



Area Planning Committee (Central and East)

Date **Tuesday 8 February 2022**
Time **9.30 am**
Venue **Council Chamber, County Hall, Durham**

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 11 January 2022 (Pages 3 - 30)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/21/02945/FPA - 1 Newcastle Terrace, Framwellgate Moor, Durham, DH1 5EG (Pages 31 - 42)
Change of use of 2-bed C3 (dwelling) to a 4-bed C4 (HMO) with external and Internal alterations.
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
31 January 2022

To: **The Members of the Area Planning Committee (Central and East)**

Councillor D Freeman (Chair)
Councillor S Deinali (Vice-Chair)

Councillors D Brown, J Cosslett, J Elmer, L A Holmes, C Hood,
N Jones, C Kay, D McKenna, R Manchester, C Marshall,
E Mavin, K Robson, K Shaw and A Surtees

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 11 January 2022** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Brown, J Cosslett, J Elmer, L A Holmes, C Hood, N Jones, D McKenna, R Manchester, C Marshall, K Robson, K Shaw, A Surtees, M Simmons (substitute for E Mavin) and J Atkinson (substitute for C Kay)

Also Present:

Councillors D Stoker and R Ormerod

1 Apologies for Absence

Apologies for absence were received from Councillors S Deinali, C Kay and E Mavin.

2 Substitute Members

Councillor J Atkinson substituted for Councillor C Kay and Councillor M Simmons substituted for Councillor E Mavin.

3 Minutes

The minutes of the meeting held on 14 December 2021 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

Councillor J Elmer noted he had submitted an objection to Item 5b, DM/21/01611/FPA - Apollo Bingo, Front Street, New Durham, Durham and therefore he would withdraw from the meeting and take no part in the consideration of that application.

Councillor C Marshall noted, in respect of Item 5a, DM/20/03538/FPA - Land to the west of Poplar Tree Garden Centre, Hall Lane, Shincliffe, he had met with the applicant in his former role as Cabinet Member for Economic Development. He added, however, that he had no preconceived opinion on the application and would consider the application as the Committee heard evidence during the meeting.

The Chair, Councillor D Freeman noted in respect of Item 5b, that he was a member of the City of Durham Trust, however he was not a Trustee 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/20/03538/FPA - Land to the west of Poplar Tree Garden Centre, Hall Lane, Shincliffe

The Senior 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 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 change of use of land for the siting of 4 no. holiday accommodation units with associated parking and landscaping (amended title) and was recommended for refusal.

The Chair thanked the Senior Planning Officer and asked Parish Councillor, Michael Banks, Chair of Shincliffe Parish Council to speak in respect of the application.

Parish Councillor M Banks thanked the Chair and Committee for the opportunity to speak and noted that on a personal level he had respect for the applicant and noted regret in seeming to thwart entrepreneurial initiative, however he made no apologies in the circumstances. He explained that the Parish Council strongly objected to the proposed development, and he would not set out the conflicts with case law and local and national policy and objections as submitted in writing by the Parish Council, as a summary was included within the Officer's report to Committee set out at paragraph 35. He noted that the application was contrary to policies within the County Durham Plan (CDP) and National Planning Policy Framework (NPPF), with a refusal being sustainable as the application conflicted with green belt policy and did not demonstrate very special circumstances to outweigh the harm caused.

He added the Parish Council did not recognise the social, economic or access benefits that were proposed to arise from the proposed development, nor the temporary nature of the proposed dwellings.

Parish Councillor M Banks noted that if Members were to grant approval for development within the green belt it would set a precedent, be the thin end of the wedge, and make it more difficult for the Committee to refuse green belt applications in the future, be that extension of the current application for further units or another application on green belt elsewhere. He emphasised the strength of local opposition to the application, including from the Local County Councillor and Parish Council, with the Local MP withdrawing her support. He noted 161 objections to the application and asked what rule of thumb should be applied in terms of the ratio of those that objected to those that thought the same, two, three, ten times as many. He added that at paragraph 66 of the report, the applicant had cited laudable aims in terms of innovative, sensitive and sustainable tourism, which the Parish were not against, however the site was green belt land. He noted both Durham County Council and Shincliffe Parish Council had declared a Climate Emergency, with green belt land representing carbon storage, and asked what message would be given if there was building on the green belt when there were so many brownfield sites in County Durham. He noted that at paragraph 66 the applicant asked for a decision to be made based upon facts and he added that at paragraph 54 the applicant stated that no statutory bodies had objected to the application, however the Parish Council was a statutory consultee and had objected. Parish Councillor M Banks explained that at paragraph 55 the applicant had stated the application was in accord with all policy nationally and locally, however, Officers had noted that was not the case. He added that at paragraph 64 the applicant stated the application would improve the green belt and that local people and businesses supported the application. Parish Councillor M Banks noted that was not the case, as development on the green belt would reduce and diminish the green belt if built upon and added that the application was not '*significantly, uniformly and materially supported by both local residents and businesses alike*', as evidenced by the 161 objections received.

Parish Councillor M Banks noted a Parish Council survey, in late summer, having 92 returns, with 90 either stating to maintain green belt or being in objection to the proposal, with no returns being in support of the application. He added that it was felt the application was inappropriate development, leading to harm to the green belt and conservation area, in conflict with national and local policies, with no very special circumstances that prevailed. Parish Councillor M Banks explained that he wished to convey three messages to the Committee in terms of what there was to know, feel and do. He noted that it was known there was harm to the green belt, and it was the 'thin end of the wedge' setting a precedent for further applications.

He added that there was a strength of feeling as demonstrated by the opposition to the application, including from elected representatives. He concluded by inviting the Committee to uphold the Officer's recommendation and refuse the application.

The Chair thanked Parish Councillor M Banks and asked the Local Member, Councillor D Stoker to speak in relation to the application.

Councillor D Stoker thanked the Chair and Parish Councillor M Banks, noting he would not reiterate the points made by the Parish Council. He explained that the application represented harm to the green belt and could lead to precedent. He noted that he had not seen such public response to a planning application in 20 years as a County Councillor. He added that green belt would be weakened as precedents were made and applications were approved. He noted no very special circumstances to suggest allowing the application. He noted it was not a case of NIMBY (not in my backyard), rather it was a small village with the issue of housing having been raised.

Councillor D Stoker noted he was surprised in respect of the comments from the Highways Section, adding the Parish Council had been working with Durham County Council for around a year looking at access, noting no vision coming into Hall Lane and also that there were no pavements on either side. He asked how access would be gained to the holiday homes, especially for children, having to walk through the regularly used car park to go and buy food, with delivery vehicles also using that area on some days. He concluded by noting that there were other spots within the county where the scheme could have been done without damaging the green belt.

The Chair thanked Councillor D Stoker and asked Mr Colin Jubb, local resident, to speak in relation to the application.

Mr C Jubb explained he lived in Shincliffe Village and represented the Shincliffe Green Belt Group and Durham Green Belt Group who were committed to defending the green belt. He noted he would summarise some of the reasons why 161 people objected to the proposals and added that he agreed with the Officer's report where it noted the application represented inappropriate development and therefore harm to the green belt. He added that Durham County Council policy was a presumption against inappropriate development in the green belt and therefore granting approval would go against policy and in the process set a precedent for future applications. He noted the applicant agreed that the development would cause harm, however, the applicant claimed that by cladding the shipping containers and planting trees and wildflowers the impact would be minimal.

He noted residents disputed that assessment, adding that no images of the impact of the proposals on the surroundings had been submitted with the application to support those claims. Mr C Jubb noted that the applicant's most recent submission had tried to bypass the regulations that would prohibit the development by reclassifying the buildings as temporary, however, unlike caravans which had wheels to allow them to be moved, the shipping containers were fixed to the ground, were only moveable by cranes and therefore could not be described as temporary. Mr C Jubb noted the applicant claimed there would be benefits in terms of employment and tourism, which had been supported by Visit County Durham, however the applicant's claim was not substantiated in that there was a deficit of the proposed type of accommodation across the county. He noted that the Visit County Durham website referred to self-catering units in 2019 being at 53 percent occupancy, therefore the existing provision more than met the demand. Mr C Jubb added that even if there was demand, there were other, non-green belt sites that needed investment. He explained that the proposal was unwelcomed competition to local businesses that already offered accommodation and added it would not lead to additional visitor spend, rather transfer spend from existing business to the proposed development. He noted that the application would do little to deliver jobs, with analysis by a leading Durham University Economist concluding that one or two part-time cleaning jobs would be created, and therefore only the five Directors of the proposed business would benefit financially. He added the number of jobs did not outweigh the impact of the development on the site and the green belt policy as a whole and agreed with Planning Officers in their recommendation. He added that the economic benefits would be enjoyed by very few therefore should not be used to justify the destruction of something enjoyed by so many.

Mr C Jubb concluded by noting that the green belt should be protected and open for generations to come and therefore, given the massive public objection, he asked on behalf of the community that the application be refused.

The Chair thanked Mr C Jubb and asked the applicant, Mr James Wilson to speak in support of his application.

Mr J Wilson thanked the Chair and the other speakers, noting that not once had a single local business objected to the proposals. He explained that he was before Committee as the culmination of a year long fight for a fair hearing, driven by his dedication to the environment and his passion to promote the best of Durham for all of Durham's benefit. He added that he would not have endured the past 12 months had he not been committed to making a positive difference to his own home, nor without a visceral understanding of the climate emergency, the importance of the green belt, and also of the need to champion sustainable economic growth.

He explained that it was his material belief, supported by both local residents and local businesses, and every independent statutory consultee, that the proposal fully accorded with all green belt policy, namely by complying fully with NPPF Paragraph 150(e). He added that position was accepted almost a year ago when the Local Planning Authority (LPA) made it clear that Unbox in Shincliffe would avoid definitive harm to the green belt and therefore represented appropriate development, not requiring very special circumstances. Mr J Wilson emphasised that he would not have proceeded if that had not been evidentially clear. He added that policy had not changed, and there had been a continued local misrepresentation, an example being the local church's social media being used to urge parishioners to object to the proposals on green belt grounds, it having a reach of around 300 people. He explained that type of campaign, in one form or another, had continued every day he had fought to reach Committee, however, in spite of that the recommendation was only now described as '*very finely balanced*'. Mr J Wilson noted the reality was emphasised by common sense contradiction. He noted that each and every single LPA finding accepted that in approving the project, there were either no impacts or only outweighing benefits over doing nothing at all to the area of high landscape value (AHLV), conservation area, local environment, the local ecology and residential amenity amongst every other factor. He continued by noting that the LPA accepted comprehensively within its report that approving the application would set no precedent threat for the green belt. He added it was not about difference of opinion, something he had always fully respected and embraced. Mr J Wilson noted it was about having a practical means to deliver significant benefits, in line with policy, which contributed towards Durham and its environment for everyone equally. He added that red line boundary, as shown within the application and Officer's presentation, represented less than five percent of the entirely private location, completely unseen from every public vantage outside of the existing built environment, 90 percent of which was landscaping alone. He explained that the proposals would re-naturalise a larger part of the green belt that had been in constant use for over a decade and improve permitted public access where no public rights of way existed whatsoever. He noted the proposals included the planting of 60 new native trees, a 2.5 hectares of wildflower meadow, and hedgerow restoration on what was currently a species-poor mown lawn. Mr J Wilson explained the proposals were designed to target carbon neutrality and would have a footprint that took up less than 0.8 percent of the entire site, smaller than a single tennis court. He added that the proposals would add no permanent harm to the ground, only lasting ecological benefit which had been recognised by the LPA in accepting that the structures were temporary in nature, a keen design of the applicant. He noted that the application was about perspective, in more ways than one, and asked whether it was more important to act in a way that recognises the challenges faced and tackled them head on without impact, or whether it was accepted that it was better to do nothing.

Mr J Wilson noted he hoped that Councillors that had visited the area would have seen the beauty of the area and he noted he sought to protect, improve and put forward to advertise the very best of the beautiful county which was our home. He added that it was only when looking inward that the minute change the proposal represented could be seen against the backdrop of an existing business on the green belt's edge. He noted that to refuse the application would not only be to deny a £160,000 increase in visitor spend every year, but also to deny the ability for Durham to showcase itself. He added that his convictions related to the urgency to find better, meaningful ways at sustainably progressing and noted that the proposal was one that he felt the vast majority in Durham would actively welcome when considering the facts against the fiction he had to counter for nearly a year. Mr J Wilson urged Members to consider what was actually proposed and allow the locally conceived project to start and establish positive, sustainable benefits at a time where it was more important than ever. He concluded by thanking the Members and speakers in taking the time to listen.

The Chair thanked Mr J Wilson and asked Officers if they had any points that they wished to raise in relation to the comments made by the speakers.

The Senior Planning Officer noted that application did receive letters of support as set out within the Committee report. The Principal Development Management (DM) Engineer, David Battensby noted reference to pedestrians using footways and vehicles, and explained that it was considered whether the proposed development of four small holiday lets would affect what had been an extant permission for the garden centre for decades. It was therefore considered that there would be no negative impact in terms of highways sufficient to warrant any kind of objection.

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

Councillor J Elmer noted he had some clarifying questions and asked whether the existing storage area at the site would have required planning permission. The Senior Planning Officer noted that it would have, however, it had reduced in size from a previously larger area and as it had existed for over 10 years it was therefore deemed permitted. Councillor J Elmer asked if a landscape and visual impact assessment had been carried out and if not what the criteria was for such an assessment to be required. The Senior Planning Officer noted the level of an impact assessment to be submitted for related to the size of the scheme proposed, it would usually only be for major proposals, where it would impact upon the World Heritage Site. She added that the application was submitted with detailed assessment documents looking at the impact on openness, as well as the design and access statement and heritage statement, with Officers being satisfied with that level in order to make a determination on the impacts.

Councillor J Atkinson noted he had listened very carefully and expressed his surprise in terms of the Officer's recommendation for refusal. He added that he could see that the applicant was very passionate and while he understood the application was in the green belt, he noted it was as small amount and was adjacent to an existing car park. He noted the discussion as regards the temporary nature of the proposed units, adding he felt that the shipping containers could be removed relatively quickly if required. Councillor J Atkinson noted the external treatment of the container would mean they would not look like a shipping container, rather a proper place to reside. He noted that any enterprise was likely to receive objections, adding that the sustainability of the business was for the applicant to provide for and that he felt the enterprise was one worth trying for. He noted that the site looked to take advantage of what was there and would not be a blot on the landscape and added he would be minded to go against the Officer's recommendation.

Councillor N Jones asked as regards access to the site and the number of goods vehicles that would access the site. The Chair asked if the applicant wished to respond. Mr J Wilson noted the original design centred on the operational delivery of the garden centre and that there were goods vehicles that accessed the site, as shown in the images displayed during the Officer's presentation relating to the access.

Councillor C Marshall thanked Officers for their presentation to the Committee noting it was a delicate application and appreciated the work that had gone into the report, balancing all the views. He noted that the starting point was that each application should be looked at on its own merits, something he felt that the Committee did do. He added that the Committee was not involved in a 'popularity contest' and noted he felt the Committee should not be looking at the number of likes and follows on Facebook or Twitter and reiterated he felt the Committee should be looking at any application on its merits. Councillor C Marshall noted it had been well documented over the last eight years that there was a shortage of tourism accommodation across the whole of County Durham, adding the tourism industry, pre-COVID-19, had been worth nearly £900 million and employed over 18,000 people across the county and was a massive economic driver for the county. He noted Members would be aware that the county had the potential to punch above its weight in respect of tourism and felt that the county could perhaps double the value added. He explained that was not for a lack of attractions, noting the Area of Outstanding Natural Beauty (AONB) and two UNESCO World Heritage Sites together with other drivers for tourism and the economy right across the county. Councillor C Marshall noted the big issue facing the county was that we did not have a diverse mix of accommodation for people to stay, for example when comparing to neighbouring Northumberland and North Yorkshire with typical overnight stays being only one night in Durham rather than two or three nights.

He noted many visitors passed through Durham, being unable to access affordable holiday accommodation in the right locations. Councillor C Marshall noted that if we were really serious about the City of Culture and encouraging people to stay in Durham then there needed to be a mix of holiday accommodation in the right places. He added that it was not possible to put that accommodation on brownfield sites in the middle of areas away from the tourism centres as that was not what people would want. He noted that he felt there was not a planning policy in place that gave tourism accommodation the acknowledgement as a standalone sector, and felt it was something the Council should be looking at.

In reference to the application, Councillor C Marshall noted that it was very, very finely balanced with all of the statutory consultees, other than the Parish Council, having raised no concerns or very minimal concerns. He noted that the issue came back to the balance in looking at the impact to the green belt and noted that it should be in proportion. He noted that given the size of the site he would not have been surprised if the application had been for more units, up to say 30. He noted that the applicant would have looked at the numbers and made a balanced view on what the impact would be and what the detriment and harm might be upon the green belt. He noted that if the proposal was about profit and not a local entrepreneur trying to do something good, as well as making a living in the local area, then Members would see a very different application before Committee. He noted the application was proportionate, in scale and in keeping with area, something that had been really well thought through to comply with the planning requirements of the Council. Councillor C Marshall explained that the balance was to look at the impact of those units and the development on the economy and he felt the crux of the decision was whether the benefits to the economy outweighed the harm to the green belt. He noted that, having listened to all at Committee, he felt that the economic benefits and the benefits for the whole of the county, not just Durham City, were such that the application added value to what we were wanting to provide. He added that without approving developments and projects, such as those within the application, in the right place then campaigns such as the City of Culture would be nothing more than a large public relations stunt. He noted the need to have the accommodation offer in order for people to come and stay and enjoy Durham. He concluded by noting he would move that the application be approved as he felt, on balance, the benefit to the economy far outweighed any harm to the green belt.

Councillor J Elmer noted that the application was a difficult one in terms of getting to grips with potential benefits, noting especially the benefit in terms of ecological improvement, but also there were other considerations to go through. He noted that flooding was an issue that the Environment Agency had responded to application in terms of the potential for flooding and measure that needed to be put in place to make it safe.

He noted that the way that the calculations were made in assessing the likelihood of flooding in the future was by looking at the frequency of flooding in the past and extrapolating into the future. He explained that it was no longer a robust method, given that the climate was changing. He noted that another element was that there was very clear community opposition to the application and, whether he agreed with them or not, he believed that the community position on a development should be of upmost importance in Members' deliberations.

In respect of the green belt, Councillor J Elmer explained that it protected the heritage of the city and its surrounding area, and that was its purpose. He added that heritage was the reason that tourists would visit County Durham. He noted therefore that it was vital to protect the green belt if one was to protect and sustain the economy of the city and its surrounding area. He added that the Authority could not allow the 'nibbling away' of the green belt for whatever reason and, as the Officers set out in their report, the development failed to preserve the openness of the green belt. Councillor J Elmer noted there was an identified conflict with the purposes of the green belt, in particular safeguarding the countryside and preserving the character of a historic area, rendering the proposals in planning terms as inappropriate development under NPPF Paragraph 150. He added that paragraph stated that inappropriate development by definition was harmful to the green belt and should not be approved except in very special circumstances. He noted that the determination of the development therefore came down to whether or not Members thought there were very special circumstances. Councillor J Elmer explained that that NPPF Paragraph 148 clarified that the LPA should ensure that substantial weight should be given to any harm to the green belt and those very special circumstances would not exist unless the potential harm to the green belt, by reason of inappropriateness, was clearly outweighed by other considerations. He noted he felt in this case there were no very special circumstances that outweighed the harm caused to the green belt. He noted a broader point to developers was that if they wanted to develop in the green belt, then an applicant needed to ensure the development complied with the CDP Policy 20. He noted that if an application did not comply with Policy 20 then he would always recommend refusal and would do so consistently throughout his tenure on the Committee. Councillor J Elmer proposed that the Officer's recommendation be supported and that the application be refused as it was contrary to Policy 20 of the CDP, a policy introduced by the previous administration which he fully supported.

Councillor LA Holmes thanked the Officers for their comprehensive report and agreed with Councillor C Marshall in that each application needed to be considered on its own merits.

He noted that there was need for visitor accommodation of the type set out in the application and there were economic benefits to such developments. He added, however, there were other sites where such development would be more appropriate. He noted that the Council's policies preventing development on the green belt and therefore he would happily second the proposal made by Councillor J Elmer to uphold the Officer's recommendation and refuse the application.

Councillor A Surtees explained she was not sure how much this particular application would harm the green belt as, as set out within the report, the area was previously developed land. She added that looking at Google Maps one was able to see the extent to the area which had been previously developed, noting the Officer having explained that area had shrunk over time. She noted that if Members were minded to refuse the application, in line with the Officer's recommendation, then site would be left as a storage area. She noted that in her opinion the proposed development did not significantly harm the green belt and in fact would improve the green belt. Councillor A Surtees noted that the Conservation Section had raised no concerns and noted the ecological improvements that would come from the proposed scheme would significantly improve the ecology. She added she felt it would help preserve our heritage as it would bring in more tourists to appreciate the heritage and beauty of the county helping to improve the economic prosperity for the county. She noted there was a very fine balance between whether the application should or should not be refused in terms of Policy 20 and added that in her opinion the area in question was previously developed land and she saw no reason why the Committee would not accept this particular application. She noted that therefore she would not be supporting the Officer's recommendation and would support the application.

The Area Team Leader (Central and East), Sarah Eldridge noted the test was not whether there was significant harm to the greenbelt, rather it was whether there was impact on the openness of the green belt. Councillor A Surtees noted that in terms of the openness, the area was already 'closed' and there would be no impact upon the landscape. She added that there would be additional trees, planting would be enhanced, and she did not feel that the openness of the green belt would be affected.

Councillor J Atkinson noted Councillor LA Holmes had stated policies were in place to prevent development on the green belt, however, he did not feel that the Council were looking to prevent development on the green belt where there was a very good case, as made by the applicant and as supported by Councillor C Marshall in his motion for approval. He added that he felt the area in question was very small and was at the back of the car park, with the proposed development enhancing the rest of the green belt.

He reiterated that he felt the proposal represented a good enterprise and noted that a precedent would not be set in approving the application. He seconded Councillor C Marshall, that the application be approved.

Councillor J Elmer noted at the last four meetings of the Committee there had been three applications for development within the green belt, with two having been approved against the Officers' recommendations. The Chair noted that Councillor J Elmer was correct and added that Members had disregarded the protections one would hope for the green belt. Councillor A Surtees noted that Members were considering the application before Committee, not previous planning applications.

Councillor K Shaw explained that he had listened to the reasoning from the applicant and the comments from Councillor A Surtees, Councillor J Atkinson and in detail from Councillor C Marshall. He noted that he was also in support of the application as he felt that very special circumstances had been met. He noted in relation to the comments from Councillor LA Holmes that there was a need to consider the applications before Committee and not to consider whether other sites, that may be more appropriate, may come through.

The Area Team Leader (Central and East) reminded Members that if they were minded to approve the application there would need to be the usual suite of conditions attached to any such approval.

The Solicitor - Planning and Development, Neil Carter explained that the key issue was that of the green belt, with two rival motions, one for refusal in support of the Officer's recommendation, the other for approval contrary to the Officer's recommendation. He noted the motion for refusal proposed by Councillor J Elmer and seconded by Councillor LA Holmes would be taken first. He explained that if that motion for approval was carried there would be a need for a suite of conditions and suggested they could be formulated by the Planning Officer in the usual way, by way of delegation. He added that he would ask the Officer to give an indication of what those types of condition might be, however, he did not feel there was a need to get into the details of the conditions, rather it would be useful in terms of the sort of conditions, in particular any condition that may look to remove the units after a period, noting the discussions relating to the units being of a temporary nature. He added he would welcome input from the Planning Officer on that point. He noted that the matter would be put to a vote, in the order that the motions had been put forward.

The Senior Planning Officer noted a series of standard conditions that could be included including: potential options for temporary permission and the number of years that could be; for development to be in accord with approved plans; details of landscaping; strict adherence to the flood risk assessment; management of landscaping including the wildflower meadow; adherence to a management plan in terms of noise and disturbance; and further details on the design of the units, amongst other conditions.

Councillor J Elmer proposed the application be refused, he was seconded by Councillor LA Holmes.

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

Councillor C Marshall proposed that the application be approved, he was seconded by Councillor J Atkinson.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to a suite of conditions to be agreed under delegated authority by Officers.

Councillor J Elmer left the meeting at 10.51am

b DM/21/01611/FPA - Apollo Bingo, Front Street, New Durham, Durham

The Senior 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 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 demolition of existing bingo hall and erection of 1no. Part 3, Part 4 Storey Purpose Built Student Accommodation with associated parking, and servicing facilities and was recommended for approval, subject to conditions and a Section 106 Legal Agreement.

The Senior Planning Officer noted amendments to Condition 16 to include details of any community facilities proposed, and an additional condition requiring, prior to the demolition, that a historic record is taken of the existing building for record.

The Chair thanked the Senior Planning Officer and asked Parish Councillor Patrick Conway, representing Belmont Parish Council, to speak in relation to the application.

Parish Councillor P Conway thanked the Chair for the opportunity to address the Committee on behalf of Belmont Parish Council in respect of the crucial application before Members.

He explained that the application had aroused considerable opposition not only from nearby residents, but also from residents further afield within the Parish and beyond. He added that there were huge concerns as regards the development of unallocated land within the CDP for a Purpose Built Student Accommodation (PBSA). He noted that after careful consideration, following representations from local residents, visits to residents directly affected, public meetings, and a meeting with the developer, the Parish Council formally objected to the application. Parish Councillor P Conway explained that the Parish Council believed there were strong grounds for the Committee, in exercising their judgement, to reject the application. He noted that the three Local County Councillors were also in objection to the application, with written statements to be read out on their behalf in due course.

Parish Councillor P Conway noted that the Parish Council contended that the application was in contravention of several existing policies within the CDP, particularly Policy 16.2 relating to PBSAs and Policies 6 and 33 relating to the environment. He added that the Parish Council felt there was material reasons for rejection in respect of policies covering heritage, CDP Policies 29 and 44, as supported by internal consultees and explained by the Senior Planning Officer within his presentation. Parish Councillor P Conway referred to the NPPF, Part 5 covering the supply of homes, Part 8 - promoting healthy and safe communities, and Part 11 - making effective use of land, and explained the Parish Council believed those also represented valid grounds for the application to be rejected. He noted other speakers would be making similar arguments and he thanked the Senior Planning Officer for the fair summary of the other objections received.

Parish Councillor P Conway explained that CDP Policy 16.2 was crucial and that paragraphs 62 to 73 of the Officer's report justified the acceptance, however, as stated earlier, it was a matter of judgement. He added that policy had to demonstrate need and he noted that it was the Parish Council's view that it was not proven by the applicant. He noted that while the applicant had contacted the University, there was no mention of a response to that approach within the report. He continued, noting that from the available evidence there was no shortage of student accommodation in Durham and, as one objector had stated in writing '*this is explicitly stated on the University's website*'.

Parish Councillor P Conway noted that recent years had seen a significant number of PBSAs in the Belmont and Gilesgate area and it was understood there were sufficient voids to accommodate the student numbers contained within the University's Business Plan up to 2027. He added that, at the very least, there needed to be an independent assessment as the University had not commented on this particular issue, suggesting that one might say a 'PBSA VAR' was needed. He noted that there was demonstrable need for affordable housing for the elderly and low-income families, particularly referenced in the CDP at pages 102-104.

Parish Councillor P Conway explained that it was appreciated that the application before Members was for a PBSA and there was a need to focus on material considerations relevant to the application, however, NPPF Parts 5, 8 and 11, the supply of homes, promoting healthy and safe communities, and making effective use of land were pertinent. He noted that Part 5 discussed the availability of land in order to meet need and he reiterated that the application site was unallocated land for housing. He added that as it was likely to become available it could be used for affordable, low-rise housing appropriate for the needs of the elderly and low-income families. He added that Part 8 covered an integrated approach to housing and local facilities and noted Part 11 stressed the need for the effective use of land in meeting the demonstrable need for homes. He reiterated 'homes', not 'bedsits' occupied for 30 weeks of the year, with residents that were naturally transitory and understandably not focussed on integrating with the community. Parish Councillor P Conway explained that 'homes' implied a strong commitment, for 52 weeks of the year and being in the community. He added that a house or a bedsit was not a home.

Parish Councillor P Conway noted that for 10 years he had been a trustee of Durham Action on Single Housing, adding he could testify to waiting lists for affordable housing, with both young people on low-income in the city and often bereaved senior citizens in need of a bungalow, which in turn could release a family home for just that purpose. He explained that, when he was Chair of the Durham Area Action Partnership (AAP) some years ago, the AAP had conducted a review of the housing need in the city as it was an overwhelming priority for residents expressed through surveys and public meetings. He explained that the review involved estate agents, social housing providers, developers, Durham County Council, Durham University and local people. He noted that the group produced a short report, and he believed the report still had currency. He added that the key messages, agreed by all AAP partners were for appropriately designed housing for the elderly and affordable accommodation for low-income families, not additional student accommodation.

Parish Councillor P Conway noted that he had had the privilege to serve as County Councillor for the Belmont division for four years and he explained that in that time only six units for senior citizens had been produced and he had lost count of the number of PBSAs and HMOs (houses in multiple occupation) that had been given approval, he believed approaching around 1,000. He noted that, in the meanwhile, the waiting list at Durham Single Action on Housing and other social housing providers continued to grow. Parish Councillor P Conway noted that the applicant had stated that after discussions with social housing providers the site was considered too small and constrained for it to be a potential affordable housing site. He explained Belmont Parish Council contested that judgement as the providers approached were large-scale operations, carrying not inconsiderable overheads, and therefore might be of that view.

Parish Councillor P Conway explained that smaller registered providers, if approached, would be interested. He gave an example in respect to Durham Action on Single Housing recently securing planning permission for four affordable units on a site far smaller, around five percent the size of the application being considered by Committee. He explained that Durham Action on Single Housing were collaborating with Homes England and Durham County Council and suggested that the applicant should have cast their net wider.

Parish Councillor P Conway noted the unallocated site, adjacent to Mill House Court, would be ideally suited for low-rise housing for the elderly, those wishing to downsize and added that in discussions with residents in the area such an application would be welcomed. He added that residents were not happy with the prospect of a three and four storey building facing their living rooms. He noted that therefore one must have agreement with the Inspector who, when assessing the CDP, had stated '*the Plan therefore identifies sufficient opportunities for residential accommodation to meet the expected increase in students to 2027*'. Parish Councillor P Conway noted the Inspector went on to state, as regards unallocated land within the CDP, that '*for this land it is important that the right type of accommodation is provided and scarce land in the city is not subject to speculative development that may be ultimately unsustainable*'. Parish Councillor P Conway noted that, given the state of the market, there could be more voids in terms of bedsits and while possibly appropriate for short-term use during term-time, they were not sustainable in terms of space and facilities for people wishing to have a home.

Parish Councillor P Conway noted he could continue as regards the application failing to meet other policies in the CDP, however, he wished to comment on the NPPF Guidance which stated, '*All things being equal, provided that economic, social and environmental objective were met, sustainable development should be permitted*'.

He explained that, looking at 'economic' first, that it was suggested that jobs would be created however that would be true for the construction industry no matter which house type was built on the site. He added that it was suggested that 100 students on site for 30 weeks a year would help the local economy. He asked if anyone would believe that the business model adopted by a large outlet on Dragonville Retail Park would be waiting with bated breath for arrival of 100 students for 30 weeks of the year. Parish Councillor P Conway noted that since the arrival of PBSAs in the Belmont and Gilesgate area, local businesses, hairdressers, pubs and convenience corner shops had not, from his investigations, shown a significant student clientele. He added that it had been a while since he had lived as student in Durham, however, he understood that students' social life was focussed on college and union.

Parish Councillor P Conway noted that the applicant suggested that allowing the PBSA would help save the Hippodrome at Bishop Auckland. He added that was surely a red herring as whether or not the application was accepted, the landowner and operator at Bishop Auckland would make commercial judgements in respect of business in that town. He noted the other speakers would note as regards construction and design matters, safe environments for residents, transport and other matters. He noted in respect of the street scene, the application was not particularly sympathetic with the surrounding area. He added that those matters were important for the community's future health, social and cultural wellbeing, with the application not fulfilling the wider social objective.

In looking at the environmental objective within the NPPF, Parish Councillor P Conway explained that the Parish Council could see little evidence that the application was adapted for climate change and the green agenda Durham County Council was proud to champion. He noted that the Parish Council recognised that planning decisions were an art, not a science, requiring considered judgement. He explained the Parish Council believed the application represented the wrong development for a site that could contribute significantly to the lives of residents now and in the future. He added that if the application were granted, it could effectively sterilise the site for the next 100 years.

He noted that nationally there was conjecture as regards the role and purpose of planning committees, it being noted in several quarters that committees were not helpful to developers. Parish Councillor P Conway noted that in a democracy, residents surely had the right to have their views considered by their elected representatives. He noted that while the majority of residents in Belmont recognised that change on the site was inevitable, the proposal put before Members was 'not the change'.

He noted the Parish Council believed there were material planning grounds for rejection based on CDP Policies 16.2, 6 and 13 and that the Parish Council did not believe the application satisfied NPPF Parts 5, 8 and 11 and failed to meet the overriding economic, social and environmental objectives. Parish Councillor P Conway concluded by reiterating that the Parish Council, on behalf of its residents, would respectfully ask the Committee to exercise their judgement, and recommended that the application be rejected.

The Chair thanked Parish Councillor P Conway and asked the Committee Services Officer to read out statements on behalf of the Local Members, Councillors E Mavin, L Mavin and C Fletcher who were unable to attend the Committee.

The statement received from Councillors E Mavin and L Mavin was as follows:

“As County Councillors for Belmont ward, Eric and Lesley Mavin wish to object to the proposals for the following reasons:

- We feel the development fails to meet the requirements of Policy 16(2) of the County Durham Plan.*
- We consider that the application does not identify a genuine need for additional student accommodation of this type, in this location.*
- The proposal would result in the loss of a bingo hall which is a much-loved leisure and tourist facility for the local community.*
- The proposed development does not reflect the layout, character, scale, and appearance of the local area in accordance with policy 29 of the CDP*
- The development would impact upon the amenities of surrounding residents, with regard to overshadowing and disturbance from future residents*
- We believe the site should be used for affordable housing*
- We are concerned about the impact on local residents, many who are elderly, through disturbance through the movement of students coming to and from the site.”*

The statement received from Councillor C Fletcher was as follows:

“As a local county councillor, and Vice-Chair of Belmont Parish Council I have listened to many views of local residents and businesses in this area. I am sorry I can't be with you today as I am isolating due to Covid.

Over the past year I have attended at least five public meetings where the development has been discussed and have also met with the developers with Belmont Parish Councillors. Along with residents I have considered the plans and seen the adaptations.

The Planning application has received many letters from individuals, the MP Mary Foy and local representative bodies and I will not take time to repeat them. They echo the views of the majority of residents in the area. Along with them I oppose this application.

I believe this application is in contravention to CDP Policy 16.2: Purpose-Built Student Accommodation and cannot prove identification of need.

Residents are very concerned that we do not need additional Purpose Built Student Accommodation in Gilesgate.

We already have Ernest Pace, Magdalene Heights, DLI studios and a growing percentage of HMOs in the residential housing stock. The University has not identified need for additional student accommodation. We don't need additional space used to provide accommodation that will sit empty for long periods during student holidays. Residents consider it to be purely a development to make money, not meet any identified local need.

There isn't sufficient parking spaces and already there is a lack of parking for residents. There is potential for conflict in the community during term time.

We do have a need for housing, particularly affordable housing for people who live in Gilesgate throughout the year. This land could be used for a block of flats to provide homes for single people, older people or those requiring supportive housing.

The community is also crying out for accessible community space which will be destroyed by this development.

Residents feel this development does nothing to meet local need.

The physical design of the building is too large, too imposing, and in no way respects the character of the local environment around it. It looks like a design made up in an architect's office without any reference to Gilesgate and then literally slotted into place to fit the footprint.

A resident from Lantern Close flats next door told me "when I open my bedroom curtains in the morning all I will see is a brick wall". This is a sad indictment of modern architecture to do this to existing residents.

Older people in the bungalows who have lounges at the back will spend their day looking up at a four storey block that is empty for many weeks during the year.

Residents feel that the developers have failed to demonstrate any passion for the development in the design or approach.

There is no evidence that this development will bring socio-economic benefit to the community. The Application claims it will create employment. But most likely part time, term time cleaners at the most. The Bingo hall employed 11 staff. This doesn't sound like a fair exchange.

Local residents care about climate change and sustainability. We want to see the seven Principles of Sustainable Construction must be considered when it comes to the earliest stages, particularly in relation to durability (is this going to be a future eyesore?), energy efficiency and Sustainable building materials.

If this application is to be approved residents want to see shrubs and seating in the open air. We would like to see a green roof for insulation and solar panels and wind energy sources to reduce the buildings carbon footprint.

We ask they use local suppliers close to the worksite and support our local businesses. Such as the cement factory located Renny's Lane.

Can they integrate modern materials such as Artevia Boreal, a decorative concrete which at night emits a glow and helps minimize the needs for street lights by absorbing the radiation of the day light, releasing it as artificial light. This solution illuminates patios, cycle paths, walkways and squares, looking like natural aggregates during the day. Easy to place and maintain, Artevia Boreal is made with recycled materials.

As local county councillor I object to this application and would prefer the land was used for affordable housing or a community facility.

Thank you."

The Chair thanked the Committee Services Officer and asked Mr John Ashby, speaking on behalf of the City of Durham Trust to speak in relation to the application.

Mr J Ashby thanked the Chair and explained that County Durham Plan Policy 16.2(a) required that proposals such as this had to demonstrate that there was a need for additional student accommodation of this type, in this location. He noted that the University Masterplan was to grow to 21,500 students in 2026/27. He informed the Committee that the University already had 22,220 students, more than the Masterplan target for five years' time, and added that there was no need for yet more student accommodation.

He explained that the Inspector, in approving the CDP said, "*The Plan does, therefore, identify sufficient opportunities for residential accommodation to meet the expected increase in student numbers up to 2027.*"

Mr J Ashby noted the City of Durham Trust concluded that the applicant had failed the requirements of Policy 16.2(a) and therefore the Trust asked that the Committee refuse the application.

The Chair thanked Mr J Ashby and asked Mr Richard Hornby, representing the Gilesgate Residents' Association (GRA), to speak in relation to the application.

Mr R Hornby explained that issues relating to PBSAs in Gilesgate were broadly covered by Policy 16.2(a) of the CDP and he noted he would highlight some areas of significance for the Committee. He noted that due to the time constraints he could not provide input on every issue, however, they were covered within the written submission that Members had received, adding he would be happy to take questions from Members.

Mr R Hornby noted that Policy 16.2(a) concerned need and added that the City of Durham Trust had presented evidence that there was not need for further student accommodation in Durham, with the GRA agreeing with the Trust's findings. He explained that Section 5.141 of the CDP stated that developers should demonstrate what specific need a proposal was aimed at, and why that need was currently unmet. Mr R Hornby noted the current application did not do that.

Mr R Hornby explained that regrettably the GRA had to agree with the developer that the site was a good development opportunity and that a bingo use may not be sustainable long term. He added that, even with that acknowledgement, the application was clearly the wrong development for the site, with affordable housing being a much better solution. He noted that Part 11 of the NPPF stated that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. He added that the emphasis was clearly on homes, front and centre.

Mr R Hornby noted that Gilesgate was an area with an extremely high demand for homes for elderly and vulnerable residents and, as the application site was in a residential area, the site should be considered for housing first, with the developer not having made any case for why the site would be unsuitable for conventional housing, especially when there was a shortage in the area.

Mr R Hornby noted that care needed to be taken to only make decisions based upon the plans presented, noting that developer had suggested that some of the space could be set aside for community use, however, that was not present within any of the plans submitted or within a proposed condition within the application. He added it could not be considered relevant if not subsequently included and noted the same was true of the financial viability of the existing development.

Mr R Hornby noted that, in terms of the internal design and layout of the proposed development, a consultation response stated that the proposals had '*...not been designed with student health and wellbeing in mind*'. He noted that one needed to use such new developments to act as a beacon for the future and therefore such comments should be at the forefront of concerns.

He noted that residents were very concerned as regards parking and cycling facilities, with the road on which the development sat being the main route for four local schools and the entrance, out of an archway, across a road opposite a pedestrian crossing immediately placed those accessing the development in conflict with other road users in a limited visibility situation. Mr R Hornby noted that furthermore the development needed to have safe cycling provision to the University's Leazes Road site, adding that was non-existent. He explained that a report to the City of Durham Parish Council had identified that the opportunity as sub-standard and dangerous, with no space to provide a safe level of service for cycling.

Mr R Hornby noted that residents had concerns relating to the safety and security of the proposed student residents and neighbouring residents to the development. He noted that, in the unfortunate event that the Committee were minded to approved the application, the GRA noted that one must see a management plan be placed as a condition on the application, to be approved by the Committee before work could commence.

Mr R Hornby noted that one could not underestimate the impact of the design of the proposals on the residents of Mill House Court and Lantern Court and the GRA disagreed in respect of the arguments made in terms of light. He added that the GRA supported the comments made by the Council's Design and Conservation Officer regarding the contemporary design and building being at odds with the style, size and vernacular of the area. Mr R Hornby noted CDP Policy 33 stated that plans must demonstrate a commitment to low carbon technologies and carbon mitigation. He noted that the plans submitted did not seem to do so, which seemed a major shortfall.

Mr R Hornby noted that, in conclusion, GRA were of the opinion that the plans before Committee were in contradiction with a number of local and national planning policies, CDP Policies 16.2, 6, 29, 33 and 44, NPPF Part 8 and 11 and therefore strongly recommended that the Committee make a positive decision for the area and reject the plans.

The Chair thanked Mr R Hornby and asked Mr Mark Ketley, Agent for the applicant to speak in support of the application.

Mr M Ketley thanked the Chair and Committee and noted he acted on behalf of Durham Grove Limited and Majestic Bingo, the applicants, and worked for BH Planning and Design Consultancy, based in Newcastle.

Mr M Ketley explained that he would make four points, relating to the need for a PBSA, the scale and impact on neighbouring residents, the regeneration benefits that would arise from the scheme, and the comments that had been made in terms of alternative use for the site. He commended the Senior Planning Officer as regards his handling of the planning application and his thorough and positive report as set out with agenda papers, and noted he naturally endorsed the recommendation for approval.

Mr M Ketley noted that, in terms of need, the main driver was the University's growth strategy and noted a previous speaker had explained the University's ambition to grow to 21,500 students by 2027. He added that based on information provided, current student numbers were 19,368 and not the 22,000 figure as quoted by the objector. He noted that based on that need, there was a requirement for an additional 3,600 bedspaces by 2027 and explained that, on behalf of the applicants, three independent reports had been prepared which demonstrated the need for those 3,600 bedspaces. He noted the Senior Planning Officer, within his presentation, had explained it was accepted by Officers and therefore the application complied with CDP Policy 16. Mr M Ketley explained that the shortfall in bedspaces was already starting to bite, it having been well documented in the press in the autumn of 2021 in terms of payments being offered by the University to students to defer placements due to oversubscription.

Mr M Ketley noted the references to CDP allocations by the objectors and noted that in the long term they may or may not satisfy the shortfall in bedspaces, however, the point was there was no planning certainty any of the planning allocations within the CDP would be delivered, especially by 2027. He noted the scheme proposed was sizable at 128 units, though only represented four percent of the 3,600 bedspace shortfall. He added the scheme would make a meaningful contribution to that shortfall, however, ultimately it was only scratching the surface in terms of the overall need.

In respect of scale and impact on neighbouring residents, Mr M Ketley noted the scheme started out as a five storey development with 180 bedspaces, the context on which pre-application enquiries were made over a year ago. He noted the applicants had worked with Planning Officers to overcome concerns as regards the scale of the scheme and so the impact upon the bungalows to the north of the site. He added the scale had been significantly reduced to a part three, part four storey scheme of 128 units. He noted that represented a significant compromise on behalf of the applicants, however, the protection of residents' amenity, in particular for those bungalows, had been highlighted as a key concern.

In reference to the regeneration benefits of the proposal, Mr M Ketley explained that the development of the site and the benefits that it would bring carried significant positive weight and he felt Members would struggle to conclude otherwise. He noted that objectors had made reference to the current use as a bingo hall being much loved, however, fundamentally it was not a well-used facility. He added that Majestic Bingo had provided evidence to Officers that attendances to the bingo hall pre-COVID-19 were poor and had worsened over the pandemic.

Mr M Ketley noted that the business was not viable as an ongoing concern and inevitably it would close, with the application before Members offering the opportunity to secure a new chapter in the life of the site and secure the regenerative benefits for the local community. He noted the suggestions from the objectors as regards what they thought of as better uses for the site and the potential for affordable housing. He explained that Members had to consider the application before them, with alternative uses not being material planning considerations. Notwithstanding, Mr M Ketley noted that the options around affordable housing had been explored with three providers, Karbon Homes, Believe Housing and the Addison Group, all of which had responded to note the site was too small to be commercially viable from an affordable housing perspective and therefore that opportunity was simply not available.

Mr M Ketley concluded by noting that Members were respectfully asked to approve the application in its current form as it would deliver much needed student accommodation, addressing in part the projected shortfall, and was a sustainable location for that type of facility.

The Chair thanked Mr M Ketley and asked Officers to respond to the points raised by the speakers, including the student numbers as referred to by objectors and the Agent for the applicant.

The Area Team Leader (Central and East) noted the figures referred to by Mr J Ashby appeared to be more up-to-date and from the latest census data from the University, December 2021. Mr J Ashby explained that he had provided the Senior Planning Officer with e-mail correspondence from the University which set out the December 2021 count. He noted the increase in figures being due to the A-Level fiasco, not the University's fault and reiterated that the University had paid some students to defer their places for a year as the University did not have the teaching space. The Area Team Leader (Central and East) noted the difficulty for Members' consideration was that the assessment work carried out by the applicants, on which the Officers report was based upon, did not reflect that current figure from the University. She added that the University had not responded in terms of consultation on the application.

The Chair asked for advice from Planning Officers and the Solicitor in terms of a potential deferral of the application, given the discrepancy between the two sets of figures. The Area Team Leader (Central and East) noted that in terms of need there were potentially two considerations, a purely quantitative need in terms of the number of bedspaces and the needs of the University, and a qualitative choice. She added that it was recognised that PBSAs can increase choice as an alternative to HMOs and there were locational differences across the city as to where students would want to be accommodated. She noted that if Members felt that quantitative assessment was something on which they wished to be updated then potentially they would need to defer the application, however, if Members were happy to proceed on the basis of the information heard and the qualitative considerations, then the application could be considered today.

The Chair thanked the Area Team Leader (Central and East) and asked the Committee for their comments and questions.

Councillor C Marshall thanked the speakers for their information which he noted was useful for Members in making their decision. He noted the wider issue, not one for the current application to address, of having a first class University in the city where clearly there were issues in terms of how the University chose to grow and where students coming into Durham chose to live. He added he felt the Committee was in a difficult position and noted many discussions with Mr J Ashby and Parish Councillor P Conway over the years in terms of the need to agree with the University an accommodation strategy addressing how students would embed themselves into the community. He noted there was clearly an amount of work to be done and that it sat outside of the remit of the Committee. He added that Members had to look at the application based upon its planning merits. Councillor C Marshall noted he would write to the Leader of the Council following the meeting as regards a cross-party group to look at the issues of accommodation and how students interacted with communities across Durham.

Councillor C Marshall noted he had listened to all the comments from speakers and the objections made. He noted there were issues in terms of the viability of an old building and he understood, from examples in his own area, the affinity that communities had to such buildings. He added that he also understood when those old buildings close and began to deteriorate, how difficult it could be to get the right type of development for those sites to please everyone within a community. He noted the issue therefore would come down to planning policy, adding he felt there was a risk of having a derelict building that would attract anti-social behaviour. He noted he had driven past the building in question on several occasions and added that the issue of viability was a risk for the developer and noted, as he understood, no public money being used for the scheme.

Councillor C Marshall noted, after careful consideration, he would propose the application be approved as per the Officer's recommendation, given that such managed accommodation, rather than more HMOs across the city, was his preferred choice, adding the importance of the point raised relating to a management plan.

Councillor J Atkinson noted the difference in the reported student numbers and noted he felt it may be necessary to defer.

Councillor LA Holmes noted he agreed with Councillor C Marshall as regards the issue of viability being for the applicant, and that any refusal or deferral may lead to the risk of the building becoming empty and derelict, attracting anti-social behaviour and the issues associated with that. He seconded the motion for approval, as per the Officer's recommendation.

Councillor K Shaw noted all would be aware of the impact of a derelict building within a community, noting he had worked for over 18 years to find a solution for a derelict building in his own community adding that 'a bird in the hand was worth far more than two in the bush'. He noted the growing importance of the University and that the demand for accommodation would need to be met. He noted Members had discussed many times the impact of students, both positive and negative, and reiterated that there was a need to provide for not just the current student population but also for the growing need. He noted the proposals offered a solution to a problem and provided a benefit. He noted the eloquent presentation from the Parish Council, however, the Committee could not consider alternative uses for the site, rather the application that was before Members. He noted there was also a significant financial contribution of over £114,000 for the local electoral division. He noted that also in providing specialist PBSA, that also helped to take away some of the pressure in terms of HMOs, helping to protect family homes. He explained he had previously worked for four years as the Cabinet Member for Housing and noted the Housing Strategy had targeted delivery plans which identified need and matched it with supply. He noted with his knowledge and the information provided to the Committee he was comfortable in terms of understanding that the site was not viable as a small housing development. He noted, having considered the matter in detail, he would support the motion for approval.

Councillor D Brown noted he had attended the site visit and listened carefully to the debate. He added he had passed the building several times and noted that, in its heyday in 1938 when it was built, it would have been very good, originally as a cinema, then later as a bingo hall. He noted the decline of such use, hastened by the pandemic, but also of the move to a more technological age, with many playing bingo via an app and being able to play from within their own home.

He suggested that it may be better to demolish the building and noted the issues raised in terms of potential alternative uses for the site. He noted the many discussions at Committee relating to HMOs and the migration of students out from the more traditional student parts of the city centre into the suburbs. He added that the proposals may help stop the migration further out and allow for properties to remain as family homes as students would be concentrated within the specialist accommodation.

The Chair noted his own experience as regards HMOs was that they were not freed up for use as family homes by the expansion of PBSAs, that being in part due to the expansion of the University. He asked if a management plan was something that could be included as part of the conditions, should Members be minded to approve the application.

The Senior Planning Officer noted that Condition 16 did require, prior to first occupation, a detailed management strategy plan to include, but not be limited to, details of parking, a residents' charter and building security measures. He noted reference to 'dwelling' would also need to be amended should Members be minded to approve the application. He reiterated that there would be an addition to Condition 16 to include public community use. He noted for clarity that the building on the site was currently occupied and was not derelict.

Councillor C Marshall proposed that the application be approved, he was seconded by Councillor LA Holmes.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions and Section 106 Legal Agreement as set out within the report, with amendment to Condition 16 relating to the inclusion of community use within the management plan and a correction in relation to the reference to 'dwelling'.

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/02945/FPA
FULL APPLICATION DESCRIPTION:	Change of use of 2-bed C3 (dwelling) to a 4-bed C4 (HMO) with external and Internal alteration.
NAME OF APPLICANT:	Mr Phil Mckay
ADDRESS:	1 Newcastle Terrace, Framwellgate Moor, Durham, DH1 5EG
ELECTORAL DIVISION:	Framwellgate
CASE OFFICER:	Leigh Dalby (Senior Planning Officer) Tel: 03000 261 959 Email: leigh.dalby@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an end of terrace property located within the Framwellgate Moor area of Durham City.
2. The application site is primarily surrounded by residential properties although the eastern boundary of the site is adjacent to the rear of a number of commercial premises.

The Proposal

3. Planning permission is sought for the change of use of the property from a dwelling (use class C3) to a small HMO (C4) with external alterations to remove an existing window and install 2no. new windows to the 1st floor front elevation.
4. The proposal includes internal alterations to create a bedroom to the ground floor, and a new bathroom on the first floor.
5. The application is reported to Planning Committee at the request of Framwellgate Moor Parish Council due to concerns that a HMO at this location will have an adverse impact on the area and parking.

PLANNING HISTORY

6. The property was subject to an enforcement complaint in January 2021 which claimed the premises was in use as a HMO. An investigation found that this was not the case and the dwelling remained in C3 use. The case was closed accordingly on 29 January 2021 as no breach of planning control had occurred.

PLANNING POLICY

NATIONAL POLICY

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
11. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

13. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
14. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

<https://www.gov.uk/guidance/national-planning-policy-framework>

LOCAL PLAN POLICY:

15. The County Durham Plan (CDP) was adopted by Full Council on the 21st October 2020. The following policies of the CDP are considered relevant to the determination of this application.
16. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
17. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development to have regard to Parking and Accessibility Supplementary Planning Document.
18. Policy 29 - Sustainable Design requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.
19. Policy 31 - Amenity and Pollution sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

20. DCC Highways – Raise no objection to the application. In doing so they note that under the existing C3 consent, a family could increase the number of bedrooms within the property from 2 to 4 without planning permission. This would have the same potential impact on the parking situation as this proposal which they note only needs permission as it is seeking a change of use from C3 to C4 which they note is no longer permitted development after the Council served an Article 4 Notice removing those rights in May 2017. On that basis the Highway Authority does not consider it would be possible to sustain refusal of the application on highway safety grounds.
21. In addition, they note that most of the properties on North Terrace do not appear to have any off-street parking provision and instead park on the designated (block paved) parking areas which run across the backs of their properties. While Durham County Council Parking Standards would require an additional space to be provided, the Highway Authority consider these standards to apply where there is a material alteration to the building to physically add additional space to accommodate further bedrooms. Given there is no physical increase in floor space and the works could be undertaken without control if it did not involve a material change of use, the Highway Authority does not consider the parking standards should be applied in this instance, and that any refusal of the application based on a failure to comply with those standards, or based on highway safety concerns could be sustained on appeal.
22. Framwellgate Moor Parish Council - Objects to the application calling it to committee citing concerns that a HMO at this location will have an adverse impact on the area specifically in terms of increased demand for parking which they consider is already a huge problem within the street.
23. Env. Health (Statutory Nuisance) - Have confirmed that the development complies with the TANS threshold and as such is unlikely to lead to any unacceptable adverse impact in this regard. They also note that the use would not be considered to lead to any detrimental impact upon those neighbouring commercial uses and that traffic noise is also unlikely to be an issue. Whilst they do recognise that noise could be greater from the HMO use than a single dwelling, (given greater use of the night-time economy by occupants resulting in increased noise during the evening), they note that this is anecdotal as the potential for impact is associated with the individuals residing in the property, the actual impact might differ greatly.
24. They also note that bedroom one on the ground floor maybe adjacent to commercial activities in the adjoining property, and that this could lead to a greater impact for the individual residing in this room, as well as leading to complaints against the reasonable use of the neighbouring property. As a consequence, it is recommended that should the committee be minded to grant planning permission a condition requiring the submission, agreement and installation of a scheme of sound proofing for this room prior to first occupation for the intended purpose.

Based on the information submitted with the application, they are satisfied that the development is unlikely to cause a statutory nuisance.

25. DCC HMO data - Within a 100m radius of, and including 1 Newcastle Terrace, 6.3% of properties are Class N exempt student properties as defined by Council Tax records. The application site does not currently benefit from this exemption.

26. DCC HMO Licensing team - The dwelling will be capable of forming a 4 bed non licensable house in multiple occupation. However, they have provided advice and guidance to ensure compliance with all relevant amenity and fire safety standards relating to a HMO of this type. These include that a full Fire Risk Assessment must be carried out for the property and a suitable means of escape and other appropriate fire precaution facilities and equipment be provided of a type, number and location to the satisfaction of Durham County Council's and the Fire Authority.

PUBLIC RESPONSES:

27. The application has been advertised by means of site notice, press advert and notification letter sent to neighbouring residents.
28. To date, 3no. letters of objection have been received (including representation from the City of Durham Trust and 2no. residents). These raise the following issues of concern:
- Increase in anti-social behaviour and crime
 - Increase in noise and disturbance
 - That the proposal fails to meet Nationally Described Space Standard (NDSS) in accordance with Policy 29 and therefore fails to provide a high standard of amenity and privacy.

APPLICANTS STATEMENT:

29. Not provided.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

30. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The main considerations in regard to this application are the principle of the use in this location, the impact upon the amenity of residents and highways safety.
31. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in this regard. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
32. The Local Plan was adopted in 2020 and is up to date and forms Local Plan to which development should be considered. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.

Principle of Development

33. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses within C4 (houses in multiple occupation HMOs). HMO's are small, shared houses occupied by between three and six unrelated individuals as their only or main residence and who share basic amenities such as a kitchen or bathroom. The proposed floor plans submitted with the application indicate that the proposal is such that the development would normally benefit from the provisions contained within the GPDO. However, an Article 4 direction came into effect on 13 May 2017 for the area withdrawing permitted development rights in this regard and as such planning permission is required.
34. Policy 16 of the County Durham Plan is relevant to this application which relates to student accommodation/HMO's and states that in order to promote, create and preserve inclusive, mixed and balanced communities and protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to a Class C4 (House in Multiple Occupation), where planning permission is required; or a House in Multiple Occupation in a sui generis use (more than six people sharing) will not be permitted if:
- a. including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);
 - b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area;
- or
- c. less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus.
35. The most recent up to date Council Tax information identifies that 6.3% of those properties within 100 metres of the site are currently occupied as student let accommodation and are Class N exempt.
36. Policy 16 of the CDP state that new changes of use from C3 to C4 would not be permitted in areas where more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption).
37. In the case of the application site the current concentration of properties within 100 metres of the site recorded as being Class N Council Tax exempt is 6.3% and this is below the 10% threshold stated in policy 16. In the event that planning permission is granted for the change of use of No.1 Newcastle Terrace to a C4 small HMO as proposed, then this figure would increase to 7.5% which again remains under the 10% threshold stated in policy 16 and as such the development is considered to be compliant with this Policy 16.

38. Criteria c) of Policy 16 states that development will not be permitted in instances where less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation (PBSA) and the town centre or a university campus. There are no PBSA facilities within close proximity to the site and as such the street is not considered to be positioned on a primary access route between any PBSA and the University and accords with the requirements of criteria c of Policy 16.
39. Given the above, it is considered that the principle of the development can be supported as the proposal, subject to the conditions stated, would accord with the requirements of Policy 16 of the County Durham Plan pending consideration of other material matters detailed below.

Impact on character and appearance of the area and residential amenity

40. Paragraph 126 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals will also need to demonstrate that future occupiers of the development will have acceptable living conditions. Development which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated. In addition, criterion e) of Policy 29 states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
41. Framwellgate Moor Parish Council has raised concerns regarding the proposed bedroom sizes and shared spaces within the dwelling which they consider would fail to meet minimum Nationally Described Space Standards (NDSS).
42. NDSS is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, Council determined that it was necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward. The plan included a 12 month transition period for the adoption of the plan in October 2020 to allow house builders sufficient time to adjust their products according to meet those standards.
43. It is noted that the current application relates to a change of use to a property already in residential use and as such would not result in any net increase in the number of residential units. In addition, it is also noted that planning permission for that change is only required as a result of the Council removing permitted development rights for changes of use from C3 to C4 small HMOs, with the aim of maintaining balanced community across the city. Consequently, the rigid application of these standards is not considered appropriate to the current application. Nevertheless, it remains that the NDSS is a relevant measurement against which to assess the suitability of internal space provided within all residential development in the context of policy 29(e) of the CDP which requires new development to provide high standards of amenity and privacy.

44. With regard to the above it is noted that all of the proposed bedrooms meet the minimum requirements of the NDSS and provide at least 7.5sq metres per room. As such these are considered to provide an acceptable amount of internal space in accordance with policy 29(e) of the CDP. With regard to the total overall internal space provided across the dwelling as a whole it is noted that the NDSS does not provide guidance specifically relating to 4 bedspace, 4 person dwellings. However, it does include standards in relation to 3 bedspace 4, 5 or 6 person dwellings and 4 bedspace 5 person dwellings and whilst the proposal would fall below those requirements by between around 9 and 20sq metres respectively, as already noted, the rigid application of NDSS is not considered appropriate in this instance for the reasons outlined in paragraphs 43 and 44.
45. Notwithstanding the above, the acceptability of the overall internal space provided is still required in the context of policy 29(e) of the CDP. In assessing the acceptability of the quality of internal space provided in that regard it is important to note that the scheme includes communal space to the ground floor in the form of a lounge/kitchen area and that this provides space within which to socialise, and that some of the bedrooms provide space in excess of the minimum standard required by NDSS.
46. In light of the above, it is considered that the development provides an adequate level of internal space in accordance with policy 29(e) of the CDP and that any refusal of the application citing a specific failure to comply with NDSS could not be sustained upon appeal.
47. Existing residents have raised concerns that the change of use would have a detrimental impact in terms of increased disruption from noise and antisocial behaviour. The Council's EHO has been consulted and confirmed that the development would fall within the thresholds associated with Council's TANS. They recognise that the change of use proposed will lead to an intensification of the residential property via the introduction of 2 No. additional bedrooms, and that the demographic who use this type of accommodation are often associated with greater use of the night-time economy. As such an increased level of night-time noise may occur. However, they also recognise that the potential for impact is associated with the individuals residing there and as such might differ greatly depending on the occupants.
48. Notwithstanding the above, the EHO considers the use is unlikely to increase the general noise in the area or impact on day-to-day amenity providing good practice and guidance is adhered to. Based on the information submitted with the application, they are therefore satisfied that the development is unlikely to cause a statutory nuisance and raise no objection to the application subject to a planning condition which requires the submission and agreed of a scheme of sound proofing. A condition requiring the submission and agreement of a management plan is also suggested although given the application relates to a small HMO this requirement is not considered necessary or reasonable and no condition has been included in this regard.
49. It is noted that the application site is an end of terraced two storey property located within a residential area predominantly characterised by small family homes. However, noting that there is no identified over proliferation of HMO properties within 100 metres of the application site, it is not considered that the introduction of a single small HMO in this location would result in a level of cumulative impact that would be unacceptably detrimental to residential amenity. Whilst it is noted that tenants would likely change on a yearly basis this is unlikely to have any adverse impact capable of sustaining refusal of the planning application. Consequently, the development is considered to accord with the requirements of policies 16 and 31 of the CDP.

50. The alteration to the front elevation, to remove the existing front window and install two new windows is not considered to detrimentally impact the character or appearance of the host property or the area, nor will they lead to a greater level of overlooking or loss of privacy given that one window will serve a non-habitable room (Bathroom), and that the property is not directly adjacent to any neighbouring dwelling. It is therefore considered that the external alterations are acceptable in accordance with Policy 29 of the CDP.
51. In light of the above the proposal is considered acceptable in terms of the impact upon the character and appearance of the area and the residential amenity of existing and future occupiers in accordance with the requirements of policies 16, 29 and 31 of the County Durham Plan and Paragraph 174 of the NPPF

Parking, Access and Highway Safety

52. Policy 16 of the CDP requires new HMO's to provide adequate parking and access and Policy 21 states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network. This displays broad accord with paragraph 110 of the NPPF which requires new development to provide safe and suitable access to the site.
53. The proposal is located within an area where properties do not have off-street parking and as such residents utilise existing on street parking along North Terrace. The application property is typical of terraced properties in this locality in that it has limited opportunity to increase in curtilage parking to fully accord with the Council Parking Standards. Objections have been received from neighbouring residents and the Parish Council in this regard who are concerned that the proposal would increase demand for on street parking and the number of vehicles using the local road network to the detriment of highway safety.
54. However, it is noted that the site is situated in a highly sustainable location with ready access to main bus routes offering links to the city centre and wider area. The Highway Authority offers no objection to the application recognising that the number of bedrooms could be increased without control in the event the property remained in use as a C3 dwellinghouse, and that this has been the case at other properties within the locality. In responding they note that although the Council's Parking Standards require additional in curtilage provision to serve the development, given the limited opportunity to provide this (which is an arrangement mirrored at other properties within the street), they do not consider it appropriate to rigidly apply those standards in this instance. In conclusion, they confirm that the development would not result in any unacceptable impact in terms of highway safety, and that any refusal of the application for this reason could not be sustained upon appeal.
55. Policy 16 of the CDP includes requirement for the provision of sufficient cycle parking, bin storage and other shared facilities. The Highway Authority has not raised any objection to the application in this regard and it is noted that the application site provides sufficient opportunity to accommodate appropriate cycle parking and bin storage within the curtilage of the property. Should the committee be minded to approve the application, the submission and agreement of full details in this regard prior to the first occupation of the property for the intended use, could be secured through planning condition.
56. In light of the above it is considered that the development would accordance with the aims of policy 16 and 21 of the CDP and paragraph 110 of the NPPF.

57. Part 8 of the NPPF relating to the promotion of healthy and safe communities, states within paragraph 92 that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 93 further states that in order to provide social, recreational and cultural facilities and services to meet community needs, planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
58. Whilst it is acknowledged that residents hold fears that crime in the area would increase as a result of the proposals, there is no evidence to underpin this. As the courts have held that the fear of crime is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern, it is considered that a refusal reason framed around this issue would not be capable of being sustained. Issues of crime and the fear of crime are material considerations in determination of the application but given the nature of the proposed use it is not considered that there would be any material increase in crime as a result of the development and as such this should be afforded limited weight in the determination of this application in accordance with part 8 of the NPPF.

CONCLUSION

59. It is considered that the principle of development would accord with the requirements of Policy 16 of the County Durham Plan which is the principal policy against which the application should be assessed. In this regard it is noted that the percentage of HMOs already present in the area is below the 10% threshold contained within the policy at 6.3%, and that the change of use as proposed would not exceed this threshold.
60. When assessed against other criteria contained within policy 16 and the remaining policies of the County Durham Plan relevant to the application, it is considered that the introduction of a single small C4 HMO in this location would not unacceptably imbalance the existing community towards one dominated by HMOs, and nor would it result in any unacceptable impact upon the amenity of existing or future residents or highway safety in accordance with policies 16, 21, 29 and 31 of the County Durham Plan or parts 9, 12 and 15 of the NPPF.
61. Whilst the concerns raised by the Parish Council and objectors are noted, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application.
62. In light of the above, the application is reported to the Committee with a recommendation to approve, subject to conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 16, 21, 29, and 31 of the County Durham Plan and Parts 8, 9 11 and 12 of the National Planning Policy Framework.

3. Prior to the first occupation of the development hereby approved, details of all bin stores and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The bin stores and cycle storage shall thereafter be constructed in accordance with the approved details and be made available prior to the first occupation of the property as a C4 HMO.

Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

4. Before any part of the development hereby approved is commenced a scheme of sound proofing measures shall be submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to ensure that the noise insulation of walls, floors, windows, roofs between the adjoining properties shall be sufficient to prevent excessive ingress, egress of noise. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

The scheme shall ensure that noise insulation should meet the requirements of BS 8233: 2014 in relation to sleeping areas within the rooms. A scheme designed to the requirements of Document E of the Building Regulations should prove sufficient.

Reason: In the interest of residential amenity in accordance with Policy 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (Adopted 2020)

Statutory, internal and public consultation responses



Planning Services

1 Newcastle Terrace
 Framwellgate Moor
 Durham
 DH1 5EG

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Comments

Date
 February 2022