

**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 10 January 2017** at **1.00 pm**

**Present:**

**Councillor P Taylor (Chairman)**

**Members of the Committee:**

Councillors G Bleasdale, J Clark, P Conway, M Davinson, D Freeman, C Kay, A Laing (Vice-Chairman), J Lethbridge, B Moir and K Shaw

**Also Present:**

Councillors G Holland and N Martin

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell, K Dearden, S Iveson, R Lumsdon and J Robinson.

**2 Substitute Members**

No notification of Substitute Members had been received.

**3 Declarations of Interest**

There were no Declarations of Interest submitted.

**4 Applications to be determined by the Area Planning Committee (Central & East Durham)**

**a DM/16/02695/FPA - 16 Nevilledale Terrace, Durham, DH1 4QG**

The Principal Planning Officer, Alan Dobie 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). Councillors were reminded that the application had been considered by Committee at its meeting held 8 November 2017, with Members having resolved to defer the application to allow for further discussions with the applicant and information to be brought back to Committee.

Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that Members of the Committee had previously visited the site and were familiar with the location and setting. The application was for the erection of single-storey extension at rear of dwelling (retrospective application) and was recommended for approval, subject to the agreed alteration works being carried out within 3 months of the date of approval.

Members were reminded that an application for a flat roof extension had been approved in 2015, however, it had been brought to the Authority's attention that the extension was: slightly taller than the permission; used slightly different windows; used a different roof lantern; and the brick type had not been formally approved as required by planning condition. Accordingly, a retrospective application was required. The Principal Planning Officer explained that the retrospective application had sought to mitigate the issues that had been identified, and referred Members to the Table on page 4 of the Committee Report which set out the differences between the approved scheme, the scheme as constructed and the amendments as proposed by the application being considered. Members were informed that the approved height was 3.5m, with the actual height being 3.9m and the proposed scheme being 3.75m. It was added that further to the last meeting of the Committee, the applicant had responded to Members' concerns relating to the use of aluminium trim and had agreed to replace this element with coping stones to be more in keeping with the area. Councillors noted that the roof lantern would be replaced by a roof light, and the Principal Planning Officer reminded the Committee that the applicant did have the fall-back position in terms of the approved scheme. The Principal Planning Officer noted that the proposed amendments were acceptable, with two windows rather than the French doors as set out in the approved scheme not being felt as making a material difference being largely screened by the yard walls.

It was noted that there were no objections from internal consultees and in addition to the 33 letters of objection from members of the public to the application considered in November, a further 12 objections had been received. Members were reminded that 31 letters of support had been received in relation to the application, when considered in November.

The Principal Planning Officer explained that in terms of the impact of the scheme, there were no issues of overlooking other properties and with any impact upon the Conservation Area being the critical issue, though Members were reminded that there was an approved scheme in place for development within the Conservation Area. It was added that through negotiation the application before Committee had a reduced height, roof lantern replaced with a roof light and coping stones to replace the aluminium trim. The Principal Planning Officer held up a file folder which demonstrated the height difference of 25cm, being the difference between the approved scheme and the proposed scheme.

The Principal Planning Officer reiterated that with the proposed changes Officers felt that the scheme was acceptable, and while there was no argument in terms of the scheme enhancing the Conservation Area, it was felt that it preserved the Conservation Area and therefore satisfied the National Planning Policy Framework (NPPF) and the saved City of Durham Local Plan.

The Principal Planning Officer concluded by reiterating that the recommendation was for approval, subject to the agreed alteration works being carried out within 3 months of the date of approval.

The Chairman thanked the Principal Planning Officer and asked a Local Member for Neville's Cross, Councillor N Martin to speak in relation to the Application.

Councillor N Martin thanked the Chairman and noted that he continued to object to the application. Councillor N Martin noted that he felt that the application was not a retrospective application, but actually a new application. It was added that he felt weight should be afforded to the fact that those people who had submitted letters of objection to the application were by and large residents local to the area, whereas by and large the supporters of the application were students.

Councillor N Martin explained he felt that the application was not in accordance with saved Local Plan Policy E22 in respect of sensitive design and materials being used in the Conservation Area, and added that all applications for sites within a Conservation Area would require all materials to be agreed in advance with Planners and noted that in this case such agreement was not sought. Councillor N Martin added that Officers had admitted that the wrong type of brick had been used and therefore he felt that this in fact worsened the Conservation Area and that other examples of the use of the wrong brick type in the area were immaterial. Councillor N Martin asked that if the brick type was not an issue then why had it been mentioned that it was not the approved type, and added that this was not a trivial matter to gloss over.

Councillor N Martin added that planning conditions carry legal weight and added he did have sympathy with the reasons given as regards why the approved scheme had not been adhered to.

Councillor N Martin noted that both the City of Durham Council and Durham County Council had agreed to the Conservation Area and added there was no provision for a "part Conservation Area", with Officers having gone to great lengths in creating the Conservation Area.

Councillor N Martin concluded by noting that he felt that the application should be refused on the basis that the application was contrary to saved Local Plan Policies E6 and E22, with the brickwork used not being of the correct type and the development not enhancing and preserving the Conservation Area.

The Chairman thanked Councillor N Martin and asked the other Local Member for Neville's Cross, Councillor G Holland to speak in relation to the Application.

Councillor G Holland noted that he felt the whole matter had been a compendium of errors from start to finish and the application provided no consolation for the Committee.

He added that the original proposal had little merit but was probably no worse than much of the third rate accretions that now abounded, with Officers having let it through on delegated powers.

Councillor G Holland explained that as building began, things went wrong as the Architect's design did not fit. He added that so then they improvised, without permission, and when the local residents complained an Enforcement Officer arrived but did not successfully halt the building programme. Councillor G Holland added that he felt that just in case the Enforcement Officer might have that in mind, the Developer hurriedly completed the improvised plans.

Councillor G Holland noted a few minor adjustments had been offered and felt that they were probably too little too late. He referred to the Officer's report which highlighted those adjustments in bold and summarised them in a table on page 4 of the agenda papers. Councillor G Holland explained that there was a slight shrinkage in size, still above the original plans, the lantern goes to a roof light, but the fenestration remains uPVC, no longer acceptable under the Article 4 Directive and it never was in this Conservation Area.

The Chairman asked Officers at this point for clarification in terms of the Article 4 Directive and uPVC windows.

The Solicitor – Planning and Development, N Carter noted that the Article 4 Direction was operated to withdraw permitted development rights, and therefore did not have any bearing on what is or is not development requiring planning permission or on what materials are acceptable, .

Councillor G Holland quoted the Officer's report at paragraph 30 where the installation of these UPVC windows was justified on the grounds that "the rear streetscape is awash with this modern material". Councillor G Holland added that he lived in the same Conservation Area and he certainly could not slap a uPVC window in his house, he could not even paint it without clearance from the Council.

The Chairman noted he had not said that uPVC windows were allowed.

Councillor G Holland drew Members attention to the Design and Conservation comments in paragraph 29 of the Officer's report: "The extension as built is of inferior design and quality compared to that originally approved". Councillor G Holland noted that therefore it failed the test of saved Local Plan Policies E6, E22, and Q9 and also failed the test of H9, not even mentioned in the Officer's report.

Councillor G Holland asked, setting aside the scale and over massing which the Committee Members noticed on their site visit in September, why did the developer not stay with the design and quality that had been agreed.

Councillor G Holland asked were they cutting costs or could they not source the appropriate materials. He also asked whether inferior design and quality was acceptable in a Conservation Area, or was it acceptable simply because it was only going to house students.

Councillor G Holland noted that at the meeting in November he had argued that any decision on the proposed development had to be based on planning policies rather than sentiment or the feeling that this development was too minor to bother about.

Councillor G Holland reiterated that he felt the application still clearly failed the test of Local Plan Policies E6, E22, Q9 and H9 and also failed the Government's Directive in section 7, paragraph 64 of the NPPF. Accordingly, Councillor G Holland asked the Committee to reject this retrospective application and seek a more suitable structure in its place.

The Chairman thanked Councillor G Holland and asked Mr N Rippin to speak on behalf of Roberta Blackman-Woods MP in relation to the Application.

Mr N Rippin thanked the Committee for the further opportunity to speak on behalf of Roberta Blackman-Woods MP, who was unable to attend the meeting. Mr N Rippin reminded Members that the MP had met with residents and it had been noted that there was a great deal of resistance in terms of this application. It was reiterated that the MP thanked the Conservation Officer who had agreed to meet with her on site and discuss the issues.

However, it was explained it was not felt that the retrospective application was suitable, for the reasons and policies as stated by the Local Members in their statements. Mr N Rippin explained that the MP had noted the amended application was still different than the scheme previously approved, with still a significant height difference and unsuitable materials being used in terms of uPVC and brick type. It was added that it was not felt that the application mitigated the harm to the historic street and the property was within the Conservation Area and was a non-designated heritage asset. It was noted that the character assessment of the area would be rendered out-of-date if the application was approved. It was added that there had been an opportunity to address the issue of uPVC and this had been missed.

Mr N Rippin added that it had been noted that of the 31 letters in support of the application, several were from other local landlords and others were from students, with none of them setting out any material planning reasons why the application should be approved and no further letters in support had been received since re-consulting. It was added that on the whole the letters in objection were from local residents or from local community groups that had the interests of the city at heart, with an additional 12 objections since the last meeting, on top of the 33 previously received. It was noted that tourism was an important part of the economic plan for the city and any additions needed to be sensitive and enhance the area. It was noted that approval would set a dangerous precedent and Members were reminded that Durham contained a World Heritage Site.

It was explained that the MP understood that change would happen and properties would need to be altered over time, however, such alterations and additions should be respectful of the Conservation Area and the surrounding properties and accordingly she would hope that the Committee refuse the application.

The Chairman thanked Mr N Rippin speaking on behalf of the MP and asked Ms S Wilkinson, a local resident to speak in relation to the Application.

Ms S Wilkinson thanked the Chairman for the opportunity to speak again and noted the support of the Local MP in terms of refusing the application. She added that she was heartened at the refusal at the last meeting considering this matter.

The Chairman noted for clarity that the Committee did not refuse the application at the November meeting, rather they had voted to defer the application.

Ms S Wilkinson reiterated her points made at the previous meeting, noting that the development was contrary to Policies E6 and E22 of the saved City of Durham Local Plan, not being in keeping with the Conservation Area. It was added that the amended application was still higher than the approved height, at 3.75m, virtually 4m, and over 0.5m taller than the old wall. It was noted that the report stated 3.75m with 5cm coping stones, making an 80cm height difference in comparison to the old wall.

Ms S Wilkinson added that NPPF Part 7 referred to “good design” and that the Design and Conservation Officer in his report stated the extension as built was “of an inferior design and quality compared to that originally approved”. Ms S Wilkinson noted that the scheme still lacked a stepping of the wall, though the report referred to the positive use of the coping stones in the design.

Ms S Wilkinson noted that those local residents that had objected used this back street and were those in receipt of the Article 4 Direction, and it was reiterated that the brick type used was of the wrong colour.

It was added that the use of uPVC meant the application failed a test of saved Policy E6 with there being a detrimental impact upon visual amenity. Ms S Wilkinson noted that the flat roof would still be visible and would not be hidden by the wall, the back wall was 30cm taller than the approved scheme. Ms S Wilkinson added that the Committee should seek to have reclaimed stone used in the design. It was added that it was felt that the proposal was contrary to saved Policy E22, being detrimental to Conservation Area, and that this was consistent with the NPPF in terms of protecting or enhancing Conservation Areas through high quality and appropriate design.

Ms S Wilkinson noted that the applicant had failed to adhere to the approved plans and had then had to seek advice from the Planning Department, however, if the retrospective application was approved how confident could one be that the work would be carried out. Ms S Wilkinson concluded by asking that the Committee refuse the application as it was contrary to saved Policies E6, E22, H9, Q1 and Q9 as well as being contrary to the NPPF.

The Chairman thanked Ms S Wilkinson and asked the Principal Planning Officer to address the points raised.

The Principal Planning Officer explained that in reference to the comments from Councillor N Martin, Officers had not approved the use of the brick type; rather the type was not considered to have a detrimental impact upon the street scene and was of an appropriate quality, though it was acknowledged that there may have been more appropriate options.

The Principal Planning Officer noted that saved Policy E22 stated to “preserve or enhance” and therefore it was sufficient to preserve the Conservation Area and while objectors noted they feel that the application was not in line with policies, Officers contend that the scheme was in accordance with policies.

As regards the use of uPVC the Principal Planning Officer noted that a quote from the Design and Conservation Officer had been used to say it was inappropriate, and of inferior design, however the Officer then did continue in his statement by noting that the amendments in terms of height, and use of coping stones as a parapet, were better. The Principal Planning Officer noted that the original structure had uPVC windows and that the previously approved scheme contained uPVC windows. The Principal Planning Officer added that the Design and Conservation Officer had not felt the proposed scheme would be a detriment to the Conservation Area.

The Principal Planning Officer noted the comments in terms of Durham City tourism and the context of the World Heritage Site and added that while this was the case, the application area was a back street, not a prominent site itself and not widely used by tourists. The Principal Planning Officer noted that the use of windows rather than bi-fold doors was different, however not necessarily a detriment, and accordingly for the reasons stated in the report the Officers’ recommendation was for approval.

Councillor N Martin noted that paragraph 20 of the Officer’s report stated Policy E22 read “preserve and enhance”.

The Solicitor – Planning and Development noted that this was a typographical error in the report and that it should read “preserve or enhance”, as also set out in the statutory test within the Listed Building Act. Members were advised that weight could be afforded to the condition as set out in the report in terms of the alteration works being carried out within 3 months of the date of approval, should they wish to approve the scheme.

The Chairman thanked the Principal Planning Officer and the Solicitor – Planning and Development and asked Ms J Atkinson to speak in support of the application.

Ms J Atkinson thanked Members for the opportunity to speak again at Committee and added that there had appeared to have been some confusion at the November meeting as regards the application and therefore discussions took place with the Planning Department in terms of the issues raised at the November meeting. Those included: the difference in the brick height; 2 windows rather than bi-fold doors; roof light rather than a lantern; and the use of aluminium trim.

It was explained that further to Members' comments as regards the aluminium trim, this had been dropped in favour of use of coping stones, advice having been sought from Officers on this issue.

Ms J Atkinson added the policies were open to some interpretation; however, the opinion of Officers was that the application was acceptable. Ms J Atkinson noted that she felt she and her son had been portrayed as people who "couldn't be bothered about planning regulations" and in fact this could not be further from the truth. Ms J Atkinson asked the Committee to ignore false statements and to approve the application.

The Chairman thanked Ms J Atkinson and asked Members of the Committee for their questions and comments on the application.

Councillor D Freeman noted that he felt if the original approved scheme had come to Committee that it likely would have not been approved, however it had been approved under delegated powers. Councillor D Freeman noted that the wall was too high; the brickwork could've been significantly better, however it was a case of having the works done as previously approved, or as they were now proposed. Councillor D Freeman noted a minor point in terms of the works being completed within 3 months, if approved, and with the property being occupied by students, would this impact upon them with the usual time for works to such properties being over the summer.

Councillor P Conway noted he thought, like Councillor D Freeman, that if the original application had been considered by Committee it likely would not have been approved. He added that there was an approved scheme already in place and that it was unfortunate that previous application had not been brought forward to Committee by the Local Members. Councillor P Conway reiterated that the issue was that of the proposed scheme being considered against the approved scheme and noted that they were not significantly different. Councillor P Conway added he was interested in the comments and debate as regards the brickwork and asked if a slide could be displayed which showed the brickwork. Councillor P Conway noted that he could appreciate that the brickwork was not in keeping, however, he felt the stepped feature of the wall was attractive. He added that should this application be refused and the approved scheme was constructed then it would not be much different than the proposed scheme and the brickwork would be the same. Councillor P Conway noted he did not know what could be done, with the application being retrospective, and that it was unfortunate that the issues in terms of site levels had not been raised at the time.

Councillor B Moir noted that the slide offered clarity of vision as he could see several types of brick having been used in properties, and also several types of windows. He added that the streets were not uniform and it was a back street, however, it was in the Conservation Area. Councillor B Moir noted the process had been akin to the "peregrinations of Kissinger" and concluded by noting that he felt confident in the Council's Conservation Officer and therefore supported and moved that the application be approved.



Councillor J Lethbridge noted that he supported the comments of Councillor B Moir and comments from others that the issue was a “back lane scenario”. Councillor J Lethbridge noted that he had listened to the discussions on the brickwork and felt that given a few years’ time, weathering would act to reduce the newness of the brickwork. Councillor J Lethbridge noted he was happy to second the proposal for approval.

Councillor B Moir moved that the application be approved; he was seconded by Councillor J Lethbridge.

## **RESOLVED**

That the application be **APPROVED** subject to the condition set out in the report.

### **b DM/16/03533/FPA - 7 Friars Row, Gilesgate, Durham, DH1 1HF**

The Principal Planning Officer, Alan Dobie 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 Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for a front canopy, two-storey side extension and single storey rear extension (part retrospective) and was recommended for approval, subject to conditions as set out in the report.

The Principal Planning Officer explained that the property was semi-detached, in a cul-de-sac and referred to photographs showing the progress made, the applicant having halted works once aware that a retrospective application would be required. Members noted that the breezeblock wall on the side extension would be rendered, with the finish and colour to be agreed. The differences between the agreed scheme and the works carried out were explained, including the return along the extension no longer being stepped and a window having been removed from the side wall facing a neighbouring property. The Principal Planning Officer noted that the main differences in terms of the dormer windows and rear elevations were largely cosmetic and there was a difference in terms of the front door canopy.

In terms of representations from internal and statutory consultees there had been no objections raised. The Committee noted no formal objections had been made, however a number of telephone calls had been received querying the development.

The Principal Planning Officer noted that in terms of the principle of development and impact it was not felt that the changes in terms of the bay window or extension were significant, rather the main issue could be argued as being the scale and design of the door canopy. It was explained that some staining of the wood used could improve the situation and it was not felt that this was sufficient to warrant a refusal recommendation.

The Principal Planning Officer concluded that it was felt the application was in accord with saved Local Plan Policies and the NPPF and therefore was recommended for approval.

The Chairman noted there were no registered speakers for this item and asked Members of the Committee for their comments.

Councillor B Moir, a local Member for the area, noted that he had been informed of a level of intimidation and this may have contributed to the lack of formal objections to the application. He added that, referring to the site visit and the photograph within the Officer's presentation, it was clear what the style of properties was in the area and that the development was beyond the approved scheme. Councillor B Moir concluded by noting it was for Members to look at the changes in terms of the extension, canopy and bay window and decide whether to approve the retrospective application, however he asked in terms of such retrospective applications, when one would say "enough is enough".

Councillor P Conway, a local Member for the area, added that he agreed with Councillor B Moir in terms of retrospective applications and that there were three areas that had significantly changed from the approved scheme and for public transparency the application had been requested to be determined at Committee, giving local people the opportunity to make representations.

Councillor G Bleasdale added that she agreed in terms of disliking retrospective applications and added she felt the works as carried out to the door canopy were not in keeping with the area.

Councillor M Davinson noted that he agreed and disagreed with fellow Committee Members in terms of the application. He noted that the area did not have any overall uniformity, with some bits added on here and there, akin to a child's Lego set. He added that while he was never happy with what he might term "retrospective plus" applications, he agreed with the Officer's assessment in planning terms within the report and while he did not like the design of the canopy, he would move that the application be approved.

Councillor J Lethbridge noted he agreed and that the other houses in the area were variable in type, expressing the likes of those living in those properties. He added that while on site the design of the "grand portico" had opened his eye, however he did not feel this was sufficient to go against the Officer's recommendation and therefore he would second that the application be approved.

Councillor M Davinson moved that the application be approved; he was seconded by Councillor J Lethbridge.

Upon a vote being taken the motion was **lost**.

The Chairman asked whether any Members wished to move to the contrary in respect of the application and set out their reasons why.

Councillor B Moir noted that the delegated decision taken to approve the original scheme had been because that scheme had been acceptable, however, there had been changes and the development had been taken further and that the application represented the elements of the extension, portico and bay window all being larger.

The Solicitor – Planning and Development asked whether Members felt there was an issue in terms of residential amenity, or impact upon the character and street scene or both.

Councillor B Moir noted he felt that it was impact upon both, residential amenity and the character and street scene.

The Solicitor – Planning and Development asked whether this was as a result of the canopy only or the extension or both.

Councillor B Moir noted he felt it was both and noted that it was now to verbalise and granulate reasons in terms of the size of the canopy, extension and bay window, the application being contrary to saved Local Plan Policies Q1, Q2 and Q9 in terms of impact upon the character and street scene.

Councillor B Moir moved that the application be refused; he was seconded by Councillor G Bleasdale.

## **RESOLVED**

That the application be **REFUSED** for the following reasons:

Due to the scale and design of the scheme it was felt to have an adverse impact on the character and appearance of the street scene, which fails to comply with policies Q1, Q2 and Q9 of the City of Durham Local Plan.

### **c DM/16/01896/FPA - 24 The Avenue, Durham, DH1 4ED**

The Planning Officer, Susan Hyde, 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 Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of three terraced 6 bedroom properties for either occupation as houses in multiple occupation (HMO) use (use Class C4) or as family houses (use Class C3) with associated alterations (amended description) and was recommended for refusal.

The Planning Officer referred Members to elevations, photographs, plans and aerial photographs and explained that the applicant owned the adjacent property to the site, 24 The Avenue. Members learned that vehicular access was to the rear of the site via a back lane and there would be 2 car parking spaces for the site, deemed acceptable as the site was sustainable, being 0.5 miles from the City Centre.

It was added that an on-street parking restriction was in place on The Avenue side of the site.

The Planning Officer explained that the site was within the Durham City Conservation Area and that the proposed design was in keeping with the character aspects such as bay windows, stone sills and other architectural features. It was added that one tree at the rear of the property would be retained and had a Tree Preservation Order (TPO) in place, with the remainder being small, self-seeded trees that would be removed.

The Planning Officer noted the proposed layout was for three 6 bedroomed properties and that the windows on the side elevation of 24 The Avenue would be bricked up to allow development. It was added that the site levels were such that there was a 1 storey drop between the front and rear of the site, the front door was level with the street at The Avenue with a light well via a window below street level. It was reiterated that the design was in keeping with the area, and that the rear off-shoot was in a traditional manner. The Planning Officer noted that the basement layout contained all the communal spaces: kitchen; dining room; and lounge, with the first, second and third floor each would comprise 2 bedrooms and a bathroom on each.

It was noted that the application was for C3 and C4 use, with the current student saturation being 44% within a 100m radius. The Planning Officer noted that saved Local Plan Policy H9 required that the development would not adversely affect the character of an area and the Interim Policy on Student Accommodation noted 10% saturation before detriment to an area. Accordingly, Officers could not support approval of C4 use. It was added that the floor plans were indicative of C4 use and not practical in terms of the other proposed use Class C3, family dwelling.

The Planning Officer noted there were no objections from statutory consultees, with Spatial Policy noting the 44% concentration of students, above that set out in the Interim Policy on Student Accommodation. The Committee noted there had been 10 letters of objections, including from the Crossgate Community Partnership, the Neville's Cross Community Association and local Member, Councillor N Martin. It was added that reasons given by objectors included: that the adjacent property 24 The Avenue was already a 25 bed property; there was already an existing consent for a property two houses further along the street; and that the addition of this number of students to the area would affect the area as they would not have any place indoors to congregate.

The Planning Officer noted that in terms of the principle of development, C3 use would not be facilitated by the proposed layout and it was also considered that C4 use would be detrimental to the area. It was noted that had the layout been such to create C3 family dwellings, Officers potentially could have supported the application. However, on the basis of the reasons outlined and contained within the report, Officers' recommendation was for refusal of the application.

The Chairman thanked the Planning Officer and asked a Local Member for Neville's Cross, Councillor G Holland to speak in relation to the Application.

Councillor G Holland explained he was pleased to support the recommendation of the officer, noting it almost represented a watershed in planning in Durham City. He added that the site certainly merited development, but a development that was something other than yet another HMO. Councillor G Holland noted he felt that we could not condone a building in the guise of a C3 construction that swiftly converted to C4 once our backs were turned.

Councillor G Holland noted that the Officer concluded within their report that, to quote “the proposed internal layout of the development is considered to be synonymous with a C4 House in Multiple Occupation.”, to which he agreed.

Accordingly, Councillor G Holland asked the Committee to support the Officer’s recommendation and refuse this application.

The Chairman thanked Councillor G Holland and asked Mr R Cornwell, Chairman of the Crossgate Community Partnership (CCP) to speak in relation to the Application.

Mr R Cornwell thanked the Chairman for the opportunity to speak and added that contrary to popular rumour, the CCP did not only come to Planning Committee to oppose Officers’ recommendations, and that they were pleased to support the Council’s Officers and urge the Committee to reject the application.

Mr R Cornwell explained that he knew from other decisions the Committee had made that they were keen to promote family housing in Durham City, this being entirely consistent with the NPPF and the Committee Report mentions Part 6: Delivering a wide choice of high quality homes. He added that within that part paragraph 50 had at its aim to create sustainable, inclusive and mixed communities and that the Interim Student Accommodation Policy had been introduced to the same purpose.

Mr R Cornwell noted that the CCP would welcome an application for a C3 use on the site, similar in appearance to the present application. He added that this would provide much-needed family housing and go some way to redress the imbalance between student-occupied HMOs and family housing. The CCP therefore welcomed the suggestion from the Case Officer that the applicant amend the proposal to be C3 family house use. It was added however the response had been to revise the application to be for dual C3 and C4 use. Mr R Cornwell noted the CCP were not clear as to the purpose of such a status, since any C4 property could be converted to a C3 use as a permitted development without reference to the Planning Authority. It was explained that the CCP were of a view that this was a way of dressing up the application in an attempt to make it more acceptable, but with no real change.

It was added that the draft Durham City Neighbourhood Plan (DCNP) had allocated this site as being suitable for family housing within use Class C3 and while it may carry no weight at present, this plan (DCNP) was being consulted upon starting 17 February, so if the applicant were to decide to appeal, by the time that came to be decided the Neighbourhood Plan policies would have gathered some weight.

Mr R Cornwell noted that objectors had drawn attention to problems caused by anti-social behaviour by residents of 24 The Avenue, which is in the same ownership. It was added that this did not auger well should another 18 students move in next door, as their landlord seemed to do nothing to encourage responsible behaviour.

Mr R Cornwell noted that there was not a single comment on the planning file in support of the application and the applicant had been offered the opportunity of making a statement in support but had not taken that up. Mr R Cornwell added that the applicant's agent suggests that he may consider an appeal and therefore Mr R Cornwell urged the Committee to refuse the application and to give comprehensive and robust reasons for that refusal.

The Chairman thanked Mr R Cornwell and asked Members of the Committee for their comments.

Councillor G Bleasdale noted that she had visited the site on the morning and that she agreed with the comments and recommendation of the Officer and therefore would move the recommendation for refusal.

Councillor D Freeman noted he would second the recommendation and felt the C3 use within the application was disingenuous, given the proposed layout of the property. He added that policies stated that C4 use would not be acceptable and that he agreed with Councillor G Holland in that this could be a watershed moment in planning for Durham City in terms of student accommodation.

The Chairman noted that it was not a watershed moment, in the context that the Officer's recommendation was for refusal based upon policy.

Councillor J Lethbridge noted that during the site visit he and a colleague watched Blue tits leaping branch to twig and that when he had been assigned to this Committee he had not realised much time would be spent looking at back streets and that the sobriquet of the Committee could be the "Student Properties in Durham Committee". Councillor J Lethbridge noted that when he descended to the rear of the site he noted that it was currently an eyesore, with wine bottles cast down by those nearby. Councillor J Lethbridge added that he would be concerned if Members went for this on the basis of C3 use, wondering if C4 use would be eased in somehow, he hoped not. Councillor J Lethbridge concluded by noting he would like to see families in the area and therefore he too supported the Officer's recommendation.

Councillor B Moir moved that the application be refused; he was seconded by Councillor A Laing.

## **RESOLVED**

That the application be **REFUSED** for the reasons set out in the report.

**d DM/16/03084/FPA - Ness Furniture Ltd, Thinford, Durham**

The Senior Planning Officer, Barry Gavillet 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 subdivision and refurbishment of the former NESS factory to create units for B1, B2 and B8 uses and was recommended for approval subject to conditions.

The Senior Planning Officer referred Members to elevations, photographs, plans and aerial photographs and explained that the area comprised of several vacant buildings and service yards.

It was added that closest property was approximately 30m from the site and there had been no statutory responses, and no objections from Environmental Health or Highways, subject to conditions in terms of noise, restriction of times of operation and parking levels. Member noted no objections had been received from local residents.

The Senior Planning Officer noted that the principle of use at the site had been well established, with buildings being there for over 60 years and refurbishment of the units would enhance the area and create job opportunities and therefore the application was recommended for approval.

The Chairman noted there were no registered speakers for this item and asked Members of the committee for their comments.

Councillor B Moir asked if the applicant was Knight Frank or Frank Knight. The Senior Planning Officer noted that the agent for the applicant was Knight Frank.

Councillor B Moir noted he knew the area well and was happy for this use to be taken forward to provide industrial use and job opportunities for those in County Durham and therefore proposed that the application be approved. Councillor A Laing noted she wholeheartedly seconded the application.

Councillor C Kay noted he lamented the loss of manufacturing in the County; however he was supportive of creating new opportunities and happy to have vacant units brought back into use. Councillor A Laing asked if it was known how long the units had been vacant. Councillor M Davinson noted it was stated since 2015.

Councillor B Moir moved that the application be approved; he was seconded by Councillor A Laing.

**RESOLVED**

That the application be **APPROVED** subject to the conditions set out in the report.

Signed by Councillor:

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(Chairman of the Committee held 14 February 2017)