

## **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 September 2019** at **1.00 pm**

#### **Present:**

**Councillor J Clark (Chair)**

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

Councillors D Brown, I Cochrane, K Corrigan, B Coult, M Davinson, D Freeman, S Iveson, A Laing (Vice-Chair), I McLean (substitute for P Taylor), R Manchester, L Marshall (substitute for J Robinson) and J Shuttleworth

#### **Also Present:**

Councillors L Brown and L Pounder

#### **1 Apologies for Absence**

Apologies for absence were received from Councillors A Gardner and K Hawley, J Robinson and P Taylor.

#### **2 Substitute Members**

Councillor L Marshall substituted for Councillor J Robinson and Councillor I McLean substituted for Councillor P Taylor.

#### **3 Minutes**

The minutes of the meeting held on 9 July 2019 were confirmed as a correct record by the Committee and signed by the Chair.

#### **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/19/01711/FPA - Durham Sixth Form Centre, The Sands, Durham**

The Principal Planning Officer, Henry Jones, 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, HJ advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for demolition of sections of enclosure and provision of access in association with use of car park and associated works and was recommended for approval.

The Principal Planning Officer, HJ asked Members to note the adjacent caretaker's lodge that was now used as storage, the proposed point of access on to Freemans Place, and the land opposite the former Sands Car Park, the site for the new Durham County Council headquarters. He added that the land immediately to the side of the application site was formerly used by the Sixth Form as parking, this area now forming part of the headquarters application, the site for a multi-storey car park. It was added that the works on the former tennis courts to create car parking had been undertaken over the summer and represented permitted development, with the partial demolition of the wall with railings, access arrangements and removal of mesh fencing and lighting columns being the matters to be determined. The Principal Planning Officer, HJ explained that the existing footpath would be replaced and temporary timber fencing that had been visible when Members visited the site would also be removed. He noted all trees would be retained and a tree friendly method of construction would be used, and lighting columns would be removed, with some replacement columns to be installed.

The Principal Planning Officer, HJ noted objections had been received from the City of Durham Parish Council, with their reasons as set out within the report and they were represented at Committee. He added that there had been no objections from the Highways Section, the section having noted the impact upon traffic being negligible and the access proposals being acceptable. The Committee were informed that the Environment Agency had no objections, subject to conditions. They had noted the area was a 3a Flood Zone and that the loss of 12m<sup>3</sup> of floodplain needed to be compensated for with alternative floodplain storage. The Principal Planning Officer, HJ explained this was the case and was secured via condition.

He added that there had been no objections from internal consultees, subject to the conditions set out within the report, including: Landscape and Arboriculture; Archaeology; Design and Conservation; Ecology; Contaminated Land; and Air Quality.

Members were informed that in addition, Environmental Health had replied with no objections in terms of the proposed lighting columns. The Principal Planning Officer, HJ advised members that there are references within the Committee Report to a pending application for works to trees on the site and that this had now been determined with no objections raised.

The Committee noted that three letters of representation had been received, including from the City of Durham Trust and the World Heritage Site Coordinator, the Principal Planning Officer, HJ noted a summary of their comments were set out within the report and included issues relating to: the submission of the application in a disconnected manner from the Council headquarters application; loss of sports courts; impact upon wildlife and ecology; and flood risk.

The Principal Planning Officer, HJ explained that in terms of policy as some were considered out-of-date, then Paragraph 11 of the National Planning Policy Framework (NPPF) would be applicable which stated that an application should be granted permission unless there were policies that protected areas or assets and provided a clear reason for refusal, or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. He explained that the adverse impact was limited with a section of the non-designated heritage asset, the wall and railing, to be demolished, the majority to be retained. The Principal Planning Officer, HJ noted that the limited impact was not felt to outweigh the benefits of the scheme.

The Chair thanked the Principal Planning Officer, HJ and asked Parish Councillor John Ashby representing the City of Durham Parish Council to speak in objection to the application.

Parish Councillor J Ashby thanked the Committee for the opportunity to speak and Case Officer for his presentation. He explained that the quantum of parking around the new Durham County Council (DCC) headquarters was claimed in that Committee Report to reduce by 81, and that was advanced to offset concerns about traffic levels on Freeman's Reach and Providence Row. He added that the claim was challenged at the time by the Parish Council, asking what was to be done to replace the Sixth Form Centre's car parking spaces. Parish Councillor J Ashby noted it was now clear that the Sixth Form Centre's parking arrangements would result in an overall increase in the quantum of car parking spaces and of vehicular traffic.

Parish Councillor J Ashby noted the Sixth Form Centre's application had itself had a bumpy journey, failing to offer a Planning Statement and its Transport Assessment having failed to include the approved new DCC headquarters and multi-storey car park, an astonishing omission. Parish Councillor J Ashby explained that the Parish Council had to point this out and a revised Assessment had then been produced.

Parish Councillor J Ashby referred to the Environment Agency's response in July that the application should be refused because the submitted Flood Risk Assessment did not adequately assess the flood risks posed by the development. He added that a revised Assessment was necessary; acceptable to the Environment Agency provided that the loss of 12 cubic metres of floodplain was adequately compensated for via an alternative scheme. He noted the Officer's report confirms that a condition to ensure this was therefore necessary in the event of any approval. Parish Councillor J Ashby noted that no alternative scheme was before the Committee today. He added that given the risks involved, it was unfortunate that the Sixth Form Centre has not provided an acceptable alternative scheme to deal with the risk of floods in the whole area.

Parish Councillor J Ashby explained that the submitted drawings showed a proposed footpath from the new car park to the new DCC headquarters. He noted this would be essential, however, needed to link with the footpath that would be required for the adjacent multi-storey car park. He stated that these would necessarily make the narrow road with a very sharp, blind bend even narrower. Parish Councillor J Ashby noted these were serious concerns about safety in this scenario, both for pedestrians and for people in vehicles. He stated that the footpaths would be used by some of the 700 or more employees at the new DCC headquarters, by pupils at the detached part of the Sixth Form Centre adjacent to Ferens Court, and by residents of the four housing estates along The Sands. Parish Councillor J Ashby noted the vehicles on the road would include large buses having dropped off tourist visitors and the buses bringing children from 19 schools that have swimming lessons at Freeman's Quay every week.

Parish Councillor J Ashby concluded by noted that accordingly, the Parish Council considered that consideration of the current application should be deferred so that satisfactory arrangements on flood risk and on pedestrian safety can be provided to resolve the concerns raised.

The Chair thanked Parish Councillor J Ashby and asked the Mr D Southwell, Chair of Governors at the Durham Sixth Form Centre (DSFC) to speak in support of the application.

The Chair of Governors, DSFC noted he was appalled to say the least as regards the comments from the City of Durham Parish Council. He noted the Chair of the City of Durham Parish Council had been invited on to the site and had appear to have no objections to the proposals. He reiterated the comments made by the case officer, with the County Council having no objections to the application.

The Chair of Governors, DSFC noted that health and safety was paramount, and the proposals would guarantee the safety of staff and students. He noted accommodations the DSFC had made in terms of the temporary footpath that had been put in place, compound provided when the nearby Passport Office had been constructed, compound for other works, and providing additional capacity when the Lumiere event had been held. Chair of Governors, DSFC stressed that the application was a positive application and noted that in terms of disassociation from the DCC headquarters, he felt that the only footpath was linked, the rest of the application was within the DSFC. He noted there were plans as regards the former caretaker's cottage and reiterated that the DSFC were proactive and good in bringing positive schemes forward and thanked the DCC officer who he felt had been excellent in their work in relation to the application. He concluded by reiterating he felt he application was positive and an asset to the City, in contrast with a lack of activity from others within the City.

The Chair thanked the Chair of Governors, DSFC and asked the Principal Planning Officer, HJ if he would respond to issues raised by the speakers.

The Principal Planning Officer, HJ referred to the comments made by Parish Councillor J Ashby in terms of the quantum of parking. He noted he wished to clarify that the headquarters application had not stated a loss of 81 car parking spaces, rather the increase of 81 spaces. He added the total of the spaces at the former Sands Car Park and those spaces utilised by the DSFC had totalled 256 spaces and the provision of surface parking and the multi-storey would be 337 spaces, an increase of 81. He added that where the HQ report discussed reductions vehicular movements this was due to the due to the loss of over 1,000 car parking spaces at the current County Hall site. The Principal Planning Officer, HJ noted that as the application constituted a "minor" application a Planning Statement was not required, and the transport assessment had been updated to include the DCC headquarters. He reiterated that a condition within the report referred to the scheme in terms of flood risk. He concluded by noting that in terms of pedestrian safety, there had been no objections raised from the Highways Section, with standard footpath widths of around 1.8m.

The Chair thanked the Principal Planning Officer, HJ and asked the Committee for their comments and questions.

Councillor A Laing thanked the speakers for their comments on the application and reminded all that decisions must be based upon relevant planning grounds. She noted that upon listening carefully to the Officer and speakers she felt the key aspects included the impact upon the conservation area, with no objections from the Design and Conservation or Landscape sections she felt therefore there was no harm to the conservation area. She added another aspect was in terms of highway safety, in the context of the area and the DCC headquarters development, that being already approved. Councillor A Laing noted the response from the Highways Section was that the impact would be “negligible”, and the access proposed was safe in terms of pedestrians and vehicles. She added that in respect of air quality issues, Officers had noted negligible impact and that in terms of flood risk, the Environment Agency had set out their position, no objection subject to the replacement of the 12m<sup>3</sup> floodplain that would be lost. As this was set out as a condition, Councillor A Laing noted she supported the application and proposed that it be approved as per the recommendation and conditions set out within the report.

Councillor M Davinson noted that within the conditions there was no specific reference to a Construction Management Plan (CMP) and asked if this was something that would be needed for this application and if so for how long. He also asked if there was an indicative plan as regards the replacement 12m<sup>3</sup> floodplain or if this was something that would require an extra condition or be agreed under delegated authority at a later stage. The Principal Planning Officer, HJ noted that as a “minor” application, and given much of the works had been completed over the summer holiday period under permitted development rights, it was not felt necessary by Officers for a CMP. He added that the only works to be carried out would be in terms of the creation of the access and removal of fencing and lighting columns, not sufficient to warrant a CMP. The Principal Planning Officer, HJ noted that Condition Five of the recommendations set out that prior to completion of the vehicular access the scheme of compensatory floodplain storage must be submitted and there was no need to add or amend the conditions.

Councillor D Freeman noted he wished that the current situation in respect of the displacement of parking for the Sixth Form had not been reached. He conceded that as the parking was being displaced there was a need for parking to be provided and the area to be utilised had been unused for several years. He added the Officer had noted the trees would be retained and that flood storage was conditioned and therefore he reluctantly supported the application and would second that it be approved as per the report.

## **RESOLVED**

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

### **b DM/19/01295/FPA - 55a The Avenue, Seaham**

The Planning Officer, Lisa Morina 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, LM 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 greengrocers (use Class A1) to mixed use as a sandwich shop/hot food takeaway (sui generis) and was recommended for approval.

The Planning Officer, LM noted there was a mix of shops and residential properties within the terrace and she explained that the application was retrospective following an enforcement complaint, the business having offered sandwiches and hot-food, with hot-food element now outweighing the sandwich provision. It was explained that the food offered included hot and cold sandwiches, hog roasts, curries, not the usual A5 use. She explained that there would be no external alterations to the property, other than signage which had been dealt with via a separate advertisement consent. The Planning Officer, LM noted that the hours of operation were up to 3.00pm at the latest, not a late-night A5 type of use, and added there were very limited internal alterations to the property.

The Planning Officer, LM noted no objections from the Durham Constabulary, the Highways Section or Environmental Health to the application. She explained that three letters of objection had been received, two from one neighbour and one from the Local Divisional Members raising issues including: traffic; smells; quality of life; several takeaways already operating in the area; and a recent application for A5 use nearby having been refused.

Members were asked to note that as Local Plan policies were considered out-of-date then Paragraph 11 of the NPPF applied and on balance Officers felt that the adverse impact of the application did not outweigh the benefits and therefore recommended the application be approved, subject to the conditions set out within the report. The Planning Officer, LM noted the conditions included reference to opening hours and for the flat to be only occupied by persons associated with the business.

The Chair thanked the Planning Officer, LM and noted as there were no registered speakers, she would ask the Committee for their comments and questions.

Councillor A Laing moved that the application be approved. Councillor B Coult noted she had attended the site visit that morning and based upon the visit and the Officer's presentation she would second that the application be approved.

Councillor D Freeman noted the objection raised by Local Members and asked as regards the refusal of an application for a hot food takeaway nearby, he speculated that refusal would have been on amenity issues and asked if so, why the application before the Committee was recommended for approval. The Planning Officer, LM explained the previous application referred to had been for A5 use, including night-time hours of operation, with this application only operating up until 3.00pm and therefore would not have similar impacts to that previous application.

## **RESOLVED**

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

### **c DM/19/01457/FPA - 37 Whindyke, Blackhall Colliery**

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, AD 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 1.9m high boundary wall to South West and South East of site (Part Retrospective) and was recommended for refusal.

The Principal Planning Officer, AD referred Members to photographs of the site and noted the wall was partially built at a prominent location, on a junction/entrance to the estate. He explained the area contained semi-detached and detached properties, with the wall having come to the attention of the Local Planning Authority via a complaint and visit by Enforcement Officers. Members were asked to note that the wall varied in height from 1.9 metres to one metre, and the lower sections did not require permission as they were allowed under permitted development rights.



The Principal Planning Officer, AD noted that the applicant was asked to regularise the position and apply for permission and had ceased works once they had been made aware.

The Principal Planning Officer, AD noted the 1.9-metre-high section was relatively high, and Members were asked to note the design with pillars at intervals.

He explained there had been no objections from the Highways Section, the wall having replaced a fence of similar height, the views of the highway having not been impacted upon. In respect of public representations, the Principal Planning Officer, AD noted there had now been five representations in support, three at the time of the report being published, and a survey of the area which stated 22 of 37 properties on the estate supported the application. He added that one representation in objection had noted the height of the wall was out of keeping with the area and was not the same height as the previous existing fence.

The Principal Planning Officer, AD explained that the Local Plan was generally supportive of such applications, subject to the impact on residents and amenity. He explained that in this case Officers felt that the wall was not appropriate in terms of scale or design, being stark with no inclusion of railings or fencing to break up the extent of brickwork. He added that it was not felt the wall impacted upon residential amenity, however, Officers considered that the development was an incongruous addition which adversely affects the character and appearance of the area. The Principal Planning Officer, AD concluded by reiterating the recommendation was for refusal, with appropriate enforcement action to be taken should Members be minded to refuse the application.

The Chair thanked the Principal Planning Officer, AD and asked Local Member Councillor L Pounder to speak in support of the application.

Councillor L Pounder thanked the Committee for the opportunity to speak and noted the applicant had been unable to attend the meeting to speak as they were on holiday. She noted the applicant was a perfectionist and had carried out renovation and extension work to their property to a very high standard over the last 18 months at some expense. Councillor L Pounder noted that the applicant had not been aware he had needed permission for the wall, adding this was fairly new legislation he was not aware of. She added that herself and fellow Divisional Member, Councillor R Crute had asked that the matter be heard by Committee as they and many residents felt the application represented a visual and safety improvement.

Councillor L Pounder noted that there had been no objections from the Highways Section and only one letter of objection. She added there had been numerous letters of support and the “petition” style letter with support from nearby residents.

Councillor L Pounder noted that Section 10 of the NPPF noted that Local Authorities should approach application in a creative and proactive way, and she felt that the application was a positive one. She added that paragraph 32 of the Officer’s report stated the wall was “...in such a prominent location is an incongruous addition within the streetscene which is visually obtrusive...” and noted the applicant had explained there would be planting that would help make the appearance more attractive over time.

Councillor L Pounder noted that if you were to ask local residents they would be overwhelmingly in support of the application, the height being approximately that of the previous fencing. She added there were several different types of boundary treatment within the area and the wall itself would not impact upon any other properties. Councillor L Pounder concluded by urging the Committee to support the application.

The Chair thanked councillor L Pounder and asked the Principal Planning Officer, AD to respond to the points raised.

The Principal Planning Officer, AD noted that in terms of new legislation being relevant in this instance, that was not the case with there being longstanding requirements for an application for boundary treatments of around two metres along the highway. He agreed the application had substantial local support, however, Officers felt this did not overrule the planning principles as set out in the report. He noted that Planning had been proactive, and with the application being part-retrospective, Officers had made suggestions in relation to the design and application.

The Chair thanked the Principal Planning Officer, AD and asked the Committee for their comments and questions.

Councillor J Shuttleworth noted that while the design may not completely fit in, there was no objections from neighbours and the construction and materials appeared to be very good. He moved that the application be approved. Councillor M Davinson agreed with Councillor J Shuttleworth, seconding the application. Councillor A Laing noted she had not been able to attend the site visit, however, was familiar with the site and felt the new wall was an improvement on the old fencing and would support the application.

The Chair asked for reasons for the approval, contrary to the Officer's recommendation. Councillor J Shuttleworth noted that highways were not affected and that he felt the application was visually in keeping, utilising the same brick type as the applicant's property.

The Solicitor – Planning and Development, Clare Cuskin asked if the Member was, in effect, asserting the opposite of the recommendation and saying the application was in keeping with the host property and wider streetscene. Councillor J Shuttleworth noted he was.

## **RESOLVED**

That the application be **APPROVED**.

### **d DM/19/01810/FPA - 22 Blaidwood Drive, 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 application was for a part two storey rear extension and part single storey rear extension, raising of ridge height and loft conversion, increasing from 4 to 6 bedrooms and was recommended for approval.

The Planning Officer, JJ noted the plan and photographs identified the property at the end of a cul-de-sac, within a well-established estate, with a number of large detached properties. Members were asked to note a large private garden at the rear of the property, with mature planting at the west and south sides. It was added that the orientation of the properties within the estate was not regular and the Planning Officer, JJ referred Members to existing and proposed elevations. She added that the design included raising the roof ridge height by 500mm, from that of an extension approved in 1995. It was highlighted within the elevation drawings that velux style windows were proposed on the front elevation, however, these would be within permitted development and did not form part of the application under consideration.

The Planning Officer, JJ noted the rear elevation showed the proposed two storey element, with dormers within the hip roof, and single storey element. It was explained that the rear extension extended three metres and the Officer referred Members to proposed floor plans, noting the connection to the double garage and the adjacent annex.

The Planning Officer, JJ noted there had been no objections from Northumbrian Water or the Highway Section, with objections having been received from the City of Durham Parish Council, Local Member and five local residents.

It was noted that a summary of their concerns was set out within the report and included: the proposals being out of scale; having a negative impact; increased vehicle activity and pressure on parking; and concerns as regards potential use of the property as a house in multiple occupation (HMO). The Planning Officer, JJ added there was a request to have additional conditions relating to the construction plan and prevention of conversion to two properties.

The Planning Officer, JJ noted that overall it was felt the application was not excessive in terms of scale and acceptable in design, with the ridge height not appearing obtrusive or out of character as the detached dwellings in the area were all of differing designs. She added that a condition for details on materials would be attached to any permission granted along with an informative in relation to construction, with hours of operation to be 8.00am to 6.00pm Monday to Friday, 9.00am to 2.00pm Saturday, with no works on Sundays or Bank Holidays.

The Planning Officer, JJ concluded by noting that any potential change to an HMO, albeit sui generis, would require a further application.

The Chair thanked the Planning Officer, JJ and asked Parish Councillor G Holland representing the City of Durham Parish Council to speak in relation to the application.

Parish Councillor G Holland thanked the Chair for the opportunity to speak and reiterated that the proposed development had raised objections from five immediate residents, from the County Councillor and the Planning Committee of the City of Durham Parish Council and therefore merited consideration by Committee. He added that he felt it would have also merited a site visit so that Members could have evaluated for themselves the proposed development and its setting on Blaidwood Drive, with reference to its impact on neighbouring properties.

Parish Councillor G Holland noted that over the years, on Planning Committees, Members had encountered proposed developments of this type that were described by the applicants as their "forever house". He added that this was not a planning issue because sooner or later it becomes their previous house. He noted it was a fairly new property on a small, relatively new estate and it was hard to believe that, according to the applicant, it was already in a state of disrepair and had been for many years. He reiterated that was not a planning issue.

Parish Councillor G Holland noted if the owner wanted to rattle around in a six bedroomed house or convert it, once completed, into an HMO, or if there was an intention to split an apparently single building into two properties, that these were also not planning issues today, they would become a problem tomorrow.

Parish Councillor G Holland explained that what was being questioned was whether the proposed development represented an over-massing of the site to the extent that it overshadowed or in any way interfered with the wellbeing of those who occupy the neighbouring properties. He added that this could not be determined just by looking at a piece of paper or a set of plans. He noted that in such circumstances, context was important, and local neighbour evidence must be weighed in the balance.

Parish Councillor G Holland noted the determination of the application rested on four Saved Local Plan Policies: H10, H13, Q8 and Q9.

He added that the Officer correctly noted that H10 referred to backland development, relevant only if this was actually a development of two properties under the guise of one, and a suspicion that this might be the case or become the case was not enough.

Parish Councillor G Holland noted that Policy H13, however, was an important and relevant policy because it refers to a *'significant adverse effect on the character or appearance of this residential area or the amenities of the residents within it'*. He added that if Members thought that there was an adverse impact on the welfare of those living in this area and that the proposed development represented an over-massing of this site then the Committee should reject the application using H13.

Parish Councillor G Holland explained that he felt Policies Q8 and Q9 had a similar intention and were designed to provide protection and privacy for each dwelling and to minimise the impact of any proposal upon the occupants of existing and adjacent properties. He asked, "Does the application meet the demands of Q8 and Q9 and the well-being of the immediate neighbours?" He noted that if it failed those tests then Members should reject the application.

Parish Councillor G Holland reflected that the NPPF was much pored over and much quoted. He added that yet, because of its inevitable breadth of interpretation, it could mean all things to all men, but it was the gospel that drives all before it. He noted that the officer identified paragraph 11 and Part 12 as key. Parish Councillor G Holland explained that in essence they sustain the integrity of the Saved Local Plan policies and the Committee's determination should therefore rest on those.

Parish Councillor G Holland concluded by noting that the question therefore was whether, on the basis of Members' judgement of this proposed development and its location, the Committee agreed with the Officer's judgement in paragraph 32 that "the principle of development is considered acceptable", adding clearly others did not.

The Chair thanked Parish Councillor G Holland and asked Local Member, Councillor L Brown to speak in relation to the application.

Councillor L Brown thanked the Chair and noted she was in attendance at Committee to object to the application, voicing the concerns of the residents who could not be in attendance. She explained that she was very sorry that no site visit had been scheduled in order to give the Committee some idea of the magnitude of the already extended property. She noted that the previous planning application approved in 1995 referred to the application as a "large extension". Councillor L Brown noted that the application would make a property which was already out of scale with its neighbours even larger.

Councillor L Brown stated that the applicant referred to raising the roof by "only" 500cm, adding that to Committee Members, like herself who were of a certain age, this was 20 inches, nearly two feet. She noted that, together with the planned extensions, surely this represented a breach of saved policies H10 and Q9 both of which state that development would not be allowed if it was not in keeping with the scale of surrounding and adjacent residences.

Councillor L Brown noted a second point, namely that the extension in 1995 was built as an annexe for an aging parent, a granny flat, with one entrance through the utility room. She added that looking at the proposed ground floor plans there appeared to be no access between the main house and the annexe. She noted she had been assured there was one door that she hoped the Planning Officer, JJ would refer to. Councillor L Brown noted that the annexe also had its own kitchen and bathroom when looking at the proposed first floor plans. She added there was practically no barrier to the one property becoming two. Councillor L Brown noted that the applicants sought to assure that they had no plans to move and that the property was their "forever home", however, as a certain member of the House of Commons found last week, plans could change very fast. She noted that as there was no Article 4 Direction in place for this part of Durham City, albeit with one in the pipeline, the extended property also had the potential to become a large HMO.

Councillor L Brown noted that she had e-mailed Planning Officers, asking for conditions to be attached to any approval. She explained that although these had been rejected in the Committee report, the e-mail had not appeared on the Planning Portal.

Accordingly, in the interests of fair play, Councillor L Brown explained she would like to ask the Committee if they could agree two conditions if approval was to be granted: 1. That the annexe never becomes a separate residence; and 2. That a construction plan be submitted to officers.

Councillor L Brown noted that the access road narrows as it approached No.22 and the surface transitioned to block paving, very decorative, however, very susceptible to breakage and subsidence. She added that any part of the second proposed condition must be that the applicants and their chosen construction company make good any damage caused to the road surface.

The Chair thanked Councillor L Brown and asked Mr J Ashby to speak on behalf of local residents, Mr and Mrs Weatherhill who were unable to attend the Committee.

Mr J Ashby thanked the Chair and reiterated he was speaking on behalf of Mr and Mrs Weatherhill, with their objection being on two main issues.

He explained that firstly they noted it was proposed to convert the house from a four to a six-bedroom property, including four bedrooms each with their own dedicated bathroom facility and two further bedrooms sharing a presumed additional bathroom, achieving this by converting the house from a two-storey to a three-storey building. It was added that they felt the huge increase in physical volume of the house would make the house wholly out-of-scale compared with all other properties on the estate, none of which have more than two storeys, substantially clashing with the character of the estate.

Mr J Ashby stated that, secondly, Mr and Mrs Weatherhill felt the amount and type of increased accommodation would, in time, lead to extra occupation with attendant extra activity, particularly extra vehicular activity and extra demands on parking space. He noted they felt this simply could not be supported in the restricted access/communal spaces which have to be shared with neighbouring properties and would cause substantial loss of amenity to neighbours.

Mr J Ashby explained that Mr and Mrs Weatherhill wished to make the Members of the Committee aware of what they believed were significant, substantial errors and shortcomings in the report. He added they felt the report downplayed that the house was in a very prominent position with prominent visibility to the front and east side. It was explained that when the house had previously been extended it was considered material that the extension would overlook the property at 20 Blaidwood Drive and corresponding appropriate planning provision was made for this. It was noted that with the current application however, the report made no mention of the overlooking of that property from velux windows in the proposed new roof.

Mr J Ashby noted Mr and Mrs Weatherhill stated that the proposed veluxes would be in the sloping wall of the new attic rooms, at eye level, and would therefore act as windows that would overlook No.20. He added they asked why had this not been addressed within the Committee Report, and accordingly, what provision could be made to prevent the unwanted overlooking.

Mr J Ashby explained that Mr and Mrs Weatherhill had stated that a number of properties would have views of the side elevation on the east of the proposed; that view of the side elevation having been described by the Parish Council Planning Committee as 'monolithic'. He noted that they added that the Committee Report stated that the effect of this would not be detrimental and that they felt that was plainly not true.

Mr J Ashby noted Mr and Mrs Weatherhill understood the applicant had stated that the house was 'forever'. He added they noted that unfortunately nothing was forever and that the enlarged house would not be a normal family residence with most families not requiring six bedrooms and a number of surplus bathrooms. He explained they noted at some time in the future the house would change hands and, at that time, would attract an increased occupancy of up to 12 adults.

Mr J Ashby noted Mr and Mrs Weatherhill asserted that it was a fact that the site could not accommodate the associated increased activity, including increased vehicular activity and parking that would arise. He explained that they felt the Report was simply wrong and that the plot could not support the vehicular activity that the proposals would, in time, require.

Mr J Ashby explained that Mr and Mrs Weatherhill felt that in addition, the narrow, blind-ending access road would not accommodate the increased vehicular movement. They had also noted that a range of movements needed to be considered: supermarket deliveries; parcel deliveries; refuse collections; as well as occupiers' movements. He noted they felt it was important to recognise that the future loss of amenity would certainly happen and that the Report failed to face up to this fact.

Mr J Ashby noted that in conclusion Mr and Mrs Weatherhill had referred to Paragraph 43 which stated that 'Highways' have raised no objection adding that they questioned whether the Highways Authority had considered the inevitable increase in occupancy of the site in due course and the magnitude of the increased vehicular activity that would inevitably ensue, well above that for which the estate was originally designed.

The Chair thanked Mr J Ashby for speaking on behalf of Mr and Mrs Weatherhill and asked Mr G Thompson, the applicant to speak in support of his application.



Mr G Thompson thanked the Chair and noted while he had a fantastic speech, he would ad-lib in order to address several points raised by the speakers. He added to his thanks to the Chair and the Committee, his thanks to the Planning Services Team, for their advice in terms of compliance and their fair assessment of the application.

Mr G Thompson noted objectors had questioned whether his family were in fact going to live in the property and he noted his daughters would be living with him and his wife, with one attending a local school and the other commuting from the property. He noted it had been his dream to move to a slightly larger home, with his current house being three-storey house with five bedrooms and three bathrooms. He added that the level of objection to the application had been very surprising and while he could not control the comments people would make in terms of the potential for the property to become an HMO, he stressed that it was not true. He reiterated that the property was his family's forever home, having waited ten months for the property and referred to the Officer's comments that in any case an additional application would be required in terms of any HMO permission. Mr G Thompson noted the style of decoration that had been undertaken, with the property having been painted white, not a colour best suited for an HMO, and had been opened-up, not what would be expected if a property for multiple non-related occupants.

Mr G Thompson noted that in terms of views of the property, there were 30-foot tall trees such that the rear of the house could not realistically be seen without coming on to his property. He added that another development nearby has velux windows at a height ten feet higher than his property, the application only seeking an increase in ridge height of only 50cm.

He noted he had looked at properties at Mount Oswald, however, with the property he had purchased there could be bedrooms for his daughters, a four-car drive and he felt the property was sufficiently secluded with a large garden that it would not affect the amenity of immediately neighbouring properties. Mr G Thompson explained that the property was just a nice house and the front of the property would in fact stay the same. He added that the road had not been damaged by 26 tonnes refuse vehicles and accordingly he felt it would therefore be fine. He asked that the Committee agree with their Officer's recommendation and approve the application.

The Chair thanked Mr G Thompson and asked the Planning Officer, JJ to comment on the points raised by the speakers.

The Planning Officer, JJ noted that a full assessment had been made in terms of the scale and massing of the proposals.

She added that from the front elevation the property would continue to appear as a two-storey dwelling, and the 500mm ridge height increase was not felt to have an impact upon the character of the estate. She added the property was relatively secluded with six other properties in the area. In respect of the velux windows, she reiterated that these did not form part of the application, being allowed under permitted development, as are many of these types of windows, common in loft conversions. She noted that as the velux windows lined up with the existing front elevation windows, the same window to blank gable relationship existed and there were no concerns in respect of overlooking No.20.

The Planning Officer, JJ noted that in terms of visibility, most of the proposed additions were at the rear of the property, with No.17 being the main property in that direction. She added that No.17 was around 25 metres away and in terms of the context of the relationship between the neighbouring property and the existing gable end it was not felt that this was a reason for refusal of the application.

*Councillor I Cochrane left the meeting at 2.33pm*

The Planning Officer, JJ reiterated that in terms of HMO use, such use would require a further application.

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

Councillor J Shuttleworth noted he understood the fears of the property potentially become an HMO, however, the Officer had explained this would require a further application and the applicant had attended Committee and stated his case, adding he felt most trying to secure an HMO without permission would not likely to have come to address the Committee. Councillor J Shuttleworth moved that the application be approved as per the Officer's report.

Councillor B Coult asked if the floorplan could be displayed on the projector screens and asked for clarification as regards the purple lines on the plan, whether they represented walls or otherwise. The Planning Officer, JJ noted they represented steelwork to support an open plan arrangement.

Councillor M Davinson seconded Councillor J Shuttleworth.

## **RESOLVED**

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

*Councillor I Cochrane entered the meeting at 2.36pm*

**e DM/19/01720/FPA - 77 Whinney Hill, Durham**

The Planning Officer, Leigh Dalby 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 erection of two-storey side extension to C4 (House in multiple occupation) dwelling and was recommended for approval.

The Planning Officer, LD referred Members to photographs and elevations, and reminded Members the application fell within the City of Durham Conservation Area. He explained the proposed extension would provide an additional two bedrooms and the application would retain the C4 HMO use. The Planning Officer, LD noted that the application had been referred to Committee by the City of Durham Parish Council as they felt it was contrary to the interim policy on student properties.

The Planning Officer, LD noted no objections from statutory or internal consultees, with the Council's Spatial Policy section noting that as the property was an existing C4 use, they felt the additional two bedrooms to create a six-bed C4 HMO was not contrary to the aims and objectives of the interim policy. He added that the Design and Conservation Team had noted the proposals represented a neutral impact upon the character and appearance of the Conservation Area and therefore had no objections to the application.

The Planning Officer, LD explained that the Whinney Hill Community Group had objected to the application, with issues raised including: loss of amenity for residents; failing to preserve or enhance the Conservation Area; detracting from the streetscene; and failing to reflect the character of the area. He noted that there were concerns raised by neighbouring residents in respect of levels of noise and disturbance, anti-social behaviour, refuse, the character of the area and the application being contrary to saved local plan policies and the interim policy on student accommodation.

The Planning Officer, LD noted that in looking at the application Officers referred to the NPPF, Local Plan Policies and the interim policy on student accommodation, with reference to those being set out within the report. He added that in terms of the interim policy, a recent appeal determined by the Planning Inspectorate for an application relating to Hawthorn Terrace within Durham City had been upheld.

He noted that the inspector in that case had noted the interim policy was “at odds with the more permissive approach of saved Policy H9 of the Local Plan” in terms of extension to existing HMOs. Accordingly, Officers felt that it would be very difficult to sustain a refusal reason based on conflict with this element of the interim policy.

The Planning Officer, LD noted that as there were no objections from the Highways Section, and the design was considered acceptable in terms of scale, design, impact upon amenity and neutral impact on the Conservation Area, Officers recommendation was for the application to be approved.

The Chair thanked the Planning Officer, LD and asked Parish Councillor J Ashby, speaking in on behalf of the City of Durham Parish Council, to speak in objection to the application.

Parish Councillor J Ashby thanked the Chair and explained the Parish Council felt the application was a crucial test case of whether the County Council’s planning policies could protect Durham City from overwhelming imbalance in the community.

He noted he first wished to make the point that the Submitted County Durham Plan sought to abandon resistance to extensions to existing HMOs, adding that the Committee were aware that no weight could yet be attached to the policies within the Submitted County Plan. He noted that the matter of abandoning the policy on HMO extensions was highly contentious and must await consideration by an Independent Inspector at the forthcoming Examination in Public. Parish Councillor J Ashby added that any attempt to pre-empt that Inspector’s unfettered examination of the Submitted Plan would be improper.

Accordingly, Parish Councillor J Ashby noted that instead, weight could and must be attached to the Council’s Interim Policy on Student Accommodation, adopted after extensive consultations and discussions, in which HMO extensions that result in additional bed-spaces were not permitted if the 10 percent limit is already exceeded in the locality.

He explained that within 100 metres of 77 Whinney Hill the percentage of student HMO lets was about 70 percent, thus the area was significantly in excess of the limit of 10 percent set by the Interim Policy. Additionally, Parish Councillor J Ashby noted in the case of 77 Whinney Hill, the applicant had previously attempted to gain planning permission to build an adjoining two double-bedroom dwelling and following refusal of that application, and defeat on appeal, he was attempting the same two double-bedrooms scheme but as an extension to his four bedroom C4 property to create a six-bedroom C4 property.

He noted that the proposal was contrary to the Interim Policy and should be refused, adding that saved Policy H9 of the City of Durham Local Plan also carried significant weight and it opposed extensions to existing HMOs on intensification and amenity grounds.

Parish Councillor J Ashby reminded Members that it took 12 years of campaigning by residents for the severe problems of studentification to be recognised and for the Article 4 Direction and a Policy addressing these issues to be adopted by the County Council. He added that with the University set on a 40 percent increase in student numbers in Durham City between 2016/17 and 2026/27 it was not the time to weaken the protections for neighbourhoods envisaged so wisely in the City of Durham Plan and carried forward in the County Council's Interim Policy.

Parish Councillor J Ashby noted that one appeal decision about extensions was referenced in the Officer's report and reminded Members that it was not by "the Inspectorate" but by one Inspector. He added it was not a sound basis for weakening the policy and that each Inspector's decision was on a particular case and generally should not be taken as precedent. He explained that it was essential, in the view of the Parish Council, that the County Planning Authority takes a resolute stance against the ever-creeping additions of yet more student accommodation in neighbourhoods such as Whinney Hill with excessive student accommodation already.

Parish Councillor J Ashby noted in conclusion that the Parish Planning Committee urged that the application be refused as it was contrary to Saved Policy H9 and the Interim Policy on Student Accommodation.

The Chair thanked Parish Councillor J Ashby and asked Mr S Shaw to speak in support of the application.

Mr S Shaw thanked the Chair and Committee for the opportunity to speak and noted that the application was to improve the existing C4 unit, not to create a new unit. He thanked the Planning Officer for his work and reminded Members of the support from the internal consultees "across the board" for the application. He noted the Inspector's decision as mentioned relating to Hawthorn Terrace and reiterated that the application before Members was to enhance the existing C4 use HMO by increasing amenity in terms of bedrooms and bathroom.

Mr S Shaw noted that in terms of the balance of housing within the area, permission had been granted for 70 family homes nearby, with works having started. He noted it was felt that the area could take the kind of enhancement to an existing C4 unit and urged the Committee to approve the application as per the Officer's recommendation.

The Chair thanked Mr S Shaw and asked for any comments from Officers on the points raised.

The Principal Planning Officer, AD noted paragraph 63 of the report set out in some detail the rationale in terms of the interim policy and the Inspector's decision. He added that Officers would look at appeal decisions in order to take on board the views of Inspectors representing the Planning Inspectorate. He noted that the previous application for the site had been refused, Members of the Committee having visited the site. The Principal Planning Officer, AD noted the application for determination was a very much reduced scheme and at this scale, Officers felt that it sat comfortably with the existing property and therefore was recommended for approval.

The Chair thanked the Principal Planning Officer, AD and asked the Committee for their comments and questions.

Councillor J Shuttleworth noted his concerns as regards the application and supported the comments of the Parish Council, noting he could not support the application. Councillor D Freeman noted he felt similarly to Councillor J Shuttleworth and noted that reference to one incident in another part of the City did not necessarily apply equally to all areas within the City and that Planners should not back down in terms of HMOs. He noted that the previous application had been refused under Policy H9 and added that while rear extensions were seen at Whinney Hill, such side extensions were rare and would be extremely visible.

Councillor D Freeman noted he felt the application would have impact upon the amenity of residents within the area. He agreed the development of the former school site nearby for 70 family homes was very good. Councillor D Freeman moved that the application be refused as he felt it was contrary to saved Policy H9.

Councillor M Davinson noted the situation was one faced often by the Committee and asked the Solicitor – Planning and Development for her opinion if Members were minded to refuse the application. The Solicitor – Planning and Development noted Members could afford weight to the saved policy and it was for the committee to decide upon that weight and the impact of the proposed development. She added that in her opinion there would be risk, including costs, should a refusal decision be referred to appeal.

Councillor D Brown noted he felt differently and asked for the photographs and plans to be displayed on the projector screen. He recalled the previous site visit and noted he felt the current proposals for side extension were appropriate and moved the application be approved.

Councillors A Laing and J Shuttleworth seconded Councillors D Brown and D Freeman respectively and upon a vote being taken it was:

## **RESOLVED**

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

*Councillor M Davinson left the meeting at 3.02pm*

### **f DM/18/02118/FPA - Land to the North East of Holly Street, Durham**

The Senior Planning Officer, Paul Hopper, 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 Senior 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 construction of apartment block comprising 27 no. one and two-bedroom apartments and was recommended for approval.

The Senior Planning Officer asked Members to note the previous use of the land in the past as a builder's yard, albeit the site had been vacant for a number of years. He explained the location was within close-proximity to the city centre, bus station and East Coast main line, a well-served and sustainable location. Members were referred to photographs of the site and reminded of the site visit, and the Senior Planning Officer referred to the fencing and planting at the site, the nearby terraced properties and the changes in level. The Senior Planning Officer noted the nearby bungalow at the head of John Street and the terrace at Holly Street being elevated compared to the main part of the application site. He noted the windows to habitable rooms at the gable of 10 John Street adjacent to the application site.

The Senior Planning Officer referred Members to a proposed site layout, with 27 one and two-bedroom apartments, with the two-bedroom apartments being en-suite. He highlighted the communal bin and cycle store areas and explained the building would appear in elevation as 2.5 storey from Holly Street and 3.5 storey from John Street. He added that a previous application had been for a purpose-built student accommodation (PBSA) and the current application had been amended in terms of no longer being a PBSA, rather self-contained flats and had seen a number of design changes.

The Senior Planning Officer noted there had been no objections from statutory or internal consultees, however, the City of Durham Parish Council had objected to the application, with a summary of their concerns listed within the report. He added there had been seven objections, including from the nearby Spiritualist Church and one letter of support, again with a summary of their comments contained within the report.

The Senior Planning Officer noted Durham Constabulary Crime and Community had objected to the application in terms of density of development and lack of outdoor amenity space and parking. He added that objection from the Local MP had also been received, noting issues of overbearing, overshadowing and likely occupation by students. It was noted that there had been amendments following the applicant contacting the MP.

The Senior Planning Officer noted that the application was for C3 accommodation, not a PBSA and the Conservation Team considered that the design would enhance the setting within the Durham City Conservation Area. He added Officers felt there would be minimal impact on residential amenity of nearby residents, and the design within the constraints of the site was acceptable. He added the development was within a controlled parking zone and would include two disabled parking bays, with Highways offering no objections as the site was in a sustainable location and had provision for cycle storage.

The Senior Planning Officer noted while the Ecology Section, and School Places Team had offered no objections, commuted sums were suggested in terms of: provision or enhancement of play provision within the Neville's Cross Division; provision of school places within the Neville's Cross Division; and towards biodiversity enhancements in line with Council strategies. He explained that in terms of a commuted sum in relation to affordable housing, a detailed viability statement had been provided and the Spatial Policy Team had noted no objections in relation to the lack of affordable housing provision.

The Senior Planning Officer noted it was a finely balance proposal and noted that Officers felt that the benefits including: positive use of a vacant site; positive impact on the Conservation Area; small contribution to housing stock; sustainable location; improvements to the adjacent footpath outweighed any adverse impact and accordingly the recommendation was for approval subject to the Section 106 Legal Agreements and conditions as detailed within the report.

The Chair thanked the Senior Planning Officer and asked Parish Councillor R Cornwell, representing the City of Durham Parish Council to speak in objection to the application.



Parish Councillor R Cornwell thanked the Chair and noted the City of Durham Parish Council was a statutory consultee and had objected to the application. He reminded Members of the previous application in 2016 for a PBSA on the site, which was refused, and that refusal decision upheld at appeal. He noted the site and area was not suitable for further student accommodation and highlighted the concerns of the Parish Council and residents that the application before the Committee could be student accommodation by stealth.

Parish Councillor R Cornwell noted that the emerging City of Durham Neighbourhood Plan identified the site for mixed use, with accommodation for older people being identified as an area of need. He noted such use would tick a number of boxes both with DCC's Spatial Policy Team and the City of Durham Neighbourhood Plan. Parish Councillor R Cornwell noted NPPF Paragraph 61 referred to the need to provide for a number of different groups, however, he pointed out the similarity of the design to that of a PBSA, suggesting a risk the accommodation would become student housing.

Parish Councillor R Cornwell noted the Parish Council suggested some conditions and amendments to have slightly more two-bedroom apartments and for some disability adaptations. He noted a previous application where condition as regards under 55 years of age for occupation had been made and suggested that a similar provision, albeit for those over the age of 25, could be made to restrict use by undergraduate students. He added that the challenge was to try to live up to the promise of the application and therefore there needed to be a nuanced discussion.

The Chair thanked Parish Councillor R Cornwell and asked Local Member, Councillor L Brown to speak in relation to the application.

Councillor L Brown noted that she and Councillor E Scott, as County Councillors for the area, were very pleased when this application was lodged as they both felt that not only would the flats help redress community balance in Durham City as per paragraph 142 in the Committee Report, but would also provide accommodation in close proximity to shops and public transport. She added that the proposed scheme also had the added benefit of removing a derelict piece of land which had been an eyesore for many years.

Councillor L Brown explained that given those factors, the apartments would be ideal as housing for older people, vulnerable adults and people with disabilities as referenced on p108 of the County Durham Plan pre-submission draft. She noted there was a shortage of that type of accommodation in the city and added that as she had said in her original representation, it would be wonderful if the block of apartments were warden controlled and had community facilities built in, as can be seen in other areas of Durham.

Councillor L Brown noted that she and Councillor E Scott therefore welcomed the application, however, would like to ensure that the eventual residents were not students as they looked to developments like this to make up the shortfall in housing for the full-time residents of Durham. She concluded by noting that it was hoped conditions could be added to the application to ensure the apartments were not for student use.

The Chair thanked Councillor L Brown and asked Ms N Allen, Planning Consultant acting on behalf of the applicant to speak in support of the application.

Ms N Allen thanked the Committee for the opportunity to speak and noted it was important to state the 27 one and two-bed apartments were for market accommodation, specifically developed for C3 use, and would be suitable for a whole range of different people, from young families to older people. She reiterated the Officer's comments as regards the vacant, tight urban site and the commuted sum that would be made in terms of open space provision.

Ms N Allen noted the Officer's report highlighted no objections from the statutory or internal consultees and reiterated that the application before Committee was very different from PBSA application previously considered. She noted that Conservation Officers were happy with the design, enhancing the Conservation Area and pointed out the city centre location, close to transport links and amenities, meant the site was in a highly sustainable location. She added the brownfield site also benefited from being fully serviced and the opportunity for a range of people to occupy the properties offered the potential of social benefits on top of economic benefits of regenerating the vacant site.

Ms N Allen referred to the NPPF tilted balance test and reiterated the significant benefits of the scheme as set out within the report and Officer's presentation. She understood that Members had visited the site and would know the site was currently an eyesore and informed the Committee there had been a number of fly-tipping incidents at the location. She added the retaining wall was in poor condition and the application would help to regenerate the site, vacant for so long the previous Case Officer used to walk past the empty plot on the way to school.

Ms N Allen appreciated the proposal was for a large block, however, the design was sympathetic and was a high quality which would "enhance the Conservation Area". She added the development would improve the footpath as mentioned, and also create a new hammerhead and retaining wall. She noted the huge opportunity to develop the plot, with high build costs due to the constraints of the site and bespoke design, the applicant taking a long-term view in developing the site.

Ms N Allen noted there was not much harm in the proposed development and that was far outweighed by the significant benefits as demonstrated and therefore she asked that the Committee approve the application as per the Officer's report.

The Chair thanked Ms N Allen and asked the Senior Planning Officer to comment on the issues raised by the speakers.

The Senior Planning Officer noted that in respect of the issue raised by the City of Durham Parish Council and Local Members, the apartments were for any end user and that any change of use application for student use in the future would provide an opportunity for a level of control, each application to be considered upon its own merits. In respect of conditioning for age restriction, the Senior Planning Officer noted such conditions would need to be looked on in terms of reasonableness and, in this case, Officers had not thought such conditions would not be reasonable to impose.

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

Councillor J Shuttleworth noted he had attended the site visit and had seen drainage holes at the site and asked how they would be incorporated within the development. He also noted six objections from local residents and highlighted the proposal suggest around 50-60 people living at the location, none having a vehicle. The Senior Planning Officer noted the Council's Drainage Team and Northumbrian Water Limited were happy with the application and appropriate condition in respect of drainage. He added the site was within a controlled parking area and asked the Highways Officer to elaborate. The Highways Development Manager, John McGargill confirmed the site was within a controlled parking zone and that as a new development, new residents would not be allowed to apply for parking permits. He added that the cost of on-street parking would be prohibitive, however, the application site was within a sustainable location.

Councillor B Coult noted that the site was an eyesore and she moved that the application be approved.

Councillor D Freeman noted he felt a sense of déjà vu, with applications in 2007, 2008, 2009 and with him having sat on all three of the Planning Committees where they were considered. He noted that C3 use was not for student use, however, he had concerns that the one-bed units and lack of parking provision suggested they may become used by students in the longer term. He noted his disappointment in terms of the lack of affordable housing, noting planning was becoming flexible to the point of delivering no affordable units.

Councillor D Freeman asked for the comments of the Solicitor – Planning and Development as regards any condition relating to an age restriction.

The Solicitor – Planning and Development noted the decision as regards conditions was for Members, however, she noted that conditions must be reasonable and acceptable or necessary. She noted that Officers had not identified any reason why such a condition would be necessary and reiterated it was a matter for the Committee.

Councillor A Laing seconded Councillor B Coult.

Councillor D Freeman noted he would be happy to see such an age restriction condition as it would support the aims and needs identified within the CDP and City of Durham Neighbourhood Plan. The Solicitor – Planning and Development noted that it would be a struggle to sustain such a condition if appealed. Councillor A Laing asked what would be possible in terms of such a condition. The Solicitor – Planning and Development noted that any type relating to an age restriction would likely be lost at appeal as they would not be necessary in order to deliver the development. Councillor D Freeman reiterated he felt a condition in terms of restricting to aged 25 years old would be beneficial in order to rule out the majority of students. The Chair asked Councillors B Coult and A Laing as proposer and seconder if they agreed to such a condition being added, they both agreed.

The Area Team Leader, Sarah Eldridge asked for clarity in terms of the condition they wished to apply and whether Members' wished the condition to would preclude any family members under the age of 25, or if the condition would stipulate at least one family member being over the age of 25.

Councillor B Coult noted one family member being over 25 years old.

Councillor I McLean noted the situation that could occur where a 21-year-old living in one of the flats could lose their parent or parents in an accident and by virtue of such a condition lose their home as well as their family. He added there could be other scenarios, where a child and siblings are left the property and unable to live in the property. He added he felt it was too proscriptive. The Solicitor – Planning and Development noted Councillor I McLean's interpretation was correct.

Councillor R Manchester noted that he agreed with Councillor I McLean's comments and he was against any condition restricting age. He moved that the application be approved, subject to the original conditions set out within the Officer's report. Councillor I McLean seconded Councillor R Manchester.

The Chair noted that the first vote would be for approval, subject to a condition restricting age to one family member over the age of 25, proposed by Councillor B Coult and seconded by Councillor A Laing. Upon a vote being taken the motion was **LOST**. The Chair noted the proposal by Councillor R Manchester, seconded by Councillor I McLean was for approval, subject to the original conditions as set out in the Officer's report.

**RESOLVED**

That the application be **APPROVED** subject to the conditions and Section 106 Legal Agreements as set out within the report.

Signed by Councillor: .....