

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

At a Meeting of **Area Planning Committee (Central and East)** held **remotely via Microsoft Teams** on **Tuesday 8 December 2020** at **9.30 am**

**Present:**

**Councillor J Clark (Chair)**

**Members of the Committee:**

Councillors D Brown, K Corrigan, M Davinson, D Freeman, S Iveson, R Manchester, J Shuttleworth, P Taylor, L Pounder (substitute for A Laing) and I Jewell (substitute for J Robinson)

**Also Present:**

Councillor B Kellett

**1 Apologies for Absence**

Apologies for absence were received from Councillors I Cochrane, B Coult, K Hawley, A Laing and J Robinson.

**2 Substitute Members**

Councillor L Pounder substituted for Councillor A Laing and Councillor I Jewell substituted for Councillor J Robinson.

**3 Minutes**

The minutes of the meeting held on 14 November 2020 were confirmed as a correct record by the Committee and would be signed by the Chair.

#### **4 Declarations of Interest**

Councillor D Freeman noted in respect of Item 5b - DM/20/01961/FPA - William Robson House, Claypath, Durham, he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not been party to their submission in objection to the application.

#### **5 Applications to be determined by the Area Planning Committee (Central and East)**

##### **a DM/20/01685/VOC - Glenmoor Farm, High Street, Low Pittington, Durham, DH6 1BE**

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 application was for the variation of condition 2 of planning approval DM/16/03207/FPA to allow a change of materials from render to stone with glazed section above entrance doors and increase of roof line by 300mm and was recommended for approval subject to conditions.

The Planning Officer referred the Committee to site plan and aerial photograph of the site and noted that the site was directly adjacent to, and outside, of the settlement boundary for Low Pittington. It was added the site was not within a Conservation Area or the Green Belt. She explained that the site had previously contained agricultural buildings for the housing of poultry, constructed of brick with metal sheet roofs. It was added that to the south of the site there was The Byre and Glenmoor Farm, both of which were residential dwellings, neither controlled nor owned by the Applicant. It was noted since the original approval for the scheme, a further conversion had been approved to the west of the site.

The Committee were informed as regards the planning history of the site, as set out within the report, and that the scheme had been approved under application DM/16/03207/FPA, for the erection of two dormer bungalows with attached double garages and associated landscaping. The Planning Officer noted the application being considered by Committee proposed variations to the 2016 scheme, including the increase of height to the buildings by 300mm, a change of material from render to stone, and also the regularisation of land levels across the site. She noted the application had been referred to Committee on the request of Local Member, Councillor B Kellett in respect of impact on residential amenity.

The Planning Officer referred Members to photographs of the site, including the previous structures on the site and a view of the boundary wall of the site and adjacent Glenmoor Farm. Members were also provided with proposed elevations, with the proposed increase in height of 300mm highlighted. She explained there were no objections from internal or statutory consultees, with 18 letters of objection having been received. Members were referred to the previous planning history at the site, and the Planning Officer noted that the principle of residential development had been approved previously. The Planning Officer noted the changes were considered acceptable in terms of visual amenity and while some separation distances were lacking, it was felt that an improvement had been made from the previously approved scheme. She added there had been no objections in respect of highway safety.

The Planning Officer noted that the issue of land levels, while not set out in the description, was discussed within the report and within the site history section of the report, at paragraph 10, it was to be noted that the refusal in 1997 was also dismissed upon appeal. She noted that paragraph 70 of the report referred to the usable height space being created internally, and the change of height for the application was 300mm.

The Planning Officer noted that it was considered that the impact of the application in terms of visual amenity, residential amenity and highway safety was acceptable. She added it was felt the application was acceptable in terms of the requirements of the National Planning Policy Framework (NPPF) and policies within the County Durham Plan (CDP). She noted that the objections and concerns had been taken into account and were not felt to be of sufficient weight to justify refusal of the application given the previously consent that was in place and the fallback position that occurred. She noted it was considered that Officers had attempted to work with the Applicants to achieve a better outcome for the development.

The Chair thanked the Planning Officer and asked Local Member, Councillor B Kellett to speak in relation to the application.

Councillor B Kellett thanked the Chair noted he had lived in the area for 43 years and he knew the area and the farm better than anyone on the Committee. He explained that he had known the old farmer that had owned the property previously very well and had visited the farm on many occasions and was very familiar with the "poultry houses" that had occupied the site previously. Councillor B Kellett noted that a local resident had asked him to attend his property to have a look at the application site from his property. He added that upon visiting he was shocked by the changes that bore no relation to the original development plan. He noted that if the issue had been simply the change of around 12 inches in height there would have been no problems at all, however, he felt it was not.

Councillor B Kellett explained that in relation to development at the site, over the years, bit by bit it had been increased in height. He noted the slope to the north of the site which had been built up with soil, lifting the height by around three feet, therefore the building was already three feet higher than on the original plans. He explained that there was an additional wall on top and therefore it was not 300mm and was around six feet, or around two metres, and that those houses now overlooked the two properties immediately in front of them and therefore those properties suffered a loss of amenity.

Councillor B Kellett recalled, while a Member of the former City of Durham Council, an application on a nearby site for two bungalows that was refused and, as mentioned by the Planning Officer, were dismissed at appeal. He noted that 20 years later, they had planning permission, with the bungalows being built being much larger than those that were refused. He explained that the application that was approved in 2016 was for two dormer bungalows, with rooms in the roof, and the current request to raise the roof height as a result of the incorrect development of the site meant the development was more in keeping with a two-storey property and did not fit in with the surroundings. He noted that he felt Members needed a site visit to be able to appreciate the magnitude of the buildings noting they were huge and out of context with everything else in the area. He added that the adjacent Glenmoor Farm had won national awards for its conversion in terms of architectural and planning and was featured in publications.

Councillor B Kellett noted a further complication was permission for the construction of a further dwelling, not by the Applicant, whereby the recommended facing distance for the two dwellings to the property with permission was only 9.7 metres, with the recommended Council standard being 21 metres. He added that was compounded as the properties would be overlooked and that the proposed mitigation was for obscure glazing. He asked how long that would remain if there was a change of owner at that property, as it was not a bathroom, and noted he felt it was the potential beginnings of a neighbourhood dispute.

Councillor B Kellett reminded the Committee they were being asked to approve an application for an increase in height of two dormer bungalows by 30 centimetres together with the application for a change in building materials. He added that the application had exposed the fact that the buildings under construction bore no resemblance to anything which original planning had been granted. He noted the buildings far exceed the size in floor and height of what was permitted. He explained that the current application was, quite candidly, trying to legitimise what had happened by a backdoor method, it already haven taken place and been lifted up. He noted when he attended the site recently, he had noticed immediately that it was not at the correct level it had been lifted, having visited the "hen crees" that had been on site on many occasions as previously mentioned.

Councillor B Kellett noted it was for Committee to determine and he would ask for an adjournment and that the Applicant resubmit a retrospective planning application for something which was actually being built.

The Area Planning Team Leader - Central and East, Sarah Eldridge noted a video had been submitted by residents, and Councillor B Kellett thanked her and noted he could provide some narrative to accompany the footage. He explained as regards the video images, with views of the award winning Glenmoor Farm, showing the site in the past, and the current view, noting the wall and window heights. He pointed out the wedge shape in how the land had been lifted in comparison to the site in the past.

The Chair thanked Councillor B Kellett and asked Mr Christopher Fish, a Planning Agent representing local residents who were in objection to the application.

Mr C Fish thanked the Chair and Committee and noted he would have several photographs that Planning Officers would make visible on screen for Members to view during his address. He explained that consent for the houses was given by Officers in 2016 following many years of refusals and lost appeals. He added that approval had envisaged the replacement of the small single-storey shed, as shown, with residential properties of a similar scale and form which were intended for a local long-term resident. He explained key attributes of the original scheme had been its low line and character, and the way the houses remained subservient to Glenmoor Farm.

Mr C Fish noted the original approval described the scheme as "The bungalows would be similar in footprint to the existing buildings and the eaves and ridge heights will be kept low so that the proposed dwellings remain subservient to the principal dwellings. The proposed development will be of a scale and massing not dissimilar to that of the development that exists". Mr C Fish noted that it was the view of residents that the original application was substantially deficient in information and its consideration was flawed leading to the significant issues that had arisen. He noted the flawed decision would be examined in the case of any Ombudsman case or potential Judicial Review.

Mr C Fish noted that present construction had continued at great speed, despite not being in accordance with any approved plan and therefore being unauthorised. He added that while the application being considered was for a minor variation, the Developers were seeking authorisation and acceptance for their unauthorised works which had not been considered by the Council or its Officers. He noted the works were very far from the form intended by the approval and added he felt it was pertinent to underline the difference between the expectation of the approved development and the actual construction.

Mr C Fish noted such change should require a full planning application as it raised significant issues not assessed in the original permission. He added that the current development, by commercial Developers, sought to maximise the scale of the buildings and their presence in the landscape and to challenge the established prominence of the buildings which front on to High Street. He noted the buildings were no longer the modest bungalows approved, being very substantial two-storey houses of around 8,000 square feet, or 750 square metres. Mr C Fish explained the footprint and form of the original structures had been completely swallowed by those large properties and the issue of dominating the area had been compounded by the raising of the property at the western end by almost two metres above the original ground level. He noted that if the properties had been completed in accordance with approved plans, the levels of the original buildings and to their scale, they would have remained below the height of the boundary wall to The Byre and Glenmoor Farm. Mr C Fish noted that the first floor bedrooms were now afforded an uninterrupted view into the private rear gardens of those two properties. He explained that the original, award-winning Glenmoor Farm development had sought to sympathetically to its setting and neighbours. He added that, to create light, open living areas, large areas of glazing were included on the rear which would now afford an open view straight into the houses at their elevated first floor bedroom windows in conflict with the Council's policies on privacy and residential amenity.

Mr C Fish noted the scheme also failed to meet the Council's distance standards, as outlined within the Officer's report, which was another deficiency of the original approval, exacerbated by the current development. He noted the standards were guidance and could be applied flexibly, the reduction of facing distances from 21 metres, 68 feet, to 9.5 metres, 31 feet, was stretching flexibility rather too far. He noted the Applicant had noted there had been a cut and fill construction method employed on the site and that had reduced the levels of the buildings. Mr C Fish noted that another significant deficiency of the earlier approval had been the failure by Officers to control site levels on the sloping site. He added that the alleged minimal cut at the east of the site was far outweighed by the fill and the west end, which was now retained by a 1.5 metre high retaining dead wall on top of approximately 0.5 metre of built up ground level. He noted that the Applicant was also proposing to further increase the height of the houses with one brick wall being in excess of five metres, which dominated the surrounding site, severely impacting upon it, and severely compromising the approved development. He added that the full impact, scale and form of the unauthorised raising of levels could not possibly be appreciated in photographs and should not be judged by a single person's interpretation of the issues.

He noted it was therefore strongly suggested that a decision was delayed at least until Members had an opportunity to make individual site visits at which the current structure could be compared to photographs of the previous buildings which they were supposed to, in the words of the previous approval, "more or less replicate".

Mr C Fish noted that it was requested that the current application be refused, however, should Members be minded to approve, it was also noted that residents felt the current conditions were unacceptable as they gave far too much leniency for the continuation of the construction in the early hours of the morning. He noted it was therefore suggested that a construction plan to be submitted within eight weeks was pointless given the speed of building on site and the disturbances from noise, dust and unsociable working hours.

The Chair thanked Mr C Fish and noted that the Applicant, Mr Richard Scorer and his Agent, Mr Joe Ridgeon were in attendance to speak in relation to the application. The Chair noted that they had the same amount of time as afforded to Mr C Fish between them and asked them to speak for up to five minutes in relation to the application.

Mr R Scorer thanked the Committee for allowing him to put his case forward. He explained that he and his son had purchased the parcel of land, with full planning approval for two dormer bungalows on part of the former Glenmoor Farm site, approximately 14 months ago. He added they operated a family building business and had carried out groundworks for over 15 years, including for many national housebuilders. He explained both he and his son had sold their family homes to start building their own homes as it was something that they had always aspired to. He explained that as builders they were aware that render could begin to look very scruffy after only a couple of years and therefore they had wated to use high quality reclaimed materials that fitted into the character of the area and could be something of which they could be proud of. Mr R Scorer explained that all of the brick and stone used so far was reclaimed and had come from nearby sites which meant the homes would be in keeping with the character of the area. He noted he and his son completely agreed with the Planning Officer's views that the use of stone rather than render would last longer and be more sustainable.

Mr R Scorer explained that, upon beginning groundworks and working out site levels with a profile and a laser, it soon became apparent that the top bungalow would need to be sunk into the ground by approximately 1,350mm. He added that garage, stepping down, would be sunk by a further 150mm. He explained there would be a 950mm step down between bungalow floor levels and further reduction in height of the bottom bungalow garage by 300mm. He added that in order to keep the building level low, they had commenced building foundation levels with bricks rather than blocks.

Mr R Scorer noted the original permission noted that works should start at existing ground levels, however, they had gone beyond that by carrying out a cut to the footprint of both buildings to keep them low. He added that his son was six foot seven inches in height and that the original plans had the upstairs rooms right within the eaves of the building. He explained the desire for the addition height was therefore to enable more use of those rooms without having to duck down. He noted that the 300mm increase would not be noticeable if you stood outside of the bungalows and added that they completely agreed with the Planning Officer's view within the Committee report that the increase in height would have a minimal impact upon the wider character of the area.

Mr R Scorer noted that when they had bought the site, they were not aware of any potential issues in relation to separation distances between their new houses and the potential house to be built at the rear of The Byre. He explained that they were as frustrated as the objectors that the Council appeared to have mistakenly overlooked the extant permission from around 1998. He added that they did not want a house that close to their properties, however, they had accepted the proposed build and had agreed with Planners to fit obscure glazing, which they would want in any case if there was to be a house that close to their properties. He noted that with that, the bungalows should be acceptable for themselves, or any future residents, if that other property was ever built.

Mr R Scorer noted that following the objections from neighbours, they had worked with the Council and had provided all information that had been requested, including extra surveys to confirm existing levels and additional plans. He added that they respectfully requested that Members approved the application, subject to the proposed conditions within the Planning Officer's report, which would allow the homes to be completed, with planning delayed so far amounting to around four months. He noted he was happy to answer any questions, with their Agent, Mr Joe Ridgeon in attendance should Members have any technical questions.

The Chair thanked Mr R Scorer and noted that his address to the Committee had elapsed the allocated five minutes. She asked the Planning Officer to respond to the issues raised by the speakers.

The Planning Officer noted that in respect of the obscure glazing, Condition 6 of the report referred to "in perpetuity" and therefore even in the event of the ownership of the property changing, the condition would still apply and any change would be dealt with as a breach of that planning condition. In respect of the requirement for a full planning application in respect of works, it was noted the variation of condition application did seek to look at the variations to the previously approved scheme and it was felt that was an acceptable way by which to deal with the issue.



In terms of the hours of operation, they were the standard hours as applied to the majority of permissions and therefore they were not felt as unreasonable.

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

Councillor J Shuttleworth noted he had spoken many times at Committee and impressed the importance of taking the views of Local Members into account. He added he felt the works did not seem to resemble what was there on site in the past and that the Committee should consider the application very carefully.

The Area Planning Team Leader - Central and East noted that the 2016 permission was considered a fall back position and works could proceed on that basis. She noted the works as regards that permission had commenced, therefore it could be implemented.

Councillor P Taylor noted some confusion as regards the comments of Planners and the comments from Mr C Fish. He noted one said works were in line with the 2016 permission, the other stating they were not. He asked who was correct. The Chair added a question asking who had raised the ground level, whether it was the Applicant or had it been undertaken prior to his purchase of the parcel.

The Area Planning Team Leader - Central and East noted Mr R Scorer had indicated that it had been apparent to them there was a slope that had required a cut and fill approach and asked if the Agent could confirm. The Chair noted she would allow Mr J Ridgeon to answer. Mr J Ridgeon noted the objectors were looking at the site from the western end of the site, however, the site needed to be considered across the piece. He noted starting at the eastern end there was a 1.5 metre cut into the site to create a level development platform with a step down to create another development platform. He noted Mr C Fish was incorrect in stating it was raised by 1.5 metres, rather it was 66 centimetres as stated at paragraph 67 of the Committee report, as measured on site with Planning Officers having been in attendance. He added that at the western end the development was only single storey and therefore there was the lower height and the single storey garage in terms of clarification.

Councillor P Taylor noted Members were judging the issue on the application and asked if what was being built was in line with what was approved. The Area Planning Team Leader - Central and East noted that it was not, however, the variation of condition application sought to regularise the position and the Committee was being asked as regards variation from that 2016 approval.

Councillor I Jewell noted his concern, with the Committee being tasked with consideration of the variation application, and the issue as regards the approval of the former application was being mentioned. He asked if the Solicitor could provide some advice for Members. The Solicitor – Planning and Development, Neil Carter noted that in terms of the issue of land levels, Members needed to come to a view on the acceptability of the land levels as they existed currently, with the Planning Officer already having explained that there was some variation to the 2016 permission. He noted that one of the aims of the application was to regularise the situation and Members had to decide whether the land levels were acceptable. The Solicitor – Planning and Development noted that the Planning Officer had explained as regards the fallback position and that was relevant in terms of the principle of development. He noted some objectors were of the view that the development did not resemble what existed on site previously, however, the comparison to be made would be to the 2016 permission. He added it was for Members to consider the changes to that permission and whether those changes were acceptable.

The Chair thanked the Solicitor – Planning and Development for clarifying the issue being looked at was the variation application.

Councillor M Davinson noted he would often raise the issue of development right next to other residential properties and an associated Construction Management Plan (CMP) and added that in terms of the application being considered, there were residential properties right next to the development site. He noted he felt the start time for works should be later, by 30 minutes. He asked as regards separation distances, with the objectors noting a discrepancy, and whether that had been within the original plans.

The Planning Officer noted that in terms of the separation distance, the 21 metres was met in terms of existing buildings, however, the issue was with an extant permission to the rear of The Byre whereby, if constructed, the window on the boundary wall would only be 9.7 metres, significantly below the guidance. She reiterated to try and improve the situation from the 2016 permission a condition had been added for obscure glazing in a window on the front elevation of Plot 1.

Councillor M Davinson noted applications were required to be undertaken within three years, the original application being in 2016. The Planning Officer noted the application had formed part of a wider permission, with two properties having been created from the conversion of one former building and therefore the permission remained “live”.

Councillor I Jewell asked for clarification in terms of access, with objectors noting it only being suitable for five properties, not six.

The Highway Development Manager, John Mcgargill noted that within the County Council's residential design guide it stipulated that residential developments with more than five properties should be served with an adopted highway. He added that while the development would have more than five, it would not be provided with an adopted highway. He noted it was a mews-type development and added that the design guidance was such to address a number of issues, including provision of public utilities. He explained that public utilities preferred adopted highways so that they could be unencumbered when laying their services. The Highway Development Manager noted the development would need to be served by a private connection from the public utilities and that was quite normal for mews-type developments. He noted street lighting and maintenance for private streets could be an issue in some cases, however, for a mew-type development they were not usually issues. He added that overall, none of the issues would impact upon vehicular safety at the development.

Councillor P Taylor noted he had sympathy for both the Applicant in terms of the lay of the land and the objectors in terms of the works when compared to the original application. However, he noted planning decisions were to be based upon the merits of an application and therefore he asked whether the application before Members was acceptable in terms of the Town and County Planning Act. He noted he was torn as regards the application; however, he reluctantly would move approval of the application, in line with the Officer's recommendation.

Councillor J Shuttleworth asked if the heights referred to were infinitely higher than the original approval was it fair to say the development overpowered the properties around about. The Planning Officer noted the application was for a variation of 300mm to the height of the 2016 permission. Councillor J Shuttleworth asked if the ground height had been made up from what it had been originally. The Area Planning Team Leader - Central and East noted that there had been cut and fill across the whole site and that the east of the site was decrease and the west of the site was increased to give the Developer a level platform to build upon. The Chair noted the images shown had only shown the fill end of the development and had not shown the cut into the slope and that the Planning Officer had clarified the 300mm increase in height being sought within the variation application. Councillor J Shuttleworth noted that it would have been useful if Members had been able to have a site visit, however, looking at the photographs provided the height they were made up to looked as if the new properties were overpowering.

The Area Planning Team Leader - Central and East referred to photographs from the presentation, presented on screen again for Members' information.

She explained that they gave the context in relation to the properties, with the one to the west being single storey and relatively low profile with Velux roof lights. She added that the properties to the south being true two-storey properties and therefore the properties being built were in between, bungalows with dormer windows. The Chair noted the photographs and recalled reference to levels within the presentation of elevations. The Planning Officer shared the slide with the proposed elevations and noted the change in ground level. She referred to the slide showing the 300mm increase from the original scheme. The Chair asked if that was for one of the two bungalows only, the Planning Officer noted was for both properties. The Area Planning Team Leader - Central and East referred to a side elevation and noted the 66 cm referred to by Mr J Ridgeon was a piece of wall below floor level of the garage of the lower property, a dead wall before the floor level of that property.

Councillor J Shuttleworth noted that the video footage implied the ground level was significantly higher than it had been previously and asked if the privacy of those properties around about was compromised in terms of those changes in height as additional height would surely only intrude upon residents next door. The Chair noted that was part of the case made by objectors and it was for Committee to decide on the variation application.

Councillor M Davinson noted he would second Councillor P Taylor in terms of approval, though with an amendment to the start time for work to be 8.00am rather than 7.30am. The Chair asked if he was suggesting the same days of operation, Councillor M Davinson noted he was, noting the tension between increased hours of operation meaning a quicker end to works on site and the disturbance that would mean in terms of the early start times. The Planning Officer noted that was an issue Committee could decide upon. Councillor P Taylor thanked Councillor M Davinson and clarified he would accept a move to an 8.00am start time.

Councillor I Jewell noted it was very difficult in terms of planning and that for approval or refusal there needed to be valid reasons. He noted that he felt he would struggle to be able to provide any reasons for refusal and he also thanked Councillor M Davinson for his comments in relation to the start time for works.

The Chair noted no further comments from the Committee and the Solicitor – Planning and Development noted the vote was for the approval of the application, subject to an amended condition relating to the start time for works being 8.00am.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED** subject to the conditions as set out within the report and an amendment to condition 5 in respect of site start from 8.00am (rather than 07.30am).

### **b DM/20/01961/FPA - William Robson House, Claypath, Durham, DH1 1SA**

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 application was for the extension and conversion of the multi-level decked car park to form 3no. 2-bed apartments and 4no. 2bed townhouses (Resubmission) and was recommended for approval subject to conditions.

The Senior Planning Officer referred Members slides relating to the application site location and photographs of various views of the site. He reminded Councillors that the Committee had visited the site previously in association with a previous application in 2019. He referred the Committee to proposed elevations, which set out the twin ridged, dual pitched design for the roof, to allow for natural light to the first floor bedrooms through north-facing, conservation style roof lighting. Members noted the issues in respect of previous application and the Senior Planning Officer referred to a comparison of the proposed development and the current view from the nearby Blue Coat Court. It was noted the land dropped away on the southern side of the site toward Leazes Bowl and it was explained the proposed floor plans were such that rooms facing the trees to the south of the site were not habitable rooms, and within the recommendation there was a condition for obscure glazing to help protect the trees from requests for excessive pruning or removal.

The Senior Planning Officer noted in terms of statutory consultation responses, the Highways Authority had no objections subject to a CMP, noting the constrained access arrangements. He added that Northumbrian Water Limited had offered no comments in relation to the application. It was noted the City of Durham Parish Council had raised concerns as regards the development becoming Houses in Multiple Occupation (HMOs) or a Purpose Built Student Accommodation (PBSA) and noted ongoing discussions with the Parish Council. He added that the issue had been confused in terms of typographical errors within some of the application's support documents that made reference to student accommodation.

He explained, as set out within the report, clarification had been sought from the Applicant, the application was for C3 residential use and not student use and if there was any change from that it would be subject to planning control. He added the Parish Council also had concerns in terms of, accessibility requirements, waste collection arrangements and highways safety and disruption during the construction phase.

The Senior Planning Officer noted no objections from internal consultees subject to conditions. He explained there had been one letter of objection received from PRISM Planning Consultants, on behalf of all residents of Blue Coat Court, raising concerns as regards the proposed development on residential amenity. It was noted that subsequent to amendments to the scheme and additional information the objections had been withdrawn.

The Senior Planning Officer noted that the planning considerations, the application was considered in relation to CDP Policy 6, and that the site was centrally located and was considered a sustainable site in terms of new residential development. He added that the application site was previously developed site and the proposed development would not result in the loss of any valued assets, there was mix of house types, and the issues in relation to HMOs or PBSA use was as previously mentioned, the application being for C3 residential use, any use as HMOs or PBSA being subject to further planning control. He reminded Members of the changes in terms of the impact of residential amenity when compared to the 2019 application and reiterated that the residents' objections had been withdrawn following amendments made to the scheme. He noted that the application was in accord with policies within the CDP, Neighbourhood Plan and NPPF, including those relation to the Conservation Area and World Heritage Site, and therefore the application was recommended for approval, subject to the conditions as set out within the Committee report.

The Chair thanked the Senior Planning Officer and asked Parish Councillor John Ashby to speak on behalf of the City of Durham Parish Council in relation to the application.

Parish Councillor J Ashby thanked the Chair and Committee for the opportunity to explain that the City of Durham Parish Council had raised a number of concerns about the application. He noted the concerns arose because of the history of applications that had been made, each in turn quite rightly refused and which, on appeal had been dismissed.

He added that, in effect, Council Officers, the Planning Inspectorate and Members had spent a very significant amount of time and effort considering and refusing a string of deeply unsatisfactory proposals, the current application being the fourth and hopefully the last.

Parish Councillor J Ashby noted the Parish Council welcomed genuine C3 developments in the area that provided residential accommodation for year-long occupation. He added that the site was an ideal location for such development, especially suitable for elderly people because of its proximity to the city centre.

He noted that the Applicant's supporting statements were confusing and contradictory. He gave an example, the Transport Statement in support of the application stating 49 dwellings in paragraph 1.1.3 and 74 dwellings in paragraph 5.1.2. He noted that in fact, together with approved and permitted conversions of existing building at William Robson House, the current proposals would add a further seven two-bedroom dwellings making a grand total, if approved, of 44 dwellings. He noted that furthermore, and worse, it continued to say in paragraph 3.2.8 that "*it is anticipated that the apartments could prove attractive to students of Durham University*".

Parish Councillor J Ashby noted that paragraph was the main concern of the Parish Council and noted that if the development was as described in the Transport Statement it would fail the policies of the County Durham Plan (CDP). He noted the Planning Officer dealt with that issue entirely correctly by pointing out that the Applicant would have to apply for planning permission to change from C3 use to C4 or Sui Generis HMOs or indeed a PBSA. He noted the Parish Council would stay alert in that regard.

Parish Councillor J Ashby explained the second concern of the Parish Council was that essential provision to meet accessibility requirements did not appear to be shown and would therefore need to be specified, if approval was to be given. He added that the Planning Officer proposed Condition 4 which met that point admirably.

It was explained that the third concern was in respect of the arrangements for the collection of wheelie bins: the applicant's Design, Access and Heritage Statement stating that "*Provision has been made for internal bin storage. The bins will be moved to Claypath on collection days and collected by private contractors.*" Parish Councillor J Ashby noted Claypath was often obstructed by wheelie bins from apartments and restaurants. He added that the matter must be addressed as 44 domestic wheelie bins would totally block pedestrian movement on Claypath every week. He noted the Planning Officer informed the Committee that a different arrangement was now proposed, secured by proposed Condition 14. He added that once again, the Parish Council would be "on the case".

Parish Councillor J Ashby noted the fourth concern related to the consequences of no car parking provision being made, however, he noted that could not be the basis of a refusal of the application.

He explained the Parish Council suggested that operational conditions would be needed and enforced to manage the entry and exit of construction and building materials lorries. He noted that was covered by proposed Condition 5.

Parish Councillor J Ashby added that, on the basis of its concerns, the Parish Planning Committee had considered that, despite being a much improved design from the previous schemes that had been refused, lost on appeal, or withdrawn, the latest application should be refused on the grounds of being envisaged as student accommodation contrary to Policy 16 of the CDP and also for threatening pedestrian and traffic disruption on Claypath. He noted Planning Officer's report, published eight days ago, addressed the Parish Council's concerns and proposed conditions which made it possible to accept the development.

Parish Councillor J Ashby noted that given the history at the site, and the contradictory information provided by the Applicant, the Developer must comply with the conditions, and enforcement action must be taken against any breach of the residential use such as to become HMOs or PBSA use. He concluded by noting that, on that basis, the County Council had wrestled the application into an acceptable scheme, and the Parish Council expressed its appreciation for that.

The Chair thanked Parish Councillor J Ashby and asked the Committee for their comments and questions.

Councillor M Davinson reiterated the comments he made in relation to the previous application in terms of nearby residential properties being in close proximity to the application site, noting Members had stood alongside those properties when visiting the site previously. He thanked the Senior Planning Officer and Councillor J Ashby for their work, noting it appeared the loose ends in relation to the application appeared to have been dealt with. He moved that the application be approved, subject to the conditions as set within the report with an alteration to the start time for works on site from 7.30am to 8.30am.

Councillor P Taylor noted he would second the proposal made by Councillor M Davinson, adding he really appreciated the work of the Senior Planning Officer in preparing his report, noting that both reports at Committee had been excellent. He added the suite of conditions proposed were firm and well pit and therefore he was content in seconding the approval of the application.

Councillor D Freeman noted he was a Member of the City of Durham Parish Council; however, he was not a member of their Planning Committee and had not been party to their submission in objection to the application.



He explained he initially had similar concerns as expressed by Parish Councillor J Ashby and noted that while some concerns had been addressed by condition, he was cynical and felt the development may end up accommodating students.

He asked as regards the application coming back in terms of a change of use from C3 to C4 use. The Senior Planning Officer noted that if an application for the development was submitted for C4 use it would be assessed against Policy 16 of the CDP which referred to the percentage of student properties within an area and balanced communities and therefore, while not prejudging any such application, a robust judgement would be taken at that stage based upon the CDP and the appeal decisions that had been made. The Chair noted the comments from Councillor D Freeman and the Senior Planning Officer and explained that there was a need for two-bed accommodation and therefore she would take the view that the development offered the opportunity for elderly people, who may then need people to stay with them.

Councillor D Freeman asked if there were any condition that could be attached to prevent occupation by students. The Senior Planning Officer noted such a condition would not meet the appropriateness test in respect of planning conditions. The Solicitor – Planning and Development echoed the Senior Planning Officer, noting that it would not satisfy any of the tests in relation to the imposition of a condition.

The Chair noted no further comments from the Committee and the Solicitor – Planning and Development noted the vote was for the approval of the application, subject to an amended condition relating to the start time for works being 8.00am.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED** subject to the conditions as set out within the report, and variation of condition 17 in respect of site start from 8.00am (rather than 07.30am).