

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 22 February 2024 at 10.00 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, V Andrews, J Atkinson, D Brown, J Cairns, N Jones, S Quinn, G Richardson, M Stead and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillor Liz Maddison.

2 Substitute Members

There were no substitutes.

3 Declarations of Interest

Councillor S Zair declared an interest in relation to agenda item 5a as he was a member of Bishop Auckland Town Council. He confirmed that he had no input into their decisions about the application.

4 Minutes

The minutes of the meeting held on 14 December 2023 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/02917/FPA - 7 Kensington, Bishop Auckland, DL14 6HX

The Committee considered a report of the Planning Officer for the change of use of a property from Offices (Class E) to an 8 bed House in Multiple Occupation (Class Sui Generis), including external alterations to the rear and cycle parking (for copy see file of minutes).

H Sperring, Planning Officer gave a detailed presentation that included a site location plan, aerial location plan, site photographs that showed the road and the front and rear of the property, the proposed floor plans and the proposed elevations. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. She explained that it was a vacant large, stone built mid terraced property within the Cockton Hill area of Bishop Auckland that had hard surfacing that separated the front of the property from the footpath and Cockton Hill Road. The proposal was to include the demolition of the rear extension to provide refuse storage in the gated rear yard area and bicycle parking at the front that had been challenged to add to the rear instead due to health and safety issues. The property was surrounded by residential and commercial properties with a nursery and school nearby.

The property was considered to be a non-designated heritage asset and was set over three levels with the ground floor proposing to have two bedrooms and shared living facilities, four bedrooms on the first floor with ensuite bathrooms and two bedrooms on the second floor with ensuite bathrooms. As the proposal was the conversion to an HMO over 5 bedrooms the property was required to be licensed. Upon consultation Bishop Auckland Town Council objected to the application based on the increased Anti-Social Behaviour (ASB) in the area, issues surrounding housing, parking, fly tipping and a CAT Team currently operated in the area. The public had responded that as there had been several properties bought to rent the proposed HMO would fail to create a balanced mix. The Planning Officer explained that Councillor A Jackson had called the application in to be discussed at committee as he had concerns over amenities, the concentration of HMO's in the area and parking. Officer recommendation was to approve the application subject to conditions highlighted in the report.

As there were no registered speakers the Chair opened the meeting to questions.

Councillor S Quinn asked how long the property had been empty.

S Pilkington, Principal Planning Officer responded that they had no definitive answer as to how long the property had been empty. He suspected it had been empty for several years based on the condition of the rear, the number of windows that had been broken and the number of pigeons going in and out of the property.

Councillor S Quinn felt like she was caught between the devil and deep blue sea as she did not want to change the use of the building but did not want the property to remain empty.

Councillor E Adam referred to paragraph 84 on page 29 of the report and questioned how the Highway Officer and Planning Officer came to decision that the development would not be prejudicial to highway safety or had a severe cumulative impact on the network capacity. He queried how that had been measured against policy.

The Principal Planning Officer responded that the supplementary planning documents (SPD) on parking standards required that for a residential development with 5 bedrooms it would ask for 3 parking spaces. However, it recognised that this was an existing property and was not required to provide any spaces for parking.

J Robinson, Principal DM Engineer advised that Highways had carried out an assessment based on three elements: 1) the SPD 2023 parking guidance – the new guidance allowed flexibility for parking provision in high accessible areas. This area was a high accessible area that had a good train and bus network; 2) Site specific – the property had not been used for a while and under the new use may generate more road usage and there may be a need for parking demand. Cockton Hill Road provides limited on-street parking. This was considered as tidal whereby parking during the day was for office use that would free up the spaces on a night for residential parking when people went home. Potentially not all new tenants would have a car and there were adequate other modes of transport; and 3) accident and personal injury data recorded by the Police – data had been assessed and it was found that within the immediate area there had been no personal injuries reported in the last 4 years. A further search had been carried out by extending the area by 100 metres either side of Cockton Hill Road and had found 4 personal injuries in 4 years – two were driver error and two were human error. On balance the development would not impact traffic patterns and would not severely impact on the safety of the highway network.

Councillor E Adam appreciated the in depth explanation. He reflected on the point raised by Bishop Auckland Town Council regarding the issue of parking in the area. He asked if highways had measured parking spaces on an evening. He felt that there would be a significant impact on the area if potentially 16 people lived in the property with 16 cars.

The Principal DM Engineer replied that a parking survey had not been carried out as parking was fluid in the area. If it had been carried it may have shown a high demand. There were no records for the previous use of the property to take into consideration on balance a pragmatic approach was required. Worse case scenario would be that every tenant would have a car.

The Principal Planning Officer clarified that although the proposal was for 8 bedrooms there was a condition to limit the number of people to 8 in the property. There were parking issues as it was a terraced block and it may be that the development would increase demand but policy stated there was no loss of safety and would not sustain the application to be refused on highway safety grounds.

Councillor S Zair noted that this development was not in his division and it would have been helpful had the ward Councillor been present to share information on how long the property had stood empty. He queried that if the property was to house 8 people what were the guidelines on how big it should be for living quarters. He also asked on what grounds had Councillor A Jackson called the planning application into committee.

The Planning Officer stated that as the premises was to be an HMO there would be a requirement for the property to be licensed. During consultation with the HMO Licensing Officer the development had met all their space requirements for the dining and living areas.

The Principal Planning Officer advised that Councillor A Jackson called in the planning application to be debated at committee as he had been concerned about the amenities, parking issues and number of HMO's in the area.

Councillor S Zair referred to the report that stated there were no HMOs within 100 metres of the development. He asked how many HMOs in total there were on both sides of Cockton Hill Road.

The Planning Officer responded that it was a good question but there had been difficulties in accessing data on how many HMO's there were in the area. The data used looked at any properties that was exempt from paying Council tax for student properties. Under HMO licensing it would look at any properties that housed 5 tenants or more but there were none in the area. There could be other properties rented out with fewer than 5 living in the property that was not collated.

Councillor S Zair questioned whether properties that housed less than 5 people should also be licensed.

The Planning Officer advised that HMOs were only licensed if there were 5 or more people living in the property. There was the subject of selective licensing where private landlords were requested to register with the local authority but again it was difficult to quantify the number of these types of properties in the area.

Councillor S Zair asked if the outdoor space was adequate for 8 people living in the property to congregate in.

The Principal Planning Officer stated that there was no policy that set out requirements for outdoor space. There was set out in the planning application for this development a location for storage for cycles and refuse which was acceptable for this development.

Councillor M Stead felt that policy 16 did not apply nor policy 15. He asked if there was a need to have an HMO in the area and referred to those concerns raised by Bishop Auckland Town Council. He was concerned with the historic issues with ASB and noise in the area and whether there would be wheelchair accessibility if the property was changed into an HMO. He queried if the common areas would meet certain living standards based on an 8 bed roomed HMO as the common areas would be very important.

The Principal Planning Officer stated that the NDSS (National Described Space Standard) set out minimum space sizes for bedrooms but not shared spaces. The HMO Licence complied with the minimum standard and there was not a policy conflict. He added that as the property was over several floors there would be no wheelchair access. However, if the application was successful and the conversion took place building regulations may stipulate changes.

Councillor M Stead stated that policy 15 did not apply as he did not feel there was a need for an HMO in the area as Bishop Auckland was not considered a student area and there were several empty shops in the area.

L Ackermann, Legal Officer (Planning and Highways) commented that although the planning application was for the conversion into an HMO that did not necessarily mean that it would be tenanted by students. The property could accommodate young professionals who wanted to live in a house share facility or nurses from the nearby hospital who wanted to live in a property together due to working anti-social hours. She noted that anyone could be potential tenants of the property.

The Principal Planning Officer advised that policy 16 was applicable as it was for HMO occupied by students and other persons and therefore complied with policy.

Councillor G Richardson had seen on the site visit that the road past number 1 lead to a school and felt that morning and afternoon sessions with drop offs and collections would be really busy and queried if this had been taken into account.

The Principal DM Engineer confirmed that the school traffic had been considered. Highways were aware of the high demand with drop off and collections and had been taken into account as part of the application.

Councillor S Quinn knew the area well and anyone living in the dwelling would know the issues with parking as it was a terraced street. There was already ASB in the area and a CAT project in place. She felt that the empty property had already been targeted as there was damage at the rear and felt that it should be occupied. She was minded to support the application.

Councillor G Richardson had attended the site visit and felt that the damage at the rear windows was too high up and was doubtful that someone had thrown a stone. He thought that it was due to natural storm damage.

The Chair opened the meeting up for debate.

Councillor J Atkinson **moved** to approve the application for the change of use. It was an old property and it was not built with cars in mind. He felt that properties needed to be allowed to move forward and be put back into use and not stay empty. He did not think that the lack of parking should prevent this from happening and noted that the former use as an office had managed. He was happy with the officer's recommendation.

Councillor A Savory commented that there was a lot of regeneration work taking place in Bishop Auckland where people involved may look for accommodation including the local hospital with nurses and medics as there was no provision at the hospital. She felt that the proposal was necessary and if left a derelict building would attract Anti-Social Behaviour.

Councillor G Richardson agreed with Councillor J Atkinson and **seconded** the application for approval.

Councillor S Zair agreed to a certain extent with comments from Councillors but had a problem with the HMO that it should be in the right place as it was unknown who it would attract to live there. He was concerned with the parking and dependent upon who lived there if they would take into consideration the nursery and school in the area. He noted that Cockton Hill was ripe with Anti-Social Behaviour and therefore did not want the property to remain empty. He commented that it had been proposed to develop a Children's Home on the opposite side of the road last year and upon walking the streets at night the proposal had been shelved. He did not support the application but did agree with some of the details of ASB that could escalate if the HMO was in the wrong place.

Councillor J Quinn stressed that the concern over who resided in the accommodation was not a material planning consideration. If in the future the property was to become a house for undesirables then it would need to come back to committee again for a change of use and debated upon. It was not in the remit of the committee to predict tenants. He commented that whoever viewed the property would see there was issues with parking that would then determine whether they lived there or not.

Councillor E Adam responded to Councillor S Zair and the Committee that the parking and ASB issues were all speculation and not material consideration. He stated that the HMO would be licensed and there were restrictions on these types of properties. He was satisfied that there was sufficient evidence from highways and Officers to suffice the balance to approve the application.

Councillor M Stead wanted it recorded that he also agreed with Councillor J Atkinson and Councillor J Quinn regarding the parking aspects. He did request that condition 8 was amended that construction commenced at 8am and not 7.30am due to the noise and disturbance to residents.

The Principal Planning Officer advised that it was up to members to decide if they wished to improve the conditions imposed on the application. Officers felt that as Cockton Hill Road was a busy road it was not unreasonable for construction to start at 7.30am.

Councillor S Zair requested clarification that if worst case scenario it was planned to house undesirables in the property it would have to come back to committee.

The Principal Planning Officer clarified that the Chair was making a point that if there was a further change of use for the property there would be a requirement for a further planning application. In relation to the HMO the committee could not consider who lived there. There would be a management tenant plan in place to dove tail the accommodation but the committee had no control over who went in.

Councillor J Atkinson and Councillor G Richardson as **mover** and **seconder** respectively agreed to the change in time from 7.30am to 8am in condition 8.

Upon a vote being take it was **unanimously**:

Resolved:

That the application be **APPROVED** subject to the conditions set out in the report and the change of time to condition 8.

b DM/23/02268/FPA - Masonic Hall, 25-26 Victoria Avenue, Bishop Auckland, DL14 7JH

The Committee considered a report of the Senior Planning Officer for the conversion of the ground floor of a property to a commercial space (Class E) and the conversion of the first, second and third floors into 10no. apartments (C3) with associated works (for copy see file of minutes).

G Heron, Senior Planning Officer gave a detailed presentation that included a site location, site photographs, proposed elevation plans and proposed floor plan. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. She explained that it was a stone and brick building near retail sites with two car parks within the vicinity and an additional public square and parking area that was being developed on brownfield land at the front. It had been vacant for some time but historically it had been the Masonic Hall and then used as a function venue. It was in a poor state of repair with several windows either broken or boarded up. Within the proposal for ten apartments there would be commercial space on the ground floor for a potential art area.

The Senior Planning Officer explained that there was to be bin and cycle storage within the red line boundary of the property. It was classed as a non-designated heritage site and Historic England felt that if approved the proposal would enhance the conservation area within Bishop Auckland. The development was not required to provide any affordable housing as it would provide vacant building credit. An open space contribution was not being sought as after financial assessment it would render the scheme financially unviable if requested. The property was in a highly sustainable location accessible by sustainable travel modes of walking, cycling, bus and train. It was recommended that the application be approved subject to conditions set out in the report.

As there were no registered speakers the Chair opened up the meeting for questions.

Councillor E Adam referred to sustainability on page 59 of the report. He queried why there had been no energy assessment carried out to meet policy 29. If building regulation had changed to require new homes to produce less emissions, how could it exceed the requirements of policy 29.

The Senior Planning Officer responded to Councillor E Adam that the report had been drafted in error. There was separate legislation where there was no need for a condition to be imposed on the application as sustainability would be covered under the building regulations. It was a typing error and the report should read that it would meet policy 29 not exceed it. In context the existing building was in the conservation area as a non-designated heritage site and as standard it did not propose EV charging points but had the benefit of bringing a building back into use so there were no real sustainable proposals for the wider scheme.

S Pilkington, Principal Planning Officer noted that the building had met some efficiency with the internal walls that had met policy requirement.

The Senior Planning Officer stated that in policy 15 there was to be a M4(2) requirement but due to the current state of building it was not M4(2) compliant but on balance concluded that policy 15 be flexi as evidence showed that the building brought harm to the Bishop Auckland conservation area.

The Principal Planning Officer advised that there would be duplication within the building regulations and it could be demonstrated that this could not be achieved due to fabric of building. There was a caveat existing that did not need M4(2) regulations.

The Chair opened up the meeting to debate.

Councillor M Stead loved the application and thought it was great. He **moved** to approve the application.

Councillor S Zair mentioned that the property was in his division and it was great to see the building being brought back into use. He noted that there had been adverse comments on social media concerning the state of the building. He **seconded** the application to be approved.

Councillor S Quinn agreed with both Councillors Stead and Zair that the building was in a sorry state and it would be beneficial for the town to be restored.

Upon a vote being taken it was **unanimously**:

Resolved:

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

c DM/23/02935/FPA - Garage Block, Bewick Crescent, Newton Aycliffe

The Committee considered a report of the Planning Officer for the conversion and alteration of existing garages to form 4no. bungalows including bin collection hardstanding (for copy see file of minutes).

Councillor E Adam declared that he had called the application in to be discussed at committee as he had concerns with the proposal. He was not prejudicial and had not pre-determined the application.

M Sandford, Planning Officer gave a detailed presentation that included a site location, aerial photographs, site photographs of the garages that included the hedges and privacy screen, the proposed bin collection site, the existing site plan, the proposed site plan, the existing elevations, the proposed elevations and 3D images of examples of existing developments of the same nature in the northeast. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. He explained that there were three garage blocks that totalled 29 garages within an established residential estate that was surrounded by the rear gardens of residential properties that consisted of a mix of privately owned and housing association.

It was proposed to convert the garages into four bungalows that contained two bedrooms, a combined living and cooking area, bathroom, storage and small garden areas for each unit as well as a shared outdoor space, with bin store, bike store, rotary drier area and two car parking spaces per bungalow and a visitor parking space provided adjacent to the remaining private garage. The proposed small gardens would offset the bio-diversity net gain for ecology purposes. There was no support for the removal of the well-established hedges on the site. This would re-use a brownfield site that was considered underutilised, accrued maintenance costs and was a blight in the area.

As the land was private there could be no proposals put forward to improve street lighting but occupants could install their own external lights. The bungalows met nationally described space standards internally and the close proximity of the bungalows would create a close-knit community with security benefits. A site visit of a similar development had proved that the arrangement was successful.

Local Member Councillor E Adam had requested the application to be called in to be discussed at Committee as he was concerned over access to the site, lack of parking restrictions, lack of EV charging points and internal/external spatial requirements. The proposed bin collection point (within the site) had been considered unacceptable and a new plan showed the bin collection point to be located on Emerson Way which was acceptable. It was reiterated that the access from Bewick Crescent was unadopted highway and would remain the responsibility of the landowner. The development proposed affordable housing and was recommended for approval subject to the conditions highlighted in the report.

Mr Edwards, Agent thanked the Committee for the opportunity to speak on behalf of the applicant for the application. He explained that the site was for 100% affordable housing that would be managed by Livin. He noted that the age population had increased in Durham and they did not want to create barriers for people to live independent lives. It was an innovative design for four sustainable two bed bungalows that was compliant by accessing housing on a brownfield site. The properties had easy access, high levels of design, a wet room, an air source heat pump and EV points. He had worked closely with Councillor E Adams and had hosted a site visit with him to view similar designed bungalows at a different site. There would be no parking signs at the entrance of the site and sprinklers in each bungalow that had been approved by the Fire Authority. He advised that they had worked with highways for a suitable bin collection site and it had been agreed that no refuse wagon would enter the site. The bungalows met with national space standards and other sites of a similar nature had proved to be successful. The bungalows were aimed at the over 55 year old demographic and had private gardens that would be easy to maintain. The bungalows would be designed and built to ensure living rooms and bedrooms did not overlook each other and there would be privacy screens added. There were developments in Spennymoor and Peterlee that had long waiting lists. He asked that the committee approve the application.

L Ackermann, Legal Officer (Planning and Highways) noted that Councillor E Adam had not pre-determined the application but was concerned with what she had heard from Mr Edwards that Councillor E Adam had worked with the agent on the application and asked for clarification on the relationship.

Councillor E Adams clarified that the agent had used the wrong choice of words. He had concerns with the application since October 2023 and that was the reason he had called the application into committee. He had issues with the internal and external space and had asked the Planning Officer for advice who had put him in touch with Mr Edwards. He contacted the agent to express his concerns which some had now been addressed. He had been shown round a bungalow that was of a similar design on another site that had alleviated some of his concerns. He confirmed that he had no financial gain and was purely assessing the information that had been supplied in the report as factual.

Mr Edwards agreed he had used the wrong choice of words in stating that he had worked with Councillor E Adams. He confirmed that he had taken Councillor E Adam on a site visit of another site that had similar designed bungalows to that what was proposed in the application and had taken on board the issues that Councillor E Adam had highlighted.

The Legal Officer (Planning and Highways) was happy with the clarification.

The Chair opened up the meeting to questions.

Councillor E Adam referred to paragraph 95 within the report relating to the RAS SPD as being 7 metres separation between properties but nationally it should be 18 metres. He was concerned that they were too close and the proposed privacy screen would have a visual impact. He asked if this was the opinion of the officer.

The Planning Officer responded that the NSD (National Described Space Standard) only looked at the internal space and not the external space. The development could not accommodate the 18 metre division as the site was enclosed. He advised that the dwelling's proposed layout was that the living rooms or bedrooms of each property would not face each other. He added that it would be advantageous considering the demographics of the site that the closeness would help with surveillance and create a close community.

Councillor E Adam was worried about the entrance to the site as he thought it was too narrow with substantial hedges in the vicinity. He queried if the entrance could go all the way up to the edge of the site. He was unhappy with the bin location. He asked who maintained the hedges and if there was a management plan in place as he received lots of complaints about overgrown hedges.

The Planning Officer stated that the hedges were owned and maintained by Livin. He had visited the site three times and they were well maintained and kept back from the road. Livin would continue to maintain them.

Councillor M Stead acknowledged it was good information to know about the maintenance of the hedges. He asked if the application was approved how long would it be before the proposed site would be finished and the properties occupied.

The Planning Officer was unsure of deadlines but as the bungalows would be erected from the shell of the existing garages it was likely that the timescales for completion would be reduced.

The applicant informed the Committee that if the application was approved, he aimed to be on site as soon as possible with full completion by March 2025 for occupation.

Councillor G Richardson stated that upon attending the site visit the garages were in a dilapidated state of disrepair and asked how many garages were occupied.

The Planning Officer noted that at present there were 5 occupied out of 30 garages. There was one private garage that would remain. The garages were built a long time ago and were not built for the size of modern cars.

Councillor N Jones thought it was a great development.

The Chair opened up the meeting for debate.

Councillor E Adam had looked at the planning application for a period of time as potentially there may be other proposals come forward in the future for other garage plots and queried what properties should be acceptable and sustainable for Newton Aycliffe. He thanked the agent for the site visit to see a similar designed bungalow on another site which he thought was excellent the way it had been laid out and consideration given to the build. He was still concerned that the bungalows would be too close to each other. His concerns had been alleviated over parking and the EV charging points and real consideration had been given to the bin collection site and the access road and on that basis he **moved** the application to be approved.

Councillor J Atkinson did not agree with Councillor E Adam over the hedges. Upon looking at the photographs the garages were a blot on the landscape and **seconded** the application to be approved.

Councillor A Savory thought it was a great scheme as bungalows were sort after and was happy the site promoted affordable housing. She supported the application to be approved.

Councillor S Quinn thought the standard of work by Livin was exceptional in the new bungalows in Shildon. They were homes people wanted to live in.

Upon a vote being take it was **unanimously**:

Resolved:

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