

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 9 July 2024** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors A Bell, J Cosslett, S Deinali, J Elmer, C Kay, B Kellett (substitute for J Clark), D McKenna, I McLean (substitute for K Shaw), R Manchester, K Robson and A Surtees

Also Present:

1 Apologies for Absence

Apologies for absence were received from Councillors D Oliver, L Brown and I Cochrane.

2 Substitute Members

Councillor B Kellett substituted for J Clark and Councillor I McLean substituted for K Shaw.

3 Minutes

The minutes of the meeting held on 11 June 2024 were confirmed as a correct record by the Committee and signed by the Chair. The Committee Services Officer asked the Committee to note that, in respect of the Special Meeting held on 17 May 2024, the appeals report had incorrectly referred to the appeal regarding 58 Bradford Crescent as being allowed and that this was not in fact the case, the appeal having been dismissed.

4 Declarations of Interest

Councillor D McKenna declared an interest in Item 5b - DM/23/01771/FPA - The Horse Boxes, The Village, Seaton, Seaham and noted he would speak in relation to the application and leave the Council Chamber during the consideration of the application.

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

a DM/23/03271/FPA - Land to the North of Mill Road, Langley Moor, Durham, DH7 8HL

The Senior Planning Officer, Gemma Heron 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 some Members of the Committee had previously visited the site and were familiar with the location and setting. The application was for the demolition of existing industrial building and erection of a retail unit (Class E) with associated car parking, hard and soft landscaping and associated works and was recommended for approval, subject to the conditions and Section 106 Legal Agreement as set out in the report.

The Senior Planning Officer noted in terms of representations, the Highway Section and Flood Authority had offered no objection. She added that the Ecology Section had offered no objections, subject to biodiversity net gain (BNG) on-site, and a financial contribution towards off-site mitigation. She explained there had been 14 representations received, with primary concerns raised relating to the principle, highway safety and ecology. She noted those in support welcomed new jobs, a boost to the local economy and reuse of industrial land. The Senior Planning Officer noted that since the publication of the report, two further representations had been received from the Lidl and Tesco stores at Langley Moor, noting issues in terms of the Retail Impact Assessment, siting and querying the mechanism in relation to BNG.

The Senior Planning Officer noted that the previous use of the site was industrial, and the site had been on the market for two years and had remained unsold. She added that therefore Policy 2 of the County Durham Plan (CDP) was engaged in relation to employment land. She explained a sequential assessment had been undertaken by the applicant which noted no sequentially preferable sites and that there would not be significant impact upon other retail.

The Senior Planning Officer explained that in terms of the highway safety concerns raised, a protected crossing would be improved to the satisfaction of the Highways Section. She added that the application would reuse a previous used site, with some trees to be retained, and with some additional planting and landscaping. She concluded by noting some biodiversity gain on-site, together with a contribution towards off-site toward BNG, to be secured by a Section 106 Legal Agreement.

The Chair thanked the Senior Planning Officer and asked Councillor P Taylor, Local Member, to speak in relation to the application.

Councillor P Taylor thanked the Chair and Committee for the opportunity to speak and thanked the Senior Planning Officer for her excellent report and presentation, which he felt answered all relevant questions. He commended the work of the Planning Department and thanked Aldi for their plans for a store at Langley Moor. He explained that the proposals were overwhelmingly welcomed by the residents of Browney, Brandon and Langley Moor. He added the post-COVID Langley Moor was beginning to thrive, with a Tattoo Parlour, Ironing Service and a Bakers, and the additional of an Aldi store would only be a boon to the area. He noted he fully supported the proposals, and while there had been some slight concerns from some residents in relation to highways safety, he felt the comments from the Highways Section within the report helped to demonstrate there would be no issues in relation to traffic. He welcomed the pedestrian crossing over the A690, and reiterated the application would be excellent for the local area, reused land, was good for the local economy and with around 40 jobs was good news all round.

The Chair thanked Councillor P Taylor and asked Helen Simms, Regional Property Director for Aldi Stores, to speak in support of the application.

H Simms noted she was pleased to have the support of the Local Member and explained Aldi had looked at the area for some time, deciding upon the site after it had been vacant for two years, failing to be brought back into industrial use. She emphasised that the proposals represented a high-quality development providing a modern shop which had 90 percent support from consultation carried out. She added the store would provide improved choice for residents, competitive pricing, and jobs for the local economy. She noted it would serve both Langley Moor and commuters, helping with the cost-of-living crisis with its prices.

H Simms explained the location of the store would help in terms of travel time for local residents, reducing traffic overall as well as other spin-off benefits for Langley Moor.

She noted that the development would be to BREEAM standards and would include improved footpaths and links over the A690. She explained that the modest scale of the site meant the store would compliment existing shops and would work with local retailers, not against them. She noted that Aldi would be a good neighbour, with the Construction Manager's contact details to be available. She added that Aldi would look to try and recruit staff from the local area.

H Simms noted that during the pre-application stage, Aldi had looked to engage with key stakeholders and local residents. She explained that professional third-party consultants had been engaged in respect of construction, transport, noise and drainage issues, with thorough details provided. H Simms concluded by reiterating that the proposals represented a modern store of around £6 million investment, offering 40 jobs and would look to open in September 2024, should permission be granted, and would be a store Aldi would be proud of.

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

Councillor J Elmer noted he was the other Local Councillor for the area and noted that it had been fantastic that Aldi had reached out early in the process to canvass residents' views. He added that Aldi had listened to the one issue repeated raised, in respect of the Mill Road/A690 junction and with thorough assessment with Aldi and Durham County Council (DCC) he was happy with the new A690 crossing, that would also hopefully calm traffic, as would another signal further along the road. He noted the site currently was unoccupied and looked awful, with demolition being welcomed to improve the visual landscape. He added it was important in terms of regeneration of the area, noting overwhelming support locally for the development.

Councillor J Elmer noted, for the benefit of H Simms, that Lidl Stores had an informal arrangement in terms of their car park, allowing customers from smaller shops nearby to use their car park. He noted he would be grateful if a similar arrangement could be used, helping to free up parking on the Front Street. Accordingly, he moved approval of the application as per the Officer's report.

Councillor A Bell noted it had been very evident on the site visit the previous day that the current building was unsightly and the site in need of regeneration. He noted he would second the motion for approval, adding that he felt a solution to issues with the junction could include a roundabout, however, that would be for Highways Officers to consider.

A motion for approval was proposed by Councillor J Elmer, seconded by Councillor A Bell and upon a vote being taken it was;

RESOLVED:

That the application be **APPROVED**, subject to the conditions set out within the report and a Section 106 Legal Agreement.

b DM/23/01771/FPA - The Horse Boxes, The Village, Seaton, Seaham, SR7 0NA

The Senior Planning Officer, George Spurgeon gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that some Members of the Committee had previously visited the site and were familiar with the location and setting. The application was for the construction of 37no. dwellings (amended 24.11.2023) and was recommended for approval, subject to the conditions and Section 106 Legal Agreement as set out in the report.

The Senior Planning Officer explained the application was reduced from an initial application for 46 properties, after working with Planning Officers in respect of the application. He noted the application represented around one quarter of the previously developed land, with existing barns and stables to be demolished, leaving three-quarters of the site as greenfield. He noted a proposed development to the north east of the site for 75 houses had been refused at Committee, in respect of the scale and density of the proposed layout.

Councillor A Surtees entered the meeting at 10.01am

The Senior Planning Officer noted the proposed site access would be via the existing access point, opposite to the existing village green. He noted a SUDS pond was proposed at the south of the site, noting some trees would be retained, some to be removed to allow for the proposed layout and roads.

The Senior Planning Officer noted Seaton with Slingley Parish Council had objected to the application, noting issues in respect of highway safety, including the narrowness of Hillrise Crescent, impact upon wildlife and on nearby schools and healthcare. He noted that the Highways Section had no objections subject to junction widening, citing no impact upon highway safety. He added the Flood Authority offered no objections, subject to conditions. It was noted the Design and Conservation Team noted no objections to the layout or house types, noting materials would be in the local vernacular.

The Senior Planning Officer noted the Landscape Officer had noted some adverse impact, noting the site was present in views from the Haswell to Ryhope walkway, though noted a suitable landscaping scheme was possible. He added that the Ecology Team had offered no objections, subject to conditions and contributions towards off-site BNG. He noted Environmental Health had offered no objections, subject to conditions, and added that 6no. affordable houses were proposed in the form of 2no. discounted market sale properties, 2no. first homes, and 2no. properties for affordable rent. The Senior Planning Officer noted contributions were sought in respect of school places and the NHS.

The Senior Planning Officer noted 202 objections had been received in relation to the original application for 46 dwelling, with a 283-signature petition in objection also received. He noted that following amendment of the scheme to 37 dwellings, a further 363 objections had been received. He noted details of the objections were set out within the Committee report, including objections from the local MP, Grahame Morris, Local Councillor D McKenna and Seaton with Slingley Parish Council.

The Senior Planning Officer noted that it was felt the edge of settlement development was well related, bound on three sides with existing residential development, with woodland to the remaining side, and was in line with Policy 6 of the CDP. He added that given there were two Public Houses and a community centre nearby, and with additional services around one kilometre away, with cycle routes and bus services, it was felt, on balance, that was sustainable in terms of the scale of the proposed development. He added that Officer felt the highways issues, as well as design and conservation elements were acceptable, noting separation distances were met. He reiterated as regards affordable housing and ecology, school places and NHS contributions and concluded by noting, while there were a high number of objections to the scheme, Officers felt the application should be approved.

The Lawyer (Planning and Highways), Neil Carter asked Councillor A Surtees, who had entered the meeting following the start of the Officer's presentation, if she felt she was sufficiently sighted in terms of the application to participate in the debate and decision making. Councillor A Surtees apologised for being later, however, noted she was very familiar with the site and local area and would be happy to participate in the debate and vote on the application.

The Chair thanked the Officers and asked Parish Councillor Alison Slater to speak on behalf of Seaton with Slingley Parish Council.

Parish Councillor A Slater thanked the Chair and Committee and explained she was the Chair of Seaton with Slingley Parish Council and also representing Seaton Community Association and was herself a local resident. She noted that the impact of the proposed development on the 'old village' would be absolutely catastrophic, adding that despite the amendment to reduce the number of properties, it was still felt that the proposals were out of character for the area. She noted while affordable housing was proposed, it was felt that the village was not 'affordable' and that such provision would be better suited nearer to Seaham.

She added the proposals would impact the village green opposite the site, and the development would water down the existing community spirit, and she had concerns upon the sustainability of the community centre. Parish Councillor A Slater noted concerns that elderly residents would be forced to use cars to access the community centre, rather than walk along the narrow Hillrise Crescent, and would likely not be able to park given construction traffic. She added those residents were the 'bread and butter' for the community centre and it would be a disgrace if the community centre was lost.

Parish Councillor A Slater noted loss of farmstead use, with tractors and combines usually left overnight, which would in future not be able to be left, rather would have to travel back into the area each day, increasing traffic and mud left on the road. She added two farmers worked all year round in the area. She reiterated that Hillrise Crescent was very narrow and that the proposals would exacerbate issues in terms of pedestrians using the road, and despite Highways stating the width was acceptable, it would be problematic with farm and delivery traffic. She explained that public transport was spasmodic at best, and cited examples of people having to use taxis in the area.

Parish Councillor A Slater noted there was significant development in the Seaham area and noted that residents of the area were not adverse to development, however the scale and impact of the proposal had not be taken into account and residents and the Parish Council were opposed to the development as proposed.

The Chair thanked Parish Councillor A Slater and asked Local Member, Councillor D McKenna to speak in relation to the application.

Councillor D McKenna thanked the Chair and fellow Committee Members and expressed his disappointment that Believe had pushed forward with the proposals given that they threatened the integrity of the village and community. He added that he expected Registered Social Landlords (RSLs) to act with integrity, however, the proposals mirrored other developments in terms of a quick turnaround for profit.

Councillor D McKenna noted the Strategy Housing Land Availability Assessment (SHLAA) had previously identified issues with the access point, stating no significant development greater than five dwellings. He noted Members would have seen on the site visit that Hillrise Crescent was very narrow and reiterated that farm vehicles used the road, and that the footpath would need to be reinforced, given the number of vehicles requiring to mount the path. He added the impact would be greater still for construction vehicles, making the area unsafe.

Councillor D McKenna noted that public transport was unreliable in the area, and anyone looking to rely on public transport for employment, education or healthcare would not be able to live at the proposed development. He added Planners had quoted distances for cycling, however, that was only possible if one were young, noting the impracticality for older people.

Councillor D McKenna noted there were already issues with school places, with some children from the village having to travel outside of County Durham to Houghton-le-Spring and Sunderland for school. He added that the contributions in this respect, and the NHS would not be sufficient to meet the demands from the proposed development.

Councillor D McKenna noted the biodiversity loss, adding the contributions sought would not make up for the loss of green space for the village. He reiterated that the residents had a caring, tight-knit community and had fought many applications in their area, citing several examples. He added this was a lot for a small community to bear and added that development should be encouraged for brownfield sites, however, of the right type in the right area.

Councillor D McKenna concluded by noting the development as proposed did not sit well with him and reiterated that the SHLAA said the site was 'unsuitable' and urged the Committee to refuse the application.

Councillor D McKenna left the meeting at 10.30am

The Chair asked Janet Lowes, local resident in objection, to speak in respect of the application.

J Lowes thanked the Chair and Committee and explained she had been resident for around 21 years and represented around 400 local residents. She reiterated that concerns included issues relating to highway safety, drainage, ecology and protecting local services. She added residents did not agree with the case officer and reminded Members that the Committee had the ability to make a judgement on the application.

She noted Officers had accepted the principle of development; however, she noted residents felt the scale was not appropriate. She noted issues in terms of sustainability and the impact on the character of the area and visual dominance of the proposed scheme. She noted that there were 165 dwellings in the area, two public house and the community centre. She added the proposals represented around a 20 percent increase in dwellings. She explained that the site was not allocated for development, and Policy 6 of the CDP stated that such development should be 'well-related', adding that residents felt this was not the case and therefore the proposals were in conflict with Policy 6.

J Lowes noted the need to access services was effectively via car, and that was also contrary to Policy 6. She noted that it was also felt the proposals were contrary to CDP Policy 10, with impact upon the character of the area, as well as the incursion into the countryside impacting upon the openness of the countryside, especially given the highly visible site.

J Lowes asked the Committee to consider the impact upon residents and the character of the area, with the proposals being contrary to Policies 6, 10 and 31 of the CDP, and given there was greater than four years housing supply was also in conflict with the CDP. She urged Members to refuse the application.

The Chair thanked J Lowes and asked Alexander Franklin, agent for the applicant, to speak in support of the application.

A Franklin thanked the Chair and Committee for the opportunity to speak, explaining he was Associate Director at Hedley Planning, representing the applicant. He explained that the application had represented over 12 months of hard work, working with Officers from the Council to achieve a proposal with a positive recommendation for approval. He added that the applicant, Believe, worked with Homes by Carlton, a Small to Medium Sized Enterprise (SME) based in County Durham, to provide properties in a traditional material palette that would assimilate well into the local area. He noted that the applicant was a local provider, reinvesting profit back into communities, and being one of the key providers of affordable housing in the County, working with the Council throughout the process. He noted pre-application work, with an initial 54 dwellings being sought, however, reduce to 46 and then 37 following discussions with Planning Officers. He reiterated that Officers had been listened to, and the proposals were well-designed and met the requirements of the NPPF and CDP Policies, including Policy 29.

A Franklin noted as regards visitor parking spread within the site, and noted cycle storage to be secured via condition, and the design of the entrance to the site being designed in sympathy with the village green opposite, to help maintain the openness and be a positive addition to the village.

He noted the additional properties would help support the local economic viability of the two public houses and community centre, helping reduce the likelihood of services closing. He noted that assessments from Highways professionals had noted the proposals were safe and did not impact upon the highway network. A Franklin noted the Section 106 Legal Agreement in terms of schools, NHS, open space, heritage coast and BNG of around £160,000.

A Franklin concluded by reiterating that the applicant had worked with the Council to develop a quality scheme in line with the CDP and NPFF, with no objections from professional Officers, and kindly requested Members approve the scheme as per their Officer's recommendation. The Chair thanked A Franklin and asked the Senior Planning Officer to address the issues raised by the speakers.

The Senior Planning Officer noted that the SHLAA had referred to the site as 'amber', meaning that the site or an element of the site was potentially unsuitable for development, however it was not a 'red' score with a specific constraint against development. He added that an application would have to then demonstrate they had overcome the 'amber' rating and in this case, Officers were satisfied that the proposals overcame the issues. In respect of infrastructure, it was acknowledged there would be additional demand as a result of the development, and a Section 106 Legal Agreement would secure contributions in respect of school places and the NHS. The Senior Planning Officer added that there were also contributions in respect of biodiversity, open space and coastal protection. He noted in terms of need, while not an allocated site, there was demand for housing as detailed within the report and while a four-year supply could be demonstrated, to go beyond was not necessarily a bad thing. He added that while brownfield sites were preferred, each application was to be judged on its own merit and the application did contain a mix of dwellings. The Senior Planning Officer reiterated the separation distance were met, and site levels also helped mitigate any potential issues. He reiterated the site was well related to the settlement, accepting it was outside of the settlement boundary, with it being bound on three sides by development, and Officer felt the application was in line with Policy 6, subject to the details outline within the report.

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

Councillor C Kay noted he had listened with interest, as a keen cyclist and Council Cycling Champion, as regards the potential to cycle and the proposed use of active travel. He noted the highways assessment noted that a lot would use cycles from the properties, however, he could not accept that it would be the case as people would likely not use the very narrow road.

He added the new cyclists especially could feel unsafe at first and there was no route from the dwellings to the town centre that were separated from motor vehicles. He added that many people only cycle in good weather and therefore he could not accept that in design the proposals were cycle friendly. He noted he felt the proposals were contrary to Policies 4, 6, 10, 21 of the CDP and he could sympathise with the position of residents. He noted the contributions that would be made via the Section 106 Legal Agreement, however, he would listen to other Members before making a decision, however he could not see himself supporting the application.

The Chair asked members of the public to not clap or disrupt the proceedings of the Committee.

Councillor J Elmer noted he had attended the site visit the previous day and noted it was clear from the number of people in attendance, that there was enormous concern regarding the proposals. He noted upon arriving at the site his impression had been of a mature, beautiful piece of landscape, with pasture, trees and hedgerows. He added that where development impact upon the landscape, there was usually some retention of features and therefore he was alarmed that the proposals would remove trees, hedgerows and anything of value. Councillor J Elmer noted the Council's Ecologist had referred to a figure of around £46,000 via Section 106, however, he felt that was simply an applicant buying off the issue, with replanting not being the same as mature trees for at least 40-50 years.

In respect of sustainability, Councillor J Elmer note he did not feel the case had been fully argued by the Planning Report, with buses being less than hourly, unreliable and did not run on an evening. He added there were no local services, there was a need to travel to access those, likely by car, and therefore was not sustainable. Councillor J Elmer added that after visiting the site he was not convinced the site was well related to Seaton, and noted the removal of such a large number of trees was very destructive. He noted he did not see the evidence for housing need on this unallocated site.

Councillor B Kellett noted he had attended the site visit and noted the trouble the minibus had with the access, driving gingerly up to the site. He noted site represented a huge area, with a derelict barn further into the site. He noted the removal of trees would impact upon the greenfield site and noted many adequate brownfield sites existed elsewhere. He asked while on the site visit whether the trees would be trimmed, only to be told they would be removed. He added that one could see that the site was a great positive for the village, with the proposed development likely to spoil the village. He noted that the site visit minibus had to mount the footpath on occasion and therefore the issues raised as regards highway safety seemed legitimate. He felt there were sufficient grounds to refuse the application on highways safety and impact upon a greenfield site.

Councillor A Bell noted that he too had been on the site visit, noting two elements, the existing barns, that would be brownfield development, and the open part of the site, representing greenfield and tree belt, an open space that was a haven for wildlife. He noted the access road was a single lane, with cars parked down all of one side. He added he had been surprised to see the landscape harm was not set out more within the report. Councillor A Bell noted he felt there would be harm as a consequence of the proposals, and while he could understand if just the element of the barns were build upon, he felt the development of the large open space was contrary to Policy 6, and the development would also not be well related to the rest of the village. Accordingly, he moved refusal of the application.

The Chair noted highways issues had been referred to several times and asked the Highways Officer to address the matter.

The Principal DM Engineer, David Battensby noted the issues that had been raised related to Hillrise Crescent. He advised that the application had been considered in some detail and Hillrise Crescent was an existing road on the highway network and provided access to adjacent settlements and businesses. He noted that should it be deemed necessary, parking restrictions could be introduced via other primary legislation to prevent any obstructive parking, however, prior to this application there had been no complaints received as regards parking issues in the area. He added that 700 vehicle movements per day on this road was considered light traffic. He added that the proposed parking provision on-site was considered sufficient and in accordance with the DCC Parking Standards and that it was not necessary to have any parking restrictions, there being sufficient capacity on the road.

The Chair asked members of the public to not interrupt proceedings, and noted if they continued to do so, they would be asked to leave the Chamber.

Councillor K Robson noted he too had attended the site visit and had been struck by the outstanding beauty of the site. He added he disagreed with the Highways Officer, noting the 37 proposed properties would need to be service by bin wagons, and would have either cars traveling to and from for work or shopping, or would have shopping deliveries attending the properties. He agreed with other Members in terms of the narrow access road, and added he felt Seaton would benefit more from a small shop than these proposed houses. He noted he would be against housing in this area.

Councillor J Elmer noted he would second Councillor A Bell's motion for refusal, with the proposals not being well related to the existing settlement, and hence in conflict with CDP Policy 6.

The Chair asked for comment from the Senior Planning Officer in respect of the comments made.

The Senior Planning Officer noted that Policy 6 criterion (f) related to the sustainable transport and criterion (d) referred to scale, form and character and asked if that what Councillors were referring to. Councillor A Bell noted that was correct.

The Principal DM Engineer noted the road serving the site, Hillrise Crescent was currently used by bin wagons, delivery vehicles, agricultural vehicles and there had been no complaints received in respect of the road, and therefore were not considered to be issues in this case. The Senior Planning Officer noted further reference to Policy 6, criterion (c), and Policy 39 if referring to landscape harm. Councillor A Bell agreed.

Councillor C Kay noted Policy 4 spoke as regards the impact on the periphery of the settlement. The Senior Planning Officer noted Policy 4 referred to allocated sites Policy 6 to unallocated sites.

The Lawyer (Planning and Highways) noted he had nothing further to add to the Senior Planning Officer, with reference having been made to Policy 6 and various elements. He noted that he would have found any refusal reasons based around highways grounds to be problematic.

A motion for refusal had been proposed by Councillor A Bell, seconded by Councillor J Elmer and upon a vote being taken it was;

RESOLVED:

That the application be **REFUSED** as:

1. The future occupiers of the development would not benefit from a genuine choice of transport modes so as to realistically reduce dependency on the private car, as the application site does not have good access by sustainable modes of transport to relevant services and facilities nor does the scale of the development reflect the size of the settlement or the level of service provision within that settlement, contrary to Policies 6 f) and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.
2. The development represents incursion into the open countryside that would result in the loss of an attractive edge of settlement field that positively contributes to the character of the village, with inadequate mitigation to outweigh the identified harm. The application is therefore contrary to Policies 6 c) and d), 10 l), and 39 of

the County Durham Plan, and Parts 12 and 15 of the National Planning Policy Framework.

Councillor D McKenna entered the meeting at 11.10am

c DM/24/00956/FPA - Acorn Stables, Salters Lane, Haswell, Durham, DH6 2AW

The Senior Planning Officer, George Spurgeon gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that some Members of the Committee had previously visited the site and were familiar with the location and setting.

The application was for change of use from personal equestrian grazing paddock to commercial dog exercise paddocks and retention of 1.8m high fencing (description amended) and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer noted no objections from statutory or internal consultees, with four letters objection to the application, and five letters of support.

The Chair noted there were no registered speakers and asked the Committee for their comments and questions.

Councillor C Kay noted the proposals represented a straightforward application and appreciated that the application had wished to regularise the use and had submitted an application, as many people operated without permission and this application represented a responsible approach. He moved approval as per the Officer's recommendation.

Councillor A Bell agreed with Councillor C Kay, adding he would second approval for what he felt would be a good facility.

A motion for approval was proposed by Councillor C Kay, seconded by Councillor A Bell and upon a vote being taken it was;

RESOLVED:

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

d DM/24/01143/FPA - 29 Hawthorn Crescent, Gilesgate Moor, Durham, DH1 1ED

The Senior Planning Officer, George Spurgeon gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) including alterations to rear conservatory, raising of roof height of two-storey side extension, alterations to door and window openings, and formation of car parking area to front and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer noted Belmont Parish Council had objected to the application, with details set out within the report and a representative being registered to speak. He noted no objections from the Highways Section, Environmental Health or HMO Licensing Team. He noted HMO data showed that within a 100-metre radius, 5.6 percent of properties were Class N Council Tax exempt, below the 10 percent threshold. He explained 10 letters of objection had been received from local residents, with their concerns relating to social cohesion, anti-social behaviour, parking and highways issues and lack of need among other issues as set out within the report.

The Senior Planning Officer noted that as the development would not exceed the 10 percent threshold as set out in policy, it therefore was not felt that the development would impact upon community cohesion, and the application would not prevent any change of use back to a family residential property in future. He added that in respect of residential amenity, the property was proposed to change from four-bed to five-bed, and there would be a tenancy management plan in place. He concluded by noting the proposals did not represent the over-proliferation of HMOs in the area and as was in line Policy 29 and 31 in addition, the application was recommended for approval.

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 explained the Parish Council objected to the application after receiving many representations from local residents, which were material and that had to be taken in account within decision making. He noted the Parish Council felt the application was contrary to CDP Policies 16, 21, 29 and 31m as well as parts 2, 5, 9 and 9 of the NPPF.

He noted recent appeals decisions in relation to HMOs, however, the Parish Council felt undue weight was being given to those appeals decisions, noting Inspectors made independent decisions, not bound by previous decisions.

Parish Councillor P Conway noted that the proposals replaced a family home used 52 weeks a year with a property only used up to 37 weeks a year, and with a loss in Council Tax. He noted that effectively the residents were sustaining transient occupants that did not contribute to the local community. He added that HMO properties within the Gilesgate Moor area were generally in poor condition. He noted that the Council often referred to CDP Policy 16 as a 'tipping point', however, it also contained narrative which included 'safe and inclusive communities'. He explained there were a few issues with the application in this regard, including that a housing assessment carried out as part of the neighbourhood planning process for Belmont Parish Council Neighbourhood Plan had shown there was a need for an additional 300 family homes in the next 10 years.

Parish Councillor P Conway noted that the Article 4 Direction had been helpful, however, it only made reference to a 100-metre radius and did not take into account specific situations or configurations, such as this cul-de-sac, where issues with HMOs could be compounded. He reiterated previous comments at Committee that Belmont Parish Council would ask for a review of the 100-metre radius rule.

Parish Councillor P Conway noted there had been no objections from the Highways Section, however, paragraph 92 of the report referred to impact upon neighbouring properties and it was felt that this new application should meet the usual requisite standards.

Parish Councillor P Conway noted Policies 29 and 31 included reference to air quality, with Environmental Health noting some concerns. He added Durham University had stated they were expecting 800 fewer students in the next academic year, and were relooking to stabilise their numbers around that figure. He noted there were a number of void properties, and spaces available within purpose-built student accommodation (PBSA). He noted at a meeting at Gilesgate Moor, looking at the development of a new Neighbourhood Plan, the area not being covered by the Durham City Neighbourhood Plan, HMOs had been raised as the primary concern. He added that Neighbourhood Plan policies would look to address HMO issues. He noted a number of residents that were unable to attend the meeting had submitted their objections in writing to the Planning Officer.

The Chair thanked Parish Councillor P Conway and asked the Committee Services Officer to read out a statement on behalf of Local County Councillors E Mavin and L Mavin.

“As County Councillors for the area, Eric Mavin and Lesley Mavin, wish to formally object to this planning application, DM/24/01143/FPA Change of use from dwellinghouse (C3) to small house in multiple occupation (HMO) (C4) including alterations to rear conservatory, raising of roof height of two-storey side extension, alterations to door and window opening and formation of car parking area to front 29 Hawthorn Crescent, Gilesgate Moor, Durham DH1 1ED

We believe it contravenes the following policies of the CDP for the following reasons:

Policy 16

This states that the council should ‘promote and preserve inclusive, mixed and balanced communities and to protect residential amenity’.

Due to the proliferation of HMOs within this area, we feel this application fails to satisfy Policy 16 3 b, and this clearly influences the balance of the local community in relation to both residents and students.

The University itself has stated that there is no need for any further student accommodation within the city and surrounding areas. As there are also 800 fewer students this year, this need is even less.

Policy 29

This concerns sustainable design, and we argue that removing more C3 housing stock, of which there is already a significant shortage, from a community where there is already unused, empty C4 houses, the viability in the area as a sustainable community will be reduced.

Policy 31

This relates to amenity and pollution, and again we argue that by creating a cluster of HMOs in a single area the occurrence of transient anti-social noise within the street will increase which will in turn negatively affect the character of the area and the amenity of its residents.

Policy 21

This policy requires that all new developments ensure that any vehicular traffic generated by new developments do not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. Hawthorn Crescent is a narrow thoroughfare where existing on street parking causes problems. It is unclear from the application how many parking places will be provided within the curtilage of the property in accordance with the Parking and Accessibility Supplementary Planning Document adopted by Durham County Council in October 2023.

We are requesting for these reasons this application be refused”.

The Chair thanked the Committee Services Officer and asked Melanie Tyson, local resident in objection, to speak in relation to the application.

M Tyson thanked the Chair and Committee and explained she had lived in the area since 1993 and could see the application property from her home in Aspen Close. She noted there were several reasons why local residents objected to the HMO application, including that the proposals for five people raised concerns of possible further alterations, such as the relocating the rear doors, and it was felt the application was in preparation for future use, to alter to a 6 or 7 bed HMO. She noted concern in respect of conversion of the garage to additional bed space, either altered without consent or with a retrospective application. She added that additional parking issues would be exacerbated by the proposals. M Tyson noted had health issues that required access in terms of parking, delivery vehicles and emergency vehicles.

M Tyson explained that the conversion of the property to an HMO would result in the loss of a family home forever, with landlords pricing out families in the area. She noted a loss of biodiversity in terms of the removal of a tree, and issues in terms of internet provision and additional pressure on providers.

The Chair thanked M Tyson and asked Gary Swarbrick, agent for the applicant, to speak in support of the application.

G Swarbrick noted the current application was a change of use application for a 5-bed HMO. He noted that the number of recent appeals decisions were relevant and material. He noted the Parish Council had raised a number of questions in relation to need, however, under Policy 16(3), that was not relevant. He added that condition would restrict the number of beds, with any additional beds requiring further planning application. He reiterated the Senior Planning Officer's report and presentation, that the percentage of HMOs was under the 10 percent threshold and therefore the application was acceptable. He added that Planning Inspectors had noted that where under the threshold, there was no impact in terms of the character of an area. G Swarbrick noted there was sufficient levels of parking, with no objections from the Highways Section, and while residents and the Parish Council did not wish for more HMOs, that did not mean HMOs were contrary to policy, and therefore, without any reasonable reason for refusal, he would respectfully ask that the Committee approve the application.

The Senior Planning Officer noted each application was looked at on its own merit, however, appeals decisions for comparable applications needed to be taken into account.

He noted four relevant change of use applications that had been where there had been less than the 10 percent threshold and in each case the Inspectors had noted they were in accord with Policy 16 and therefore did not impact upon residential amenity. He explained that the application before Members was similar in that regard and therefore the information was material. He reiterated there was a condition to restrict the number to five beds, and if breached, that was an issue for enforcement as required. He added any sui generis use would require another change of use application. He concluded by noting parking had been increased by one, and with the inclusion of the garage, and extended width of the drive, would improve parking if permission was granted.

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

Councillor J Elmer asked as regards appeals decisions and whether those referred to were comparable to the current application.

The Principal Planning Officer, Paul Hopper noted that a large HMO application was dismissed at appeal, relating to The Larches, however, that had been very different to the current application being nine-bed, very different to a C4 use HMO.

Councillor A Bell noted he felt in this case the Committee's hands were tied and moved approval of the application.

Councillor J Elmer noted he noted the Inspectors' decisions, however, he noted it was their opinion that those applications did not impact upon the community and was subjective, and that Members of the Committee did understand there was impact from HMOs, with student in those properties not forming relationships within the community. He noted he fundamentally disagreed with the Inspectors and felt they had got it badly wrong.

Councillor A Surtees asked, relating to the appeals, an appeal relating to 58 Bradford Crescent, seemingly a similar application to the one being considered. The Senior Planning Officer noted that particular appeal had been dismissed, with one bedroom not meeting national described space standards (NDSS). Councillor A Surtees noted the appeals report stated that application has been allowed at appeal. The Principal Planning Officer apologised, that had been a typographical error in the report.

The Chair noted there had been a proposal for approval from Councillor A Bell, adding the Committee were stuck with Policy 16 until any review of the CDP. Councillor R Manchester noted he would second approval, echoing the comments made by the Chair.

A motion for approval was proposed by Councillor A Bell, seconded by Councillor R Manchester and upon a vote being taken it was;

RESOLVED:

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