

# **DURHAM COUNTY COUNCIL**

## **AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 5 October 2023 at 9.30 am**

**Present:**

**Councillor E Peeke (Chair)**

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

Councillors W Stelling (Vice-Chair), J Atkinson (substitute for J Griffiths), G Binney, J Blakey, K Earley, D Haney, P Jopling, B Moist, J Purvis, I Roberts, K Shaw, A Sterling, A Watson and S Wilson

### **1 Apologies for Absence**

Apologies for absence were received from Councillors L Brown and J Griffiths

### **2 Substitute Members**

Councillor Atkinson substituted for Councillor Griffiths.

### **3 Minutes**

The minutes of the meeting held on 27th July 2022 were confirmed as a correct record and signed by the Chair.

### **4 Declarations of Interest**

Councillor Stelling declared an interest in item 5(c) as it was within his electoral division.

### **5 Applications to be determined;**

#### **a DM/22/03724/FPA - Park View Upper School And Sixth Form, Church Chare, Chester-le-Street, DH3 3QA**

The Committee considered a report of the Senior Planning Officer regarding an application for a proposed artificial grass pitch (AGP) with

perimeter fencing, 6 x 15m LED lighting columns, and hard standing areas at Park View Upper School and Sixth Form, Church Chare, Chester le Street (for copy see file of Minutes).

Scott Henderson, Senior Planning Officer provided a detailed presentation of the application which included photographs of the site, site location, aerial photo, primary access routes, site boundaries, impressions of the proposed landscaping, tree planting, LED lighting columns, plus associated works.

The application had received 231 letters of objection and 90 letters of support.

Members of the Committee visited the site previously and were familiar with the location and setting.

Councillor Jopling asked the Senior Planning Officer about the total amount of playing pitches within the county. The Senior Planning Officer responded that while he did not have the total pitches figure within the county it was detailed in the report that the playing pitch strategy outlined the need for 2 pitches in North Durham.

The Chair thanked the Senior Planning Officer and invited Councillor Scurfield to address the Committee.

Councillor Scurfield raised local residents' concerns and highlighted their expertise of the local area.

The geographical location of the letters of support was highlighted with 30% of supporters not residing in the county including none of the supporters situated in the neighbouring estate from the proposed application. Councillor Scurfield expressed that she was not against young people playing sport and local football teams in the area. It had been brought up that a current restriction of using the gate on roman road was implemented from 1990's from the County Council to address highway concerns and was still in place. It was reported that the current restrictions had worked well in reducing highway concerns. It was interpreted that the report was solely beneficial for the applicant. The application would lead to a reduction in the availability of green space. It had been outlined that the nature of usage in artificial pitches was for usage maximisation and therefore the planned operational hours of 4pm – 9:30pm throughout the week and weekend would be fully utilised with natural spill over experienced until 10pm. It was further pointed out that the proposed application would result in an additional level of usage of the site which would result in higher projected congestion, parking, traffic, and other highways safety concerns.

The negative affects to the social and mental wellbeing for the local residents had been highlighted in terms of the aforementioned highways issues including light pollution that had been projected to emanate from the proposed LED light columns. It was further raised that the main car park was situated in a tight geographical footprint which resulted in a very time-consuming process to manoeuvre the car park. The direct result had been proposed that user had used the housing estate for parking due to the car park having excessive congestion. It was questioned that traffic marshals were practically ineffective. It was conceded that no reported accidents had been reported in the vicinity of the school due to highways concerns however incidents had been locally discussed and noted and walls had been damaged by parents doing school runs. Facilities such as the proposed would be better situated away from housing estates.

Finally, Councillor Scurfield agreed with the residents that the current infrastructure was insufficient for the proposal, the local primary school highways safety had been compromised, the increased traffic from the development emanated would lead to a reduction in general air quality. Park View school was a school and not a leisure facility. Therefore, a shortage of classrooms and not playing pitches should be prioritised.

The Chair thanked Councillor Scurfield and asked Councillor T Smith, neighbouring Member to address the Committee

Councillor Smith informed the Committee that following the sad death of Councillor B Bainbridge she had been requested by Holmlands residents to call the application in to Committee and informed the Committee she agreed with local residents why this development should not proceed.

There was no infrastructure for the development, very little car parking and the residential streets did not have the capacity for extra traffic. There were two primary schools in the immediate locality of this proposed development which, if it went ahead, would result in serious road safety issues for the primary school children. Councillor Smith was also concerned about the impact the extra traffic would have on the air quality in the area. Councils were now introducing clean air zones and Councillor Smith asked why should more traffic be allowed into this very small area.

The proposal would create traffic congestion and the air quality would deteriorate which was harmful to both children and residents. Finally, Councillor Smith highlighted that first and foremost Park View School was an educational establishment and not a sporting venue. Park View was already oversubscribed causing children from Chester le Street needing to travel to

Sunderland and Washington which was neither good for the children or the carbon footprint. Planning considerations had identified a shortage of football pitches and Councillor Smith asked whether a shortage of classroom spaces in Chester le Street had been identified. Park View School needed more classrooms, not more football pitches.

Steve Simpson informed the Committee that he was speaking on behalf of residents and that he echoed and wholly agreed with Councillor Scurfield's words. A presentation had been provided illustrating the neighbouring housing estates, highways concerns and previous first-hand implications of congested areas.

It was raised from the report that there were over 200 objections from residents on the estate including the current MP, local Councillor, and previous Councillor and these should not be ignored.

It was noted that the estate accommodated parking associated with two churches, three schools, Chester le Street Cricket Club all of which were situated in the near vicinity. A broader geographical point was raised that the estate was situated between the town centre, Riverside Park and Park View Community Centre and indirectly affected by the associated activities of all three.

The validity and relevance of the applicants traffic survey and its timing was questioned. Government guidance recommended that surveys be conducted in Spring or Autumn as opposed to the July window that the survey had been undertaken. A further point was raised that a two-day streetwise survey which all parameters of the car park had been measured for traffic flow, had been excluded from the report.

Parking congestion was as a direct consequence of Park View Community Centre which had seen parking capacity exceeded. The Streetwise survey which had been undertaken calculated the optimum number of parking spaces on the estate using a measure of 5m and 5.5m length in their calculations. Durham County Council's own minimum standard was a 6m length. Using the 6m standard it was estimated on that Saturday afternoon the estate was occupied with parked cars between 130% and 150% of capacity. It was believed that data provided in the report had broken Government and Durham County Council guidelines. In conclusion it was summarised that highways congestion would be amplified and continuous because of an approved application.

Objections raised included increased disturbance from noise for a greater duration of time. This included pre-existing concerns of shouting from players and spectators, vehicle movements and a general increase in

activity at the site and unique problem directly from this proposal of footballs hitting fences.

A further concern surrounded the potential light pollution from the LED floodlights and their direct impacts to the nearby dwellings. Finally, it was commented, as a result of the application, that a loss of privacy for the nearby dwellings through increased usage of the site would occur.

The Chair thanked Steve Simpson and invited Lewis Pendleton and Jason Palmer to speak in relation to the application.

Lewis Pendleton and Jason Palmer echoed the views of the planning surveys. While the applicant was not an expert in highways nor licensing the concerns of local residents were understood. The applicant had worked with consultants to minimise the highways issues.

The applicant responded to the reference of potentially circumnavigating the long-standing highways restrictions. It was outlined that the site had 3 gates and the affected gate, situated in the middle of the site with the other 2 situated at the north and south ends of the site, as stipulated in the highways restriction would not be used within the parking measures outlined in the application. The other two gates were utilised in this application.

It was reiterated that the application was from Park View Academy and not Chester-le-Street United.

A new artificial pitch was intended to enhance the school curriculum by improved outcomes for the learners, increased availability of provision by activities scheduled all year round.

The last two years had been very difficult for students and the community alike and as people emerged from the pandemic the proposed upgrade to the sports facilities would provide a boost to physical mental and social wellbeing.

The Chair thanked the applicants and asked the Committee for their comments and questions.

Councillor Wilson asked if the current capacity of car parking was 70 parking spaces. The Senior Planning Officer confirmed that the figure was accurate.

Councillor Wilson questioned the capacity of the car parking in a hypothetical scenario where all the current amenities in the Park View Community Centre were to be utilised at the same time and asked whether

the car park had handled this demand previously. Additionally, he asked whether the proposed the 4G pitch would create an additional demand above and beyond the current grass pitch usage and whether the road widths in the highest traffic areas compliant were with regulation.

The Senior Planning Officer confirmed that the road width was compliant with national guidelines. The original application raised highway concerns in relation to traffic and parking and opinions had been sought however an objective report must be assimilated. The occupancy rate of the car park from 5pm onwards had been 70%-80%. Further examples had been raised about several similar scale sites and their adjoining parking capacity via the Trics database. The information assembled from comparable sites had determined that the proposed provision was sufficient for the likely demands of the affected facilities. It was concluded that the demand on the facility as whole would be relatively light compared to other facilities in the area. This fact was illustrated by a comparable facility in the area, Chester Moor FC, only having the capacity of 25 car parking spaces. This was explained to have been suitable for a semi-professional club. On balance it was concluded that the application with statistical findings falling within the recommended highways boundaries should be approved from an objective highways' standpoint.

The Senior Planning Officer suggested that the car parking issue could be alleviated with an implemented booking system to manage peak usage and crossover times.

A response from the applicants described that a booking system was used for the community centre and that the proposed artificial pitch would be added to the system. It was further added that the gym was not bookable for the community and was solely for school usage. Park View Community Centre had struggled since Covid and Park View Academy ran the Community Centre. The Chester le Street football club would be a user of the facility like anyone else. There were 3 or 4 staff present on site in the evening.

Councillor Jopling stated that she understood the frustrations and concerns of local residents on highways and congestion issues and referenced the potential impact of the proposed LED lighting columns which was contrary to Policy 31 of the County Durham Plan.

Councillor Sterling raised the previously mentioned crossover issues and congestion with a reference towards natural behaviour with cars and the desire of parking as close as possible to the destination. A further reference to Policy 31 of the County Durham Plan was made which resulted in the technical specification in terms of light transmission and the illumination of surrounding areas with the concern of the nearest house was situated 25 metres away.

The Senior Planning Officer responded that the projected light levels that reached the facades of the properties as carried out by the environment health team complied with the guidelines as stipulated within the reports and therefore no objections could be raised in the report on an objective standpoint.

Councillor Sterling responded that she understood that planning was held to guidelines and law however considered that the light pollution would have an adverse impact even if below guidelines.

The Senior Planning Officer responded that the light would not beam through windows and would only illuminate the exterior of the dwelling.

Councillor Moist considered that the parking diagram which had been shown was misleading in terms of limited parking. He asked whether the usage of the artificial grass pitch would only be restricted to 11 a side or whether training teams would utilise the facility and would it be utilised for small side junior teams? Attendance by spectators would also increase traffic as secondary usage of the site. Finally, while the shortage of pitches in accordance with the playing pitch strategy had been highlighted, he considered that the two north Durham pitches could be better situated in other areas of north Durham.

Councillor Roberts remarked that the only way an artificial pitch would be financially sustainable would be by increasing the usage of the pitches therefore 8 a side teams could be used three times at the same time for more income than one 11 a side game. Therefore, it would be assumed that usage would be increased above and beyond the current levels and parking demand would increase exponentially. She added that plastic pitches had a 10-year lifespan and procedures must be put in place for its disposal at the end of this time.

Councillor Atkinson reiterated the main issues about parking congestion. Councillor Jopling further raised the parking supply and demand issue. The proposal would not be a like for like replacement and usage would increase. Human nature would increase the parking issues further by cars that were situated as close to the final destination as possible. Councillor Jopling **moved** that the application be refused as it was contrary to Policies 31 and 29 of the County Durham Plan.

Members asked that if the application was rejected on highways grounds whether the Council would be able to defend this on appeal.

The Highways Officer and Legal Officer both advised that although the proposal would have a highways impact, it fell within current regulations

and advised that if the proposed was refused on highways grounds this would not be sustainable on appeal.

Councillor Watson suggested that the introduction of a parking permit system may address some of the local residents' concerns.

Councillor Sterling suggested the application be deferred until a more representative traffic survey could be carried out.

Councillor Earley considered that the Park View Academy had been unfortunate to be victims of their own success. He believed that an approved application would create more conflict with local residents.

The Legal Officer sought clarity from Members on the reasons they were proposing for refusal of the application. Councillor Jopling **moved** that the application be refused on the grounds of its impact on the environment and residential amenity and on the historical setting. The impact on residential amenity in terms of noise and lighting pollution was contrary to Policy 31 of the County Durham Plan and the impact on heritage assets was contrary to Policy 44 of the County Durham Plan, such impact not being outweighed by the public benefit of the application. **Seconded** by Councillor Shaw.

Upon a vote being taken it was:

**Resolved**

That the application be **refused** on the grounds of its impact on the environment and residential amenity and on the historical setting. The impact on residential amenity in terms of noise and lighting pollution was contrary to Policy 31 of the County Durham Plan and the impact on heritage assets was contrary to Policy 44 of the County Durham Plan, such impact not being outweighed by the public benefit of the application.

**b DM/23/01721/FPA - Land North Of Fenton Well Lane, Great Lumley**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of a single storey dwelling and associated access and landscaping works on land to the north of Fenton Well Lane, Great Lumley (for copy see file of Minutes).

G Spurgeon, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial image, photographs of the site, proposed plans proposed elevations and roof plan and proposed visualisations. Members of the Committee had visited the site and were familiar with the location and setting.



Councillor P Heaviside, local Member, addressed the Committee. The application was supported by the Parish Council which had also supported the previously withdrawn application for the site. The proposed development would dispose of the last remaining brownfield site in the village of Great Lumley. There was no doubt that this had previously been a brownfield site with evidence of the previous development on the site, a former school, still being evident. The site had become a focus for fly tipping and the track to the site had been used for anti-social behaviour including drug taking.

The development site was only 50 metres inside of the greenbelt and was sustainable, being located close to local amenities. There was a shortage of three- bedroomed homes in the area and a recent application for development at Sherburn which was within the greenbelt had been approved.

Councillor Heaviside asked the Committee to consider the application on its merits and to approve the application.

G Dobson, agent for the applicant, addressed the Committee.

Mr Dobson informed the Committee that rather than repeat what had been said as part of the presentation he wished to focus on the key issues in this case as identified in the draft reasons for refusal.

Planning permission was sought for a modern single storey detached bungalow designed to be barrier free and support lifelong living. The building was 'U' shaped in form and had been designed to 'sit low' and integrate within the landscape. It employed a 'living vegetation' green roof and provided for solar and thermal panels to maximise sustainability.

The first proposed reason for refusal drafted by Officers related to the Green Belt status of the site. This was a previously developed site and had been accepted as such by Planning Officers. As home to the former Lumley Boys School, it was not an undeveloped greenfield site.

Durham County Council Planning Officers had recommended that the site not be included in Green Belt in the Draft version of the County Durham Plan. This recommendation was removed at the last hurdle. Durham County Council Officers assessment at the time was *"removal of the site from the greenbelt would not be visually intrusive nor would it impact on the openness"*.

At no point during the Plan preparation process were any objections from the public received to the proposal to remove the site from the Green Belt.

Paragraph 148 of the National Planning Policy Framework provided clear guidance for determining applications for development in the Green Belt. To support development proposals in Greenbelt it was necessary to demonstrate 'very special circumstances'.

Paragraph 148 of the NPPF made it clear that 'very special circumstances' existed when the potential harm to the Green Belt resulting from the proposal, was clearly outweighed by other considerations. The specific circumstances in this instance were unusual and cumulatively could be deemed to constitute 'very special circumstances' when viewed along with other material considerations. These were that Council Officers had previously supported deletion of this site from the Green Belt, the site was brownfield previously developed land and as such represented a more sustainable form of development than development on greenfield land, the site had been recognised by the Council as untidy and a focus for anti-social behaviour and not making a positive contribution to the amenity of the area in its current form, the development would deliver a biodiversity net gain on the site as a result of the landscaping proposals for the site which would enhance biodiversity compared to the current status. In its current form and condition the site made limited contribution to the fundamental aim of Green Belt policy defined at paragraph 137 of the NPPF, which was to prevent urban sprawl by keeping land permanently open. The application site was within 900 metres or 10 minutes' walk of services within the village which comprised a Co-op food store, convenience store, community centre, gym, nursery, primary school, two public houses, and various hot food takeaways, all of which were connected by lit footpaths. In addition, there was a bus stop within 150m of the site which was served by the No.78 and No.71 bus.

It was submitted that this was an instance where site specific considerations mean that the proposed development would not give rise to harm to the Green Belt. Given the case for 'very special circumstances' identified above and that, it was reasonable to argue that the site was located within the village envelope, thus justifying infill development, there was a justified case for supporting the proposal in this Green Belt location.

Finally, regarding the proposed second reason for refusal, it was contested that the application site was not located in open countryside and did not compromise the special qualities of the surrounding Area of Higher Landscape Value. As such Policy 10 and Policy 39 did not apply to the proposal. In response to the previous refusal of permission, a comprehensive landscaping proposal had been prepared and was lodged with the application. This incorporated specific landscaping measures to strengthen the site boundary and integrate the development within the wider landscape.

It was within the gift of the Committee to grant permission for the proposed development. The applicant was of the view there was sufficient justification to do this as outlined. Fundamentally, to grant permission would not conflict with the fundamental aim of Green Belt, there was justification for very special circumstances, the location was sustainable and landscape impact was now successfully mitigated in the current scheme. Mr Gibson requested the Committee to grant permission.

Councillor Blakey informed the Committee she had attended the site visit and found it difficult to explain a former brownfield site which was now in the greenbelt. The foundation and structures of the previous development on the site were still visible. If the application was to be approved Councillor Blakey asked whether a Condition could be placed that the applicant used the existing dressed stone on site for landscaping.

The Senior Planning Officer doubted whether there would be enough material on site to use for building but further details regarding boundary treatments could be Conditioned.

Councillor Blakey understood the need for greenbelt protection, but greenbelt had been moved in the past. Policy 29 of the County Durham Plan related to sustainable design and the proposed development would incorporate solar panels. The development would sit below the level of the surrounding countryside and would have no impact on the landscape. Councillor Blakey **moved** that the application be approved subject to a Condition that the applicant used as much material currently on the site.

The Senior Planning Officer replied that while the use of solar panels and a living vegetation green roof were a benefit, they were not special circumstances to allow development within the greenbelt.

Councillor Earley considered that the application continued to stick on the greenbelt issue, which had been explored with inspectors during the draft stage of the County Durham Plan, with the inspectors concluding that this was greenbelt. Councillor Earley **moved** that the application be refused for the reasons detailed in the report.

Councillor Jopling considered the site to be brownfield, adding that there had previously been a school on the site. The area currently looked like ugly scrubland. Because the site was brownfield with remnants of the previous building still on it she considered this gave the Committee the leeway to approve the application. The proposed building was a low-rise property with a living roof and Councillor Jopling agreed with Councillor Blakey that the application should be approved.

C Cuskin, Senior Lawyer Regulatory and Enforcement informed the Committee that while it was not disputed that the site had previously been developed, very special circumstances were needed to approve the application to justify the harm to the greenbelt.

Councillor Blakey did not consider the development would cause any harm to the greenbelt, adding that more harm through anti-social behaviour was taking place now on the site.

The Senior Lawyer Regulatory and Enforcement replied that under the NPPF inappropriate development in the greenbelt was considered as harm.

Councillor Moist considered that the application complied with Paragraphs 12 and 15 of the NPPF and also complied with Paragraph 174 of the NPPF in that it would enhance the local environment. He considered that any development at this location would enhance the local environment given that the site was currently plagued by issues of anti-social behaviour. If the application was approved it would enhance and protect the greenbelt.

Councillor Watson informed the Committee that this was a brownfield site and the application was supported by the Parish Council. This was the last brownfield site and the development would enhance the area. He considered these were the special circumstances to allow the application to be approved.

The Senior Planning Officer referred to Committee to NPPF 13 which related to the protection of greenbelt land. The aim of greenbelt policy was to prevent urban sprawl by keeping land permanently open, the essential characteristics of greenbelt were their openness and their permanence. This site was detached from the development of Great Lumley and the County Council had existing powers under s215 of the Town and Country Planning Act to deal with the issue of untidy land. Previous applications put forward for this site had cited similar special circumstances and a consistent view had been taken in the past.

The Senior Lawyer Regulatory and Enforcement sought clarity from the Committee on what it considered the very special circumstances to be in this case.

Councillor Watson replied that it was a brownfield site, the proposal would enhance the area, it was the last brownfield site in the village and the development would be of a benefit to the whole village.

The Senior Lawyer Regulatory and Enforcement sought confirmation that the Committee considered that the benefits to the area and improvements

to the site would outweigh the greenbelt protection and development in the countryside.

Councillor Jopling considered that the proposed development would not make any significant difference to the countryside. The development was a low-rise property with a grass roof on what was currently scrubland. The development would tidy the area and bring benefits to those living nearby from the reduction in anti-social behaviour. The development would not make a significant difference to the greenbelt.

The Senior Lawyer Regulatory and Enforcement sought delegated authority from the Committee, should the application be approved, for a suite of Conditions and legal agreement to be delegated to officers in consultation with the Chair.

**Moved** by Councillor Blakey, **Seconded** by Councillor Watson that the application be approved.

Upon a vote being taken it was:

**Resolved:**

That the application be **approved** and that delegated authority be given to officers in consultation with the Chair for a suite of Conditions and legal agreement.

**c DM/23/00446/FPA - The Chelmsford, Front Street, Ebchester, Consett, DH8 0PJ**

The Committee considered a report of the Planning Officer regarding an application for the change of use from commercial (Public House) to a five bedroom residential dwelling (C3) at The Chelmsford, Front Street, Ebchester, Consett (for copy see file of Minutes).

L Dalby, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, site photographs, proposed floor plans and proposed elevations.

Councillor S Robinson, who had registered to speak on the application, informed the Committee he would yield to Councillor W Stelling to speak as local Member. The Senior Lawyer Regulatory and Enforcement sought clarity from Councillor Stelling as to in what capacity he would be addressing the Committee, as local Member or as part of the debate. If Councillor Stelling wished to speak as part of the Committee and had no interest in the application then the appropriate time to speak would be when the application was opened to debate by the Committee. Councillor Stelling asked the applicant whether she wished for him to speak as a Member of the Committee and take part in the vote or speak as a local

Member and take no part in the decision process. The applicant wished for him to do the former.

Anna Philips addressed the Committee on behalf of the applicant in support of the application.

Ms Philips informed the Committee that the applicant was a hard-working woman who ran several businesses that contributed significantly to the local economy and employed dozens of people in the area. One of these was another hospitality business, The Crown and Crossed Swords. This pub and restaurant was thriving and demonstrated that the applicant had sound credentials in this area. The Chelmsford was never viable. The applicant had tried, over a number of years, to turn it into something better, but failed. It simply would not make enough money to justify its' continued existence.

Suggestions had been made around how to improve business. While the planning officer had expertise in planning matters he did not in hospitality. The applicant had decades of experience in hospitality. She had already tried everything within reason to increase business over several years, and all of this was in the pre-covid climate when hospitality was in a much healthier place. Post-pandemic many pubs were struggling, and many had closed their doors for good.

There was no prospect of the applicant re-opening The Chelmsford as a pub. If the proposal was not supported, this would leave the applicant in an impossible position, stuck with an asset that had not sold as a commercial prospect, with no offers from the local community to buy the building, unable to advertise it for sale as anything else, and burdening her financially just to keep it. All the while this historic building remained unused, was deteriorating and becoming an eyesore.

The applicant was being prevented from making efficient choices in respect of disposing of her own property, because of a process where she had no say in the matter.

The planning officer's advice to refuse the application boiled down to two matters, one of viability and one of the pub being viewed as a community asset. The applicant had demonstrated over many years that it was not a viable business. A report produced by Mr Cartmell, an expert in hospitality underlined this with repeated references to the building being a valuable community asset taking no account of the fact that it had not been open to the public for over three and a half years. It had not been any asset to the community at all in this time. The community facility that was referred to did not exist. Ms Philips asked how a decision against the applicant could be considered necessary to guard against the

unnecessary loss of valued and accessible facilities and services. There were no accessible facilities or services. The residents had not asked for it to be included on the list of community assets which suggested they did not consider it as such.

Ms Philips emphasised that The Chelmsford had now been closed as a pub for over three and a half years, and for sale for several years before it closed. Despite all the talk of a community buy out there had been no proposals submitted by the community to do so. The applicant would not be re-opening the business, and she could not be expected to run it at a loss, which would be the reality.

The overwhelming majority of the local community were not against this development. The letter from the chair of Ebchester Village Trust stated residents would rather see the building changed to a dwelling, if the alternative was for it to stand empty.

The CAMRA assessment, which was not required, had not been used consistently in similar applications. The applicant believed this was unfair and disputed the findings of it in every respect. There were numerous other pubs all within easy commutable distance by public or private transport. Ebchester was on a major bus route. The Derwent Walk Inn was only 700 metres from the village, within easy walking distance for most people.

If this development did not go ahead, this building would be condemned to remain vacant. It would degrade, deteriorate, become derelict in time, and be a magnet for crime and anti-social behaviour. This would have the opposite effect of conserving it. It would contribute only negatively to the neighbourhood.

Ms Philips asked the Committee to approve the application.

Councillor J Atkinson raised a question about procedure regarding Councillor Stelling's role on the Committee for this application. Councillor Stelling had initially intended to speak as a local Member and following a discussion with the applicant had decided to speak as part of the debate and exercise his right to vote. Councillor Atkinson considered this to demonstrate pre-determination. The Senior Lawyer Regulatory and Enforcement replied it was for each individual Member whether they wished to declare an interest in any particular matter and asked Councillor Stelling to confirm he was approaching this application with an open mind, would listen to the debate and had not made a final decision. Councillor Stelling replied that the application was within his electoral division but he had no interest at all with the applicant or the property. Councillor Stelling thought he could speak as the local Member and also remain in the meeting because he had no interest in the application otherwise he would

have spoken in support of the applicant, not voted and left the meeting. The Senior Lawyer Regulatory and Enforcement replied that the problem was that the matter was getting into the realms of perception. Councillor Stelling, while confirming he had no interest at all in the application and was approaching the application with an open mind replied that he would leave the meeting.

Councillor Stelling left the meeting and took no part in the debate or decision.

Councillor Earley informed the Committee that while he could see the reasons for the officer recommendation, the pub had never been a going concern and had always struggled. Councillor Earley could not see this changing.

Councillor Jopling understood that the hospitality industry, particularly pubs, had suffered badly post-Covid. An amenity would only be taken away if it was used, and the people who ran the business would know whether it was viable. Councillor Jopling did not consider this to be an amenity.

Councillor Sterling considered that the pub was not a going concern and was not operating as one. The applicant currently ran a successful pub elsewhere and if this building was to become a financial burden to the applicant then this could jeopardise her other businesses.

Councillor Atkinson did not consider this to be the loss of a community asset and considered it had no future as a pub.

Councillor Blakey informed the Committee that while it was sad for another pub to be closed, people were not going out as much post-Covid and the hospitality trade had changed. Although a community buyout would have been welcomed, there had been no appetite for this. Councillor Blakey **moved** that the application be approved.

Councillor Watson **seconded** Councillor Blakey's motion. It was nonsense to consider this as a community asset and the pub had tried repeatedly to operate. There was a pub some 600 metres along the road and The Chelmsford was never going to be a successful business. This was a heritage site and the building was currently pulling the area down.

The Senior Lawyer Regulatory and Enforcement sought delegated authority from the Committee, should the application be approved, for a suite of Conditions and legal agreement to be delegated to officers in consultation with the Chair.



Upon a vote being taken it was:

**Resolved:**

That the application be **approved** and that delegated authority be given to officers in consultation with the Chair for a suite of Conditions and legal agreement.