

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 **Friday 11 June 2021** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors S Deinali (Vice-Chair), D Brown, J Elmer, L Holmes, N Jones, D McKenna, E Mavin and K Shaw

Also Present:

Councillor Jan Blakey

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane, C Kay, C Marshall and P Taylor.

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

The minutes of the meeting held on 13 April 2021 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

The Chair, Councillor D Freeman noted in respect of Item 5b, DM/21/01145/FPA - 9 Cedar Drive, Durham, DH1 3TF, 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)

The Chair wished to note his thanks to the previous Chair of the Committee, June Clark, in particular the last 18 months where Committee meetings had been undertaken remotely. He added his thanks to the previous Vice-Chair, Audrey Laing and noted that both former Members would be missed from the Committee.

The Chair hoped that all Members of the Committee could work together constructively going forward, offering challenge, and asking questions as regards applications and the recommendations as set out within Officers' reports.

a DM/21/01325/FPA - The Manse, Linden Villas, Coxhoe, Durham, DH6 4DX

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 temporary change of use from dwelling (use class C3) to children's home (use class C2) and was recommended for approval, subject to conditions.

The Planning Officer noted the property was two-storey, semi-detached and was surrounded on all sides by residential development. She added that vehicular access was at the west, between the bungalow and 1 Linden Cottages and the property had a private garden and off-street parking. It was explained the access was not within the ownership of the property, however a right of access did exist. The Committee were shown site photographs and proposed floorplans, it was noted there were no external alterations proposed.

In respect of consultation, the Planning Officer noted that there had been no objections from statutory or internal consultees, with the application having been advertised via site notice and neighbour consultation letters. She added there had been 11 letters of objection received, with concerns raised relating to: impact on residential amenity; having vulnerable young people in an area with elderly people and young children; and crime and the fear of crime. Other issues raised included the detrimental impact on local residents from a former occupant of the property and concern that new occupants with difficult behaviours may adversely impact upon the children of existing families in the area.

Objectors had also raised concerns as regards the parking provision being limited and that carers did not utilise the existing car park, reducing the availability of on-street provision for other residents. The Planning Officer noted objectors had also cited concerns in respect of the level of consultation and in respect of how the facility would be managed, with queries relating to further consultation should a person with high risk move to the property and the process for making a formal complaint. She noted other matters raised by Objectors related to another property owned by the owner of The Manse and the mortgage status of the property.

The Planning Officer noted that the application was considered to meet the aims of Policy 18 of the County Durham Plan (CDP) in terms of residential amenity and the character and appearance of the locality. She added that in reference to highway safety, Policy 21 of the CDP, the application was considered to have sufficient off-street parking. She concluded by noting that the concerns of Objectors had been noted, however, they had not been deemed sufficient to sustain a refusal and therefore the application was recommended for approval, subject to the conditions as outlined within the report.

The Chair thanked the Planning Officer and asked if there were any questions on the presentation.

Councillor D Brown asked for clarification as regards where objections had come from, the vicinity of them to the property, how many site visits had been undertaken, and what dialogue had there been with objectors to the application. The Planning Officer noted there had been two site visits, one at the start of the application, another prior to the application coming to Committee for consideration. She added objectors had been in contact via telephone and e-mail.

The Chair noted the Planning Officer would look for information relating to where the objectors lived and in the meantime asked Councillor J Blakey, Local Member, to speak in respect of the application.

Councillor J Blakey thanked the Chair and Committee and asked for Members to really consider the refusal of the application. She noted there had been a number of issues around the home, with the previously occupant having not been supervised to the extent Local Members had been told. She added that residents of the area deserved better and that there had been nothing but trouble from that home and the other Council home, the village having suffered over the last three years from anti-social behaviour. Councillor J Blakey noted she was not against people with difficult behaviours; however, she would ask that the Council considered prior to placing young people into such facilities whether they were fit and proper for both the young people involved and the local residents.

The Chair thanked Councillor J Blakey and asked the Committee Services Officer to read out a statement from Councillor M McKeon, Local Member in relation to the application.

“As Councillors, we have two solemn objectives: to speak on behalf of our residents, and to treat the children in the Council's care as if they are our own. It's called being a corporate parent, and every Councillor is one, regardless of where they represent and which Committees they sit on. These two responsibilities almost never clash, and when the community was first approached about the proposed children's home on the Manse, I thought it would stay that way.

Residents and Councillors were told that the home was designed bespoke for a young man with complex needs, who would have round-the-clock intensive caring from staff and would not, for example, be able to leave the home without supervision. There was a small possibility that another young person would live alongside this young man eventually, subject to him settling in and finding a suitable foster-sibling, and that the process would be closely managed and communicated to Councillors and residents. When I learned a month ago that young people had already been moved into the site, that one of these young people had caused an issue on the street, that none of these young people were the very vulnerable young man the Manse was designed for, and that neither residents nor Councillors were informed of this, I was bitterly disappointed. Coxhoe has another children's home already, and although most of the young people there have settled well, there were some very challenging anti-social behaviour issues tied to a particular young person a few years back. Those experiences, combined with the fact that young people were moved into the Manse against the assurances given to the community, leads residents and Councillors to question if the proposed home will remain for one very vulnerable young man, or whether its character will change again, and residents will not be able to do anything about it.

Cornforth Lane is a complex area of Coxhoe. It has an ongoing and acute parking issue that will take massive capital investment to solve, it has the same issues with private landlords that other terraced streets have; if Cornforth Lane is not the most sensitive area of Coxhoe then it is one of the most sensitive areas of Coxhoe.

Although one young person with constant supervision and enough parking on-site for staff could find a decent home on the street, it would not be a suitable place for a home that was any larger or more volatile, both for the residents of the street and for the young people. It takes a village to raise a child, and there is a reason why so many families choose Coxhoe to be that village. It is quiet, with a thriving high street and lots of kids to do.

As a corporate parent, I have been proud of how looked-after children moving to the village have become so actively involved in Coxhoe life, attending youth clubs, and making friends. I want to make sure that the young man with complex needs and nowhere else in Durham to go has a house where he can feel safe, but I also do not want to see our children in a house that will not work as a home for them in the long run, because its location was selected under a different pretence and relationships have broken down with the local community. I am not sure that a Planning Committee will resolve that tension, that is a bridge for children's services to build. I have spoken to the service and they seem keen to do this, but as a Councillor I am uncomfortable without a way for the village to object to its use evolving further away from the assurances we were first given”.

The Chair thanked the Committee Services Officer and asked Mr McKenzie, local resident, to speak in objection to the application.

Mr McKenzie thanked the Chair and noted that he and his wife had lived in Linden House which adjoined The Manse for 39 years and had brought up a family while living there. He noted that since The Manse had been used as a children's home from last year, there had been music blasting at all hours and with screaming and doors banging until 2.30am. He added that the Police had arrived at the property and noted that bedroom doors had been kicked in where the resident had been locked inside. Mr McKenzie noted that the properties were built in the early 1900s and had a single brick dividing wall and explained that he had asked the Council as regards soundproofing, with an Officer from the Council having noted it “could be mentioned”. He added he had not been given a copy of fire regulations and noted that he and his wife were “living on a knife edge”.

Mr McKenzie explained his wife had been a carer for her sister for 19 years and they were therefore very sympathetic to the needs of the children referred to children's homes. However, he noted he and his wife could not live as things stood, with staff at the home being unable to handle the young person that had been at the property.

He noted information as regards the potential next young person to occupy the home, with fears as regards young people gathering at the property to drink and play music loudly, a situation that has occurred in the past. He added that if that information was correct then this worried both him and his wife, noting they had five grandchildren and other residents nearby had children.

Mr McKenzie noted Members would have seen from the site plan that the properties were semi-detached and explained that visitors from the Council had in fact walked straight into his conservatory, uninvited without knocking or ringing the bell. He added he did not think anyone within the Council Chamber would like such a thing to happen to them.

He reiterated as regards Police being called to the lane and noted issues where cars had been parked in front of his property and buses had been unable to get past and those people with issues would come and knock on his door to complain as regards the matter.

Mr McKenzie noted that the area was a quiet part of the village and residents were happy with the way it was. He added that if permission had not yet been approved then why people working and receiving deliveries at The Manse currently. He noted people had knocked at his property as regards deliveries and he noted noise from The Manse and that there had been some alterations. He explained that residents needed to know who was in charge and contact numbers if the proposals were to go ahead, stressing that the residents were those that were paying Council Tax and he hoped their views would be listened to. Mr McKenzie explained that if the proposals were to go ahead, the owner of the property, and Durham County Council, would change part of the village, cause all the aforementioned problems raised by objectors, and he noted there was no doubt in his mind that there would be double parking and parking on pavements in the location. He added this was forcing elderly residents using mobility scooters to go on to the road and he had in fact witnessed one accident. He noted people with children, going past to reach the nearby school, would have to also go on the road if they had pushchairs due to the double parking, adding he felt that was surely an accident waiting to happen.

The Chair thanked Mr McKenzie and asked the Strategic Manager (Looked after Children) Claire Morris, to speak on behalf of Durham County Council as applicant.

The Strategic Manager explained she understood the concerns of residents and noted that the proposal was that the property would be a Durham County Council children's home and therefore would be regulated in terms of fire safety and be subject to Ofsted regulations and inspection criteria.

She added that the no children would move into the property until registration had been completed, not only in terms of the planning permission, also from Ofsted as regulator. The Strategic Manager explained that Ofsted had informed the Council that the property was suitable and legally compliant with all the relevant regulations, including fire safety.

The Strategic Manager noted that the proposals were for a children's home for up to two young people and, as correctly noted, there would be one young person to initially reside at the property and only when that young person was settled would the addition of a second young person be considered. She added that there would need to be a "match" of the young people, with that match being risk assessed and in line with all the regulations coherent with a children's home.

It was added that the service would work closely with members of the community so that issues, such as parking, were addressed and the Strategic Manager noted that those attending the property would not park on the street, they would use the off-street parking provided. She added that if the property was in full use the parking situation would be easier to manage as staff would be present and be able to pick up and communicate on any issue very quickly.

The Strategic Manager confirmed that there were no children currently living at the property and therefore anyone that has been accessing the property had been doing so to check on the property and to receive any post, parcels and carry out any administration required in connection with the Council looking to establish the property as a children's home.

In relation to the support for the children that would go into the children's home, the Strategic Manager noted that it was two-fold, firstly there would be two full-time members of staff, their jobs being to make sure the children that lived in the property were well supervised and safeguarded, both of them from others and of them to others. She added that would be in line with guidance and regulations in respect of children's care. It was explained that while there was only two members of staff, there was oversight from a manager and there was also service and strategic management oversight in addition. She emphasised that there was significant oversight of a property once it became a children's home. She noted that she was unable to know what children may do in the future, however, she could guarantee that there would be regular risk assessments, planning, together with close work with partners, such as local schools and the Police, as regards the risk assessments and planning undertaken to support the young people to ensure that they are safe, and to support the communities that they live in.

The Strategic Manager explained that it was the intention that Durham's children, in Durham's children's homes, would have the ability to create a stable future for themselves as they move into adulthood either in that locality or a close locality of their choice.

She noted it was very important to support Members in understanding the purpose of the service and, while unable to share private details of individuals, the service would work in such a way to reassure those that the Council was working to support those children and young people.

She noted the service would be providing contact details so that anyone with complaints or queries would be able to speak directly to the registered manager, or other members of the management team in order to be provided with the assurances they needed. She explained noise would be kept to a minimum and the Council did everything it could to ensure that.

She added that it was recognised that the property was joined on to another house and that was why the proposals were temporary, with the intention being for the Authority to purchase a permanent property somewhere within Durham in the future, with the young person to move to that property. The Strategic Manager reiterated that the proposal was to temporarily register the property as a children's home for the period it took to purchase and establish a permanent home for those children. She noted she would wish to provide the Committee and members of the community with reassurances that the property would be well managed and regularly inspected by Ofsted, who would not only look at the quality of the care provided, but also scrutinise any of the concerns that any resident would have, as referred to by the potential neighbour.

The Chair thanked the Strategic Manager and asked Members for any questions relating to the points raised by the speakers.

Councillor E Mavin asked as regards the training of the staff, for example in terms of restraint techniques, and also as regards night-time arrangements and whether there would be two members of staff over that period.

Councillor K Shaw entered the meeting at 10.00am

The Strategic Manager noted that staff were fully trained, with Children's Homes 2015 regulations stating very clearly what training any member of staff who worked in a children's home must have. She emphasised that was a legal requirement and would be inspected by the regulator and both the point they would make a decision to register the new children's home, prior to any children moving in, and also through monitoring through at least an annual two-day inspection. She noted that was one measure in terms of ensuring the suitability of staff, alongside monthly Regulation 44 reports which were undertaken by an independent visitor, one aspect of the visit being to look at the suitability of the staff, including their training. The Strategic Manager noted that there would always be two members of staff at the children's home day and night, with staff swapping every 24 hours. She added that was in addition to the registered manager who would be there Monday to Friday, alongside an on-call management service which existed after hours and at weekends, and while it was unlikely they would be required to visit in those periods, the management oversight was in place. She clarified that the manager was counted as "additional" with the two on-site staff being classed as the actual number of staff for the children's home.

Councillor J Elmer noted his query related to the quality of supervision, adding he felt no one would deny that it was vital need to be able to take care of those with complex needs and to ideally embed those people within communities.

He noted the local resident had described a previous situation where it did not appear that those in the property had been correctly supervised which had resulted in anti-social behaviour in terms of noise and disturbance. He noted that the Strategic Manager's assertion was that the quality of supervision would be very high indeed which did not match that experienced by the local resident and therefore he would ask for further information in order to resolve that mismatch. The Strategic Manager noted the incident referred to by the neighbour occurred when a young person was at the property for six nights, and on a particular night there was loud music and the music was turned down and headphones purchased for that young person, as would be for any young person being looked after. She added that there was an incident with loud banging noise and the young person was moved following that incident out of respect for the local resident. She noted that there would be always be occasions in any property or home environment where there would be times where noises could be heard through properties, though in the case of the proposals that would be kept to a minimum as there would be two members of staff and all times and issues with noise or car parking would be resolved.

Returning to the query made by Councillor D Brown, the Planning Officer referred the Committee to the location plan on the projector screen, highlighting that five objections had come from properties within the area with the remainder coming from objectors within the wider village. In reference to points raised, the Planning Officer noted the application was restricted to use by two children via condition and that the permission would be temporary for two years, also by condition. She reiterated that there was sufficient off-street parking at the application site and therefore there should not be issues relating to on-street parking as a result of the children's home.

The Principal Planning Officer, Paul Hopper noted that Durham Constabulary's Architectural Liaison Officer had offered no objections to the application and had noted that the arrangements in terms of the proposed number of children at the home was what they would expect to see and was in line with good practise.

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

Councillor D Brown noted the recommendation for approval within the report and added he had sympathy for those objecting, especially the neighbour. He added he appreciated that the application was only temporary for two years and asked, if the Committee were minded to refuse the application and the decision was appealed, whether the Council would have a good case.

The Solicitor – Planning and Development, Neil Carter noted it would depend upon the reason for refusal, and while he had not heard any reasons put forward by Members at this point, he noted that if a refusal reason proposed was crime and disorder, there would be significant difficulty sustaining such a reason as there were no objections from the Police and therefore there was not that evidence base to rely upon. He noted if those were the reasons that Members wished to advance then his advice would be that those the reasons would struggle to be sustained at appeal and that costs could be applicable.

Councillor E Mavin explained that he had 20 years' experience working with children with special needs and noted that each day was different. He added that as long as there were well trained staff in place then he felt the proposals would be acceptable, however, he did note his sympathy with the objector.

Councillor S Deinali explained she understood the concerns put forward by residents and Local Members, however, looking at the report there did not appear to be any material planning grounds that would visibly stand and she could not see any way that the Committee could refuse the application. She noted as a Corporate Parent and parent of a child with additional needs that each day was different and while she sympathised with the neighbouring resident, she felt every child needed a safe place to live and the applicant had put forward a good case in terms of what they would provide and the regulations that would be in place. She noted she would reserve judgement until all Members had made their comments.

Councillor E Mavin moved that the application be approved as per the recommendation as set out within the report, Councillor D Brown seconded the proposal.

Upon a vote being taken it was:

RESOLVED

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

b DM/21/01145/FPA - 9 Cedar Drive, Durham, DH1 3TF

The Planning Officer, George Spurgeon, 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 two storey side extension, single storey rear extension and widening of driveway and was recommended for approval, subject to conditions.

The Planning Officer noted a similar application for 11 Cedar Drive, the adjoining property, had been considered last year by Planning Committee and had been approved. He explained that the current application for 9 Cedar Drive did not include a proposal for change of use to a C4 House in Multiple Occupation (HMO) adding that was already possible under permitted development rights. He noted the Council was in the process of introducing an Article 4 Direction that would cover the application site, however, no Direction had been confirmed at the current time. He explained that should such a Direction be confirmed it would not come into effect until January 2022. The Planning Officer noted that therefore the issues being considered were the physical extensions to the property.

The Planning Officer noted the property was located south-west of Durham City centre and referred to photographs showing that of eight semi-detached properties in the area, six having extensions currently, with one having permission for an extension with works in the process of being started. He noted that therefore 9 Cedar Drive was the last property of the row of eight to look to extend, adding that the properties stepped down north to south with the height of 9 Cedar Drive being less than 11 Cedar Drive, though greater than 7 Cedar Drive. He referred Members to photographs showing a car parking space and garage, with the garage to be demolished, being smaller than the required minimum for use by a car. The Committee were shown photographs of a number of two-storey extensions in the area, at 7, 15 and 3 Cedar Drive, with the proposed design being similar to that of 11 Cedar Drive, approved by Committee last year. The Planning Officer referred to photographs showing before and after the construction of a single-storey extension to 11 Cedar Drive, the length of the property, and noted the proposals for 9 Cedar Drive would replicate that of 11 Cedar Drive. He explained that the width of the driveway was proposed to be increased to allow a second car to park and the side extension was proposed to extend forward of the main property by 600mm, in line with the existing bay window. It was explained the gap between the shared boundary with 7 Cedar Drive would be retained to allow external access to the rear garden.

In respect of internal alterations, the Planning Officer noted that the existing garage would be demolished and replaced by a lounge, with the rear extension to accommodate a dining area with the existing lounge and dining area to be converted to two additional bedrooms on the ground floor. He noted there were currently three bedrooms on the first floor with one being quite small and it was proposed that would be converted to a shower room, with the side extension at the second floor proposed to contain two additional bedrooms making for a total of six bedrooms, increased from three.

The Planning Officer referred to elevations and noted they were same as those previously approved for 11 Cedar Drive.

In respect of representations, the Planning Officer noted that there had been no objections from the Highways Section, with the two spaces proposed meeting the requirements for a six-bed property as set out within the Council's Car Parking Accessibility Standards. He noted there had been a number of representations received, including from the Local Member, the City of Durham Parish Council, and the City of Durham Trust. It was noted the majority of the objections related to the potential use as an HMO, in particular use by students, with a summary of all issues raised contained within the Committee report.

The Planning Officer reiterated that the application was not for a change of use to HMO and that planning permission was not required for such change of use. He explained that in looking at the physical extensions and alterations it was not considered that the proposals were overbearing or that there would be loss of light or privacy. He reiterated that the proposals were similar to those in place at 11, 15 and 3 Cedar Drive and were therefore sympathetic that would make a positive contribution to the character of the area. He noted there were no objections from the Highways Section as the sufficient amount of in-curtilage parking was proposed. The Planning Officer noted that, while the application had proven to be somewhat controversial and attracted a number of objections, Officers had taken into account the objections where material to the application and had felt that on balance the application was in compliance with CDP and City of Durham Neighbourhood Plan (CoD NP) policies as well as the Council's Residential Amenity Standards Supplementary Planning Document and Residential and was therefore recommended for approval.

The Chair thanked the Planning Officer and asked Members of the Committee for any questions relating to the presentation.

Councillor J Elmer asked as regards the point made by the Planning Officer that the proposed extensions would represent a "positive contribution" to the character of the area, adding he felt that it would be at best a neutral contribution. The Planning Officer explained that it was a subjective judgement, however, with seven of the eight properties already having extensions, and with three having similar extensions, it was not unreasonable to suggest there would be a positive contribution.

The Chair asked Parish Councillor Grenville Holland, representing the City of Durham Parish Council, to speak in respect of the Parish Council's objections to the application.

Parish Councillor G Holland thanked the Chair and Committee and began by explaining that the progressive and uncontrolled studentification of a small community on the southern margin of the City was causing despair. He noted that there was now yet another C3 house being modified as a *de facto* C4 HMO. He added that the local despair was outlined in 18 letters of objection from immediate residents because Farewell Hall was still not protected by an Article 4 Direction. Parish Councillor G Holland noted that yet, in the absence of an Article 4 Direction, no one need tolerate bad planning and bad consequences. He explained there were three lines of defence: the National Planning Policy Framework (NPPF), the CoD NP and the CDP, all of which carried their full weight. He added that the comments of the residents must also carry weight as they told Members of the Committee that the progressive introduction of HMOs into their community was causing ever increasing problems with its cumulative impact.

Parish Councillor G Holland suggested that, for a moment, Members could listen to just a few of their words and he quoted:

“4 out of 7 houses will then be HMOs in this row of houses. This will be over 50% concentration of HMOs on that side of street alone”;

“Until recently this area was a residential area, but over a short time the nature of this area has changed significantly”;

“The environment is being degraded”;

“The irreversible negative impact on this small estate is unacceptable”;

“The proliferation of HMO's is clearly driving people out”;

“The loss of family homes in Farewell Hall”;

“There is a large provision of new student accommodation within 5 minutes' walk of this location as well as 2 or 3 other colleges within 10 minutes' walk”.

Parish Councillor G Holland explained that planning policies did not encourage that outcome, they were designed to protect buildings, families, and communities. He noted the application contravened several elements of 2019 NPPF, Section 12 which was dedicated to achieving well-designed places, but most especially paragraph 127 that required buildings to add to the overall quality of the area, to be visually attractive, to be sympathetic to the local character and history, and to promote health and well-being. He commented that no one could pretend that yet another HMO in Cedar Drive had any of those merits.

Parish Councillor G Holland noted the CoD NP Policy D4 (a) required that: *“all ...extensions and other alterations to existing housing should be of high-quality design relating to the character and appearance of the local area”.*

He added that the proposal was not of high-quality design nor did it relate to the character and appearance of the local area. He explained that CoD NP Policy D4 (c) also sought high quality design in terms of internal form and layout. He suggested that cramming six bedrooms into the property, including two on the ground floor, simply failed to meet that standard.

He noted that removing part of the front garden to replace it with a hardstanding did not add to the quality of the property as had already happened at 3 Cedar Drive, another HMO.

Parish Councillor G Holland noted a similar theme in Cod NP Policy H3, sections a) and c) which required the *“sustaining, and making a positive contribution to, the character and distinctiveness of the area”* and using *“high quality design”*. Again, he noted no one could pretend that the application matched the demands of Policy H3.

He explained that the application also failed to meet the demands of CDP Policy 29 on Sustainable Design, which directed that *“All development proposals will be required to achieve well designed buildings”*, the policy not being restricted to building new estates. He added that CDP Policy 29a required developments to *“contribute positively to an area’s character and identity”*. Parish Councillor G Holland explained that local community was harmonious, well-established, and sustainable, with families of varying ages. He noted the many comments from the residents clearly showed that what was proposed would not contribute positively to the community: quite the opposite. He referred to CDP Policy 29c and noted that, given the increase from three to six bedrooms and the additional numbers of residents, the heating systems would need to be upgraded. He noted that no details had been provided as to any new installation proposed, and whether they would achieve the reductions in carbon emissions that the policy demanded.

Parish Councillor G Holland noted that CDP Policy 29(d), sought *“appropriate storage space and segregation facilities for recyclable and non-recyclable waste”*. He added that facility would be needed, given that there would be six, or maybe more, residents. He noted again there was no indication in the details supplied as to how the requirement would be met, within the report the Planning Officer makes a guess for the applicant. Parish Councillor G Holland explained that CDP Policy 29 was also underpinned by its Core Principles, and these form an important guide in helping Members to make their decision. He noted CP5.284 encouraged a *“high design quality that respects and responds to the local context and distinctiveness of the area”*, adding the application lacks that respect. He continued explaining that CP5.286 confirmed that one *“should consider the amenity of both existing and future residents and consideration should be given to matters of privacy”*. Parish Councillor G Holland noted that consideration was missing. He added that CP5.287 stated that *“Extensions [even if they] are sympathetically designed, must not detract from the character of the area and have no adverse effect on the amenity of neighbours”*. He noted that there was no sympathy in the design and, as the residents had set out, the effects were clearly adverse.

Parish Councillor G Holland noted that the application therefore failed CDP Policy 29 (a), (c) and (d) and three of its Core Principles. He added that the application should be rejected, with the decision being sustained by reference to the NPPF section 12 paragraph 127 and CoD NP Policies D4 (a) and (c), H3 (a) and (c). He explained the Parish Council did not agree with the Officer's analysis which had minimised the damage already done in Cedar Drive and the potential damage attached to the new proposal; and the Parish Council did not agree with the Officer's recommendation. Parish Councillor G Holland explained that, in planning terms, Members now had the new CDP and new CoD NP, both rooted in the NPPF, adding that those plans were designed to protect our communities from unwanted incursions such as this one. He concluded by urging the Committee to use the plans as they were intended to protect the residents living on Cedar Drive and above all, let right be done.

The Chair thanked Parish Councillor G Holland and asked the Planning Officer to respond to the points raised.

The Planning Officer noted reference to a number of policies, including CoD NP Policy D4(a) and CDP Policy 29 both of which required that proposals contributed positively to the character of the area and to have high quality of design. He reiterated that the application was for extension to a residential dwelling and did not proposed change of use to a C4 HMO. He noted that therefore in terms of the character and appearance of the area, the impact on the proposed extensions was just a physical, visual impact. He reiterated that there were similar two-storey extensions at 11, 3 and 5 Cedar Drive, and another three properties that had extended to the side to first floor level. He noted that therefore there would not be any negative impact from the proposals adding he felt there would be a small positive impact. The Planning Officer noted Parish Councillor G Holland had referred to the internal alterations to the property and layout not being of a high quality of design. He explained that all of the bedrooms met nationally described space standards and therefore would provide a high standard of amenity to existing and future residents and complied with policy.

In reference to CDP Policies 29(c) and (d) the Planning Officer noted that (c) sought to provide renewable and low carbon energy generation for main heating where connection to the gas network was not viable. He added that section of the policy referred to the erection of new dwellings and not those already connected to a heating system and therefore to ask the applicant to explore changes to the heating system was not reasonable or proportionate.

With reference to (d) the Planning Officer explained that the purpose was to encourage recycling and segregated storage, and while he felt the kitchen and dining areas were sufficiently large enough to accommodate segregated storage, he noted that if Members were suitably concerned then an appropriately worded condition could be produced, requiring details of such storage prior to occupation of the extension.

The Principal DM Engineer, David Battensby noted that in respect of parking provision, the proposals included an increase in parking provision to meet the required standards and therefore the Highway Section offered no objections to the application.

The Chair thanked the Officers and asked the Committee for their comments and questions.

Councillor J Elmer noted it was worth taking time to reflect upon the impact that the rapid expansion of Durham University was having on the cohesion of communities across Durham City and while it had originally focussed on the centre it was now increasing spreading to the outskirts of the city, taking in new estates as in the proposals. He added it was very much a race against time as Durham University had plans for even more rapid expansion and, he was afraid to say, were doing so pretty much regardless of the concerns of settled communities across the area. He added that regardless of how the application was decided, it was incumbent upon the Planning Department to expedite the extension of the Article 4 Direction as rapidly as it possibly could to give the Council the powers needed to object to this sort of application that would have a severe impact upon the cohesion of communities in the area.

In reference to CDP Policy 29 (a), Councillor J Elmer noted it referred to a "positive contribution to the community" and he could not see how the application provided such positive contribution and therefore it could be a CDP policy on which the Committee could hang an objection. He added that he would challenge the idea the application represented a positive visual contribution to the area, being a subjective point of view, adding that some people may feel that it had a negative contribution. He noted there needed to be care taken to make objective statements in cases like these, so as not to steer thinking in a particular direction, which he felt was inappropriate. Councillor J Elmer noted the large number of people that would be living in the property and suggested that being able to accommodate all recycling within the kitchen was not credible. In reference to the changes to the heating systems, he noted this would be mandated by Government within the next five years or so and there would be a move away from coal and gas use.

He suggested the Council should be on the front foot and look to use opportunities where there were large extensions to buildings to also require that the heating systems were modernised to low carbon solutions.

Councillor E Mavin noted he agreed with Councillor J Elmer and in reference to HMOs he noted the problems in his area were such that he called HMOs “how many others”. He added HMOs were saturating and watering down communities and did not believe they brought much benefit to an area. He noted the Article 4 Direction was due to come into force in January 2022 and he wished for it to be brought into effect as soon as possible.

The Solicitor – Planning and Development noted the Article 4 Direction was being brought into effect as quickly as possible. He explained that in terms of any “non-immediate Article 4 Direction” there was a 12 month period prior to coming into effect and it was subject to a confirmation regime where, once made, the Council would need to consider all representations and then consider whether or not to confirm it. He noted that in the case that it was confirmed, then the date would not change it would still be January 2022. He added that it was also important to bear in mind what the application before Committee was asking Members to consider. He reiterated the comments of the Planning Officer in that the application was not an HMO in terms of its use, that use already being able to be implemented without planning permission as it was permitted development. He noted that, as the application was not relating to change of use, issues relating to HMO use were not material in terms of the application being considered by Committee. The Solicitor – Planning and Development noted that the issue for consideration was purely the proposed extensions, the operational development the applicant had applied for. He took on board the comments of Councillor J Elmer in respect of CDP Policy 29 requiring a positive contribution in terms of design, clearly an issue that was subjective, however, there appeared to be several other almost identical extensions in the street and surrounding area, therefore that would be an issue for Members to bear in mind when looking specifically at the issues of character, appearance and design.

The Chair noted it was for the Committee to decide upon how to proceed having heard from those stating how HMOs were ruining the City and also having been advised that the area was not yet covered by an Article 4 Direction. He noted that Members had referred to relevant policies within their comments on the application and reiterated it was for Members to decide upon any proposals.

Councillor K Shaw moved that the application be approved as per the recommendation as set out within the report, Councillor D Brown seconded the proposal.

Upon a vote being taken it was:

RESOLVED

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