

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 21 March 2024 at 10.00 am**

### **Present:**

**Councillor J Quinn (Chair)**

### **Members of the Committee:**

Councillors A Savory (Vice-Chair), E Adam, D Brown, J Cairns, N Jones, L Maddison, S Quinn, G Richardson and M Stead

### **Apologies:**

Apologies for absence were received from Councillor Jim Atkinson and Councillor Sam Zair

### **Also Present:**

#### **1 Apologies for Absence**

Apologies for absence were received from Councillor J Atkinson and Councillor S Zair.

Councillor J Quinn expressed that his thoughts and well wishes were with Councillor J Atkinson and his family.

#### **2 Substitute Members**

There were no substitutes.

#### **3 Declarations of Interest**

Councillor A Savory declared a non-pecuniary interest in agenda item 5d as she had called the planning application to committee but she was open minded and had not made a decision.

## 4 Minutes

The minutes of the meeting that was held on 22 February 2024 were agreed as a correct record and signed by the chair.

**It was agreed that the order of business be amended so that Agenda Item No. 5 b was considered first.**

## 5 Applications to be determined

### a **DM/23/02803/FPA - High Green Farm, Binchester, Bishop Auckland, DL14 8AU**

The Committee considered a report of the Senior Planning Officer that was a resubmission of DM/22/03077/FPA for the erection of one permanent rural equine workers dwelling at High Green Farm, Binchester, Bishop Auckland, DL14 8AU (for copy see file of minutes).

G Spurgeon, Senior Planning Officer gave a detailed presentation that included site photographs, a site location plan and proposed elevation plans. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. He explained that the planning application sought full planning permission for the erection of a single storey 3 bedroomed rural workers dwelling that would be sited in a similar position to the existing static caravan that had temporary approval for 3 years that had now lapsed. The applicant ran an American miniature horse stud business at the Farm since 2019, prior to which he had kept sheep, cattle and poultry. The request for a permanent workers dwelling was for security purposes and the welfare of the animals when foaling. Officers deemed it unnecessary to have a permanent dwelling on site and noted there was alternative accommodation in a nearby village that was 3 minutes away to enable a response to emergencies. Therefore the application was contrary to policies 10 and 12 of the Durham County Plan and the officer recommendation was to refuse the application.

Councillor P Molloy, local Councillor addressed the committee in support of the application who had visited the site on numerous occasions and spoken to Mr Green who had explained that he ran a viable miniature horse breeding business since 2019. Horses cost £10,000 each that were high maintenance with medical and breeding that required a presence on site 24 hours a day, 7 days per week especially around foaling due to the risk of red bag birth. There would be a poor outcome if someone was not there to cut open the placenta to bring the foal out quickly that was required to be done in 3 minutes. There had been 3 red bag births in 2023. This application referenced policy 10 and 12 but due to the nature of the business the primary concern was the welfare of the animals and he requested for the planning application to be heard and reject the planning officer's recommendation to refuse the application.

Mrs J Green, applicant addressed the Committee in support of the application and explained that her and her husband ran a viable stud business since 2019. The

planning officer had stated that no permanent accommodation was required as the business could still be run off site. She stressed that the planning officer had a lack of practical understanding of the business as this was not a 9-5pm job and her husband worked all the hours he could which was made possible by the temporary static caravan. It was invaluable for a permanent or temporary accommodation to be on site which had been the case for the last 4 years that had allowed the business to grow and develop. The operation of the business would not be practical, reliable or sustainable if they were based off site as any disturbance would need to be addressed immediately. There was a high value on the mares, stallions and foals that were critical to the business success. The installation of CCTV as suggested by the planning officer would be impractical as monitoring this during the night would make for an even longer working day. In 2019 it was recognised that there was a need for the highest welfare to the mares and foals after birth. She commented that they had tried to get a planning application submitted for a permanent workers dwelling but the planning case officer recommended that the policy would not support it. They challenged it as they believed that they had provided all the evidence required. She asked Members if they would be minded to overturn the officer's recommendation as without the dwelling they could not continue to run a successful business and the welfare of the horses would not be met. She noted it would also be detrimental to other businesses that they supported like vets, trainers, fertilizers and she didn't want their livelihood also taken away.

The Chair opened up the meeting for questions.

Councillor E Adam asked the applicant if when the business model for High Green Farm had been developed if they had thought at the time there would be a need for a permanent dwelling on site and why was there was a need for a large 3 bedroom property supposedly for workers.

Mr B Green responded that there was a need for a large 3 bedroom property to accommodate friends and family, some of whom were disabled as they wanted to make provisions for them to live there later on in life.

Councillor E Adam asked if this large property had been factored into the business model when it was set.

Mr B Green answered Councillor E Adam that they wanted a property on site as there was a need to be on the site 24 hours 7 days per week. When the business model was prepared they didn't know what size of property they would need.

Councillor L Maddison knew the farm and the area. She asked if there had been an increase in business since the planning application for a change of use in September 2019 to an equestrian stud business had been submitted and the temporary approval for 3 years for a caravan to be placed on site had been granted.

Mr B Green confirmed that there had been an increase in business. The fact that they were on site 24 hours a day, 7 days per week meant they had not lost any foals and there had been no issues with security. Prior to living on site there has

been some thefts and the year before they had 10 mares foaling and they had lost 8.

Councillor J Quinn asked since they had been living on site temporarily for 3 years that if the planning application was refused where would they live.

Mr B Green stated that they had nowhere to go if the planning application was refused.

The Chair opened up the meeting for debate.

Councillor G Richardson advised that he had attended the site visit and had listened to the presentation given by the officer that had given valid points however as a farmer himself he knew of the business needs to have the site occupied 24 hours a day 7 days a week which had been explained by the applicant. He noted that he himself was a few days from lambing season but a few has come early and as he was on site he was there to look after them. He acknowledged that you still got deaths which could not be helped. He had a sympathetic view and was in favour of supporting animal welfare in whatever shape it took.

Councillor S Quinn was an animal lover and knew people did what they could for their animals. She emphasised with the applicant and although the property was a little remote the applicant had been living out of a caravan for some time to care for the animals. She supported the application and disagreed with officer recommendation to refuse the application.

Councillor L Maddison knew the area and where the property would be located. It was mentioned that the applicant could live in a near by village and still tend to the horses without being on site but she felt that Middlestone Moore and Byers Green were still a good distance away. She noted that the applicant had increased his business because of he had been temporarily housed on site of which planning had approved. She felt that the health of the animals was essential and also the health of other peoples animals when on site when they were brought to stud so was important to have someone on site. She was in support to refuse officer recommendation and approve the application.

Councillor A Savory had listened to what had been said and prior to having someone on site 8 foals had been lost compared to none being lost whilst someone was living on site. She felt that if there was no one on site crime would occur which would be detrimental to a viable business and supported the application to be approved.

Councillor J Quinn inclined to agree that it was important to be on site. He appreciated what officers had presented that the applicant could live at a nearest location off site but he felt that the timings to get there in an emergency were not accurate as it would take time for the applicant to get ready and get there.

Councillor E Adam had listened to what Members had said on how the business was run with a need to have someone on site on a permanent basis. He felt that the applicant had not given a sufficient answer when asked about the property in

relation to the business model even though they had sold their property in 2021 and could have settled in a suitable property in a village nearby. He acknowledged that he was not an expert in foaling but thought that many of the births would take place during the day. He fully appreciated the needs of the business but struggled with the application as it conflicted with policy 12.

Councillor S Quinn mentioned that there were planning applications to extend houses near the farm that could propose issues as there was an increase in rural crime. She **moved** the application to go against officer recommendation and approve the application.

Councillor L Maddison **seconded** the application to be approved.

Councillor M Stead agreed with some of the points raised by Councillor E Adam regarding the conflict in policies and asked how many foals were born in a specific time frame.

Mr B Green stated that this year he had 18 mares in foal and to be on site would save lives. He noted that foals were mainly born at night as mares felt protected under the cover of night to give birth.

Councillor M Stead calculated the number of foals born to be 1.5 a month and queried if it was then necessary to have a permanent property on site.

Councillor J Quinn added that foals were not born all year round only within 9 months of the year so there would be times when more foals would be born than others.

Councillor G Richardson stated that numbers did not come into it as even if only 1 foal was born there was a need for someone to be on site. Foals were born during the night and was in support of the application not the refusal.

Councillor D Brown had also listened to all the comments made and had attended the site visit. He also had livestock of 200 cows and used modern technology to look after them. He felt that the applicant was not running a business but a hobby. The temporary approval for the static caravan for 3 years had elapsed and he queried why it had taken so long to submit a new planning application. He noted that the previous business had dealt with cattle, sheep and poultry that would have required to be recorded with passports and again the ponies would also need passports so security would not come into it. The report did not mention any veterinary attention and queried the welfare of the foaling as mares had foals on Dart Moor in the wild without support. He commented that there had been other planning applications similar that had been refused and on appeal inspectors were also inclined on refusal. He could not see how the committee could break precedent. He supported the officer's recommendation to refuse the application.

Councillor J Quinn respectively disagreed with Councillor D Brown's opinion that this was a hobby and not a business as this generated the main source of income for the applicant.

L Ackermann, Legal Officer (Planning and Highways) reminded Members that if they proposed to approve the application and go against officer's recommendation there would be a requirement for delegated authority for officers to request specific conditions that would be linked to the business.

Councillor E Adam reiterated that legal advice was important to create conditions to be set if the decision went against policies relating to developments in the country.

Upon a vote being taken it was:

**Resolved:**

That the planning application be **APPROVED** subject to delegated authority for further conditions to be added.

**b DM/23/02915/FPA - The Beehive, Salters Lane, Fishburn, TS21 4AS**

The Committee considered a report of the Planning Officer that was for a change of use of a public house (Use Class Sui Generis) to retail (Use Class E), including demolition of existing lean-to canopy and rear patio, installation of a new compound, facade treatment alterations car park alterations, access alterations and landscaping works at The Beehive, Salters Lane, Fishburn, TS21 4AS (for copy see file of minutes).

M Sandford, Planning Officer gave a detailed presentation that included site location photographs, aerial photographs, site photographs, floor plans and proposed elevations. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. He explained that that application was to change the use of an empty former pub into a retail unit with the proposed opening hours of 6am 11pm, Monday to Sunday that would provide a variety of grocery products, frozen and fresh foods. The proposal would bring an empty property back into use and bring employment to the area. There was a condition to add double yellow lines to the front of the property to prevent parking on the front street. During the consultation process there had been 31 letters of objection including Fishburn Parish Council and Sedgfield Town Council. There has also been a 250 named petition submitted. The officer recommendation was to approve the application subject to conditions highlighted in the report.

Councillor M Barker, Fishburn Parish Councillor addressed the committee in objection to the planning application on the grounds of road safety stating that main road through Fishburn where the premises was located was a notoriously busy road. There was a school nearby where pick up and drop offs were horrific. There were major concerns for pedestrians crossing the road at the zebra crossing in the area due to the speed in which cars came along the main road. There had been several accidents in this area but not all had been reported to the police or the council. Paul Howell MP had undertaken a site visit for residents to show how accidents happened and potentially make improvements. She believed that the

shop would increase the traffic making it more dangerous for people walking to school. School Governors had objected to the planning application due to safeguarding issues as the safety of the children was of the utmost priority. She asked that if a child or pedestrian died who would be held responsible. The applicant was not aware of the issues as they did not live in the village. If the application was granted further double yellow lines would be implemented at the front of the premises but these had not stopped motorists parking at the zebra crossing as they were not policed. Residents did not want another shop but would rather have the pub reopened under the right owners.

Councillor M Barker referenced policy 6 that related to highway safety and informed the committee that the road was regularly blocked with traffic in each direction as people parked in the bus stop opposite. The Parish Council supported local shops but this would be more of the same where there would be issues with the sale of vapes and alcohol even if they were subject to licensing. She stated that the area was prone to sink holes having had one in the school yard. There would be further risk of sink holes when heavy goods vehicles made deliveries. She asked that members refused the application.

Ms C Leonard, member of the public spoke in objection to the planning application. She was a parent and grandparent of children who had attended Fishburn Primary school. She told the committee that she had nearly lost her son when he was 7 whilst crossing the road via the zebra crossing due to a speeding vehicle. It was the lollipop lady at the time that saved him by pulling him back by the hood of school coat. Her child never forgot that incident. It only took one bad driver to have an accident that would change peoples lives forever.

Mr M Parkin, member of the public also addressed the committee in objection to the application. He advised that he had submitted a 3-page letter that listed his objections and hoped that members had read it. Councillor Barker had hit the nail of the head regarding road safety in that area. He stated that there had been several accidents around the zebra crossing and crossroads as double yellow lines were not enforced with cars parked on them. The shop was close to a school that would increase traffic making the journey to school more dangerous and the issues highlighted made worse. He noted that 280 people had signed a petition objecting to the shop so in reality it was not wanted in the village. There was no support for the application. He asked who would take responsibility for any further accidents if the members were minded to approve the application. There should be a proposal to retain the building and bring it back into use as a pub as it needed investment due to it falling into disrepair. He hoped members would refuse the application.

D Battensby, Principal DM Engineer appreciated the comments made about accidents that occurred in the area however these were predominantly at the crossroads. He stressed that the existing highway problems were not related to the application or the previous use of the premises. The existing school gate parking issues and operation of the crossroads were not material to the determination of the premises turning into a shop. He advised that in considering this application officers were mindful of the policies relating to highways. Consideration was given to the probability of vehicles parking on the main road to the front which could

obscure pedestrians at the zebra crossing and mitigation was proposed to introduce “No waiting/No loading” double yellow lines in this location.

The applicant had been receptive to and engaged with the Council in progressing this request. The number of proposed parking bays had been extended beyond what was required by the DCC Parking Standards SPD and that this may benefit the school gate issues of pick up and drop offs. He stated that it was not possible for the applicant to rectify the road safety issues as this was beyond the scope of planning.

The Legal Officer (Planning and Highways) clarified that the committee should consider the planning application in front of them for this site.

Mr S Moulten, agent for the applicant addressed the committee in support of the application. The applicant had worked with Durham County Council to provide a positive planning application. The applicant had met with the local school via teams to discuss and address any concerns they had. He stated that the premises had not been financially viable as a pub and had since closed leaving the building exposed to vandalism. The proposed development would contribute to the village by creating 4 full time jobs and 8 part time jobs. The application had a condition included to add no waiting and no loading restrictions to the front of the property to prevent parking. There would be an increase in the number of parking spaces in the car park with EV charging points and disabled bays, cycling parks to give access to all users. There would be no loss of privacy to nearby houses as raised by officers. The development would create significant investment and boost the economy. It would bring back into use a non-designated asset and make use of a brownfield site. He asked members to determine the application for approval.

J Jennings, Principal Planning Officer stated that the community would use the facilities and it would provide a contribution to the settlement. People may not feel there was a need for the retail unit but they had not taken into account that after assessment it was appropriate and acceptable.

The Chair opened the meeting for debate.

Councillor D Brown advised that the application was in his ward and he frequently attended the Parish Council meetings. He knew the area and there was a correct assumption about the large volume of traffic on the road. He appreciated the residents in their willingness to resurrect the Beehive as a public house. As a convenience store he was adamant that the traffic would increase. He added that there had been 40 letters of objection and a petition and no support in favour of the development. It was a rural area where there would be no way there would be a reduction in traffic especially with the drop off and collections at the nearby school.

Traffic was chaotic which would be made worse with the delivery of goods by heavy goods vehicles which would need to pull across the entire road to reverse into the car park. He did see the advantages of investment of the convenience store but it would be in competition with the two stores already in situ. There was no support for the Nexus store and would support the refusal of the planning application.



Councillor E Adam appreciated the public attending the committee as there had been many objections submitted that needed to be focused on. He referred to the number of accidents and incidents on the road that indicated that there was an issue. He asked the Highways Officer if the analysis of road accidents/incidents had covered the period when the pub was open. He queried if data and statistics suggested that there had been no accidents or issues when it was open.

Councillor M Barker commented that traffic came through the 30mph village at speeds of approximately 60mph when approaching the zebra crossing and crossroads which caused the accidents. The double yellow lines and no waiting restrictions at the crossroads were not effective as cars parked there obstructing the visibility. She noted that if further double yellow lines were painted outside the development it would push the parking issue further towards the school area.

Mr M Parkin added visibility was obscured at the crossroads due to parked cars on the double yellow lines and speeding vehicles had no time to react. At one point there were 6 accidents in a 4 week period.

The Principal DM Engineer responded to Councillor E Adams that the Highways Authority had originally looked at all accidents over the last 3 years then extended the search for 10 years. He commented that as the pub had closed a year ago the data would have included the period when the pub was open. The main cause of accidents was driver error where there was a failure to give way at the crossroads. One incident occurred at the zebra crossing however the driver of the vehicle was not one which would typically be associated with excessive speed. He stressed that these accidents were not associated to the premises whether it was in use or not. The issues at the crossroads were beyond the scope of the application and if members were inclined to refuse the application on this basis this would not stand up if it went to appeal.

Councillor G Richardson made a comment to the agent that less was more and the presentation was garbled and hard to understand.

Councillor M Stead asked if there was any data on the premises being a convenience store with the number of deliveries being made and whether this would be more than if it were a pub. He felt that the deliveries could potentially reduce traffic along the road.

The Principal DM Engineer confirmed there was no data in relation to deliveries. He stressed that all businesses differed to one another and deliveries would be dependant upon their needs. He noted that delivery vehicles may be larger than a car but there was no history of any complaints or issues with deliveries when the property was a pub as the cellar was within the curtilage of the pub's car park.

Councillor D Brown commented that the accuracy of the photographs contained in the officer's presentation did not reflect the amount of traffic whilst on the site visit.

Councillor E Adam asked highways if the speed restrictions could be reduced along that road from 60 mph to 40 mph to eventually 30 mph that could possibly alleviate

the speed of traffic into the area. He queried if this could be an additional condition if members were minded to approve the application.

The Principal DM Engineer stated that the 30mph speed limit terminal point was approximately 250metres north of the property at the commencement of the built up area. He added that speed restrictions should reflect the driving environment to encourage compliance with the posted limit. In situations where this was not the case, the speed limit lacks credibility and results in a lack of compliance by motorists. The road from the north was a rural area and the national de-restricted speed limit of 60mph would be the most appropriate one based upon the speed limit criteria used in assessing the speed. There were dragon's teeth to highlight the area and other traffic calming measures in place that were appropriate for the area.

Councillor E Adam asked legal if this could be added as a condition.

Councillor N Jones was torn with the application as it was an old building that had fallen into ruins but was aspirate with the pedestrian issue. He felt that there should be controlled lights in the area. He added that members needed to be mindful that residents had signed a petition and there had been several objections meaning residents did not want this in their village.

Councillor J Cairns asked the agent when the building was purchased.

Mr S Moulten responded that the sale was closed in May 2023 and the final arrangements for the sale concluded in August/September 2023.

Councillor J Cairns asked when the planning application had been submitted for the development of 6 dwellings in the building and if it was a different applicant.

The Planning Officer did not have that date to hand but it was a different applicant.

The Legal Officer (Planning and Highways) responded to the query from Councillor E Adams that the highways issues were already in place and could not be resolved by the applicant as this was outside the scope of planning. The Legal Officer (Planning and Highways) reiterated that there had been highway objections to this application and there would be a requirement for a highways management plan when the development commenced.

The Principal Planning Officer advised that there was a condition in place for the applicant to add double yellow lines to prevent parking in the front street to help ensure people parked in the car park. She added that the access to the premises was at the side and not at the front.

The Planning Officer responded to Councillor J Cairns query that the planning application to build 6 dwellings was submitted in November 2022 but it was never made valid.

The Chair opened up the meeting for debate.

Councillor M Stead was mindful that to push for reasons to go against officer recommendation to approve the application would not stand up on appeal. He was aware that there were several objections and a signed petition but he felt that delivery vehicles would reduce the speed of traffic in the area.

Councillor E Adam agreed with Councillor M Stead that if the application was refused the applicant would win at appeal. The traffic issues and parking on double yellow lines did not relate to the planning application and the policies were required to be adhered to and Councillors should not go against them. He understood the concerns with traffic, parking, bad driving and the close proximity of the school but these were not caused by the new development. People parking on double yellow lines and outside schools required a vigilant approach to report to the local authority as a way forward and was not a material planning issue. He was not convinced that the shop would increase traffic as there had been no issues when the pub was open. He supported the officer's recommendation to approve the application as this would bring the building back into use to create employment and boost the economy of the village. He did not think the applicant would have submitted a planning application if he did not think the business would be viable.

Councillor A Savory sympathised with the public regarding the issues with collections and drop offs around the school. She supported the application as the pub had been closed for some time and the building had fallen into disrepair. She felt if it was left it would attract vandalism and anti-social behaviour. She thought the shop would be a valuable amenity to the local area and bring an old building back into use.

Councillor G Richardson stated that although it would bring the building back into use and improve the area, he had heard the powerful presentation from residents. He was of the same mind as Councillor D Brown to refuse the application.

Councillor J Quinn stated that Councillor D Brown had **moved** a motion to refuse the application.

Councillor G Richardson **seconded** the motion to refuse the application.

The Legal Officer (Planning and Highways) requested that before the vote took place that relevant reasons were given as to why the planning application should be refused.

Councillor G Richardson stated that the application should be refused on highway safety issues based on the number of accidents in the area even if it was going against highway advise.

The Legal Officer (Planning and Highways) stressed that highways safety would not be a sustainable reason if this went to appeal as there would be no support from the Highways Authority as they had no objections. The Legal Officer (Planning and Highways) advised that the decision was up to members but there would be risks of costs to the council if the application was refused.

Councillor G Richardson was aware of the risk but had to stand up for the residents.

Councillor M Stead **moved** to approve the application. He did sympathise with residents regarding the issues of traffic and parking but they were not material planning considerations. Highways had addressed the issue of parked cars by introducing double yellow lines outside the premises which may reduce the amount of parents parking near the school.

Councillor E Adam **seconded** the application to be approved.

The Chair noted the motion for refusal put forward by Councillor D Brown, seconded by Councillor G Richardson and upon a vote being taken, the motion was **LOST**.

Upon a vote being taken, it was:

### **RESOLVED**

That the application be **APPROVED**, subject to the conditions as set out within the report.

**c DM/23/03634/FPA - Land West Of The Garth, Old Eldon, DL4 2QT**

The Committee considered a report of the Planning Officer that proposed bungalow, boundary wall and associated access (resubmission) at Land West of The Garth, Old Eldon, DL4 2QT (for copy see file of minutes).

H Sperring, Planning Officer gave a detailed presentation that included a site location plan, aerial photographs, site photographs, images that showed the vision splay by highways, proposed site plans, proposed floor plans and the proposed elevation. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. She explained that the application was for a 2 bed property with a sitting room at the front and an open plan kitchen/dining area. Upon consultation Eldon Parish Council were in support of the application to help establish a growing community. There were 2 letters of support and 1 letter of objection. Highways had objected as they considered property to be unsustainable and there were road safety issues with the access. The application conflicted with policy 10 as there were no street lighting meaning the property would be dependant on vehicles as it would be dangerous to cycle or walk between settlements. A bat box would be required to be attached to properties. There were issues in purchasing nutrient neutrality credits with Natural England which in turn would cause issues in completing the Habitats Regulations Assessments (HRA). Natural England credits could not be secured by a condition to the application. The development was not supported by policy 6 and was not compliant with policy 10 as there were no services or amenities to the site and there were no paths or lights on the C34 road. Officer recommendation was to refuse the application.

Councillor D Whitlaw, Eldon Parish Councillor addressed the planning committee in support of the application. He explained that Eldon Parish Council were shocked when the first planning application had been withdrawn following advice from the

Planning Officer that it would likely be refused. He gave some background and history to Old Eldon as it was a historic settlement and there had been a need to support the housing stock within the village which was difficult to develop due to the raft of legislation to prevent it. Old Eldon was classed as a sporadic cluster or properties in the country rather than being classed as a hamlet. He noted that historically the settlement had been there before statutory planning came into force.

Councillor D Whitlaw asked members to consider to move the criteria to approve the development as it was minimal 2 bed single storey structure on an infill plot of land in the middle of the settlement of Old Eldon. Members had visited the site and there was clear evidence there were footpaths in the area but there were severely overgrown which was a Durham County Council matter.

Mr K Ryder, applicant's agent addressed the committee in support of the applicant. He argued that the development was not in conflict with policy 6 or 10 that the site was unsustainable and Old Eldon was a sporadic cluster of properties in the countryside with no services. The village had water, electric, broadband and street lighting. He noted that 7 barns had been developed on a site within the vicinity and were occupied that had 15 new car parking spaces. The development would be a natural village infill. He felt that the application had addressed all the issues that had been highlighted including the highway safety element on the access in the revised version of the application.

G Dugdale (Applicant) addressed the committee in support of the application and asked the committee to consider that the development as an infill plot that was in the middle of the village. The highways safety issues with the access had been addressed as she used the access twice daily to care for her horse. She noted that there was traffic calming in the area, with slow signage and staggered junctions. She advised that there was a streetlight at the entrance to the site. The site was environmentally sustainable as there would be an air heat source pump, EV charging points and solar panels installed. She had opened an account with Natural England for credits to address the nutrient neutrality issue and had a reference number. She advised that if she was unsuccessful at procuring credits she would turn 1.2 hectares of low land back into green land planted with trees and flowers that would be more than enough to offset the nutrient neutrality issues.

S Pilkington, Principal Planning Officer pre-empted questions from members and advised that the settlement of Old Eldon scored zero in sustainability scores due to the lack of services that were not just physical elements like social links, employment, bus stops and schools. There were no paths or highway verges that could be walked safely. Consideration in assessing sustainability looked at the function of the settlement, intensive road safety and the lack of paths that linked existing settlements.

The Principal DM Engineer stated that the main highway safety objection was in relation to the sub-standard access visibility. The speed limit of the main road was 60 mph and the highway standards state that visibility from the access must be no less than 215 metres for this speed. This technically could be achieved from the

west but not from the east. The available visibility from the east was less than 70 metres and this level of visibility was only equivalent to an approach speed of 30mph however this did not take into account parking adjacent to the development that reduced this visibility even further. He added that vehicle speeds on this road were well in excess of 30mph and therefore there was significantly inadequate visibility. An accident could occur if approaching vehicles at these speeds could not see someone pulling out. Access was sub-standard, unsatisfactory and highways therefore objected to the application due to the serious road safety issue.

Councillor E Adam asked highways for clarity as to whether there was a recognised footpath within the vicinity but it was just overgrown. He advised that he drove along this road on a regular basis and thought that there were street lights close to the development. He also sought clarity on whether the supposedly lack of streetlights was due to the Council's energy reduction scheme where they had taken out streetlights in areas to save energy.

S Pilkington, Principal Planning Officer confirmed that there was street lighting in Old Eldon but not on connecting roads that lead to other settlements meaning people would have to walk in the dark which was not safe or sustainable. There was a public right of way from Eldon to Old Eldon just off the highway which was extremely overgrown and would not be practical to use to access services from other settlements. There was no footpaths on the roads connecting to other settlements and in some places there was no verge either.

Councillor E Adam asked if the removal of lights to save energy conflicted with policy.

S Pilkington, Principal Planning Officer responded that streetlights were highway policy and the pathway was not suitable for someone pushing a pram as it was not lit.

Councillor E Adam referred to page 148 in the report and asked if the statement regarding the development being in support of policy 6 was correct.

The Planning Officer replied that it was a typing error and the statement should read that the development was not in support of policy 6.

Councillor N Jones felt that sustainability could not be judged on bus services as bus services had been cut to the bone within County Durham.

Councillor J Quinn noted that the committee needed to reflect any contradictions of planning policies.

Councillor S Quinn noted that this area was in her ward and she had not pre-determined a decision but did note that some people chose to live in these areas because they were not connected. She stated that there were some parts of Shildon that were not covered by a bus route so sustainability could not be argued. The development would not be isolated as there had been other homes built in the area nearby.

Councillor M Stead liked the application. He had looked at street view and thought that the development would enhance the area as opposed to the monstrosity of the converted barns nearby.

Councillor E Adam had found the application difficult to determine as the old settlement would benefit the additional property to enhance the area but he was stuck on the issues of sustainability and highway safety. He raised the point that if the property was built it may increase highway problems. He commented that sustainability was not just about bus services but location and how to travel to neighbouring facilities like schools and leisure centres. He added that the settlement did not lend itself to facilities and there may be issues in the future if the applicant wanted to sell the property. He agreed with officer recommendation to refuse as it was contrary to policy 6, 10 and 21.

S Pilkington, Principal Planning Officer pointed out there were two reasons for refusal i) sustainability and ii) highway safety. Highways expected certain measurements for visibility which were not there and to go against officer recommendation would be going against professional advice from highway officers.

Councillor E Adam accepted the officer recommendation for refusal based on the key points.

Councillor N Jones asked highways if there was any data on the number of accidents there had been in the area.

The Principal DM Engineer confirmed that there had been 7 accidents in the last 10 years.

Councillor S Quinn noted that she travelled the road on a regular basis which she felt was quite dangerous but people who lived in rural settings were more cautious and there were slow signs on the road. She queried when the last accident happened. She stated that the applicant going there on a daily basis would be no different to accessing the plot when it was built.

Councillor M Stead used street view to show the land to those members who had not attended the site visit. He showed that access was behind a closed gate which would be moved and a driveway added to the property. He also felt that people driving in rural areas took their time. The planning application satisfied him as the proposed property would enhance the area. He was minded to **move** the application to be approved and go against the officer recommendation.

Councillor S Quinn **seconded** the application for approval to go against officer recommendation.

Councillor E Adam **moved** the application to be refused, however no seconder was identified.

Councillor G Richardson also noted that the meaning of sustainability within the planning application was a red herring as there were people living in remote areas within Durham that relied on cars as there were no bus services. He was in support

of Councillor M Stead's motion to go against officer recommendation and approve the application.

Councillor E Adam stated that highways sustainability talked about the odd car but potentially when the property was built there could be 3-5 cars. Sustainability promoted climate change to move away from more cars being on the road and working towards other modes of transport like walking and cycling. There should be accessibility to walk between settlements and this was not feasible and the application contradicted policy 6,10 and 29. He noted that the NPPF also referred to this and members to go against policy was objectionable.

Councillor J Quinn directed members to consider highway safety as a vehicle pulling out of the access would have limited visibility. Street view was not a good tool to assess visibility as it put you in the centre of the road.

The Principal DM Engineer stressed that it was clear in the Durham County Plan and the NPPF that where was a serious road safety issue the application should be refused. He added that it was a difficult decision for Highways Officers but the highway safety issue was not just relevant to the applicant but also future residents of the property and other motorists travelling on that road. The NPPF and Durham County Plan deemed the entrance incompatible to acceptable road safety and there was a risk that a substandard access could store up issues in the future that would not be able to be resolved by the Authority. He added that the proposed access on to the C34 road should be visible on each side and the planning application could not achieve this.

Councillor S Quinn mentioned that she had seen people walking, jogging and cycling along the C34 to Shildon.

The Legal Officer (Planning and Highways) informed committee members that in relation to this application they could not approve it. They could instead be minded to approve it subject to the nitrate neutrality credit being procured from Natural England that may take a long time or secure a suitable alternative solution through a section 106 agreement and any mitigation to go through the HRA. The application would also require delegated authority to officers to do that.

G Dugdale commented that there was alternative mitigation if Natural England declined to approve the procurement of credits as she would use some land and change it from lowlands to green land to more than offset the nitrate neutrality issues.

The Legal Officer (Planning and Highways) stated that the information relating to the application for credits from Natural England was not in front of Members so could not be checked. While it was appreciated that the applicant had applied there was no confirmation that Natural England were able to grant credits therefore Members could not approve but be minded to approve subject to credits or securing a section 106 agreement if thought acceptable by the HRA. The Legal Officer (Planning and Highways) clarified again that Members could not approve the application.



Councillor J Quinn clarified for Councillor M Stead that if members were minded to approve the application then delegation authority would be given planning officers to resolve the nitrate neutrality issues and approval determined.

Upon a vote being taken it was:

**Resolved:**

That the Committee were **MINDED TO APPROVE** the application, subject to Nutrient Neutrality Credits procured or Section 106 Legal Agreement and HRA undertaken, with a suite of conditions to be delegated to Officers, in consultation with the Chair and Vice-Chair of the Committee.

**d DM/23/02403/FPA - Land North of Hill Top Cottage, Eggleston, DL12 0AU**

The Committee considered a report of the Senior Planning Officer for the Erection of 2no. residential dwellings and associated works on land North of Hill Top Cottage, Eggleston, DL12 0AU (for copy see file of minutes).

G Heron, Senior Planning Officer gave a detailed presentation that included a site location, aerial view, site photographs, proposed floor plans and proposed elevations. She explained that the application was for the erection of two detached bungalows with their own access and gardens that was situated near the settlement of Eggleston in the Nutrient Neutrality constraint area. She advised that there would be a need to seek credits from Natural England and no confirmation of this had been confirmed. The application was being reported to Planning Committee upon the request of Councillor Savory to allow assess the landscape harm, design and location of the development given the changed scheme. The site was located within a designated Area of Higher Landscape Value (AHLV). There were issues with the landscape and amenities. There were 4 letters of objection including objections from the Parish Council. Officer recommendation was to refuse the application as on the principle of development it conflicted with policies 6, 10 and 21 of the County Durham Plan and Parts 5 and 9 of the National Planning Policy Framework.

Mr G McGill, agent for the applicant addressed the committee in support of the application. He explained that it was an infill plot near existing properties of a similar size that had been granted permission. The application had no highway safety issues. Following the decision made at committee in 2023 the applicant was aware of the design and scale of the dwellings and understood the proposal was not acceptable. The applicant commissioned a different team to pursue a reapplication that focused on the design issues that had been raised that was sensitive to the location. The bungalows were to be built as family dwellings and were not developer lead that would not impact on amenities or privacy of other properties.

The applicant had deal with the biodiversity net gain (BNG) and nutrient neutrality calculations had been revised and dealt with through a section 106 agreement if credits were not secured through Natural England. He thanked the committee for

the opportunity to speak on the application and hoped members would be minded to approve the application.

The Chair opened up the meeting for questions.

Councillor G Richardson directed a query at Councillor A Savory of whom he respected as to why she had called the application to committee when she was a local councillor for Weardale and the planning application was based in Teesdale.

Councillor A Savory responded that she had asked for the application to be brought to committee along with calling it to committee the first time as it had not been corresponded to by the local member and she was interested in a fair hearing. She had brought it back with an open mind. She requested clarification on what purpose the building would be used whether it would include being used as a holiday let.

Mr G McGill responded that the building was to be developed as a family dwelling.

Councillor A Savory questioned if one property would be sold once both had been built.

The Chair opened up the meeting for debate.

Councillor E Adam stated that the application was very similar to the previous application and **moved** to refuse the application due to the 3 reasons for refusal as detailed in the report. He noted that the original application had been refused in April 2023 and felt that it was virtually the same application. He had not attended the meeting in 2023 and determined it as a new application.

Councillor M Stead read out statements from the minutes of the meeting that was held in April 2023 when the original application had been discussed. He noted that there were still visual and design issues that were conflict with policy 10. He felt that it would make the settlement to lose its character.

S Pilkington stated that there was not much to be said as the properties were sustainable but it was the decision of members.

Councillor J Cairns felt that the elevation of the properties was very dominant and was out of character for the area. She thought that had the design been for single storied bungalows she may have felt differently. She believed that you could not have executive homes in the country. She **seconded** the application for refusal.

Councillor A Savory made a point that no bus services in a rural area was a red herring within planning for sustainability as there were lots of places within the vicinity that was not supported by a bus service. She commented that there had been notices of new builds being developed in close proximity to this land. She noted that the applicant had complied with officer recommendation to scale down the properties. She felt that the properties would be sustainable and there were no issues with highways as the vehicles would be off the main road. The applicant had

demonstrated a willingness to work with DCC officers and she was in support to approve the application.

Upon a vote being taken it was:

**Resolved:**

That the application be **REFUSED**.