

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 10 October 2023** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), A Bell, J Cosslett, S Deinali, J Elmer, L Fenwick (substitute for D McKenna), L A Holmes, C Kay, R Manchester and K Robson

1 Apologies for Absence

Apologies for absence were received from Councillors L Brown, I Cochrane, D McKenna, I Roberts, K Shaw and A Surtees.

2 Substitute Members

Councillor L Fenwick substituted for Councillor D McKenna.

3 Minutes

The minutes of the meeting held on 12 September 2023 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

The Chair, Councillor D Freeman, in relation to Item 5c, noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not had any input into their submission in objection to applications on the agenda. He added that he was a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection to applications on the agenda.

Councillor L Fenwick noted, in relation to Item 5a, that she was a Local Member for Peterlee West, and had responded to the consultation on the application. She would speak and leave the Chamber during the consideration of the application.

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

a DM/22/02891/FPA - Former Evans Halshaw, Passfield Way, Peterlee, SR8 1PX

The Principal 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 Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for 4 retail units (Class E), a tanning shop (Sui Generis), takeaway (Sui Generis) and ATM with associated access, car parking and landscaping (amended title) and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted no objections from consultees, other than from comments from the Tree Section, noting loss of trees, but also noting the replacement trees within the landscape condition. She added that there had been 19 letters of objection from members of the public, the main reasons being summarised within the report the main points raised including: impact on health as a result of additional hot food takeaways (HFT); impact on health from the proposed tanning salon; overdevelopment of the site; inappropriate development next to residential properties; anti-social behaviour (ASB), impact on air quality; highway safety; congestion, especially at school drop off and pick up times; night time use of the car park and EV charging; and greater disruption than the previous use a car showroom. The Principal Planning Officer noted Praxis Real Estate, owners of Peterlee Town Centre had objected to the application noting they felt the sequential planning test had not been carried out correctly and that the application did not meet with the aims of the National Planning Policy Framework (NPPF) or national planning guidance. She noted there had been 52 letters of support, however, they were not from addresses in close proximity to the development and all appeared to be of a similar pro-forma letter style.

The Chair thanked the Principal Planning Officer and asked Stuart Box, local resident, to speak in relation to the application.

S Box thanked the Chair and noted he was, alongside the next speaker, representing the local residents who were in objection to the application. He explained that the former garage at the site had operated Monday to Friday, 09.00 to 17.00 and with shorter opening times at a weekend. He added those hours, and the nature of the business, had meant minimal disruption to neighbouring properties. He asked Members to note, in contrast, the proposals for 24 hour, seven days a week operation, with EV charging and a cashpoint. He explained he believed the impact on traffic, especially at school times had been underestimated, and reiterated the points raised by residents in their objection letters, that there was simply no need for additional HFTs, and noted the Officer's report and presentation had set out that had the proposals been for HFTs alone, and not as part of mixed development, then any HFT application would have been refused under policy. S Box added that he did not feel that was right, and neither was the inclusion of a tanning salon. He noted the development, being all retail, would attract ASB, as evidenced by other retail centres in the town, such as at the ASDA and McDonalds, especially at the weekends. He noted a recent stabbing at the former college site within the town centre and highlighted the issues with security faced by retailers in the town.

S Box added that there would be unreasonable noise and odour from the proposal from bins and plant equipment and highlighted the proposals were too close to residential properties. He added that heavy goods vehicles (HGVs) delivering to the site would present a danger in terms of highway safety. He reiterated that the vast majority of local residents objected to the proposals, with those in support simply having filled in an online proforma, noting they did not even live in the local area. He noted that one local family had recently moved to the area from next to the Co-op store in Shotton, to get away from noise and ASB. He concluded by noting that the focus for Peterlee should be to redevelop the town centre and not on this proposed development on what he felt was the wrong site.

The Chair thanked S Box and asked Tony Foster, local resident, to speak on the application.

T Foster noted that the photographs within the Planner's presentation did not give a true sense of how close the houses to the rear of the application site were to the proposed development. He noted that residents were first aware of the proposals six weeks ago when a sign was erected, without permission, as regards 'development coming soon'. He added that therefore many residents would have felt, from looking at that signage, that development was already approved, rather than was still at the planning permission stage, and therefore would not have submitted any objections as they felt the decision was '*cut and dry, done and dusted*'.

T Foster explained he had serious material concerns as regards the proposals and reiterated that the 'so-called' supporters of the application appeared to be all from a website with a pre-drafted script. T Foster explained that it was known nationally, and within the North-East and Peterlee specifically, as regards the problem of obesity and therefore it begged belief that such a proposal was recommended for approval, being not in alignment with the policies of the Durham Health and Wellbeing Board or County Durham Plan (CDP) and against the principle of fighting to combat early mortality. He noted the food that would be offered at the proposed HFTs would be high in saturated fat and carbohydrates and the food, especially from Cooplands, would be the worst possible type for children.

T Foster noted that in terms of traffic, he felt there would be considerably greater volume than anticipated, and he felt it would just be a matter of time before someone was killed, with three roads coming together at the junction. He reiterated that there was a lot more traffic along Passfield Way than was being referred to.

The Chair thanked T Foster and asked Nicola Crowley, Agent for the applicant, to speak in support of her client's application.

N Crowley explained that the proposals would help bring a vacant site back into use, providing a neighbourhood style retail development to allow top-up style shopping, with a Sainsbury Local on site. She added other occupants would include Cooplands and also a veterinarian practice, a welcome addition to the services within Peterlee. She explained that the sequential planning test had been correctly applied, as the development was on the edge of town. She explained that such developments required that type of mixed retail to be developed collectively, rather than disaggregated as suggested by the owners of the town centre in their objections. She noted that the site had been vacant for a considerable amount of time and that having an occupied site would in fact help provide a natural surveillance and reduce ASB. She added that the uses for parking and EV charging were not such that would generate ASB, and noise and odour from the development would be in line with the agreed noise/odour impact assessments submitted, which were considered satisfactory by Council Officers.

N Crowley added that, in terms of highway safety, a Transport Consultant had been engaged and a Road Safety Audit had been carried out. She noted that, following the submission of the conclusions to the Council, the Highways Section had offered no objections to the application. She added that the proposals were sustainable, with only partial demolition required at the site, reducing the use of new materials and noted that locally sourced materials would be used in the construction required.

She noted the energy efficiency measures that would be put in place, including the high efficiency insulation, advanced glazing and air source heat pumps for all but one of the units, Dominos, which by nature of the business required a gas supply. She reiterated that the proposals were policy compliant, would bring a vacant site back into use, had no objections from technical consultees and therefore she would ask that the Committee approved the application, as per the Officer's recommendation.

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

Councillor C Kay noted he did not have personal experience of the site, however, the starting position for most people would be that they did not want a takeaway next door to their property. He added he found it hard to believe that the site passed the sequential test, with no sites closer to the town centre being able to accommodate the proposals. He noted that, as the proposals were within 300 metres of a school, if the proposals had been simply for a HFT, then the application would have fallen flat. He noted, however, as mixed use then it was deemed permissible. He noted it was the first time he had heard of such a mixed-use development and asked how was that ok, adding he felt that if it was permissible, it was deeply flawed. He explained he was always generally very supportive of sites being regenerated and generating employment opportunities however, he would like to hear more from other Committee Members before coming to a conclusion on the application. He reiterated that allowing HFTs within 400 metres of a school, just because it was in a mixed-use development, seemed absurd.

Councillor J Elmer asked if there had been any comments, within those received from Durham Constabulary, as regards any incidents of ASB associated with the site being derelict. He also asked, through the Chair, how confident the developer was in terms of being able to secure those businesses as described. The Chair asked if the Agent, or one of the applicants present could respond on the latter point. Neil Creenlay, one of the applicants noted that end users were signed up, simply being subject to approval of permission at Committee.

The Principal Planning Officer noted that in terms of the sequential test, the applicant had been required to show availability of any suitable town centre units. She added that none of the units within the town centre were of the appropriate size for the larger units within the proposal. She noted that it had been looked at in terms of whether it would have been possible to break up the uses over the town centre and it had been shown to not be possible. She added that the proposals were for a local retail offer, for top-up shopping and for uses where it would not be reasonable to go into the town centre. She reiterated that Officers felt the application was policy compliant.

In respect of HFTs, the Principal Planning Officer noted that Policy 30 clearly related to A5 use only as standalone proposals, with the supporting text following the policy clarifying that it would not apply to sui generis or mixed-use developments and therefore it would not be possible to recommend a refusal on that policy, with the HFT elements being part of a larger development. She noted that Officers had initially sought to remove the HFT element, however, upon assessing the details of policy 30 and receiving legal advice on this, it was confirmed that based on the policy wording and supporting text, it would not be appropriate to request its removal from the scheme or uphold a refusal on that basis. The Principal Planning Officer noted that the response from Durham Constabulary's Police Architectural Liaison Officer had related to design suggestions to help prevent ASB only and had put forward no objections, nor comments on any issues at the site currently. She noted that Planning Officers had not noted any issues when attending the site or preparing photographs for Committee.

Councillor L Fenwick noted she was a Member for Peterlee and had been consulted upon the application as part of the process. She noted that the original plan for Peterlee, as a new town, had included local sets of shops to provide such local retail. She noted that she felt the development would enhance the area, bringing a derelict site back into use. She added that the inclusion of a veterinarian practice would be a useful service and she could not see any negatives to the scheme. The Chair noted that having responded as part of the consultation, Councillor L Fenwick may need to leave the chamber while the application was decided. The Legal Officer, Planning and Highways noted that having set out her position within a consultation response, Councillor L Fenwick should declare an interest and leave the chamber.

Councillor L Fenwick left the meeting at 10.09am

Councillor D Oliver noted he had attended the site visit and his overwhelming impression was of a derelict site that was that it was a real scar on the area and he would be concerned if it continued to impact the overall streetscape of the town. He noted that therefore he saw the proposals as an improvement, and while he acknowledged the concerns raised as regards traffic, Highways Officers had not submitted any objections to the scheme. He noted that the prior use had been a working car sales garage, with repairs, and therefore he did not have any concerns in terms of road safety. He added that when looking at the wider economy, three would be the jobs generated by the new units, as well as during construction, all of which was positive. In terms of ASB, he noted that a vacant site would be of more concern than an occupied one, and he noted that in terms of litter, it had been explained on the site visit that there would be plans in place and asked if that could be explained for the benefit of the Committee.

Councillor D Oliver concluded by noting that he felt in general the scheme was a positive one and therefore he would move approval as per the Officer's recommendation.

Councillor J Elmer noted he shared Councillor C Kay's concerns as regards the HFT policy not applying to mixed use development, and that the 400-metre rule only applied to A5 use. He noted he understood the policy as explained by the Principal Planning Officer, however, he would say it was an issue to be flagged for the review of the CDP in due course.

Councillor J Elmer noted the proposals represented regeneration of a derelict site, included EV charging, air source heat pumps and reused materials and part of the existing structure, all good points for consideration. He added he agreed with Councillor D Oliver as regards the importance of a litter picking regime, with such shops and HFTs being litter generators, a wider issue for the Council and residents across the county wherever there were such clusters of shops. He added that therefore he was very pleased to hear as regards the condition relating to litter picking on site and within a radius around the shops, noting he hoped such conditions would be applied to these types of applications. When looking at the impact upon the town centre, Councillor J Elmer noted that all were aware of the impact of large out of town developments on town centres, however, the scheme proposed was not of that scale and was within the urban outskirts of the town rather than outside of it. He understood that it was to serve a more direct local market and therefore he felt it would not have a negative impact upon the town centre. Accordingly, Councillor J Elmer seconded approval of the application. The Chair noted that Councillor J Elmer was correct in terms of raising issues relating to Policy 30 when the CDP was to be reviewed.

The Principal Planning Officer noted that the issue of litter picking had been discussed on the site visit, with a litter strategy having been received as part of the submissions from the applicant. She noted that Condition 24 set out the requirements and noted that the latest strategy received removed the litter picking outside of the immediate area. She added that Officers would look for that to be reinstated, and only once Officers were happy would the strategy be approved. She added that this, being via condition, would allow for the option of enforcement if there were issues in the future. She noted the comments from Members in relation to Policy 30 and HFTs to be looked at during review of the CDP in future.

Councillor C Kay noted the 52 letters of support being pro-forma and from people not in the direct area did not carry much weight. He noted no objections from Highways and agreed with the points made by Councillor J Elmer in terms of it being a local retail offer. He concluded by noting the issue of HFTs was one of a number that would need to be addressed when reviewing the CDP in the future.

Councillor A Bell noted he felt this was a difficult decision as, on the one hand, there were genuine concerns raised by residents and on the other a site that had limited use, the former use being a victim of the impact of car sales. He noted that the site was an eyesore, having been derelict for three years. He noted that the condition relating to litter picking was very good and asked if anything could be included in terms of recycling. In terms of the highways issues, Councillor A Bell asked if there was any management plan relating to the car park, noting similar car parks in other areas often had barriers to stop people and cars gathering late at night. He noted the proposed hours of operation, up to 23.00, and asked if there was any scope in relation to these as there could be impact upon children in bed in nearby residential properties. He noted Officers had referred to suggestions from Durham Constabulary as regards reducing ASB and asked what they had suggested. He agreed with the comments from other Members in relation to Policy 30 and HFTs, it was one to be addressed when the CDP was reviewed. Councillor A Bell noted the road leading to the site also went past nearby schools and residents had referred to a large number of vehicle movements, and asked if there was any scope for traffic calming measures to be brought in.

The Principal DM Engineer, David Battensby explained that the site itself would operate during school pick up and dropping off times, however, the majority of traffic going into the site would be passing trade. He added that potentially there was some positive use for the proposed car park on site, enabling some parking for those on the school run, then walking from the site to the schools. He noted that Passfield Way was a 30mph road and was one of the main arterial routes from the A19 into Peterlee town centre and therefore there was minimal opportunity for traffic calming measures, adding that the existing mini roundabout and signalled crossings were appropriate. In respect of the car park, he noted that issues in terms of management would be for the developer, and for the Police if any problems. He added that gating off the car park may have implications in terms of accessing EV charging and the cash point.

The Principal Planning Officer noted that Durham Constabulary had not referred to any specific ASB in their comments, their only comments related to crime prevention through design, such as controlling access to the rear of the units and ATM security. She noted they had also asked that some proposed outdoor seating be removed, and their suggestions had been taken into account. She noted the proposed hours of operation were those considered acceptable for the proposed uses, and were set out in condition, with Cooplands having an extra hour in order to begin cooking, again considered acceptable for the proposed use. She added that noise and odour would be controlled, with conditions referring to those controls.

In terms of the car park, the Principal Planning Officer noted that there was a condition for a car park management plan to be submitted and agreed by the Council prior to occupation, to include details of hours of operation.

Councillor A Bell felt that it would have been useful for Members to have those details relating to the car park to be able to consider and vote upon at Committee, rather than being in the hands of delegated authority. He reiterated his concerns in terms of unrestricted operation which could potentially be a nightmare situation, however, he took from the condition that the situation would be well monitored.

The Chair allowed S Box to raise a point. S Box asked for clarification in terms of allowing a HFT within 400 metres of a school, contrary to policy. The Chair noted he felt the point had been explained by the Principal Planning Officer, and Members were clear on the matter, that it did not apply to mixed use development.

Councillor C Kay noted Condition 24 referred to the litter management plan and suggested that, should the application be approved, a further application to remove Condition 24 may be submitted.

Councillor K Robson explained he had attended the site visit and felt the application site in its current state was an absolute mess and looked like a first-hand opportunity for ASB. He noted he had not noticed any through access to residential properties from the site and therefore could not see any issues associated with parking on the existing estate to then access the proposed shops. He noted that the proposals were similar to several in his area Newton Aycliffe, another post-war new town, with parades of shops within localities within the wider town. He noted those facilities were, as previously described, handy for top-up shopping and for elderly residents. He noted that he was not dismissing the concerns raised by the objectors, however, that was how he understood the application.

The Chair noted the application had been moved for approval by Councillor D Oliver, seconded by Councillor J Elmer and upon a vote being taken, it was:

RESOLVED

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

Councillor L Fenwick entered the meeting at 10.32am

b DM/23/00532/FPA - Bevan Square, Murton, Seaham, SR7 9HT

The Senior Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The 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 erection of 22 dwellings with associated works (amended layout) and was recommended for approval, subject to a s106 Legal Agreement and conditions as set out in the report. The Senior Planning Officer noted an update to the report, with a contribution required in terms of NHS provision in the sum of £10,626. She added the Agent for the applicant had noted that addition contribution was acceptable.

The Chair thanked the Senior Planning Officer and asked Chris Pipe, Agent for the applicant to speak in support of the application.

C Pipe thanked the Chair and Committee and noted it was her professional opinion that the scheme would enhance the local area and, speaking as someone who lived in a neighbouring village, she understood that the type of development proposed was offering the exact type of housing that was needed in the area. She noted only one letter of representation had been received, a sign of how much the scheme was welcomed. She added there would be four bungalows provided on site and noted that Believe was a trusted local social housing provider, known for their quality in managing properties. She thanked the Officers for their positive recommendation and noted she, along with a representative from Believe, would be happy to answer any questions from Members.

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

Councillor D Oliver noted he had attended the site visit and the proposals seemed to be very positive, noting good access to the site. He noted the 22 dwellings proposed and the presumption in terms of allowing sustainable development. He added that he was heartened by the lack of objections to the application, and while there was some loss of green space he felt the reduction from 23 to 22 properties and retention of trees was the right balance. He concluded by noting that the application was only at Committee as it was a development of more than 10 properties and there had been no objections from the Local Members, therefore he would move approval of the application.

Councillor K Robson noted he too had attended the site visit and felt that Believe should be applauded in bringing forward such a scheme, building on a brownfield site. He noted the scheme was very good, however, asked if there was any space where children would be able to play.

Councillor J Elmer agreed with the comments from Councillors D Oliver and K Robson, noting that the proposals were based upon evidenced need in that particular area, to be applauded. He noted he initially had been concerned as regards the loss of open space, however, he noted that an open space needs assessment had been carried out. He added that on the site visit it was clear the area had no play equipment and was not really used for play. Councillor J Elmer noted he appreciated the paring back in terms of the loss of trees and welcomed the SUDS pond at the lower part of the open space, which would help in terms of helping with the run-off rate of water from the new development. He added he felt there was an opportunity to create a valuable resource for wildlife, with a wetland that was safe and attractive, creating an enhanced feature and asked if there was any way to do more.

The Senior Planning Officer referred Members to the aerial plan for the site, noting pockets of open space as proposed. She added that the SUDS would be a mix of wetland and general purpose and the proposals were considered to met with policy requirements. Councillor J Elmer asked as regards safe access and a standing for pond dipping. The Principal Planning Officer noted that the SUDS as described had been prepared in line with the adoption guide, with the guide stating that it would need to be multifunctional. She added there would be wildlife benefits, however, there would not be a pond feature, and would not be a viewing platform, however, there would be open access. Councillor J Elmer noted he was suggesting that the applicant could do more on this particular issue. The Chair asked if the Agent for the applicant would wish to comment. C Pipe noted the balance in terms of public safety, ecology and wildlife. She added there was a focus on improvement to the habitat and wetland, and while the site would be open, pond dipping would not be encouraged, reiterating that the focus was on drainage and wildlife.

Councillor A Bell noted he felt the scheme was very good and he would second Councillor D Oliver in proposing approval, subject to the NHS contribution previously referred to by the Senior Planning Officer, together with other contributions and conditions set out within the report. He noted that curiously it appeared to be the only area in the County where Education had not requested a contribution in terms of school places. He noted a recently development in the Great Lumley area that contained a SUDS and asked as regards how guidance set out requirements in terms of a dry or wet SUDS, noting he felt any pond could present a danger to children.

Councillor J Elmer noted that over the last 10 years or so he had noted good SUDS designs that could be safe and provide access to wildlife, noting often the main issue was the gradient of the bank leading into any SUDS pond. He asked the Committee not to be scared and take the opportunity to enhance the proposals. The Senior Planning Officer reiterated that the proposed SUDS was of wetland and general-purpose open space.

The Legal Officer (Planning and Highways) asked, prior to any vote being taken, that the proposed approval motion included the NHS contribution as referred to. Councillors D Oliver and A Bell confirmed that was their intention.

Upon a vote being taken, it was:

RESOLVED

That the application be **APPROVED** as per the s106 Legal Agreement, with an additional contribution relating to the NHS, and the conditions set out within the report.

c DM/23/01442/FPA - 33 St Bedes Close, Crossgate Moor, Durham, DH1 4AA

The Principal Planning Officer, Jennifer Jennings gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for change of use of dwellinghouse (Use Class C3) to HMO (Use Class C4) and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted no external works to the dwelling were proposed and that the proposals were felt to be in line with policy. She noted no objections from statutory or internal consultees, except from the City of Durham Parish Council who objected to the loss of a family home, leading to an imbalance in the community, and with detrimental impact upon residential amenity, and stating one room did not appear to meet Nationally Described Space Standards (NDSS). She noted an update to the number of letters of objection, now 89, compared to 86 at the time of the publication of the report, including a letter from the Local MP, Mary Foy.

The Principal Planning Officer noted that in respect of Part 3 of Policy 16, the percentage of Class N Council Tax exempt properties within a 100-metre radius of the property was 6.9 percent, less than the 10 percent threshold.

She explained that while Officers took into account the points raised by the objectors, it was still felt the application was in accord with CDP Policies 16, 29 and 31 and did not represent an over-proliferation of HMOs (Houses in Multiple Occupation) in the area. She added that the new parking standards had been adopted and for a 4-bed property, it would be expected that there would be three spaces provided. She explained that for this change of use application, it would not be expected for the applicant to create an additional parking space, adding that details relating to cycle and bins storage would be secured via condition.

The Chair thanked the Principal Planning Officer and asked Parish Councillor Susan Walker, representing the City of Durham Parish Council, to speak in relation to the application.

Parish Councillor S Walker noted that the Parish Council joined with the huge numbers of residents and Local Member of Parliament in strongly objecting to the proposals. She noted that all would know that the Council's measure of studentification was woefully inadequate and that student numbers were far greater than stated. She added that the use of a 100-metre radius did not work in the residential areas off the A167 which, in practice, operate as a series of small local communities. She noted that using information based on individual streets provided a better means of assessing the experience of local people.

Parish Councillor S Walker explained there were 60 houses in St. Bede's Close and that eight were student houses, equating to 13 percent. She noted that was an unbalance community, contrary to Policy 16, and added that Members had the opportunity to fix that issue, noting that the proposed development conflicted with a number of policies. She explained that Section 2 of the Framework required that strong, vibrant and healthy communities were supported by ensuring that sufficient number and range of homes were provided to meet the needs of present and future generations. She added that this was especially important, in the context of the University's recent statement indicating that there was sufficient student accommodation.

Parish Councillor S Walker noted that the loss of affordable homes and the encroachment by HMOs encouraged existing residents to move out and deterred future residents from moving in. She explained that one family on St. Bede's Close had faced a 50 percent increase in their rent, with the reason given being '*prices have risen substantially because of inflation and local student rentals*'. She added that the family had managed to negotiate the additional cost to a 30 percent increase, however, at the cost of a change in tenancy to a short-term let.

Parish Councillor S Walker noted that more secure family housing was desperately needed, not less and added as regards the particular importance of ensuring provision for families to restore and sustain community balance, as outlined in the Neighbourhood Plan, Theme Four.

Parish Councillor S Walker explained the Parish Council felt the application also fell short of Neighbourhood Plan Policy S1 (a) and (c) as it did not '*conserve the significance of the setting, character, local distinctiveness, tranquillity, and the contribution made to the sense of place*'. She added that Neighbourhood Plan Policy H3 required developments '*sustain and make a positive contribution to the character and quality of the area*', with the Parish Council noting they did not feel that was the case in this instance. She noted that Neighbourhood Plan Policy S1(m) was relevant when considering the other consequences, including car parking, the run-down nature of many HMOs, noise and lifestyles not reflective of residential areas. She added that such applications introduced a transient population with limited ties to the local community, challenging the wellbeing and amenity of long-term residents.

Parish Councillor S Walker added that the Parish Council felt that the development would not '*...function well and add to the overall quality of the area, not just for the short-term, but over the lifetime of the development*', as per NPPF Paragraph 130(a). She added that CDP Policy 29 stated that all development proposals must achieve well designed buildings and place which have regard to supplementary planning documents and other local guidance documents where relevant. She noted that the attic was missing from both the existing and submitted plans, possibly because it did not have Building Control consent. Parish Councillor S Walker noted that a drawing entitled 'Total Floor Area', showing the attic room, was used to provide a total area for the building. She added that the applicant stated the room would not be used, in which case the area should not be included.

Parish Councillor S Walker noted there was a problem in terms of the proposed plans and fire safety, adding that escape routes should not pass through an area of risk. She noted that, in this instance, the means of escape from the first floor was via an open tread stair leading directly into the living room below, not a place of safety. She added there was a significant risk of a fire starting in the living room, cutting off the means of escape from the three bedrooms above. She noted that travel distances from the furthest corner of all the bedrooms on the first floor to a 'place of safety' exceeded the permitted maximum of nine metres, not a well-designed building.

Parish Councillor S Walker explained that the application did not comply with the Council's adopted Parking and Accessibility Standards 2023, which required three parking spaces.

She noted that the applicant claimed that two spaces were provided, however, there were none as neither the garage or the driveway were of compliant size and could not be counted. She explained that this did not meet the criteria of Paragraphs 51(a) or 81 within the Officer's report, or even Paragraph 83 which referred to previous parking standards.

She added the Parish Council were baffled by Highways' failure to raise an objection because '*...there would be no change in the number of existing and proposed bedrooms in the property. On this basis, there would be no material change resulting in a proposed impact on the local highway*'. Parish Councillor S Walker noted the Parish Council felt that was irrational and bore no relation to the reality experienced by residents. She added that it was not the bedrooms that drove cars, rather the adults living in a property, with a family likely to have two, whereas an HMO would have four independent adults. She noted that Policy 31 stated that development would be permitted where it could be demonstrated that there would be no unacceptable impact on health, living or working conditions. She added that had not been demonstrated.

Parish Councillor S Walker added that the development certainly did not '*contribute positively to an area's character, identity, townscape and landscape features*', as per Policy 29(a), nor did it help '*to create and reinforce locally distinctive sustainable communities*'. She added that the proposals would have a detrimental impact on residential amenity, contrary to CDP Policies 29 and 31, the Framework paragraph 130(f) and Neighbourhood Plan Policies S1 and H3. She noted that as she had stated previously at Committee, those policies were not optional or aspirational, and they must be met in full. She added that those policies required any development was an improvement and it was felt what was proposed was not. She concluded by asking, on behalf of the Parish Council, herself and the others that lived in the area, that Members refuse the application.

The Chair thanked Parish Councillor S Walker and asked a local resident, to speak in respect of the application, noting slides would accompany her presentation.

The local resident thanked the Committee for the opportunity to speak in objection to the application. She explained she lived with her husband and sons in the adjoining property to 33 St. Bede's Close, and had done so since 2013. She noted that the St. Bede's Community was made of 60 family homes, in a great location for schools, however, stressed that the community was much more than just that.

She noted St. Bede's neighbours were active in community life, with examples including: volunteers for children and toddler groups at St. John's Church, a help to so many young mum's including herself; joint celebrations, with reference to a slide showing the 75th Anniversary of VE celebrations in 2020; charity initiatives; a multicultural mix, with 8 nationalities in the area. The local resident added that for her and her husband not having any family around them, it had been their neighbours that had helped them when they first moved to the area, became parents and they tried to do the same for other residents.

The local resident explained the reason why residents were objecting was that the community was a small one, with 60 homes, of which eight were already let out to students, that representing 13 percent of all homes. She added that residents are actively targeted by property agents which want to resell their homes for student lets or rentals. She explained that some local residents had already moved within the city, from May Street and Laburnum Avenue, as a consequence of students moving into those streets, and residents feared that history was to repeat itself. She noted that student properties on St. Bede's Close, and in general, were poorly managed and look in disrepair and would refer to slides highlighting this.

The local resident noted that the St. Bede's Community was connected to one of the busiest roads in Durham, the A167, and reiterated eight properties already were let to students, as shown on a map slide, with both those Licensed HMOs and other properties known to be occupied by students. In reference to the difference between well maintained family gardens and homes and student properties, The local resident referred Members to photographs comparing a few examples of family homes and student properties, noting the latter had many issues including: rotting window frames; doors having been replaced after falling out; a fallen fence that had not been replaced; unkept gardens; rubbish piling up regularly; drains issues at No.50 and a consequent leak to the neighbouring property. She noted the issue at No.50 had occurred 9 times since February 2020, reported to the landlord, however, left for weeks at a time to resolve.

The local resident referred Members to a further slide, highlighting parking issues, noting that not only 'home' students could own cars, but also international students, and showed an example of parking at 33 St. Bede's Close which blocked her drive, and another example of four student cars parked at 50 St. Bede's Close, where a family home would normally have one or two cars.

The local resident noted the applicant had responded in their statement to objections received and wished to address the points raised. She noted the phrase 'responsible landlord' had appeared frequently in the statement, however, the landlord had not once checked with neighbours if there were any issues, nor had they responded to any messages.

She reiterated there had been parking issues and rubbish collections were regularly missed, with piles being deposited outside. She added the property was run down and did not provide the highest standards of safety. She referred to photographs of the property in 2021-22, when it was well-maintained, and noted that now there was a fallen fence, moved by herself as it had presented a danger to her children. She noted leak at the rear of the property, getting bigger and bigger and not fixed. The local resident noted those were the reasons why residents did not believe the property should be granted an HMO licence.

She concluded by asking Members what kind of community they would want their children and grandchildren brought up in and highlighted a picture of the viaduct area of the city from the past, with street parties, and present day, empty.

The Chair thanked the local resident and asked the applicant, Dr Nan Hu, to speak in support of her application.

Dr Hu thanked the Chair and noted the many residents in attendance interested in the matter. She noted she would wish to provide clarity and assurance on several key matters for both the Committee and the community. She continued noting she was a diligent and responsible landlord and noted that issues with other student properties as described and several of the photographs in the slides did not in fact relate to her property. She explained that she had a gardener that cut the grass each week and a photograph shown to demonstrate parking issues within the objector's presentation was in fact of a taxi picking up students who were going home, hence the luggage as seen, and that the 'blocking' of the road had been only temporary.

Dr Hu noted she would ensure her tenants would not cause a disturbance, and there would be consistent communication with them to be peaceful and respectful of neighbours. In respect of the concerns raised regards parking, Dr Hu noted she understood, however, to address those concerns, two in-curtilage parking spaces were to be provided, which was noted as being sufficient as the majority of students did not own a car. She added that if the Committee deemed it necessary, she would be happy to create an additional parking space.

In respect of the bedrooms and noise control, Dr Hu noted she was willing to implement improvement, including sound insulation if required. She hoped she had been able to provide some assurance that she was a responsible landlord and would hope the standard of tenants would align. She added she was open to suggestions from the Committee and would meet any requirements. She thanked Members for their time.

The Chair thanked Dr Hu and asked if Officers could respond to the points raised by the speakers.

The Principal DM Engineer explained that it was acknowledged that as families grow and expand, with that being an expectation for a residential property, the number of vehicles can increase up to the number of bedrooms for a property and potentially more if work vehicles are parked overnight. He noted that the parking standards looked for a balance, however, in this case there were no extensions or increase in the number of bedrooms, and therefore it would not be appropriate to retrospectively apply the parking standards. He noted the applicant had mentioned adding an additional space by widening the drive which would be beneficial and welcomed, however, he felt from a Highways perspective, there were no grounds to object to the application as it was.

The Chair asked the Committee for their comments and questions.

Councillor A Bell asked as regards Policy 16 and the number of properties and percentages quoted by residents as compared to those within the Committee report. The Principal Planning Officer noted that figures had been rechecked prior to the meeting and the figure was 6.9 percent Class N Council Tax exempt properties within a 100-metre radius of the application property, less than the 10 percent threshold. In terms of comments that the policy was not fit for purpose, the Principal Planning Officer noted that it was the policy that was agreed and discussed at length during the examination in public of the CDP. She added it would include any properties with students, Class N exempt, not just HMOs. Councillor A Bell noted that the numbers different from those quoted by residents. The Principal Planning Officer reiterated the Council figures were for all Class N exempt properties, not just HMOs. Councillor A Bell asked where the two additional properties referred to by objectors factored in. The Principal Planning Officer noted properties those referred to by objectors were within the street, however, were not within the 100-metre radius considered by policy.

Councillor C Kay noted 60 properties at St. Bede's Close, with eight of those being student properties, however, only 6.9 percent were Class N exempt within 100 metres of the application property. He noted he wondered whether tenants or the landlord would pay any Council Tax in some cases. He noted he felt the 100-metre radius considered in the policy was flawed.

He noted he felt these types of application were the thin end of the wedge, and he felt it was similar to other recently considered applications. The Chair noted that it was an issue to be looked at when the CDP was reviewed, however, noted that in itself was not grounds for refusal, the application being shown to be in line with Policy 16 as it stood, with the 100-metre radius being considered.

Councillor D Oliver thanked all the speakers and noted his sympathy with residents in terms of the ongoing issues described as an impact of other HMOs. However, he noted he was struggling to see any reasons relating to the property in question in terms of refusal. He asked if there was any local authority or national data that showed the impact on residents of the impact of HMOs, though he would be loathed to apply such to HMOs en masse. In relation to parking, he noted the property was approximately one mile from the Cathedral and therefore students would likely walk into the city centre. He reiterated that any local authority or government data on HMO impact may be useful, if not available now, for future reference.

The Principal Planning Officer noted that research had been undertaken which had informed the 10 percent threshold value within Policy 16, that being the amount, or tipping point, over which it was felt there was an impact, and this approach is adopted with the CDP. While she understood the reference made by the Parish Council and residents as regards the student properties within the larger street, it was not the methodology adopted by Policy 16, reiterating the threshold of 10 percent Class N Council Tax exempt properties is measured within the 100-metre radius of the application site and that this is the consistent method applied to all applications. Undertaking this measurement on a street-by-street basis would be difficult to apply consistently across the whole Article 4 area. She added that while a large number of HMOs could override the character of an area, however, there were not sufficient in number in this instance, being less than the 10 percent threshold. She noted that any future applications would approach that 10 percent value, and once above, any applications would be recommended for refusal.

Councillor J Elmer noted that Durham University and Durham County Council issued a joint statement yesterday noting that there was adequate provision of student properties to meet the numbers of students. He added he felt the purpose of planning was to ensure provision aligned with need, and rather than to leave it simply to market forces, it was for Members to temper. He felt this application was the polar-opposite of need. He continued, noting that NPPF Part 16 which noted that the support of Government was for the supply of housing such that the needs of specific groups were addressed. Councillor J Elmer noted the 6.9 percent value from the 100-metre radius considered by Policy 16.

He noted that the policy consistently undercounted the numbers of students, with cases where one resident was a worker, then the property would not be counted as a student HMO, or a landlord could be paying the Council Tax bill. He noted that while it would only take a few incorrectly counted properties to take the percentage over 10 percent, he would not be objecting to the application on the grounds of Policy 16.

Councillor J Elmer noted his concern as regards the issue of fire safety raised by the Parish Council and would like further comments from Officers in that regard. He noted that one of the bedrooms did not meet the NDSS and therefore asked if there would be condition that room could not be rented out.

He noted that the Committee had considered a few similar applications recently, where Members had refused on the grounds of the impact upon residential amenity. He appreciated the applicant's comments in terms of tackling issues, however, a transient population would impact upon community cohesion and, accordingly, he would therefore move refusal of the application.

The Principal Planning Officer noted the issues in terms of fire safety would be picked up via other legislation, such as building control regulations, though not HMO Licensing as it was less than five bedrooms. She added that the small room was shown within the presentation as a study room and whilst it would not meet NDSS standards, it would meet licensing standards. However, a condition is included to restrict to four occupants, therefore one for each of the bedrooms that meet NDSS standards.

Councillor J Elmer reiterated he would propose refusal of the application, being contrary to Policy 29.

The Chair noted Councillor J Elmer had raised the issue of need and press release from the University and Council which suggested there was sufficient student accommodation and asked the Planning Officers for their comments. The Principal Planning Officer noted that strategic policy looked at need, in terms of local housing needs assessments, and the press release related to Part 2 of CDP Policy 16 which related to Purpose Build Student Accommodation (PBSAs) which required a demonstration of need. She added that, however, Part 3 of Policy 16, which was relevant in the case of this application, did not require a demonstration that there was a need for further HMOs, of need requirement, rather applications assessed against this part of the policy are required to meet the 10 percent threshold as previously explained.

Councillor S Deinali noted that the Committee appeared to be in a similar position to that it had found itself in at the last few meetings, and as had been explained and shown, there was a need to protect balanced communities and therefore she would second Councillor J Elmer's motion for refusal, adding she also felt the application was contrary to Policy 31.

Councillor D Oliver asked if there was any feedback from the Planning Inspectorate in terms of those recent refusal by Committee that had been taken to appeal. The Chair noted that he understood a few of the decisions were being appealed by their applicants.

The Legal Officer (Planning and Highways) noted a couple of appeals had been submitted, with one relating to The Larches for a large HMO was a few months into the process, with a report to be brought back to Committee in due course. She noted that number of other decisions from recent Committee meetings were also being appealed, however, they were only at a preliminary stage.

Councillor D Oliver reiterated that he had a great deal of sympathy with residents, however, he was struggling to extrapolate their specific experiences to wider student properties. He noted he had concerns in terms of any decision that would contravene Policy 16 and noted that if Members were being asked to overturn an Officer recommendation he would ask for clarity in terms of policy. He noted he would be minded to accept the Officer's recommendation, however, he would listen to the comments from Members. The Chair noted Policies 29 and 31 had been referred to by Councillors J Elmer and S Deinali as policies they felt the application was contrary to. Councillor J Elmer noted the non-permanent residents not developing long-term relationships with neighbours.

Councillor C Kay accepted what Officers had said, however, Members were lay-people, and provided the steer as regards a decision, with valid reasons, and felt it was for Officers to provide details. The Chair noted he felt Councillor J Elmer had explained his reasoning.

The Area Planning Manager, Sarah Eldridge noted that Officers were asking for the narrative around what Members felt the impact on residential amenity would be, with Officers to add any technical wording as necessary, however, for Members to be clear why they felt an application should be refused.

Councillor D Oliver noted that while he was very sympathetic with the residents and their anecdotal evidence, he felt it was not clear in relation to this case specifically. He noted that while his electoral division was outside of the sphere of gravity of the University, he noted that should an application in his area be recommended for refusal on the grounds of ASB there would be a need for clear evidence of that ASB.

He added he felt there was not sufficient strength that any refusal would hold up at appeal, and added he worried that there could be a number of the recent decision upheld by the Inspector at appeal and we would be 'back where we started'. He added he felt there was no other choice in terms of the application. The Chair noted that those appeal decisions would no doubt inform decision making going forward.

Councillor C Kay noted he has sat on Planning Committees of various forms since 1987, hundreds of meetings, and noted that he felt that Members should not be frightened of the Planning Inspectorate adding that democracy was why Members were in the Chamber and they were there to make decisions on the applications put before them. The Chair agreed with Councillor C Kay and thanked him for his service.

Councillor J Elmer noted he agreed with Councillor C Kay and noted he felt residential amenity, social cohesion were not easily measurable metrics, however, were material considerations. He added he felt Policy 29 gave more flexibility in those areas in terms of stronger reasons for refusal. Upon a vote being taken, it was:

RESOLVED

That the application be **REFUSED** as the change of use of the property to a house in multiple occupation (Use Class C4) within this locale (which includes several properties occupied as HMOs but unregistered as being Class N exempt from Council Tax), would unbalance the community and have a detrimental impact upon community cohesion and adversely affect the amenity of residents within the local area from increased noise and disturbance. Therefore, the proposal is contrary to Policies 29 and 31 of the County Durham Plan.