

**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 9 April 2019** at **1.00 pm**

**Present:**

**Councillor K Corrigan (Vice-Chairman in Chair)**

**Members of the Committee:**

Councillors D Bell (substitute for A Laing), D Brown, M Davinson, D Freeman, I Jewell (substitute for S Iveson), R Manchester, L Pounder (substitute for J Clark), J Robinson, P Taylor and O Temple

**1 Apologies for Absence**

Apologies for absence were received from Councillors J Clark, I Cochrane and P Jopling and A Laing.

**2 Substitute Members**

Councillor L Pounder substituted for Councillor J Clark, Councillor I Jewell substituted for Councillor S Iveson and Councillor D Bell substituted for Councillor A Laing.

**3 Minutes**

The minutes of the meeting held on 12 March 2019 were confirmed as a correct record by the Committee and signed by the Chairman.

**4 Declarations of Interest**

There were no Declarations of Interest submitted.

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

**a DM/19/00324/AD - Student Castle, Claypath, Durham**

The Senior Planning Officer, Colin Harding, 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 4 no. vertical halo illuminated signs and was recommended for approval.

The Senior Planning Officer noted that the address of the property was not Student Castle, rather 20-29 Claypath, Durham City. He referred Members to the site plan and photographs showing the ongoing works at the prominent location at Claypath, the construction of a purpose-built student accommodation (PBSA). Councillors were asked to note several listed buildings in the area, most notably Christchurch a Grade II listed building adjacent to the application site and The Big Jug Public House on the opposite side of Claypath. The Senior Planning Officer explained that the PBSA was nearing completion and accordingly the applicant was seeking advertisement consent for 4 no. vertical halo illuminated signs and presented proposed elevations with the signs on the screens for Members. It was highlighted that two of the signs would be within recesses along the main elevation, and the other two would be on the gable ends of the new PBSA, one next to 17 Claypath and the other next to Christchurch. The Senior Planning Officer explained that the sign would comprise of individually cut letters, silver in colour and halo illuminated individually with warm, white light emitting diode (LED) lights.

The Committee were informed of objections from the City of Durham Parish Council in relation to the appearance, in the context within the Conservation Area and nearby listed buildings, and whether there was a need for the signs to be illuminated.

The Senior Planning Officer noted no objections from the Highways Section and no objections from the Design and Conservation Team. He added that Durham Constabulary initially had objected in relation to potential confusion in terms of the brand and the existing University College, known as "Castle", being located within Durham Castle. It was noted that further to internal discussions within Durham Constabulary, they withdrew their objections, noting their command and control systems could be updated to mitigate the possibility for confusion.

Members noted that no objections had been received from any individual properties, however there had been objections received from St. Nicholas' Community Forum and the City of Durham Trust with their objections as summarised within the report.

The Senior Planning Officer noted that the application was for advertisement consent and the criteria for consideration were that of amenity and public safety. It was added that Officers felt that in terms of amenity the proposed signage was appropriate and would not represent a negative impact. Members were informed

that in terms of the name on the sign, it was felt this was outside the scope of the application, though were referred back to the comments from Durham Constabulary, offering no objection. The Senior Planning Officer reiterated that the recommendation within the report was for approval.

The Chairman thanked the Senior Planning Officer and asked Parish Councillor John Ashby, representing the City of Durham Parish Council to speak in relation to the application, noting he had accompanying slides which would be displayed on the projector screens.

Parish Councillor J Ashby thanked the Committee and explained that the Parish Council had carefully examined the designs of the four proposed signs and the applicant's accompanying letter which explained that "the purpose of the signs is to signpost the business and brand within the street-scene and directionally for those arriving at the scheme for the first time." He added that the Parish Council did not believe that it was necessary to have illuminated signs promoting the business and the signs should be the name of the building.

Parish Councillor J Ashby referred to a slide showing the Gala Theatre and noted that there were very satisfactory non-illuminated signs for the Gala Theatre nearby and for other PBSAs such as New Kepier Court, which would be much harder to find. He added that indeed, having found the Student Castle scheme in Claypath for the first time it would appear unnecessary for the student residents to have to be reminded every day and night thereafter of where they lived in Durham.

Parish Councillor J Ashby referred to further slides showing that most of the PBSAs had prominent names, for example: Chapel Heights; St Giles' Studios; Ernest Place; Elvet Studios; and Rushford Court. He noted that the last example showed the developer's name as well as the name of the PBSA. He added that this was fine, though noted none were just the developer's name only.

Parish Councillor J Ashby explained that there was also the matter of the County Council's naming policy which emphasised at paragraph 7.3 that the Council would endeavour to promote street names that reflected local, geographic or historic significance in the area. He added that the local residents' group had suggested to the Council's Street Naming Officer that this principle should appropriately apply to the naming of this new and very prominent building, and that recent history could be well captured by naming it Palladium Court, after the cinema that stood there. Parish Councillor J Ashby noted that the Planning Officer's report at the time of the original application had stated "the former Northern Gas Board offices and the former Palladium Cinema are considered to be of particular significance."

Parish Councillor J Ashby referred to his final slide setting out the Naming Officer's reply to the residents' group: "I will forward your comments in full to the developer and can reassure you that the developer's business name Student Castle will not be used in the building name for the development."

Parish Councillor J Ashby noted that the residents' group had also raised concerns about confusions in an emergency between the application site and Castle, the colloquial name for University College. He added that this concern was also raised

by the Police and although protocols have been put in place to address this, the risk must remain.

Parish Councillor J Ashby explained that the Parish Council continued to believe that such large illuminated business advertisements were not appropriate or necessary in this prominent and sensitive location. He added that there would be no objection to non-illuminated signs that would usefully have the name of the building on them and noted the Parish Council believed that the assurance of the Council's Naming Officer should be upheld.

Parish Councillor J Ashby concluded by explaining that the Parish Council objected to the proposed signs being illuminated on the grounds of: having an adverse impact on significant features of historic interest within or adjacent to the site, contrary to Saved Policy E21 of the City of Durham Local Plan 2004; would detract from the character or appearance of the conservation area, contrary to Saved Policy E22 of the City of Durham Local Plan 2004; would detract from the setting of a listed building, contrary to Saved Policy E23 of the City of Durham Local Plan 2004; and would be detrimental to visual amenity whilst showing no particular attention being paid to the impact of the signage upon the character and setting of listed buildings and the character and appearance of the Conservation Area, contrary to Saved Policy Q16 of the City of Durham Local Plan 2004.

The Chairman thanked Parish Councillor J Ashby and asked Mr Alastair Willis of Lichfields to speak on behalf of the applicant.

Mr A Willis thanked the Committee for the opportunity to speak and noted that there was a clear summary within the report as regards why the applicant felt the application should be approved. He added that the 445 bed PBSA and retail use on the ground floor would be open for use later in 2019. He noted that the high-quality student accommodation would need signs to direct students and visitors to the accommodation.

Mr A Willis explained that there had been three objections at the consultation stage, with Durham Constabulary than having withdrawn their objection. He added that he did not support the objectors' position in terms of the impact upon the Conservation Area, noting the Council's Design and Conservation Section had themselves not offered any objections to the application. Mr A Willis explained that the design of the signage was clean and simple and would not increase the prominence of the building and was in keeping in terms of materials and use of subtle illumination, not detracting from the character or appearance of the Conservation Area or the overall street scene.

Mr A Willis explained that he felt the application did not detract from the heritage assets in the area, with there being a restriction in terms of the brightness of the illumination set out within Condition 8 of the Officer's recommendation. He added that the signs were located at the gable ends or within recesses within the building.

Mr A Willis noted that the address of the property would not change and remain 20-29 Claypath and therefore would be compliant with the Street Naming and Numbering Policy. He reiterated that Durham Constabulary had withdrawn their

objection to the application in terms of potential confusion with the University College.

Mr A Willis concluded by noting that the application was in line with policy, that policy was for approval unless the application was harmful in terms of amenity or public safety and reiterated that the Officer's recommendation was for approval.

The Chairman thanked Mr A Willis and asked the Senior Planning Officer if he had any comments in terms of the points and issues raised by the speakers.

The Senior Planning Officer reiterated that the Committee were not being asked as regards the name of the building, which was 20-29 Claypath, rather the application as set out within the agenda papers. The Senior Planning Officer referred to Parish Councillor J Ashby's slides giving examples of existing signage at various PBSAs. He noted that while illuminated signs were not suitable in all situations, as there was a mix of signage at Claypath it was not felt unreasonable. He added that the examples given showed some signage that had the name of operators on them and it was felt to be reasonable for a commercial operator to have some presence on their building.

The Chairman thanked the Senior Planning Officer and asked Members of the Committee for their questions and comments.

Councillor J Robinson noted that he travelled past the application site a number of times each week and while he understood the need for signage, and he felt the signage on the Gala Theatre was good, he asked whether there was a necessity for signage of the size proposed and whether there was a need for four of them. The Senior Planning Officer noted that whether four was acceptable was an issue for the Committee to consider, however, the opinion of Officers was that the proposals were acceptable and that the positioning of the signage would be such that usually only one of the signs would be visible at a time.

Councillor P Taylor noted that he felt there was merit in the comments made by Parish Councillor J Ashby and that he felt that one sign could be sufficient and added that while he could live with the sign, he did not see the need for it to be illuminated.

Councillor D Freeman explained he was a Member of the City of Durham Parish Council, however, was not a member of their Planning Committee and had no input into their comments on the application. He noted he agreed with those Committee Members that had already spoken, adding that he felt that the signs represented the worst form of visual pollution in a historic street within the City. Councillor D Freeman noted that many students made do without signage at their accommodation and therefore he did not feel they were required. He added that should Members be minded to approve the application he did not feel they needed to be lit, with Claypath itself already being lit.

Councillor D Freeman noted he questioned the need for four signs, or indeed any, and suggested two was more reasonable. He added that given the historic nature of the street and area he felt the applicant had missed an opportunity in terms of incorporating something into the name of the PBSA.

Councillor O Temple asked for further information as regards “halo illumination”. The Senior Planning Officer explained that they would be usually LED, backlighting around the individual letters, less prominent than neon or “swan neck” externally lit signage.

Councillor M Davinson asked what the Committee could decide upon in terms of suggesting less signage, no illumination or other options. The Senior Planning Officer noted that advertising consent was not the same as full planning applications and that if Members had concerns as regards the number of signs they had options for a split decision in terms of this. He added that in terms of the illumination, this element could not be disaggregated without the applicant wishing, and without illumination would be considered a different application.

Councillor P Taylor moved that the application was deferred to allow time to seek clarification from the applicant as regards what they would be happy with, in terms of numbers of signs and with or without illumination.

Councillor D Freeman seconded Councillor P Taylor and added that the applicant had heard the concerns raised by Members and Officers and the applicant would be able to discuss in more detail.

Councillor I Jewell noted concern in terms of deferment, noting what Members may want may be difficult. Councillor P Taylor noted he felt deferment was preferable to guessing in terms of what may be possible and would provide the developer the opportunity to consider their application.

## **RESOLVED**

That the application be **DEFERRED**.

### **b DM/19/00601/FPA - Petite Mer, St Oswalds Square, Pity Me**

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 loft conversion with flat roof dormer and velux windows, installation of solar panels and was recommended for approval subject to conditions.

The Principal Planning Officer referred to plans, images and aerial photographs to show the context of the site, noting Members on the site visit had the opportunity to view the application site from the main road through a gap in Front Street. The Committee were reminded of an intervening strip of land between the application site and properties at Front Street and the trees, screening and hedgerows at the site.

The Principal Planning Officer explained that there had been no objections from the Highways Section and no objections from the Ecology Team, though they suggested an informative advising on conditions relating to bats.

Members noted there had been objections from three properties in Front Street, noting: loss of garden privacy; the proposed dormer presenting privacy issues as it would face rear bedroom windows of properties on Front Street; and objections in relation to the materials and finishes to be used on the dormer roof windows and walls.

The Principal Planning Officer noted that national and local policy supported improvements to residential properties and added that Officers did not feel that the impact upon residential and visual amenity was sufficient to warrant refusal. He added that the gardens in question were already overlooked and that the materials largely matched with a variety of house styles and materials being used in the area. He concluded by reiterating that the recommendation was for approval, subject to the conditions as set out within the report.

The Chairman thanked the Principal Planning Officer and asked Mr Alan Clarke, local resident to speak in objection to the application.

Mr A Clarke thanked the Committee for the opportunity to speak and noted he had read the report and the recommendation. He noted that he wished to speak in relation to the loss of privacy that would result from the proposals and in terms of the materials not being in keeping with the setting.

Mr A Clarke explained that the Council acknowledged within paragraph 35 of the report that the property would become two storey and within paragraph 33 that there would be potential for increased overlooking. He added that while the Officer stated that there was not specific separation distance protection for garden space, he felt that Members would not feel this was correct if they visited. Mr A Clarke noted that there were areas of his garden that were currently private and not overlooked and the proposals would mean that his sheltered garden would absolutely be overlooked from the dormer window.

Mr A Clarke noted that saved City of Durham Local Plan Policy Q10 in respect of dormer windows stated that they would be permitted where “...it does not result in any loss of privacy for surrounding properties”. Mr A Clarke noted that accordingly, the application was contrary to the Policy Q10, not in accord as stated by the Planning Officer within the report.

Mr A Clarke noted that there had been no consultation or mitigation proposed, the first notice he had as regards the proposals was when the planning application process had notified him. He added that had he been given the opportunity he would have suggested the applicant rotate the roof by 180 degrees such that the applicant would only be overlooking their own property.

Mr A Clarke explained that Paragraph 128 of the NPPF stated that “Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot”.

Mr A Clarke noted that he would lose privacy even he was to raise the height of wall to two metres, at his own expense.

Mr A Clarke noted in respect of materials, he noted saved City of Durham Local Plan Policy Q9 noted in respect of alterations and extensions that they would be permitted "...*provided that the design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area...*". He added that he did not feel this was the case, and that the proposed use of wood was unprecedented in the area.

Mr A Clarke noted that within the report the hours of any proposed works was not stated and added that the road accessing the site was not a wide road. He explained that before 9.00am and after 5.00-6.00pm there was no space in the street and there was a turning head and parking opposite and suggested that should works be carried out they be 9.00am to 5.00pm Monday to Friday.

The Chairman thanked Mr A Clarke and asked the Principal Planning Officer to comment on the points raised by Mr A Clarke.

The Principal Planning Officer explained that in terms of the loss of privacy, the report did acknowledge some loss, however, it was felt this was not sufficient to warrant refusal, in the context of there already being a degree of overlooking existing. As regards the opportunity to comment upon the application, the applicant had engaged in pre-application consultation with Officers, and the Principal Planning Officer noted that it was not a requirement for the applicant to consult with neighbours, though it could be advantageous.

The Chairman thanked the Principal Planning Officer and asked Members of the Committee for their questions and comments.

Councillor I Jewell noted that the site visit had been very useful for Members and asked as regards the separation distances. The Principal Planning Officer noted that this was set out within paragraph 32 of the report, with the distance standard being 21 metres, window to window, and the distance from the proposed development to 52 Front Street being approximately 35 metres, and 53 and 54 Front Street being approximately 38 metres.

Councillor P Taylor noted he had sympathy with the resident that had spoken, however, in planning terms he did not feel there was sufficient reasons to sustain a refusal reason and therefore proposed the application be approved as set out within the report. Councillor I Jewell seconded the proposal.

## **RESOLVED**

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

**c DM/19/00426/FPA - 13 Bevan Grove, Gilesgate, Durham**

The Planning Officer, Jennifer Jennings, 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 change of use from C3 to C4 property and was recommended for approval, subject to conditions.

The Planning Officer explained that the property was at the end of a cul-de-sac, with units of Dragonville Park to the rear of the property. Members noted that there was an integral garage and a driveway, and there were no proposed alterations to the property.

The Planning Officer noted no objections from the Highways Section, having commented that there was sufficient parking provision.

The Planning Officer noted that Belmont Parish Council had objected to the application, noting: loss of an affordable family house at the end of a quiet cul-de-sac; loss of residential amenity from potential noise; and impact upon parking.

The Planning Officer noted that the Council's Spatial Policy Team noted that 2.6 percent of properties within a 100-metre radius were in use as houses in multiple occupation (HMOs), less than the 10 percent threshold set out in the Council's Interim Policy relating to student accommodation. Councillors noted no objections from Environmental Health.

It was explained there had been three letters of objection, two from the Local Divisional Members, and one from Durham Constabulary. It was noted the comments had been similar to that of the Parish Council and also included comparisons to Laburnum Avenue where Police had been called to deal with complaints specifically related to HMO properties and concerns regarding an increase in the fear of crime that could be created by letting property out as an HMO.

The Planning Officer explained that the application was in line with the Interim Policy relating to student accommodation and there was not anticipated to be any serious impact in an increase of one student from two to three occupying the property. She added that the site was in a sustainable location and as the application was in accord with policies the recommendation was for approval subject to conditions.

The Chairman thanked the Planning Officer and asked Parish Councillor Barbara Howarth, representing Belmont Parish Council to speak in relation to the application.

Parish Councillor B Howarth thanked the Committee for the opportunity to speak and noted she was the Chairman of the Planning Committee of Belmont Parish Council.

She noted that the Parish Council had concern in terms of the proposals for the property at the bottom of a narrow cul-de-sac, a two-storey semi-detached house, adjoining 14 Bevan Grove, near to numbers 11 and 12. She added that the cul-de-sac was used as a turning head and that 13 Bevan Grove had parking for one

vehicle within the garage, if vacant, and one vehicle on a driveway. Parish Councillor B Howarth noted that consequently any additional vehicles would have a negative effect, contrary to saved City of Durham Local Plan Policy T1.

Parish Councillor B Howarth noted that Durham Constabulary had raised concerns, and that the Committee report set out their full letter. She explained that the size of the house lacked the necessary amenity space for three unrelated individuals and added that students were not static, they changed year on year. It was noted that paragraph 43 of the Officer's report set out that "*...HMO accommodation occupied by students does result in differing patterns of activity to a standard family household...*".

Parish Councillor B Howarth noted that it was stated within the report that student density within the area was less than the 10 percent threshold within the interim policy, however, she explained that only a few hundred metres away, and visible on the map shown by the Officer in their report, there was a large PBSA at Ernest Place, and therefore it was felt that the area had a good share of students.

Parish Councillor B Howarth noted there was concern in the removal of affordable family housing from the market and that the grant of change of use from C3 to C4 use could set a precedent and was contrary to saved policies H9, H10 in respect of loss of amenity for neighbours, and T1 as previously described. She noted that the Parish Council therefore asked that the Committee refuse the application.

The Chairman thanked Parish Councillor B Howarth and asked Mr Andrew Wilkinson, owner and applicant to speak in support of his application.

Mr A Wilkinson thanked Members for the opportunity to speak and noted that while the Highways Section had raised no objections, he had offered to pave the front garden to provide three car parking spaces if required, although he preferred not to and indeed Highways had said it was not necessary.

Mr A Wilkinson stated the application to increase from two to three student use came from the current students occupying the property, they were wishing to have a friend live in addition. He noted two of those would complete their studies and be working next year, with the other being a post-graduate student. He added that the location was in general considered too far out from the city centre for students.

Mr A Wilkinson explained that he handpicked the tenants and he spoke to local residents to ensure there was no problem or complaints. He gave examples where those currently living in the property had helped clear snow in the cul-de-sac and help a neighbour to assemble furniture.

Mr A Wilkinson noted that the comments from the Police as regards Laburnum Terrace and in general seemed to refer more to the viaduct area of the city centre than Bevan Grove at Gilesgate.

He noted that he had made it very clear to the tenants that the property was not "party central" and if that was what they wanted then they should go elsewhere.

Mr A Wilkinson noted the student density was below the threshold for the area and he noted that his experience of students in the property over the last few years had been a positive one. He added that the option those young people were choosing in terms of living in a shared house gave them the option to save up for a mortgage, having four sons himself he could empathise with that situation.

Mr A Wilkinson concluded by reiterating that the application had no building works associated, and he would ask the Committee to support their Officer's recommendation for approval.

The Chairman thanked Mr A Wilkinson and, with no further comments from the Officers, asked Members of the Committee for their questions and comments.

Councillor M Davinson asked as regards clarity on the number of letters of objection, as set out at paragraph 25 of the report. The Principal Planning Officer noted the number was three, one each from two of the Local Divisional Members, and one from Durham Constabulary, none from local residents.

Councillor I Jewell noted there was always an element of objection in terms of any application before Committee. He noted the property already had two students living there and that if Members refused the application, it would still have students living there. He added that if the property was a family home, there could indeed be more than three people living there, with potential for more issues in terms of vehicles and parking than a student property with three tenants. Councillor I Jewell noted it was very interesting that there had been no objections from residents.

Councillor P Taylor asked why the Police had objected now, given no evidence of any incidents in the past at the location.

Councillor O Temple asked as regards the change of use application, and whether it would go forward with the property if it was sold in the future. He noted the current owner seemed a model landlord, however, he asked what could be done in terms of the future and asked if the decision opened up the avenue for other such changes of use or would each be upon their own merits.

The Principal Planning Officer noted the application was for change of use from C3 to C4. He added if an extension was proposed or for larger numbers then this would require the appropriate permission. He noted the current floorspace and licencing appeared to limit this to three at present.

The Principal Planning Officer noted that this was not to say those elements could not come forward by way of an application in the future, and that should the change of use be granted it would be for the property itself going forward.

Councillor J Robinson noted that in some cases the student houses in the city were little more than coalhouses and he felt that if the numbers in the property were less than six then he did not object.

He added that he would have liked to have heard from the Local Members as regards where their information had come from and noted he was saddened by comments regarding "the fear of crime", noting the vast majority of students were good people.

Councillor D Freeman noted the actual high density of students in the area, given the nearby PBSA and while he understood there were little grounds for refusal he noted he felt concerns for the future of such areas.

Parish Councillor B Howarth noted for clarity that there were four letters of objection, the Parish Council's, the two Local Members and Durham Constabulary. The Principal Planning Officer noted that the Parish Council's objections had been set out within its own paragraph within the report.

Councillor I Jewell sought clarification on the comment made by Councillor D Freeman on the student density in the area, whether it was high or was low. The Principal Planning Officer noted that while there was the PBSA in the local area, the figures are an assessment of small-scale HMOs in the area, though having the PBSA did raise the number of students living in the area.

Councillor P Taylor asked as regards what grounds the Local Members had called-in the application to Committee. The Principal Planning Officer referred to paragraph two of the report, Local Members having cited impact on amenity and the character of the area, and issues in terms of parking. Councillor P Taylor added he did not see the objections from the Police as being justified.

Councillor O Temple noted that Local Members had stated an issue in terms of parking, however, there were no letters of objection from residents. He added that while the Highways Section had stated no additional parking was required, the application had stated willingness to provide additional spaces. He asked for advice in terms of this element.

The Highway Development Manager, John McGargill explained that the parking was in line with a standard residential street, with three bed units having an internal garage and driveway., he noted some properties in the area had extended and only had single driveways. He noted that the Highways Section could not recommend refusal on the basis of the parking provision, and while he would not object to the applicant's offer as regards additional provision, he would also not object in terms of the current provision.

Councillor I Jewell moved that the application be approved, Councillor P Taylor seconded the motion.

## **RESOLVED**

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

### **d DM/18/03671/FPA - 22a Allergate, Durham**

The Planning Team Leader, Central and East, Sarah Eldridge 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 Team Leader, Central and East advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for a two-storey extension to existing dwelling to create a total of 2 No. dwellinghouses and was recommended for approval, subject to conditions.

The Planning Team Leader, Central and East explained that the property was in the City of Durham Conservation Area and that 22 Allergate was a Grade II Listed Building. She added that 22 and 22a Allergate were within the same ownership, and there was shared use of the gated access and amenity space. It was explained that the external dimensions of the proposed extension were 3.5 metres wide and 4.5 metres deep. Members were referred to photographs of the site, showing Hanover Court adjacent to the site. Planning Team Leader, Central and East noted the floorplans, with their being two, one-bed flats one on each floor.

In terms of representations, the Planning Team Leader, Central and East noted objections had been received from the City of Durham Parish Council, the City of Durham Trust and from six members of the public. She added there had been no objections from the Design and Conservation Team, subject to conditions, and that the details as regards all representations were summarised within the report.

The Planning Team Leader, Central and East noted that in considering the application, it had been considered that the application was in a sustainable location within the city centre, close to shops, services, education and transport links. Members noted that Hanover Court was approximately 13.5 metres away and the application had been amended from a previous form to remove a first-floor window to the western elevation of the proposed extension and therefore the required separation distances were achieved.

The Planning Team Leader, Central and East noted that construction management would be dealt with via condition and that Officers had considered there would be no additional harm to the Listed Building from the application. It was highlighted that there was no in-curtilage parking and that the street was in a controlled parking zone. The Planning Team Leader, Central and East noted there had been no objections from the Environmental Health or Ecology Teams in relation to the application.

The Planning Team Leader, Central and East concluded that it was felt the application was in accord with national and saved Local Plan policies and as there was no detriment to the setting of the Listed Building, the application was recommended for approval.

The Chairman thanked the Planning Team Leader, Central and East and asked Parish Councillor Grenville Holland, representing the City of Durham Parish Council to speak in relation to the application.

Parish Councillor G Holland thanked the Committee for the opportunity to speak on behalf of the City of Durham Parish Council. He noted that the application was

about 22 Allergate and not just about 22a Allergate, which was a later annexe to the main building. He explained that the environmental impact of the proposed development therefore fell both within the main building and its curtilage.

Parish Councillor G Holland noted the report concerned the Parish Council because, in paragraph 48, by using NPPF paragraph 213 it was seeking to set aside or minimise the policies contained in the City of Durham Local Plan published in 2004. He added that the carefully crafted policies of the Local Plan were tailored to the specific needs of our City. He stated they were Saved, and the Parish believed that they were just as relevant and valid today as they were in 2004.

Parish Councillor G Holland noted that Furthermore, without the Local Plan there was really nothing to rely on, as the NPPF was far too broad a brush to deal with the necessary level of detail within this application. He noted that one must therefore use the saved Local Plan policies to test this proposed development in order to determine whether it adversely affects 22 Allergate, a Grade II listed building which formed an important and vital part of our City's heritage.

Parish Councillor G Holland explained that first of all, there was an important raft of environmental policies that were designed to control development in our city centre. He noted Policy E3 protected the central core of the city and its relationship to the Cathedral and the Castle. He added that the setting and history of 22 Allergate had to be seen in the context of a Georgian street scene dating back to medieval times.

Parish Councillor G Holland noted Policy E6 protected the special character, appearance and setting of the Conservation Area which the policy insists must be preserved and enhanced by any new development. He asked, was the Conservation Area actually preserved and enhanced by the proposed development? He explained that Policy E21 also requires that any development must enhance and preserve the historic environment, and this was not just limited to listed buildings. Parish Councillor G Holland noted 22 Allergate was, in its present form, an important Grade II listed building that enriched the city's historic fabric and environment. He asked, does the proposed development really enhance and preserve the historic environment?

Parish Councillor G Holland noted that Policy E22 carried the requirement further by not permitting proposals that would detract from the character or appearance of the Conservation Area or its setting and it pursued this demand in greater detail. He explained that the Parish Council believed that this proposed development was detrimental to the Conservation Area.

Parish Councillor G Holland referred to Policy E23 noting it safeguarded listed buildings and their setting, with 22 Allergate being a listed building with a lovely tiered garden which therefore must be safeguarded. He noted that the proposed development clearly fell well short of every one of those environmental policies and their cumulative impact could not be disregarded.

With reference to the NPPF, paragraphs 184 to 187, Parish Councillor G Holland noted these were also concerned with conserving and enhancing the historic environment. He added that the NPPF provided similar guidance to the Local Plan

stating that new development should make a positive contribution to the character of an historic environment. He asked, does the application really make a positive contribution to the setting of the city and does it really respect, preserve and protect 22 Allergate and the neighbouring properties?

Parish Councillor G Holland noted saved Policy H10, restricted backland and tandem development and that this important policy was missing from the report. He explained that H10 required safe and adequate access and must accord with Policy T10, which he would return to. He added that H10 also required that both the amenities and the character of the existing, adjacent properties are not adversely affected and that from the letters of objection they clearly would be adversely affected. Parish Councillor G Holland noted Policy H13 echoes Policy H10 and once again this application fails the test of H13.

Parish Councillor G Holland referred to Policy T10 which dealt with vehicle parking and off-road provision, of which there was apparently none. He added that Policy Q8 was about quality, the privacy enjoyed by the neighbours, and sought to minimise the impact on the neighbours and there was no doubt from the public response that this would be diminished by the introduction of two new properties and their occupants on the households next door.

Parish Councillor G Holland explained that Policy Q9 dealt with alterations and extensions to residential properties and required these to be sympathetic. He added that it was felt there was nothing sympathetic about the internal and external treatment of 22 Allergate.

Parish Councillor G Holland concluded by noting that the Parish Council were asking the Committee to understand their deep concern about the application, recognise that the saved Local Plan policies were as fresh and relevant today as they were in 2004 and use them as the only effective guide that Committee had and to refuse the application.

The Chairman thanked Parish Councillor G Holland and asked Dr Robert Banks, local resident to speak in objection to the application.

Dr R Banks thanked Members and noted he had asked to speak to the Committee as a resident of Allergate for almost 40 years. He asked if he could first point to a serious material error in the Committee Report where, on page 59 paragraph 74, it stated that *“With regard to the adjacent Grade II Listed Building it is noted that the application building sits to the north of this and firmly within its setting. However, the asset’s setting has already been compromised by the presence of the building itself constructed within the original burgage plot and it possesses no historic, functional, or positive visual associations with the asset.”*

Dr R Banks explained that in reality the application building had a direct historic association with the asset, because it was originally granted planning permission and built in 1911 as “addition of study and bedroom at 22 Allergate for Miss Thompson”. He noted the documents concerning that permission were held in the County Record Office, and he could give the catalogue reference if required. He

added that The Durham Directory and Almanac showed that Miss Thompson was living at 22 Allergate from at least 1896 to at least 1915.

Dr R Banks noted that moreover, the application building was so occupied by the previous owner of number 22; was used by himself and his family at the time of listing; and, indeed, was advertised as an annex to number 22 when the property was recently sold. He added that therefore it was clear that the application building was an annex to number 22, and as such was a part of the Listed asset. Dr R Banks stated that to claim otherwise was wrong and negated the Officer's recommendation at the end of the report.

Dr R Banks asked Members' to draw their attention to the fact that Allergate was a small medieval street in a Conservation Area, and it required the Committee's protection. He noted that if it was to retain its character and its heritage value to the City it was imperative that further subdivision of existing buildings, especially ones as sensitive and historically important as number 22, must not be permitted. He commented that Bill Bryson's "perfect little city" was constantly under threat from overdevelopment, and we must do all we could to protect what's left.

Dr R Banks concluded by noting that on behalf of himself, his family and his neighbours he was earnestly asking the Committee to help sustain the historical integrity of Durham City and refuse the application.

The Chairman thanked Dr R Banks and asked Mrs Gabrielle Moore, the applicant to speak in support of her application.

Mrs G Moore thanked Members for the opportunity to speak and explained that the property had been bought at auction and financially to be able to carry out the necessary works to the beautiful listed building, 22 Allergate, it was necessary to carry out the proposed works to 22a Allergate. She noted that she had asked Planning Officers to view the property and for their suggestions in relation to an application. She explained that there had been proposals in relation to straightening out the roof line and the proposed extension did not affect the garden. She added for clarity that the application was for one additional property, not two additional properties.

Mrs G Moore noted she had read the history of the property within Peter Ryder's unpublished Buildings Survey and noted that the property had been rented out several times, with two doctoral students living in the property when she purchased the property. She added the property was in a highly sustainable location, less than 800 metres from the bus station.

Mrs G Moore explained she had offered to render the proposed extension and would be in sympathy with 22 Allergate and help 22a to blend in. She noted that in the context of the comments on the medieval street, she agreed to the historic nature, however, pointed out that there were ugly concrete buildings to either side of 22a Allergate and that in order to carry out the restoration of 22 Allergate correctly the application as regards 22a Allergate was necessary financially.

Mrs G Moore concluded by noting that 22a Allergate had existed before those newer concrete buildings and that she felt when the proposed works were completed that the building would look better.

The Chairman thanked Mr G Moore and asked the Planning Team Leader, Central and East to comment on the points raised by the speakers.

The Planning Team Leader, Central and East noted in reference to the query as regards 22a being part of a Listed Building, she explained that when referring to Historic England guidance on the issue, when it came to determining the acceptability of alterations to curtilage structures it was important to remember that curtilage structures were not listed in their own right, but can be important for their contribution to the special interest of the principle listed building. She noted that the annex was within the rear garden boundary of the main listed house, forming part of its physical surroundings, it pre-dated the listing (1971) and the pre-1948 requirement and, as far as she understood, had always been within the same ownership as the house. She added however, it held no special interest historically, architecturally, or archaeologically, the main house being C17 while the annex C20, it had been in use as a separate dwelling for a considerable time and did no longer support the main house, and most importantly extending it would not affect the heritage significance of the principle listed building.

The Planning Team Leader, Central and East noted that given the buildings limited value it should not be treated as part of the listed building even though it is within its curtilage at the date of listing, and Listed Building Consent was not required for the proposals.

The Chairman thanked the Planning Team Leader, Central and East and asked Members of the Committee for their questions and comments.

Councillor D Freeman reiterated he was a Member of the City of Durham Parish Council, however, was not a member of their Planning Committee and had no input into their comments on the application. He noted that upon considering the application and the points raised by the speakers at Committee he had concerns. He added he was amazed that 22a was not considered part of the listed building, not only in respect that it was referred to as an annex to 22 Allergate. Councillor D Freeman noted there was a live planning application in consideration by the Authority relating to 22 Allergate which related to partial demolition and replacement of part of the building. He added that he did not understand the impact of this in the context of what Members were being asked to consider. Councillor D Freeman noted that the issue of backland development had been raised, saved Policy H10, and noted that this was dependant upon adequate parking provision. He noted there was no parking provision at all and therefore he felt the application was contrary to Policy H10 and others.

Councillor D Freeman noted that a number of residents of Hanover Court had objected to the application, the age of residents being around 60 to 100 years old. He noted that therefore the views from their homes and natural light were of particular importance to those residents and he felt the application failed on policy in terms of this.

Councillor D Freeman added he felt on a practical perspective the application was problematic, there being only one wooden door and corridor leading to the rear and 22a Allergate. He added he felt that they should be both considered as one property.

Councillor D Freeman added that he felt that if Members were minded to approve the application, there should be conditions to ensure the works to not adversely affect the area and neighbours.

Councillor O Temple asked as regards the saved Local Plan and the NPPF and asked if only the element relating to housing supply was considered out of date in this case. The Planning Team Leader, Central and East noted information as regards this was set out at paragraph 50 of the report and that Councillor O Temple was correct.

Councillor O Temple noted he felt it was odd that the application for 22 Allergate was being considered separated if 22a was considered an annex. He noted that he could see some benefits to the property being improved and noted City of Durham policies were clear in terms of views of the Cathedral not being interfered with. He noted he was minded to move deferral so that the application could be considered alongside the application for 22 Allergate, though would seek advice from the Solicitor.

The Solicitor – Planning and Development, Neil Carter referred to the Planning Team Leader, Central and East as regards the two applications being considered separate. The Planning Team Leader, Central and East noted that the building 22a Allergate had been referred to over time by several names, including the ‘Annex’ and the ‘Cottage’, there having been an evolution over time. She added that it was demonstrated that 22a had been and was occupied as a separate dwelling for a number of years, albeit in the same ownership as 22 Allergate. She noted that the “sister application” was referenced at paragraph eight of the report and was a more complex application and would be for consideration by Members should it come to Committee in due course. She noted that in terms of access, the site was not convenient with restricted access width, and added that a construction management plan would ensure impact on the surrounding area was minimised.

The Planning Team Leader, Central and East noted in terms of Hanover Court, Officers’ view was that there was sufficient separation distance in terms of light and overlooking. She added that while it was accepted that some views of the World Heritage Site may be lost, weight could not be afforded to the loss of a view for an individual. The Planning Team Leader, Central and East noted that in relation to saved Policy H10, as the development was an alteration to an existing building it was not considered backland development.

Councillor P Taylor noted it was good to hear from Parish Councillor G Holland and the references to the City of Durham Local Plan. He added that he felt that several points were not relevant, and he could hear the worry in the applicant’s voice as regards the work to her properties. He noted he felt that on balance that a refusal would stop an improvement to the property.

The Chairman allowed Mrs G Moore to clarify as regards the demolition aspect of her other pending planning application. Mrs G Moore noted this related to part of the Listed Building and did not form part of the application before Members. She noted this was in respect of a 1940s addition that Members would have seen on their site visit and was not part of the medieval or Georgian building. She explained that she wished to complete any works very carefully and would not be removing any elements that were older than 50 years old.

Councillor I Jewell noted the site visit had been very interesting and noted that it was not for the Committee to carry the materials through the site for any developer. He added he felt the annex had been added piecemeal and that the extension and works proposed would improve the property. Councillor I Jewell noted he thought it was not helpful to confuse this application with other issues and that there was not reason for refusal. Councillor I Jewell moved that the application be approved, Councillor D Bell seconded the motion.

## **RESOLVED**

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

### **e DM/17/03999/FPA - Former Greyhound Stadium Sunderland Road, Easington**

The Planning Team Leader, Central and East 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 demolition of the former Easington Greyhound Stadium and the erection of 47 no. dwellinghouses with associated access, landscaping and infrastructure and was recommended for approval, subject to conditions and appropriate Section 106 Legal Agreement.

The Planning Team Leader, Central and East noted the report was as set out within the agenda papers, with no objections from internal consultees, subject to the conditions and s106 Legal Agreement. She noted that Easington Village Parish Council objected to the application stating that they felt the village would be unable to cope with the additional infrastructure required. It was added one letter of objection had been received, with concerns as regards construction traffic, noise and disturbance.

The Planning Team Leader, Central and East noted that in reference to conditions, she noted amendments to include: a commuted sum in respect of affordable housing provision; additional highways conditions in respect of visual splay, the moving of the bus stop before occupation of properties, and roller doors to be fitted to the shorter driveways; and a condition as regards a hedgerow protection plan.

The Chairman thanked the Planning Team Leader, Central and East and asked Mr Adam McVickers to speak on behalf of the applicant in support of the application.

Mr A McVickers explained that the application location was a brownfield site, the former Easington Greyhound Stadium. He noted that the business had no longer been viable and had not operated for a number of years. He added that the site did not lend itself to a change of use application for conversion or alternative use. Mr A McVickers noted that the application represented the opportunity to bring the brownfield site back into use through the delivery of high quality two, three, four- and five-bedroom properties, the property mix being tailored to the Council's Strategic Housing Market Assessment (SHMA) and to provide 10 percent affordable housing in line with policy. He explained that while the development was outside of the settlement boundary, it was within an acceptable distance and accessible along a lit footpath via a short walk. He added that the nearby bus stop would be improved, and the site was a sustainable location.

Mr A McVickers noted that the developer had worked with the Planning Officers as regards the scheme and the benefits were set out within paragraph 46 to 48 of the report. He added that he requested that Members support the recommendation of Officers and approve the application.

The Chairman thanked Mr A McVickers and asked Members of the Committee for their questions and comments.

Councillor I Jewell noted the application appeared to be straightforward and in general very positive. He added he felt that within the conditions, and additional conditions and amendments mentioned by the Planning Team Leader, Central and East, that the level of mitigation in terms of impacts was appropriate. He therefore moved that the application be approved. Councillor P Taylor seconded Councillor I Jewell.

## **RESOLVED**

That the application be **APPROVED** subject to completion of a s106 legal agreement, the conditions as set out within the report and the additional conditions as set out by the Officer within the presentation.