

DURHAM COUNTY COUNCIL

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

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, V Andrews, J Atkinson, D Brown, L Brown, L Maddison, G Richardson, G Smith, M Stead and C Varty (Substitute)

Also Present:

Councillors R Bell and C Kay

1 Apologies for Absence

Apologies for absence were received from Councillors S Quinn and S Zair.

2 Substitute Members

Councillor C Varty substituted for Councillor S Quinn.

3 Declarations of Interest

Councillor J Quinn declared an interest in agenda item 5c) stating that he had immediate family who lived near the development and he had campaigned against the planning application in the past. He agreed to step down as Chair and leave the meeting. The Vice Chair Councillor A Savory would Chair the remainder of the meeting.

4 Minutes

The minutes of the meeting held on 17 October 2024 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/01578/FPA - Farm Buildings At Low Houses, Woodside, Newbiggin, Barnard Castle, DL12 0UJ

The committee considered a report of the Planning Officer that was for a retrospective application for alterations and change of use of general purpose agricultural building to agricultural livestock building to include the keeping of pigs (amended description) at Farm Buildings At Low Houses, Woodside, Newbiggin, Barnard Castle, DL12 0UJ (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included aerial images, site plan, elevations of the building and site photographs that showed the front and rear of the building and the position of the residential buildings. 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. The barn was in place and was the subject of a Prior Notification application under Part 6 of the GPDO June 2021 for the erection of an extension to an agricultural building which was to be used for general hay and farm machinery storage. Alterations had been made to the barn and it was understood that it had not be used for the purposes it was intended. It was currently being used to house pigs within 400 metres of a protected building (residential dwelling). The site lay within flood zone 3a and within the Nutrient Neutrality catchment area.

The application had received no objections from Middleton in Teesdale Parish Council, the Environmental Agency, the Highways Authority, the Lead Local Flood Authority and Natural England although they did require that a Habitat Regulations Assessment be completed. Environmental Health and Consumer Protection (Nuisance) had objected to the application as the proposals were considered likely to cause a statutory nuisance that no condition could mitigate. There were letters of objection from four individuals and from three individuals in support from occupiers of the nearby properties. Councillor T Henderson, local member had opposed the application.

Councillor R Bell, local member who was in support of the application had called it to committee. The application was considered contrary to Policy 31 and conflicted with Policy 10 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework as there would be unacceptable air/odour and noise pollution which could not be mitigated. It was officers' recommendation to refuse the application.

Councillor R Bell, local member addressed the committee in support of the application. Although the application was retrospective, he felt it should be considered on its own merits.

Councillor R Bell was concerned that objections were based on a desk top assessment for noise, smells, intrusive lights and insects. He advised that no intrusive lights would be used in the vicinity as why would a farmer illuminate the area and the pig waste would be removed from the farm. He had visited the farm twice; once on a hot summers day and once on an autumn windy day where there was minimal odour and noise when either the barn door was open or closed. He queried on what basis or what evidence there was for refusal on the grounds of noise as the main objector's property was next to a noisy main road with lorries carrying loads from the quarry. The farm was hit by winds from the southwest which carried away any odours from the houses.

Councillor R Bell stated that objection on the grounds of statutory nuisance was a red herring as a statutory nuisance was an issue that unreasonably interfered with a person's right to use or enjoy their property and where there was such interference was prohibited by statute or was such that it was prejudicial to health. The interference was required to be excessive, regular and constant therefore could not be relied upon. He thought this should be omitted as a site visit had not taken place by officers. In his opinion any smells would disappear before they reached the dwellings. There was support from close neighbours who were 180 metres to the north. He did not feel that a planning decision should be made on future residents of the properties. The properties were owned by Raby estates and any future tenants would have knowledge that there were pigs in the vicinity. There was a holiday cottage nearby that was evident there were no issues as the property was lettable and not affected by the pig operation. It was a lengthy report to which Mr Wood had complied expletively and had liaised with Environmental Health and Natural England to navigate the planning system. As there had been no site visit carried by officers he felt there were no grounds to refuse and hoped committee would overturn the officer's recommendation and approve the application.

Councillor J Quinn for clarity explained that a site visit had taken place but was not well attended by members.

Ms M Ferguson addressed the committee on behalf of Mrs Davies who was a resident of the nearby dwelling who objected to the application. She stated that 50% of her work was for farmers submitting planning applications. Mrs Davies was opposed to the development as her property was 170 metres to the north-east from the site and the storage of pigs had been harmful to her health. She noted that one neighbour had moved due to the impact. The development was in breach of planning control as the storage of pigs was contrary to the original planning approval in 2014 stating it was for storage purposes not livestock and livestock should not be kept within 400 metres of residential dwellings.

Ms M Ferguson informed committee that there was a phasing out of the Basic Payment Scheme subsidy payments made to farmers but this application showed the applicant had invested in the barn concluding that his intention was to use the barn for livestock all along. She advised that Mrs Davies had had no issues until the building was used for keeping pigs as her asthma had worsened and she had 11 visits to the doctors who stated she had an allergy to pigs. The odour has impacted her enjoyment of her property as she has not been able to enjoy her garden in the summer, she had to keep her windows closed, she had not been able to hang her washing outside or invite friends to her home. She stated that on bad days Mrs Davies had to leave the property altogether. The application was contrary to Policy 10 and she asked that the committee refuse the application.

Mr E Wood, Applicant addressed the committee in support of the application. He could not believe that the application had been called to committee as farmers had found it more difficult to make a living as market value did not match inflation. This difficulty was increased with subsidies from the government to farmers being phased out and farmers being told they needed to diversify. As the farm was in an Area of Outstanding Natural Beauty (AONB) it was difficult to diversify without affecting the look of the dales. He had cattle and sheep but needed a cash flow for part time workers and specialist projects like dry stone walling. Environmental Health had objected as it was likely to cause a statutory nuisance but with the closest property being 173 metres away the noise was inaudible. He had asked officers to carry out a site visit but they had not obliged. He had received an impromptu check by the Environment Agency who had no issues with the barn or the water or waste management. The holiday cottage was run by his mam and the pigs had not impacted on this business. He felt the objection from the objector was unfounded as other residents were supportive. It was a bit tight in the shed with 240 pigs and the ability to open the rest of the shed would give them more room. He confirmed that he would not increase the number of pigs he kept therefore the smell would not increase.

G Spurgeon, Principal Planning Officer clarified that whether the proposals caused a statutory nuisance was considered as part of the planning application process, but with the key test being whether the proposals would adversely impact on residential amenity and with this being a lower threshold than what may represent a statutory nuisance. He clarified that the applicant stated there were 240 pigs being stored in the original part of the building (granted permission in 2006 with no restrictions over its use). As such, the planning authority did not have any constraints to limit the number of pigs stored in this part of the building and could not prevent the applicant from adding more if the application were to be approved.

J Hayes, Principal Environment Protection Officer was concerned that the storage of pigs so close to residential dwellings would likely cause a statutory nuisance with noise and odour which would interfere with the amenities. There were 240 pigs close to the residential property and based on the shed could keep a greater number of pigs. The Principal Environment Protection Officer noted that the submitted Odour Modelling Report referenced pigs weighing 7-80kg, the current pigs on site were 7-30kg, with the odour being offensive to the closest property.

The Principal Environment Protection Officer had 26 years of experience in environmental health and had worked in farming and did not like objecting to the planning application but as the building was so close to residential dwellings, he had to object on the grounds it would likely cause a statutory nuisance.

The Principal Planning Officer clarified that Environmental Health had attended the site visit along with desk top surveys to determine their objection, as well as liaising with the Nuisance Action Team who had also attended to deal with complaints received from residents.

The Principal Environment Protection Officer stated that any application was subject to a desk top survey to look at pollution control even though the Environment Agency might have no issues in relation to the development being within a flood plain; whilst keeping a significant number of pigs would require a permit. A permit was not required at present therefore no enforcement action or regulation from the Environment Agency was available.

The Chair opened up the meeting for questions and debate.

Councillor E Adam had attended the site visit. He stated that there was a focus on noise and smell as being a factor for refusal referencing non-compliance to Policy 10 and 31. He thought that farms generally smelt. He asked if there had been any measurements taken in relation to odour and noise if they were likely to cause a statutory nuisance.

The applicant agreed that there would be an element of smell and odour when keeping animals and the spreading of biosolids. He commented that cows were smellier than pigs. However the pig slurry was removed from the farm and taken away to be used on arable land.

The Principal Environment Protection Officer confirmed that there had been no measurements taken in relation to noise or odour but a judgement made on visits to the farm regarding the complaints as the proximity of the barn to residential properties was unreasonably close.

Councillor E Adam was satisfied with the answer but believed that the odour would be created from the spreading on the fields. He asked what storage would be provided for slurry going forward.

The applicant confirmed he would liaise Natural England regarding the increase in nitrates by the pigs which was taken away from the farm and spread on arable land.

Councillor L Brown asked why it was the tenant making the application and not Raby estates.

The Principal Planning Officer could not answer why Raby estates had not made the application.

Councillor M Stead asked if the complaints had come from just one person or from different separate parties. He added that he did not like retrospective planning applications. He queried if the pigs were removed from the farm if the applicant could buy slurry from elsewhere to spread as he did not see the difference between making it himself or buying it from elsewhere.

The Principal Environment Protection Officer confirmed that there had been more than one complainant.

The applicant confirmed that although the slurry was taken from the farm, he could indeed buy slurry from elsewhere to spread on the land.

Councillor D Brown had noticed whilst attending the site visit that there was no major noise or smells within the vicinity of the barn. He noted that the drawings for the development had been created by S&A Fabrications which were a local firm with a national reputation in May 2021. He asked at that point if the applicant had had an idea of what he would store in the building. As the applicant was a tenant of Raby Estate he asked if he had consulted with the agent about his ideas.

L Ackermann, Legal Officer (Planning and Highways) stated that the planning committee were to look at the position now and not three years ago. An application had been submitted to erect a barn and at the time it could only be used for agriculture storage use and not for livestock. This was because the General Permitted Development Order did not permit the erection of buildings for livestock within 400 metres of the curtilage of a protected building i.e. a residential dwelling. The applicant had not applied to change the use of the building from agricultural storage to livestock. The use of the building for livestock prior to determination of the application by the committee was not permitted.

Councillor E Adam based on Councillor M Stead's comments asked how many residents of the properties had complained from 2022 to the present.

The Principal Environment Protection Officer confirmed that two residents from the nearby properties had complained over that time period.

Councillor L Brown asked what was the potential number of pigs that could be stored in the barn if approval was granted. She was glad that the slurry was spread elsewhere away from the farm.

The applicant stated that approximately 600 pigs could be kept in the barn.

The Principal Planning Officer reiterated that whilst there were only 240 pigs at present there were no mechanisms in place to control the number of pigs which could be kept in the barn which could impact further on the noise and odour in the area.

Councillor V Andrews asked if there were different levels of odour from July in the height of summer and November in winter.

The Principal Environment Protection Officer acknowledged that there were reasonable variations with odour that occurred within the management of the farm. He had attended the recent site visit and there was not a strong odour present nor much noise but he had based the likelihood of a statutory nuisance being caused on the worst case scenario.

Councillor J Atkinson sympathised with the objectors as all farms gave off odours and noise but potentially these could be gotten used to. He was not in favour of retrospective planning applications as the process had not been followed correctly that would have given the objector the right to object in the right way. He **moved** to agree with officer recommendation to refuse the application.

Councillor G Richardson mentioned that he was a farmer although did not keep pigs. He thought it was a cracking building that stored straw in one half and pigs in the other half. He felt the committee should not assume that the applicant had used the building retrospectively. The livestock were housed for 9 weeks before being removed. He had not smelt anything major whilst on the site visit and he believed the site had not just been cleaned for their arrival. He felt there was good husbandry with the pigs being fed automatically reducing the amount of noise when the pigs were hungry. It was a legitimate business where the applicant wanted to put the pigs into the other side of the barn for extra space but not increase the number of pigs. He felt that people who lived in the countryside should accept the countryside as was and not try to change it. He **moved** to disagree with the officer recommendation and approve the application.

Councillor E Adam **seconded** the application for approval as although he did not like retrospective planning applications it did happen. Although refusal was based on Policy 10 and Policy 31 there was not sufficient information that there would be an impact on the environment. He sympathised with the objector but he had found no issues of noise or odour whilst on the site visit. The bed and breakfast pigs were brought in as piglets making little noise and odour, fed up before being removed. This was a small diversification for the farm to be economical which would not have a significant impact on the houses as the wind would blow away most of the smell. There was already noise and air pollution from the nearby busy road.

Councillor L Brown **seconded** the application for refusal as there were no conditions in place to control the number of pigs which could be stored in the barn.

The Legal Officer (Planning and Highways) reminded the members that due to outstanding issues with regards to nutrient neutrality the committee could only be minded to approve the application. She requested that delegated authority be given by the committee to officers in order to approve any conditions required on the planning permission as given the recommendation by the Planning Officer was refusal no conditions had been suggested in the report. The Legal Officer asked the mover and seconder of the approval motion if they were happy to accept these terms.

Councillors G Richardson and E Adam agreed.

Upon a vote it was:

Resolved:

That the Committee were **MINDED TO APPROVE** the application, subject to Nutrient Neutrality issues being resolved and a suite of conditions to be delegated to Officers, in consultation with the Chair and Vice-Chair of the Committee.

b DM/23/01109/FPA - Land North Of Unit 13, Coundon Industrial Estate, Coundon, DL14 8NR

The committee considered a report of the Planning Officer which was a part retrospective application for the change of use of land as storage facility (Class B8) in association with scaffolding business, associated structures, fencing and hard surfacing on land North of Unit 13, Coundon Industrial Estate, Coundon, DL14 8NR (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included the site location, the topography of the site, site photographs, the block plan for the existing site and the proposals for the expansion, the fence and racking details. 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. The site was to the north of Coundon Industrial Estate which was designated as a protected employment site. The business was already operating from the site and proposed to extend the racking and hard surfaced area for storage and parking. Planning permission had been granted in 2007 for an equestrian paddock and stable. The site was then divided into two parts and sold. There were no objections from Highways or Spatial Policy.

The Environmental Health and Consumer Protection raised concerns that the proposal was likely to cause a statutory nuisance due to the proximity to residential housing and the lack of a buffer zone. There was one letter of objection from the Durham Aged Miners group who owned the nearby properties. It was officers' recommendation to refuse the application.

Councillor C Kay, local member addressed the committee in support of the application. He was a Coundon lad and knew the site very well. His dad had worked on the site when it was a hive of activity. The area fell into disuse but over the years had turned a corner attracting businesses to the area. This site had been protected for commercial use only. Although Durham Aged Miners had submitted an objection there had been no objections highlighted by residents. The business employed 18 members of staff which was good for the local economy. The vans were loaded and unloaded in a 20 minute window in the afternoon to reduce any impact on residents. The expansion of the business would increase the reputation of the area and grow a business where it was supposed to be grown. He stated that businesses should be supported.

Mr M Lee, Agent addressed the committee in support of the application on behalf of the applicants who were two local brothers, born and raised in Coundon. The brothers had been made redundant and needed to act to provide for their young families so built a scaffolding business which provided employment for eighteen people in the local area. They required a secure and protected storage yard for their scaffolding equipment and vehicles. They regretted submitting a retrospective application as they were not aware of the planning policies but had worked with planning officers once they were aware. They had tried to reduce the impact of any noise and disturbance for residents and had agreed to re-arrange their site and investigate the installation of acoustic fencing/wraps.

The applicants had asked if a noise assessment would be required but were informed that their business would be lost in the existing background noise from the industrial estate therefore this was not prepared. The applicants were happy to work within conditioned working hours/management plan to prevent any potential Anti-Social noise from the yard.

The application site was located at Coundon Industrial Estate which was a protected employment site and had been declared as a buffer between residential dwellings and the Industrial Estate. In 2007 the Wear Valley Local Plan identified the land for employment which recognised this as a long term allocation. The land had been used as a paddock but was now needed for the Scaffolding Business which created a clear use of land which aligned with the NPPF. He hoped that members of the Planning Committee could provide support to the application. He also felt that Policy 10 was not relevant to the application as the development was not in the country.

The Principal Planning Officer agreed that reference to Policy 10 within the refusal reason would be omitted in the event of a refusal as it did not apply as the site was not in the countryside. He confirmed that the land was a protected employment site and there had previously been one single owner who had received permission to use the land as a paddock. The north of the site was sold off and in doing so removed the buffer between the employment site and residential dwellings which were within 10 metres of the site. Previously planning permission had been granted for a vehicular repair business on the wider site with the buildings themselves shown in the southern area and a car parking area to the northern area, which formed the current application site, which acted as a buffer. He added that had the applicants bought the southern part of land when it had been divided into two parts the recommendation may have been judged differently. Although the applicant had stated that they would load and unload their vans at specific times there were no mechanisms in place to control that. The application was to extend the hard standing area which could be used for alternative purposes within the B8 use class which could create a greater impact.

The Principal Environment Protection Officer had inherited the case from a colleague who had concerns in relation to the B8 use of the site and the noise which would impact residents who were within 10 metres of the site affecting their bedroom or living space. The scaffolding was up against a non-acoustic fence which would not reduce any noise generated from loading and unloading the vans with long steel pipes. There was a requirement for a buffer to separate the two zones.

Councillor L Brown stated that the Durham Aged Miners bungalows had been built in 1937 and the land had only been protected for Employment land twenty years ago. She found it difficult to determine why they would protect land so close to already established bungalows.

The Principal Planning Officer noted that a planning application had been refused for dwellings on this site as it had been allocated as employment land. The issue was in the way the land had been sold.

The application site was a smaller part of what was previously a larger plot and had the southern part of the site been purchased the applicant could have had carried out their activity away from the residential properties.

Councillor E Adam raised a query regarding the land being registered for B8 use and asked what the land could be used for.

The Principal Planning Officer responded that the land was a B8 class used for storage and in the use as a distribution centre. As the business loaded and unloaded metal scaffolding there was the issue of noise.

Councillor E Adam asked that if the land was for the use of storage or a distribution centre could this be used for the storage and packing of boxes.

The Principal Planning Officer confirmed that the land could be used for the storage and packing of boxes or storage of several items which could be noisy. The planning authority would be unaware unless they were informed.

Councillor E Adam asked if the operation of the business could be curtailed to certain times of the day and if the applicant had been given the opportunity to purchase the southern part of the land.

The applicant verified that they had wanted to buy all the land but the southern piece had already been sold when they were offered the northern piece to buy. He added that scaffolding was taken from site to site and was only unloaded and loaded on an afternoon never on a morning. The business operated between the hours of 7.30am and 4pm and their employees were allowed 30 minutes to load and offload the vans.

Councillor E Adam asked if the business operated from Monday to Friday.

The applicant confirmed they operated Monday to Friday and sometimes on Saturdays. He reassured the committee that if work was carried out on a Saturday vans were loaded the night before then unloaded at lunch time.

Councillor J Atkinson reiterated that the land was allocated for employment use therefore anyone operating in this area would no doubt make some form of noise. He did not like retrospective planning applications and asked what other uses the land was allocated for.

The Principal Planning Officer replied that the land could be used for B1, B2 and B8 use which could include office space. The wider issue was that in the use of the northern portion the buffer had been removed between the residential and employment land.

If the whole parcel of land had been purchased there would be an expectation that there would be a buffer between the two land uses as employment land should not go directly up to the boundary of residential land.

Councillor M Stead referred to google maps and had found a gate very close to the properties with a notice 'Twin Scaffolding' indicating the land had been used for scaffolding and would not make much difference to the residents. He pointed out that there was also a builder's merchant and auto cars within the industrial estate which would generate noise.

Councillor J Quinn pointed out that the application was retrospective and the 'twin scaffolding' was indeed the applicants business.

The applicant commented that if they lost the land there was nowhere suitable within Coundon they could store their scaffolding equipment. There would also be the loss of 18 jobs if the business had to close.

Councillor E Adam noticed on the site visit that the storage area was made of steel therefore steel on steel would have a significant noise impact. The request was to approve the extension of the storage area which although short lived could inhibit the resident's enjoying their homes. He was mindful that the applicant had agreed to install a sound barrier and asked if the storage area could be moved further away from the properties.

Councillor G Richardson had attended the site visit and had expected employment to be on employment land. He accepted that the cottages were close to the site but none of the residents had complained only a blanket objection received from Durham Aged Miners. He **moved** to go against the officer's recommendation and approve the application.

Councillor L Brown **seconded** the application for approval.

Councillor E Adam supported Councillor G Richardson but requested an additional condition for the applicants to change the position of the storage so equipment was away from the fence.

Councillor A Savory noted that the biggest factor was that the business employed 18 people.

The Legal Officer (Planning and Highways) having taken advice from the Planning Officer replied to Councillor E Adam that it had been determined that it would make no difference regarding noise if equipment was moved to a different area, given the narrow width of the application site. The Legal Officer explained that the application had been recommended for refusal and therefore conditions had not been added but the main ones proposed if the application was approved were conditions to grant permission on a personal basis, for the installation of an acoustic fence, and the hours of operation which would be included in a management plan. She asked that if there were any further conditions that these be delegated to officers and asked if the mover and seconder of the approval motion would be happy to accept these additions.

Councillors G Richardson and L Brown were happy with the conditions.

Mr Lee stated that the applicants agreed to the working hours and the installation of the acoustic fencing conditions.

Councillor L Brown asked for a condition to be added for the business to operate from 8am and not 7.30am.

The applicant did not agree to the later start as it would affect the finishing time when it got darker in winter. Although vans went out at 7.30am this tied in with noise generated by lorries on the busy main road.

Councillor L Brown retracted her request for the additional condition relating to the 8am start.

Councillor J Quinn also did not like retrospective planning applications but sometimes certain circumstances could not be avoided. He commended the applicants for working diligently with the council jumping through hoops to ensure things were done properly.

Councillor E Adam was not accepting of the argument regarding the changing of the layout but was mindful it was up to officers within the delegated powers to instil any additional conditions as required.

Upon a vote it was unanimous:

Resolved:

That the application be **APPROVED** subject to any conditions to be delegated to officers, in consultation with the Chair and Vice-Chair of the Committee.

Councillor J Quinn and Councillor M Stead left the meeting at 12.27pm

Councillor A Savory, Vice Chair (in the Chair)

c DM/21/03890/FPA - Land To The South Of Dean Road, Ferryhill, DL17 8ES

The committee considered a report of the Principal Planning Officer which was a detailed planning application for the erection of 53no. 2, 3 and 4 bedroom two storey dwellings with associated works on land to the South Of Dean Road, Ferryhill, DL17 8ES (for copy see file of minutes).

G Spurgeon, Principal Planning Officer gave a detailed presentation which included the site location, aerial photographs, site photographs, proposed layout to the site and the proposed house types. 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. The proposal was for 53 dwellings which had been reduced from 62. An area was to be created for a children's play space and a SuDs basin. There was a formal path to connect the development to the main road near a bus stop and sustainable travel. There were no objections from the Highways Authority, Coal Authority or the Lead Local Flood Authority. There were five letters of objection and one letter neither objecting nor supporting the application received. The application was subject to financial contribution requests from education and the NHS. It was officers' recommendation to approve the application subject to conditions within the report.

There were no registered speakers therefore the Chair opened up the committee to questions and debate.

Councillor E Adam stated that the application seemed straight forward with access to sustainable transport. He requested that the applicant improve the muddy footpath that linked the development to the bus stop to allow better accessibility for wheelchair users with dolomite or tarmac. However he understood that it may not be in the applicant's ownership.

The Principal Planning Officer responded that there was already an existing established road linking the development to the bus stop within 400 metres which fell within the recommended distance. The grassed path was an informal route which was slightly more direct at 350 metres and may not be suitable for wheelchair users. Given that a route within the recommended 40m distance would be available and suitable for all users this would not be added as a condition to the application.

The applicant confirmed that the path was not under their control and would be difficult to repair. There was another route available on an existing established road.

Councillor L Brown asked what the speed limit was on the main road that accessed the development, whether the visibility was adequate, the junction could take the additional traffic and queried whether solar panels would also be installed on the properties.

D Battensby confirmed that the junction had been designed to highway standards appropriate for a junction with the A167 and incorporated a protected right turn with a pocket available in the middle of the road for turning traffic. In terms of capacity the main access road had been assessed as part of phase one of the development and the modelling took into account the traffic generation for all phases of the complete site. The visibility at the junction had been based on the 85% percentile speed and not the posted speed limit as vehicle speeds could vary from the 40mph speed limit.

Councillor L Brown commented that the application had received three red marks by the Internal Design Review Panel and asked how these had been resolved to warrant officers' approval.

The Principal Planning Officer explained that the red scores had been resolved as a hedgerow was now proposed to be planted along the eastern boundary of the site, and due to the presence of bus stops within 400m and frequency of bus services providing regular access to key destinations within the County.

The applicant stated that the installation of air source heat pumps had elevated the development well above the building regulations therefore the properties did not require solar panels as well. Air heat source pumps had been used across other sites successfully however users required educating on how they worked.

Councillor J Atkinson was happy to **move** the application for approval.

Councillor G Richardson was satisfied with the application and **seconded** the application for approval.

Councillor E Adam was also happy with the proposal and was in support of approving the application. He asked that the applicant considered a recourse regarding the path.

Councillor L Brown requested that a condition be added to the application for construction to have an 8am start.

The Principal Planning Officer agreed that the new start time could be added to the application.

The Legal Officer (Planning and Highways) asked Councillor J Atkinson as mover and Councillor G Richardson as seconder if they were happy with a construction management plan to be added to the conditions to include a start time of 8am.

Councillors J Atkinson and G Richardson agreed.

Upon a vote it was unanimous;

Resolved:

That the application be **APPROVED** subject to the completion of legal agreements and conditions as outlined in the report.