer's assessment. She noted that the Officer described the site as exposed and elevated, however, the viewpoint within the presentation showed that this was not the case. The Agent noted nearly all visitors to Weardale travelled along the A689 and the viewpoint within the presentation demonstrated that any visitors would have no view of the site. She added the only point which allowed for views of the site was from the footpath located to the north, on the brow of the hill. She explained that the footpath was used infrequently and noted refusal based on a short term impact to a limited number of walkers was, in their opinion, not considered to be justified. She drew the Committee's attention to sections of the report which noted that there were significant areas of existing and proposed landscaping. She noted a phased plan had been provided, demonstrating that the landscaping would be introduced at key stages to ensure screening of the proposal was optimised, with the construction of the lodges taking place at sensitive timescales across the period. She added that the proposal would deliver significant biodiversity net gains with a 13 percent gain in habitat units, a 140 percent gain in hedgerow units and a 64 percent gain in river units. The Agent noted the second and third reasons for refusal were archaeological and ecological matters, informing Members that information could be provided post-decision and the Local Planning Authority could control this with a suitably worded condition. The Agent noted the

proposal would provide much needed visitor accommodation to support a successful business. She added that the location had been carefully selected to limit any impact to the landscape, that impact being significantly mitigated through landscaping and a carefully considered phased plan. She concluded by noting that the Applicant disagreed with Officers in their assessment and it was felt that the significant benefits arising from the proposal outweighed and mitigated against, any limited harm to the local landscape.

Anthony Smith, the Applicant addressed the Committee noting he had been running the cottage for 20 years with over 120 visitors per week, adding that the proposal would help support the local economy noting the context that of the three pubs in the village, two had changed ownership due to struggling business. The Applicant informed the Committee he had been in construction a long time and the lodges had been designed to blend in and would not be seen from the ridges.

Councillor Atkinson noted that the application seemed a sustainable project adding that, in the current economic climate, anything that was going to bring business into the area was a positive. He explained he understood the policy reasons for the refusal recommendation by the Officer, however he was still minded to approve.

The Applicant informed the Committee that he had been running the site for 20 years with an estimate of 70,000 people a year visiting the area. The Applicant noted that it was a profitable, family run business and that at the initial stages of development would only sought to add two or three holiday homes, adding that rapid growth of the site would not benefit anyone.

Joe Ridgeon, Agent for the Applicant addressed the Committee and noted the research that had been carried out by Visit County Durham who had raised no objections to the application. The Agent reiterated the point that the applicant was only looking to add two or three lodges and gradually develop the site.

Councillor Adam noted the focus on planning Policies eight, 10, 29 and 39 and questioned if the Applicant could not develop around the lake, which would mitigate any landscape impact adding that whilst it would reduce the number of lodges the site would still be sustainable.

In response to the question raised by Councillor Adam, the Agent informed the Committee that a smaller amount of lodges had been considered. He added that the approach of the application was to use the natural landscape arch to limit the visual impact noting the visibility of the existing pylons and their impact on the landscape had always been considered.

Councillor Adam enquired about the nature of the lodges and the possibility of reducing the level of lighting for the site.

The Agent explained to the Committee that it was two-fold, informing the Committee that the Applicant had sought ecological advice, and that the lighting was designed to limit the impact of bat flight in the area and could be controlled by additional conditions. The Agent also informed the Committee that the application was in keeping with the setting and confirmed that the lodges would be used as visitor accommodation.

Councillor Brown enquired as regards any figures provided to support the Visit County Durham's comments on the need for this type of accommodation.

The Senior Planning Officer informed the Committee that Visit County Durham supported the application and were not arguing that this type of accommodation was undersupplied.

The Chair raised concerns in respect of the lake and enquired about the depth of the lake, and its edge and any potential danger to children.

The Applicant informed the Committee that whilst the lake was deep, no water sports were allowed. He explained that the edge was shallow, getting deeper further into the lake, adding that life rings preservers were present.

The Senior Planning Officer informed the Committee that the need for this type of accommodation was not disputed and explained that the objections to the application were based on a need to protect the quality of the landscape and concerns over the applications location.

Councillor Atkinson informed the Committee that he could see the economic value of the application, noting the Applicant was a local businessman who knew the area. Councillor Atkinson noted he was minded to go against the Officer's recommendation and approve the application.

Steven Pilkington, South and West Team Leader addressed the Committee noting that fundamentally the issues raised by the Agents and Applicant on the application came down to a difference of professional opinion. Adding that an application of this type needed to be in the right location and in this particular instance it was felt this was the wrong site, and the benefits did not outweigh the landscape damage.

Councillor Stead noted that the application was being brought forward by a successful business, however, he added there were so many issues that were not in line with the County Council Plan. He noted that whilst such accommodation was needed, it had to be on the right site.

Councillor Holmes noted he was eager to see projects such as this, commenting that there was a need for such accommodation. He added there was also a need to protect the countryside and moved refusal of the application, he was seconded by Councillor Stead.

Councillor Adam drew Members' attention to the lack of objections to the application, noting in particular Natural England having no objections, with all the objections being from the Planning Department. Councillor Adam added he believed the area was suitable for such development and would be sustainable, noting it was an established base for tourism and the right balance between attracting tourism and the environmental harm had to be reached. Councillor Adam was in favour of the slow process in terms of site development and asked if further conditions could be added in respect of further development, to mitigate against any potential harm to the environment.

Councillor Andrews enquired about the archaeology report and if that information would still be required should the application be approved.

The Senior Planning Officer confirmed the information would still be required, adding that should anything be found, that could impact the application.

Councillor Atkinson was minded to approve the application, believing the consideration of the application came down to a difference of professional opinion. He added that he felt the argument for the application being in the wrong place was opinion, and noted the amount of work the Applicant had put in to the application.

Councillor Savory explained that, as Local Member, the area in question was known to her and added she could see the application from both sides. She raised concerns over the increase in traffic to the area that the application would bring, adding that the application site would not be visible and queried whether residents of the lodges would become permanent residents.

The Chair asked for clarification as regards the height of the lodges.

The Applicant informed the Committee that the lodges would be set into the northern ridge and would stand roughly one metre above the ridge.

Councillor Zair informed the Committee he had listened to the debate and understood the concerns regarding the visual impact of the application and also concerns around potential health and safety issues associated with the lake and potential flooding. Councillor Zair added that it was a good project, however it was proposed in the wrong location.

Councillor Brown noted he had listened to the debate and still felt undecided, adding that the location chosen was the gateway to the Dales. He noted that the application was being made by a successful business trying to branch out. He raised concerns over the application distracting from the views of the Dales.

Councillor Stead noted whilst it was good to see a local business looking to expand, an application of this kind had to be in the right place and reiterated his concerns over the location chosen and queried why the application was for 15 lodges when only two or three were needed. Councillor Stead suggested that the Committee moved to a vote.

Councillor Adam queried if further conditions could be added if the application was approved relating to the phasing in of the amount of lodges on the site and if works could be halted to protect the landscape.

The Senior Planning Officer informed the Committee that the phasing in plan had been submitted with the application with development to take place over a four-year period.

The South and West Team leader informed the Committee that the original application had been for 15 lodges with the phasing in plan, and no further conditions could be added to halt the development once it had begun.

Councillor Atkinson added that he believed the site being unsuitable was a matter of opinion, mentioning Councillor Stead by name. Councillor Stead raised a point of order. The Chair reminded Members to be mindful of their conduct in a public meeting.

Upon a vote being taken it was:

RESOLVED:

The application be **REFUSED** as per Officer's recommendation.