

# **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 25 January 2024** at **9.30 am**

**Present:**

**Councillor E Peeke (Chair)**

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

Councillors W Stelling (Vice-Chair), G Binney, J Blakey, L Brown, L Fenwick (substitute for S Wilson), J Griffiths, P Jopling, J Purvis, K Shaw and A Watson

### **1 Apologies for Absence**

Apologies for absence were received from Councillors K Earley, B Moist, A Sterling and S Wilson.

### **2 Substitute Members**

Councillor L Fenwick substituted for Councillor S Wilson.

### **3 Minutes**

The minutes of the meeting held 30 November 2023 were agreed as a correct record and signed by the Chair.

### **4 Declarations of Interest**

There were no Declarations of Interest.

## **5 Applications to be determined by the Area Planning Committee (North)**

### **a DM/22/03451/FPA - Brown Horse Inn, High Stoop, Bishop Auckland, DL13 4HJ**

The Senior Planning Officer, George Spurgeon gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the extension to inn to accommodate swimming pool, gym, and 11 additional bedrooms, erection of new building for storage and function use, extension of car park (part retrospective) and was recommended for refusal, as set out within the report.

The Senior Planning Officer noted the location of the site, within 50 metres of the North Pennines Area of Outstanding Natural Beauty (AONB) and explained that works had started in terms of clearing land for the extension to the car park. Members were asked to note proposed elevations and floor plans, with the Senior Planning Officer noting that the plans represented a sizable extension to the existing property.

In respect of consultee responses, the Senior Planning Officer noted that Design and Conservation had concerns in relation to the size and massing, adding that the proposals were not well conceived and did not take into account the local vernacular. He added that the Landscape Section had concerns with the proposals in terms of the negative impact upon views of the AONB gateway, with the AONB Partnership also raised concern. The Senior Planning Officer explained that the Biodiversity Team had raised concern as no biodiversity net gain had been demonstrated, and Visit County Durham had noted that the lack of visitor accommodation was an issue in the county and therefore they supported the application. He noted that there had been six letters of objection, with details set out within the report.

The Senior Planning Officer noted that in terms of County Durham Plan (CDP) Policy 10, the application was an extension to an existing business, however, Officers had concern in respect of the pool and leisure element of the proposals, noting that operational costs did not appear to have been taken into account and the potential impact meant Officer felt the scheme was contrary to Policy 10. He added that Technical Officers responses had raised concerns in respect of the scale, massing, detailing and fenestration as well as not being able to demonstrate biodiversity net gain, or suitable BREEAM rating, and therefore was contrary to Policy 29.

The Senior Planning Officer concluded by noting that while an extension to an existing business would provide benefits, they were not sufficient to outweigh the harms as outlined in the report and presentation and therefore the recommendation was for refusal.

The Chair thanked the Senior Planning Officer and asked Councillor B Coult, Local Member, to speak in respect of the application.

Councillor B Coult thanked the Chair and Committee and noted she represented the Esh and Witton Gilbert Electoral Division. She noted she supported the Officer's recommendation for refusal, noting some works had been carried out without approval. She explained that the design was uncharacteristic and out of keeping with the area and noted that the applicant had not been able to demonstrate the viability of the proposed extension to the business. She added that concerns had been raised in relation to the proximity to the AONB and that there was a biodiversity net loss, with no offset elsewhere. Councillor B Coult noted that she had additional concerns as regards the impact upon the 'Dark Skies Discovery Sites' within the AONB from light pollution from the proposed development. She concluded by asking Members to refuse the application as it was contrary to Policies 8, 10, 29, 38 and 39 of the CDP and also Paragraphs 88, 135, 139 and 180 of the National Planning Policy Framework (NPPF).

The Chair thanked Councillor B Coult and asked Malcom Campbell, local resident in objection, to speak on the application.

M Campbell noted he lived at High House Farm, where there was a collection of five houses, 16 adults and one child and explained that no one used the pub as a local resource. He noted that there appeared to be some confusion as regards the car park, having been built unlawfully, hence the part retrospective application, on a greenfield site. He reiterated that the car park was not on an existing part of the site, rather was on land that had been used as farmland and had been greenfield for at least 200 years. He added that the applicants had built without approval, stripping the topsoil away, creating a bed of clay. He added that the objections from himself and his neighbours also included objection to the visual impact the proposals would have, with the extensions having no resemblance to the host building and were of excessive size.

M Campbell noted that 'Building 2' was freestanding and would be of high visibility from the B6296, of high massing and be visually obtrusive. He added there was no justification for extensions of this size and scale, with no business case being provided in terms of the additional 400m<sup>2</sup> of floor space being asked for. He noted that there was the possibility that 'Building 2' would eventually be converted to a house, adding that if submitted as a separate application, it was unlikely it would be granted.

M Campbell explained he supported the comments from the AONB Partnership in terms of the importance of the gateway into the AONB. He noted that the proposals were for the wrong building in the wrong place and noted no justification for the scale of development. He added that there was use for HGVs stopping overnight at the site, not disclosed to the Highways Section. He noted the business plan would struggle in terms of the number of rooms and swimming pool.

The Chair thanked M Campbell and asked Mike Matthews, Agent for the applicant, to speak in support of the application.

M Matthews explained that the application by Mr and Mrs Baines at the Brown Horse Inn was for a private swimming pool, along with a second building to act as a function suite with and noted that their local research was that a private swimming pool was normally not required to have planning consent. He added that the site was outside the conservation area, furthermore it was off the A68, next door to a caravan storage park, and it was the opinion of the applicant that the new development would enhance the area, showing a marked contemporary look.

M Matthews noted that the proposal involved redevelopment of the existing Brown Horse Inn to allow for much needed growth expansion to cope with additional requirements and new potential customers. He explained that there were two new buildings proposed on the site, with Building 1 to house a private swimming pool, new toilet block, changing facilities, lift to the first floor and bedrooms on the first floor. He noted that a further additional Building 2 was intended to offer a function suite and additional storage on the ground floor. He reiterated that the swimming pool was for guests staying at the Brown Horse Inn and was not being offered open to the public, for private guests only.

M Matthews noted the comment from the Planning Officer in respect of Policy 29 regarding BREEAM and noted that the applicant was not contesting this point, adding that they had offered a full SBEM Calculation along with the BREEAM assessment to be offered as condition, all as part of a fully comprehensive Building Regulations Application prior to the construction phase. He noted furthermore that CDP Policy 29 did not state the BREEAM assessment must be part of the planning documents, merely that the building must comply. He reiterated that the applicant would provide this as part of ongoing design Building Regulations Compliance Documentation, a regulatory requirement on any new building to be compliant.

M Matthews noted that the applicant had redesigned the building heights to comply with the Planning Officer's request and had been working with the Officer on this matter, and only at the late stage in late November did the applicant receive a definitive comment "no new height to exceed that of the existing". He noted that the applicant fully complied and the new height, which had been a major stumbling block from the Planning Officers had been fully approved by the Planner Officer.

M Matthew added that the Planning Officer extremely late in the process, December 2023, now stated that there may be an issue with the width of the building. He reiterated that the applicant had been working with the Planning Officers for over 12 months and had never had any comment, written or verbal until now. He added that he had asked for an extension so that the applicant could address this, however, the Planning Officer had insisted on the application going to Committee with a recommendation for refusal.

M Matthews explained that the applicant had complied with all building issues and in respect of the 10 metres landscape corridor suggested, the applicant owned a 4.85 acre site to the north of the site and would allocate an area within that for biodiversity. He concluded by asking that the Committee approve the application, subject to any conditions as appropriate.

The Chair thanked M Matthews and asked the Senior Planning Officer to address the points made by the speakers.

The Senior Planning Officer noted the Agent for the applicant had implied that planning permission for the pool was not required, however this was not the case, it constituted a building which was development and therefore required planning permission. In respect of Policy 29, he noted that all non-residential development needed to demonstrate a minimum BREEAM rating of very good, and it would be a condition in respect of verification of that rating being demonstrated. He noted that while the applicant noted that Building Regulations would be met, that in itself did not demonstrate that the buildings would meet the very good rating, and there would be additional evidence required for Officers to have confidence that rating could be achieved.

The Senior Planning Officer noted that the applicant had sought pre-application advice and had been in discussions with the Planning Department over an extended period of time, and the issue of the scale, character and design had consistently been raised with the applicant. He noted that original plans were for a four-storey development, scaled back to three storeys upon submission to the Planning Department, and further amended to the acceptable two storey height as in its current form.

He noted that while the Design and Conservation Team supported the principle of development, there were still issues in respect of design, detailing that would require changes. He added that he would disagree with the Agent in terms of the decision to send the application to Committee, noting that there had been six months, a significant amount of time, where appropriate details had not been forthcoming. He added that as the external design was driven by the internal use there would not simply need to be a few design tweaks, rather the applicant would have to fundamentally redesign the scheme to address issues of scale and design. He concluded by noting that no further information as regards demonstrating biodiversity net gain had been provided, therefore the application was contrary to Policy 41.

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

Councillor K Shaw noted the serious concerns raised by Officers and asked if Officers felt the issues could be addressed if Members were minded to defer the application, or whether it would require a different application to come forward. The Senior Planning Officer noted it was the view of Officers that the application in its current form was quite far away from what would be deemed acceptable. He noted that it would best to draw a line under the current application and for a further application to be submitted.

Councillor L Brown asked for the distance to the nearest public transport links and whether Policy 29 and the Residential Amenity Supplementary Planning Document referred to extensions to be subservient to the original building. The Senior Planning Officer noted that it was usual for extensions to be subservient to the host building, and there had been conversations with the applicant in terms of whether that referred to the original or extended building. He noted that in either case the proposals were of a significant scale. In respect of public transport, the Senior Planning Officer noted there was no realistic possibility of using public transport, a travel via car would be required. He noted that the NPPF did note there may be exceptions where there may not be public transport links in rural areas.

Councillor J Blakey noted the report, speakers and responses from the Officers and explained that she felt that the proposals were not appropriate for the site, given the scale and close proximity to the AONB and therefore she would move refusal of the application, as per the Officer's recommendation.

Councillor P Jopling noted the comments from the Senior Planning Officer and noted that the application was a very ambitious scheme.

She noted she used to trade in that area and understood there was a need for visitor accommodation, however, the scheme to include a pool seemed a step too far. She noted that the type of visitor that would stay at such accommodation would very likely not expect a pool to be made available. She understood from the comments from the Senior Planning Officer that a new application would be required in order to address the issues with the current scheme and therefore she felt in agreement with the Officers. She concluded by noting that while there was a need for additional visitor accommodation, and she felt it was possible for a suitable scheme for this site, the scheme proposed was not brilliant and the pool was unnecessary. She seconded the motion for refusal.

Upon a motion being put, it was:

### **RESOLVED**

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