

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 14 May 2019** at **1.00 pm**

Present:

Councillor K Corrigan (Chair)

Members of the Committee:

Councillors H Bennett (substitute for J Clark), G Bleasdale, I Cochrane, K Corrigan (Vice-Chairman), M Davinson, D Freeman, K Hawley, P Jopling, R Manchester, L Pounder (substitute for A Laing), J Robinson and O Temple

Also Present:

Councillors L Brown, A Hopgood and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors D Brown, S Iveson and P Taylor.

2 Substitute Members

Councillor H Bennett substituted for Councillor J Clark and Councillor L Pounder substituted for Councillor A Laing.

3 Minutes

The minutes of the meeting held on 9 April 2019, subject to the removal of reference to Members having visited the site at Minute 5a, were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest submitted.

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

a DM/19/00324/AD - 20-29 Claypath, Durham, DH1 1RH

The Senior Planning Officer, Colin Harding, 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, CH advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for 3 no. vertical halo illuminated signs and 1 non-illuminated vertical sign and was recommended for approval.

The Senior Planning Officer, CH asked Members to recall that the application had been deferred at the last meeting, the Committee having raised issues in relation to the number of signs and the illumination. It was noted there were additional photographs and visualisations, showing the new proposals and similar styles of such halo illuminated signage, and an approximation of such signage at night.

The Senior Planning Officer, CH noted that representations were as set out in the updated report, with the City of Durham Parish Council objecting in terms of the number of signs, stating there should be two, not illuminated and the sign should be in line with other Purpose-Built Student Accommodation (PBSAs) and have an actual name and that name should be the prominent aspect. He added that there had also been objections received from the St. Nicholas Community Forum and the City of Durham Trust.

The Senior Planning Officer, CH reminded Members that the application was advertising consent, and therefore the relevant considerations were in terms of impact upon amenity and upon public safety. He noted Officers felt the signage was appropriately designed and located and would not impact upon amenity. He added there had been no objections from the Highways Section or Durham Constabulary in terms of public safety.

The Chair thanked the Senior Planning Officer, CH and asked Parish Councillor Roger Cornwell, representing the City of Durham Parish Council to speak in relation to the application, noting he had accompanying slides which would be displayed on the projector screens.

Parish Councillor R Cornwell explained that the objections from the Parish Council remained in relation to the amended application.

He noted that while the Council's Street Naming and Numbering Team had confirmed that the building was formally named 20-29 Claypath, this would not appear on any of the proposed signage.

Councillor J Robinson entered the meeting at 1.15pm

He added that it was felt that a name with local significance, and smaller mention of the brand of the student accommodation, similar to other PBSAs across the City would be more appropriate. He reiterated that the Parish Council felt two non-illuminated signs would be sufficient, adding that once students had moved in to the accommodation they would know where they lived.

Parish Councillor R Cornwell noted the application was within the Durham City Centre Conservation Area, and in the context of listed buildings nearby. He added that the Parish Council felt the application was contrary to saved City of Durham Local Plan Policies E21, E22, E23 and Q16, noting the application would: not preserve and enhance the historic setting; not enhance or preserve the Conservation Area; not safeguard listed buildings and their setting; and would be detrimental to visual amenity or highways safety. He asked the Committee to refuse the application

The Chair thanked Parish Councillor R Cornwell and asked Mr James Taylor of Lichfields to speak on behalf of the applicant.

Mr J Taylor thanked the Committee for the opportunity to speak and noted apologies he been unable to attend the previous Committee, his colleague A Willis having spoken at the last meeting. He explained that the revised application had taken on board the comments made by the Committee at the last meeting, with the removal of the illumination of the sign adjacent to Christchurch, the remainder to have the accent lighting as previously proposed. He added that the two-metre-deep recesses meant that two of the signs would only be visible if viewed head on, with the gable signage being designed for waymarking.

Mr J Taylor noted a proposed use for the building at 17 Claypath for a hotel and added that there would be the context of individual bedroom spaces that would be lit in that building and the PBSA. He referred Members to a slide within the Officer's presentation, noting the similar signage at Riverwalk, and added that he would be happy for a condition in terms of the Case Officer setting the level of lighting. He added the subtle effect, being a halo onto warm bricks, would not be cold. He explained that the issue raised relating to the name of the property were not relevant in terms of the application, and that the address of the property was 20-29 Claypath. He concluded by asking the Committee to agree with the Officer's recommendation to approve the application.

The Chair thanked Mr J Taylor and asked Councillor J Robinson if he felt he could make a decision upon Item 5a, Councillor J Robinson noted as he had arrived after the presentations had begun he would not vote on this application. The Chair asked Members of the Committee for their comments and questions.

Councillor D Freeman explained he was a Member of the City of Durham Parish Council, however, was not a member of their Planning Committee and had no input into their comments on the application. He noted that he had agreed with the views put forward by Committee Members at the last meeting, in terms of the number of proposed signs and whether there was a need for illumination. He added that the changes made by the application had result in no reduction in the number of signs, still four, and three of those remained as illuminated signs. He explained he felt that the illuminated signs as proposed, relating to the brand of student housing, was advertising for that brand, akin to supermarket signage with company logos.

Councillor D Freeman added he felt that there had been a missed opportunity in respect of having a name for the building in keeping with the local area and that the changes to the application since the last meeting were not sufficient and therefore he would not support the application.

Councillor M Davinson noted the discussions that had taken place at the last meeting and added that the applicant had made some concessions. He noted that Members had attended the site and that given the depth of the recesses on the front of the building, he did not feel those signs to not present any issues. He added that those on the gable ends would be much more visible when going up or down the street, and he whilst understood the concerns raised by objectors. Councillor M Davinson explained he could not see where the Committee could reasonably object to the application such that any appeal against the decision could be dismissed. Councillor M Davinson added he felt the application was now the best that would be put forward in this regard and proposed that application be approved in line with the Officer's recommendation within the report. Councillor P Jopling seconded the proposal.

RESOLVED

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

b DM/19/00178/FPA - Land to the North of St Godric's Close, Newton Hall

The Senior Planning Officer, Barry Gavillet, 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 17 bungalows with associated infrastructure and was recommended for approval subject to conditions and a Section 106 (s106) Legal Agreement.

The Senior Planning Officer, BG referred Members to slides showing the Council owned site, current utilised for grazing and recreation, albeit not regularly. He highlighted the access to the site would be shared with the nearby day centre and school there was a construction management plan that would ensure there was not conflict with those facilities.

Members noted the proposed site layout plan and elevations, with a central open space within the development and the Senior Planning Officer, BG highlighted that there were no issues in terms of amenity impact within the site or to others nearby. In terms of responses from consultees, the Senior Planning Officer, BG noted no objections, with services noting requirements for a s106 Legal Agreement in terms of facilities and services within the Framwellgate and Newton Hall Electoral Division: healthcare; provision or enhancement of play facilities; education provision; and provision of 25 percent affordable housing on site for affordable rent. The Senior Planning Officer, BG noted that in discussions as regards the affordable provision, it was noted that 100 percent would be affordable and following considerations of viability some reduction in the financial contributions for the other elements had been agreed

The Chair thanked the Senior Planning Officer, BG and asked Local Member, Councillor A Hopgood to speak in relation to the application.

Councillor A Hopgood thanked the Chair and Committee and noted it was with pleasure she was able to speak at Planning Committee in support of an application. She noted that the scheme was an excellent example of where developers work with Local Members and deliver what is needed in an area. She explained that Local Members and residents had wished for bungalows and that was what the scheme would deliver. Councillor A Hopgood highlighted that there had been no objections from the public and that from public consultation and a number of queries to date that people would be very interested in living in the properties once completed.

Councillor A Hopgood noted she was very supportive of the scheme, however, she asked that if Members were minded to approve the application that they would propose that the condition in relation to start times for work be amended to 8.00am. She concluded by noting the scheme was for all bungalows, all affordable, with the properties adapted or ready to be adapted for needs as required and therefore she fully supported the application.

The Chair thanked Councillor A Hopgood and asked Local Member M Wilkes to speak in relation to the application.

Councillor M Wilkes thanked the Chair and Committee for the opportunity to speak in support of the application. He explained that the scheme represented a marvellous opportunity to provide much needed provision of bungalows, adding that Believe Housing, formerly the County Durham Housing Group, should be applauded for working with Local Members and residents to bring forward such a scheme. He added a local letting policy would be beneficial and help local people to be able to stay in their area and highlighted the adaptability and versatility of the designs would benefit occupants going forward. He concluded by asking the Committee to approve the scheme.

The Chair thanked Councillor M Wilkes and asked Mr P Glover, agent for the applicant to speak in support of the application.

Mr P Glover noted that the Officer and Local Members had set out the case for the application and that he would only briefly add that the scheme represented an excellent opportunity to develop an unused area of land, providing a scheme of bungalows that were all wheelchair adaptable, future proofing the scheme for occupiers. He added that as all single storey buildings there was minimal impact upon amenity and that 17 properties on the site represented a relatively low-density development. He asked that the Committee approve the application as per the Officer's report, as supported by the Local Members.

The Chair thanked Mr P Glover and asked the Senior Planning Officer, BG if he had any comments in terms of the points and issues raised by the speakers.

The Senior Planning Officer, BG noted that he felt the amended start time of 8.00am would be acceptable and asked if the applicant could respond in relation to the point raised regarding a local lettings policy. Mr T Winter, Development Manager, Believe Housing noted he would be happy regards such a policy, akin to policy in place for a development at Pity Me.

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

Councillor J Robinson noted the comments from Local Members, the proposed amended start time of 8.00am for works and local lettings policy and added he felt the scheme was a “win, win” for the area and proposed that the application be approved.

Councillor M Davinson thanked the Senior Planning Officer, BG for the inclusion of a construction management plan and seconded the proposal for approval, subject to the 8.00am works start time.

RESOLVED

That the application be **APPROVED** subject to completion of a s106 legal agreement, the conditions as set out within the report, noting an amendment in relation to an 8.00am start time for works.

c DM/19/00053/FPA - Site of Former Eden Community Primary School, Robson Avenue, Peterlee

The Senior Planning Officer, Barry Gavillet, 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 67 dwellings and associated infrastructure and was recommended for approval subject to conditions and a s106 Legal Agreement.

The Senior Planning Officer, BG referred Members to slide showing that the site was cleared, with grassed areas and some hardstanding. He explained the site was fenced off and had not been used for some time and was surrounded by existing housing. He noted the sustainable location, within close proximity to Peterlee town centre with all the associated services, amenities and transport links.

The Senior Planning Officer, BG noted no objections from the Highways Section and no objections from internal consultees. He noted no objections from Northumbrian Water Limited, subject to a condition, and no objections from the National Health Service (NHS) subject to a financial contribution regarding healthcare. The Senior Planning Officer, BG noted the inclusion of contributions in terms of ecology, play provision and healthcare, and 10 percent affordable housing on site. He added that while 10 percent was within the s106, the developer was seeking to provide 100 percent affordable housing at the site.

The Senior Planning Officer, BG noted some clarifications in relation to the report: that paragraph 28 should be disregarded as this had been included in error; amendments to Condition 8 in relation to drainage; and minor amendment to elevations, gable windows being removed, path widths and for these to be reflected in amended plans.

The Chair thanked the Senior Planning Officer, BG and asked the Committee Services Officer to read out a statement on behalf of Local Member, Councillor A Laing in support of the application.

“My apologies that I can’t be at the Central and East Planning Committee this afternoon. I would like to fully support the proposal for a new development on the former Eden Community Primary School. This land has stood empty for nine years. As in the report, there are a number of facilities in the area which are very accessible. I would like to support the Officer’s recommendation of approval, but can I also add there are 19 bungalows being planned as part of the scheme and it also has 100 percent affordable housing. Thank you for your time”.

The Chair thanked the Committee Services Officer and asked Mr P Hacking, agent for the applicant to speak in support of the application.

Mr P Hacking thanked Members and noted the proposed development would deliver 67 affordable dwellings, with 25 rent to buy, 42 affordable rent, including 19 bungalows, with two of those being disable compliant to the highest accessibility standards. He noted the Strategic Housing Land Availability Assessment (SHLAA) had identified the need for bungalows, with the other properties to be two and three bedrooms.

Mr P Hacking noted the financial contributions as set out within the report, regarding open space, ecology and healthcare. He added there had been dialogue with the Planning Department and amendments had been made to the application over time to improve the scheme. He asked Members to note the traditional design in sympathy with the area, with render and vertical features to provide some variety. Mr P Hacking noted the stand off distances at the south-east of the development ensured privacy for the existing development. He added there would be dual-frontage properties at the junction and prominent plots, with no blank gables, and back to back plots with 1.8 metre fencing for gardens.

Mr P Hacking noted no objections from the Highways Section in terms of the application, with all properties having in-curtilage parking provision and with additional visitor parking provided within the development. He added that a transport assessment had noted no negative impact from the scheme. He noted that landscaping had been accepted by Officers and noted trees that would be retained in the north-west corner of the site.

Mr P Hacking concluded by noting the scheme was policy compliant, would provide much need accommodation, bungalows and financial contributions for he local area and asked that Members agree the application as per the Officer's recommendation.

The Chair thanked Mr P Hacking and asked the Committee for their comments and questions.

Councillor J Robinson noted this was another well worked scheme, involving Local Members and giving much needed affordable housing. He noted paragraph 82 of the report stated, "no adverse impacts from the proposed scheme" and therefore proposed the application be approved as set out within the report. Councillor H Bennett seconded the proposal.

Councillor O Temple asked for clarification in relation to the density of the housing proposed on the site, asking if an average of 22 dwelling per hectare was correct for the County. The Senior Planning Officer, BG noted the average was around 30 per hectare and that for this site it was 38.2 per hectare. Councillor O Temple noted that if the development had been within his area he would have opposed the application, noting some separation distances were also less than recommended within guidance. He noted however there was support from the Local Member and understood their comments.

RESOLVED

That the application be **APPROVED** subject to completion of a s106 legal agreement, the conditions as set out within the report, and with the amendments as set out by the Officer.

d DM/19/00371/FPA - Corner House, Potters Bank, Durham

The 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 Planning Officer, JJ advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from C3 dwelling to HMO Sui Generis (Student Accommodation) and was recommended for approval.

The Planning Officer, JJ referred Members to site plans, noting the prominent location on the busy junction of the A167 and Potters Bank and the site having garden and driveway areas.

She explained as regards proposed elevations, noting that the existing balcony area to the rear would be removed. Members noted current and proposed floor plans, moving from four bedrooms as existing to seven as proposed, four downstairs, three upstairs. She added that this would represent largely internal works and the removal of the balcony as previously stated and a two-metre-high boundary fence with the adjacent property, "Russet Grey".

The Planning Officer, JJ noted no objections from the Highways Section, noting the application site was in a sustainable location. She explained objections had been received from the City of Durham Parish Council, noting their comments in relation to how the percentage of student Houses in Multiple Occupation (HMO) was calculated, with the Council's Spatial Policy Section noting an 8.8 percent figure, below the ten percent threshold set out within the Council's Interim Policy on student Accommodation.

The Planning Officer, JJ noted no objections from Environmental Health and the HMO Licensing Officer noting the requirements in terms of the appropriate licence. She explained there had been a number of letters of objection from the public, as set out within the report, with issues raised including: loss of a family home; impact upon the community balance; existing student provision already in the area in terms of large PBSAs at Mount Oswald and Sheraton Park; and that a number of properties within 100 metres were used as student HMOs.

The Planning Officer, JJ noted Members were familiar with the methodology in respect of the HMO density calculation and that the figure provided by Spatial Policy was 8.8 percent. She added that Officers felt the proposals were acceptable and the letting agent had noted they would monitor and enforce the letting agreement, provide maintenance and liaised with Colleges and Police representatives.

The Chair thanked the Planning Officer, JJ and asked Local Member, Councillor L Brown to speak in relation to the application.

Councillor L Brown thanked the Chair and noted she was at Committee as County Councillor for the Neville's Cross Ward and wished to object to the conversion of Corner House from C3 to C4 use, noting the Interim Policy on Student Accommodation on which she based her objection stated that:

"changes of use from any use to:

- *A Class 4 (House in Multiple Occupation) where planning permission is required; or*
- *A House in multiple occupation in a sui generis use (more than six people sharing)*

will not be permitted if more than 10% of the total number of properties within 100m of the application site are already in use as HMOs or student accommodation exempt from Council Tax charges”

Councillor L Brown added that confusingly there were three different figures quoted as percentages of student housing within 100 metres of this property. She noted the applicant had stated the percentage was zero, however this was the figure for the narrow postcode in which the property falls and was not the relevant figure for planning purposes. She noted that Planning Officers had given the figure as 8.8 percent extracted from a single source of data on September 1st last year in the middle of the summer vacation. Councillor L Brown added that Council tax exemptions would have expired on or around the 30th June for students who had graduated, and their replacements were unlikely to have claimed exemptions until October. She noted a more accurate reading would have been obtained by using figures from the more up to date register published in April this year which includes new registrations arising from the updated HMO legislation.

Councillor L Brown explained that a third figure had been obtained by a door knocking exercise within 100 metres of the property. She noted this had been carried out by a local resident and this was then repeated during which she was accompanied by a local Parish Councillor, who was also a Trustee of the Neville's Cross Community Association. Councillor L Brown noted this was to check that the findings were accurate and explained that their findings revealed that out of 45 properties within a 100-metre radius of the site, ten were occupied by students, suggesting a percentage of 22%. She noted this figure disregards those properties which are renting out rooms to students.

Councillor L Brown noted that there was a potential discrepancy in the latter two figures which was very worrying if it were repeated throughout the City. She noted Officers had been made aware of the problem with the figures, as it was based on residents' concerns about the accuracy, or otherwise, of the Council's Spatial Policy figures. She added that she felt there was a need to review not only how the Council arrives at its percent figure from a single, now outdated source, but also how to make use of other datasets that were now available. She lamented that it was a sad fact that no one in Durham, neither Officers, residents nor students knew exactly how many student properties there were in the city. She added that it was now one of the priorities of the Parish Council to research the amount of student housing throughout the city and arrive at a realistic total.

Councillor L Brown explained that she felt the nub of the matter on which the Committee must decide; having listened to her address did Members now have reasonable concerns about the accuracy and robustness of the figure that was given in Paragraph 37 of the report?

She noted that if Members were concerned, she would suggest that the application should be deferred to allow the Council's figures to be checked. She explained that the Spatial Policy Team were relying on out of date Council Tax data, she reiterated that she was not saying it was wrong, however, she argued it may be out of date and may only reflect part of the picture. She noted that those who lived in the City knew that some landlords would pay council tax automatically, to save themselves paperwork, and that this had yet to be compared with other sources of data. Councillor L Brown noted she had sight of the list of student properties and visited the area and at least five of them were much closer than 100 metres away. She noted that obviously because of data protection and privacy laws she would not disclose addresses at Committee but would liaise with Officers after Committee to allow them to check residents' figures.

Councillor L Brown noted that as the application was being recommended for approval on the basis of the figures supplied by the Spatial Policy Team as per paragraph 61 of the Officers report she offered it up as a test case. She added that at the risk of repeating herself, she felt that until it could be proved beyond doubt that the student occupation figures in the immediate area were correct, she would ask that the application be deferred or even refused because the data was being challenged.

The Chair thanked Councillor L Brown and asked Parish Councillor R Cornwell, representing the City of Durham Parish Council to speak in relation to the application.

Parish Councillor R Cornwell thanked the Chair and explained that a figure of 8.8 percent HMOs within 100 metres of the application property represented three properties out of a total of 34 within that distance. He added that the Parish Council, using Ordnance Survey data established there were 34 properties within the radius and were confident as regards this. He explained that he believed there were in fact five properties from those 34 that were occupied by students, three being a matter of public record and two known from the door knocking exercise as described previously. Parish Councillor R Cornwell noted that this represented 14.7 percent, above the threshold as set out within the Interim Policy on Student Accommodation. He added that the postcode showing zero percent was not relevant, as the location was previously a shop and the only building to have that particular postcode.

Parish Councillor R Cornwell explained that Council Tax data from September 2018 was not reflective of the numbers currently and he would dispute the figures now, being eight months out of date. He suggested that that if not a current figure then Members may wish to refuse the application, or Spatial Policy could look at the plausible explanation as regards a figure of 14.7 percent.

The Chair thanked Parish Councillor R Cornwell and asked Ms Lucy Szableweska, local resident to speak in objection to the application.

Ms L Szableweska noted as a local resident the first she had known as regards the application was a notice attached to a nearby lamppost. She added that given the number of student properties in the area, and the nearby PBSAs one would assume there was sufficient student accommodation. She explained she was dismayed as regards the potential conversion of the property and could not understand why there would be a loss of housing stock, formerly a family home and a shop among other uses.

Ms L Szableweska noted that students would not have as active a role in the local community as they did not live there permanently. She added that while not against students or student landlords, she felt that within the area there was a disproportionate number of HMOs in the area. She noted several good student neighbours.

Ms L Szableweska noted she felt somewhat in the dark as regards how the figure for number of HMOs within 100 metres was calculated, for example was a property cut in half by a 100 metres radius be counted? She reiterated it was not an issue with students as such, having a friendly relationship with those nearby, reminding them to put out their rubbish bins for example. Ms L Szableweska noted the Raynsford Review of Planning which had noted the break down of communities and a need for a new community covenant. She concluded by asking the Committee to kindly consider the comments made in objection to the application.

The Chair thanked Ms L Szableweska and asked the Principal Planning Officer, Alan Dobie to comment on the points raised.

The Principal Planning Officer noted the issues raised as regards the percentage of HMOs within a 100-metre radius of the property. He reminded Members of the consistent methodology that was used, as set out within the Interim Policy, noting it was robust and at planning appeals Planning Inspectors had agreed. He noted while it had been noted there were several previous and possible uses for the property, the application before Members for consideration was for a HMO. The Principal Planning Officer noted that the Interim Policy on Student Accommodation sought to control the numbers of HMOs and that local plan policies referred to within the report were also those relevant to control and balance communities within the City. He added that as the percentage of HMOs within 100 metres had been calculated to be less than ten percent, and the application was in accordance with planning policy, the recommendation was for approval.

The Policy Team Leader, Spatial Policy, Graeme Smith noted that in terms of the data used, it was as set out within the Interim Policy, paragraph 11 that:

“In order to assess the percentage of HMOs or student exempt properties within 100m of an application for an HMO, the Council will use Council Tax information consisting of those properties with Class N exemption mapped using the Council’s GIS mapping system”.

He noted that therefore it was clear which data was to be used in determining the percentage of HMOs within a 100-metre radius. The Policy Team Leader noted mention of the data used and when it was collated, he added that the timing of when the application was submitted meant that data from September 2018 gave a percentage of 8.8. He noted that using March 2019 data, the most up-to-date, this too gave a figure of 8.8 percent, encompassing the current academic year.

The Policy Team Leader noted the map relating to the National Land and Property Gazetteer (NLPG) was updated weekly and the Council’s Geographical Information System (GIS) was used to give a 100 metre radius buffer and the data set ran against this. He reminded Members that the data from Council Tax was anonymised and given to Planning as a percentage figure. He reiterated the comments of the Case Officer and the Principal Planning Officer as regards other methods and data not being that set out within the Interim Policy and therefore was not that which was used.

The Policy Team Leader noted in more general terms as regards the Interim Policy, that the County Durham Plan was at consultation currently and those who had spoken may wish to comment via that channel.

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

Councillor O Temple noted he felt the Committee was “over a barrel” in terms of the application. He noted the Interim Policy as defined and agreed if judged against that the application would succeed. He added that it raised issue therefore of the policy itself and the issue raised as regards student landlords paying council tax suggested a possible loophole within the policy that was open to abuse, given the relatively inexpensive cost to such landlords. Councillor O Temple noted that unfortunately he would have to vote for the application, however, he noted that the debate had provided impetus in looking at the policies and to see if they were sufficiently robust for the future.

Councillor M Davinson noted he had attended the site visit and the property was on a prominent corner plot near to traffic lights on a busy junction and gateway into the city centre. He asked for clarification in terms of maintaining the garden and hedge through a management plan.

The Planning Officer, JJ reiterated that the letting agent, Harringtons, would deal with any issues at the property and had maintenance teams that could attend 24 hours a day, and carried out quarterly inspection and liaised with the University Colleges and Durham Constabulary.

The Solicitor – Planning and Development, Neil Carter noted that if the question was whether a potential condition on hedge maintenance could be included, then he felt this would not be reasonable, as the Council has separate planning powers for untidy sites. He added that in the context of the planning application it would be unreasonable to condition at that level of detail.

Councillor D Freeman explained he was a Member of the City of Durham Parish Council, however, was not a member of their Planning Committee and had no input into their comments on the application. He noted that the Interim Policy seemed to be full of holes and the figures used seemed to be flawed based upon the experience of people living in the areas where such HMO applications were being submitted. He added he felt it would be better to defer the application in order to look to being able to have more accurate figures as regards HMOs, or not approve this application.

Councillor M Davinson noted he disagreed with Councillor D Freeman and while he noted the Interim Policy may not be perfect, it was the policy in place and unfortunately the Committee had to refer to that. He proposed that the application be approved as per the Officers report. Councillor O Temple seconded the application.

The Solicitor – Planning and Development reiterated that the Interim Policy referred to a specific data set and therefore this was the one to consider in terms of applying the Interim Policy. He endorsed the comments of the Policy Team Manager and the ongoing review in relation to the County Durham Plan.

RESOLVED

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

e DM/19/00702/FPA - 7 Dryburn Hill, Durham

The Planning Officer, Susan Hyde, 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 Planning Officer, SH advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from dwelling (use class C3) to small HMO (use class C4) with 5 bedrooms and associated car parking and was recommended for approval.

The Planning Officer, SH referred Members to aerial photographs of the site and noted the location north of the city centre, towards Framwellgate Moor, with the University Hospital of North Durham (UHND) to the south of the application site. Members were shown proposed elevations of the property and floorplans, with the Planning Officer, SH noting proposed car parking arrangements for five vehicles, with an area of land owned by the applicant that had not been previously fenced off to be used. She added that pedestrian access to cul-de-sac ran alongside the property boundary and that there was a shared access with a neighbouring property at the rear. Members noted the proposed boundary treatments and the location of a bus stop near to the property. The Planning Officer, SH explained that it was proposed for five bedrooms, all en suite, with only minor external alterations, with no proposed extensions to the property.

The Planning Officer, SH noted that the Highways Section had offered no objections to the application and Spatial Policy had noted a figure of 4.8% for HMOs within 100 metres of the property, noting the data used being that from March 2019. She added that Environmental Health had also offered no objections to the application. Members were asked to note that Durham Constabulary had raised objection in terms of change of use of properties, especially within a cul-de-sac having the potential for more anti-social behaviour, though they had clarified that there had been no police complaints within the last 12 months.

The Planning Officer, SH explained that representations had been made by the City of Durham Civic Trust and Local Residents in objection to the application, as set out within the report noting issues including: bins; fencing/boundary treatment; access and impact upon the nearby bus stop; more comings and goings in an area where children play; and whether occupants would be students or those in recovery for substance abuse.

The Planning Officer, SH noted that the application was in line with policy and Officers felt there would not be negative impact upon residential amenity and therefore the application was recommended for approval.

The Chair thanked the Planning Officer, SH and asked Local Member, Councillor M Wilkes to speak in relation to the application.

Councillor M Wilkes thanked the Chair and noted he did not support the application and would ask the Committee to refuse the application for the following reasons. He firstly referred Members to saved Local Plan Policy H9 and also concurred with the comments made on a previous application by Councillor L Brown in terms of the issue of the numbers of HMOs within an area and some not being registered, and the impact upon existing properties within an area. He added that the application area of Durham Moor, while outside of the city centre, was not immune to such issues and he felt that there would be detrimental impact upon the area.

Councillor M Wilkes noted that in the period of the property being empty and with unemptied bins this was in breach of Policy H9, adversely affecting the character of the location.

Councillor M Wilkes added that he felt the application was contrary to Policy T1 in terms of access on to the proposed driveway from the busy, main arterial route, with a nearby bus stop compounding issues. He noted that he did not think drivers on this road would expect cars to be reversing out on to the main road, though this was a possibility in terms of the application as set out. He added that also there would be cars crossing across the pavement and therefore the application was contrary to saved Policy T1 in terms of pedestrian and highway safety.

Councillor M Wilkes noted saved Policy H13 referred to impact upon residential areas and noted there would be reduced garden space and issues with bins as only for five, not six therefore not eligible for additional bins from the Council. He added that Local Members, the Parish Council and residents did not support the application and asked the Committee to refuse the application based upon Policies H9, H13 and T1 of the Local Plan.

The Chair thanked Councillor M Wilkes and asked Mr Kevin McLernon, the applicant to speak in support of his application.

Mr K McLernon thanked the Chair and Committee for the opportunity to speak and noted that the application was from himself and his business partner, not a large company. He explained he had been professional landlords since 1997 and his business partner was a Teacher / Volunteer, and both were responsible people. He wished to clarify that the property was not for use by those recovering from substance misuse or asylum seekers as purported by some people. He reiterated as per the application that the intention was for a high-quality development for local professionals, for example those working at the nearby hospital, Police Headquarters or County Council.

He added that he would be happy for a caveat such that no one under the age of 23 could occupy the property, to allay any doubts as regards the property being used by young students.

Mr K McLernon noted his routine with the properties within his portfolio included a monthly inspection, and he noted in another of his properties he had a tenant for 20 years. He noted the parking provision proposed was acceptable to the Highways Section and that in general those renting in such properties would not have a car, or that the likely total would be for two cars, though provision was made. In reference to comments from Durham Constabulary as regards HMOs and potential increase in anti-social behaviour, he quoted the Police themselves as stating no incidents within the area. He asked that Members of the Committee would take on board the comments he had made and the Officer's recommendation for approval. He noted he was happy to answer any queries from Members of the Committee if appropriate.

The Chair thanked Mr K McLernon and asked the Planning Officer, SH to comments on the issues raised by the speakers.

The Planning Officer, SH noted as regards issues in relation to the Interim Policy, this had been addressed by the Policy Team Leader and Solicitor – Planning and Development. In terms of saved policies, she noted that H9 referred to amenity and that in this case Officers had felt that the alterations were minor and in keeping with the exterior and five residents was not a high number, with many families consisting of four or five people. In terms of Policy T1, the Planning Officer, SH noted that the Highways Section had looked at the proposals and found them acceptable in terms of the access on to the highway, being able to turn within the curtilage to exit the property, and the context of the bus stop nearby. She added that in terms of Policy H13 and character and amenity, Officer felt that a mix of C3 and C4 use class was acceptable, with the density being below that set out within the Interim Policy and therefore the recommendation was for approval.

The Solicitor – Planning and Development noted the suggestion made by the applicant in terms of an age restriction on those that may occupy the property. He advised that this would not meet the necessary tests for imposition notwithstanding the applicant's acceptance of it.

Councillor M Davinson asked which elements as set out in the report represented the objections raised by the Civic Trust, as they seemed to be listed in with residents' comments. The Planning Officer, SH noted they objected primarily on the change of use from C3 to C4 on the basis of increasing studentification within the area.

Councillor J Robinson noted the saved policies referred to within the report and asked as regards residents concerns as regards access and bins blocking a shared right of way. The Chair asked if Mr K McLernon wished to clarify for Members' information.

Mr K McLernon explained that the previous tenant was a family of five and comings and goings had been predominantly from the front of the property, not via the shared access at the rear. He added that he would be more than happy to work with the neighbour in order to minimise any issues relating to the shared access.

Councillor P Jopling proposed that the application be approved, she was seconded by Councillor R Manchester.

RESOLVED

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

f DM/19/00649/FPA - 51 Whinney Hill, Durham

The Planning Officer, SH, 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 Planning Officer, SH advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from a C4 house in multiple occupation to 7-bedroom HIMO with a wrap round single and 2 storey extension and external alterations and was recommended for refusal.

The Planning Officer, SH referred Members to site plans and noted the location of the dwelling within a small cul-de-sac, being an end terrace property. It was highlighted that the adjoining property was in C3 use and that the application property currently was in C4 use, albeit with no extensions. Members noted some single storey extensions to properties within the area and noted the scale of the proposed extensions and the Planning Officer, SH highlighted this on proposed floorplans and elevations.

Councillor G Bleasdale left the meeting at 3.00pm

The Planning Officer, SH noted that in terms of responses from statutory and internal consultees, there had been no objections from the Highways Section, and objections had been received from the City of Durham Parish Council in relation to the Interim Policy, the increase in the number of bedrooms, bin and cycle storage, and impact on local residents.

The Planning Officer, SH added that Spatial Policy had provided a figure for HMOs within a 100 metre radius, 49.2 percent. It was added that Environmental Health had raised no objections to the application, however, had raised concerns as regards the levels of noise and disturbance that individual households may experience. Members noted there had been no objections from the HMO Officer, the Conservation Officer or Durham Constabulary.

The Committee were informed that there had been representations from the City of Durham Parish Council, the Civic Trust and a local resident, the neighbouring C3 property, all objecting to the application. Issues raised included the high levels of noise from the existing HMO being exacerbated by the application, issues with parking in the narrow cul-de-sac, access via communal areas, and a fear that the organisation for seven bedrooms could be altered to fit nine.

Councillor G Bleasdale entered the meeting at 3.06pm

The Planning Officer, SH explained that Officers felt the scale and character of the proposed extension was such that it was not subordinate to the host property and out of keeping with the host property, in addition the change of use to a sui generis use class with seven or more occupants would have a detrimental impact on residential amenity from noise and disturbance. The Planning Officer, SH noted that this would be contrary to saved Policies H9 and H13 and therefore the recommendation was for refusal.

The Chair thanked the Planning Officer, SH and asked Parish Councillor Victoria Ashfield, representing the City of Durham Parish Council to speak in relation to the application.

Parish Councillor V Ashfield thanked the Committee for the opportunity to speak on behalf of the City of Durham Parish Council to object to application. She explained that the City of Durham Parish Council Planning Committee had discussed the application at its meeting on 15 March 2019 and requested that the Clerk object to the proposal. She added that the Parish Council were grateful that the application had come to Committee and wished to add their strong support to the report of the Officer who was recommending refusal.

Parish Councillor V Ashfield noted the objections of the Parish Council included that within 100 metres of 51, Whinney Hill the percentage of student lets was over 50%, well over the acceptable threshold for extensions to HMOs resulting in additional bed-space.

She explained that the Parish Council was aware that the Pre-Submission Draft County Durham Plan Policy on Student Accommodation has abandoned the reference to extensions to existing HMOs with the Parish Council regarding this as retrograde, as the impact of additional people causing noise and disturbance was the same whether they were in a new HMO or an extension to an HMO.

She added that the Parish Council did not believe that the decision of one Inspector should be accepted as sufficient reason to set aside the policy on extensions to HMOs. Parish Councillor V Ashfield noted other Inspectors have given differing advice: extensions will result in more students whether in a new HMO or an extension to an existing HMO.

Parish Councillor V Ashfield noted that the County Council's Interim Policy on Student Accommodation stated that:

"In order to promote the creation of sustainable, inclusive and mixed communities [...], applications for new build HMO and extensions that result in additional bed-spaces [...] will not be permitted if more than 10% of the total number of properties within 100 metres of the application site are already in use as HMOs or student accommodation exempt from council tax charges."

Parish Councillor V Ashfield noted that the previous application was withdrawn following publication of the Planning Officer's report to Committee. The Planning Officer's conclusions at that time were the same as those before Committee now.

She explained that the Parish Council also supports the Planning Officer's other objection (alteration to the character and scale of the host property, contrary to policies H9 and Q9 of the City of Durham Local Plan, 2004 and the NPPF, part 12). Parish Councillor V Ashfield stated that in fact the proposed development would use the entirety of the garden and direct access to the back garden would be impossible and would create difficulties for storage (and timely emptying) of waste and recycling bins.

Parish Councillor V Ashfield referred to the issue of parking and noted that although the Highway Officer has indicated that no further parking permits would be allowed, even if this did not add to the parking congestion on this road it could however create additional pressure on surrounding areas, such as The Hallgarth, where existing residents, including those with Disability Permits, were already having difficulty in being able to park their cars.

Parish Councillor V Ashfield explained that the Parish Council also supported neighbours who have objected on a range of grounds, including: that the new building, being out of keeping with the remainder of the street, would detract from the appearance of the World Heritage area; the additional traffic caused by construction works would create significant difficulties; that for the immediate neighbour at No.52, it would create a real deterioration in their living conditions, the inevitable noise and disturbance brought about by a group of seven students living on the other side of a party wall was hostile to family life and loss of private right of access and reduction of "right to light" would also undermine their living conditions.

Parish Councillor V Ashfield added that the Parish Council noted that there were increasing concerns among permanent residents of the city that it was more and more difficult to bring up young children in safety in the city in the context of the noise and sometimes unfavourable environment of the different lifestyle of student neighbours. Parish Councillor V Ashfield noted that for all those reasons the Parish Council fully supported the Officer's conclusions and grounds for recommending refusal and asked the Committee to refuse this application.

The Chair thanked Parish Councillor V Ashfield and asked Members of the Committee for their comments and questions.

Councillor D Freeman explained he was a Member of the City of Durham Parish Council, however, was not a member of their Planning Committee and had no input into their comments on the application. He noted that he welcomed the Officer's recommendation and fully supported their report. He noted he felt the proposal was an appalling application, with no merit, a three-bedroom family home becoming a monstrosity. He added that should such a proposal be allowed it would feel much larger than a seven-bedroom property and could have internal alterations made such that it would have more bedrooms still. He noted that while Environmental Health had not objected, they had raised concerns for the neighbours in the C3 property should the application be approved. Councillor D Freeman proposed that the application be refused in line with the Officer's report and recommendation.

Councillor J Robinson seconded the proposal made by Councillor D Freeman.

He explained he was familiar with the area and the issues relating to parking and traffic and added that the point made at paragraph 50 of the report in relation to one external door only was also a great concern in terms of fire safety.

Councillor M Davinson noted there would be an escape window, however, he felt this was not the same as having another door as a means of escape in the event of a fire. He added that on visiting the site it had been clear to him that the access utilised by the C3 property next door, allowing them to take their bin around the application property into the cul-de-sac for collection, would be effectively blocked and accordingly he supported colleagues who had proposed and seconded the application for refusal.

Councillor G Bleasdale noted as she had left the meeting for part of the item she would not take part in the vote.

RESOLVED

That the application be **REFUSED**.

g DM/19/00459/FPA - Brancepeth Castle Golf Club, Club House, Brancepeth

The Principal Planning Officer 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 the erection of a timber structure on practice range and AstroTurf area and was recommended for approval.

The Principal Planning Officer noted that the proposal was for a timber structure on the existing practice area on existing Golf Club land. He referred Members to photographs and aerial photographs highlighting the relationship of the practice area with the main club and the nearby properties and Brancepeth Village. The Principal Planning Officer noted that the nearest houses were set well behind mature trees.

The Committee noted the design of the proposed structure, being 4 metres high with two tee-off areas and one area for instruction for beginners offering a degree of shelter from the elements. The Principal Planning Officer noted the elevations with the design being relatively unobtrusive.

The Principal Planning Officer noted that there had been no objections from the Highways Section, though there had been objections raised by Brancepeth Village Parish Council in relation to the potential increase in traffic. Members noted there had been no objections from the Conservation Area Officer, Landscaping Officer, Ecology Section or Environmental Health.

In terms of public representations, the Principal Planning Officer noted 27 letters of support for the application, noting the facility would help recruit and retain Members at the Golf Club, and would reflect the same amount of use and noise. It was noted supporters also noted there was no application for floodlighting and there was sufficient parking within the Golf Club.

The Principal Planning Officer noted there had also been 10 letters of objection and four letters of representation. He noted the main issues raised had included: impact on traffic; increased noise; detrimental impact on the character and appearance of the conservation area; precedent in terms of commercial activity in the village; risk from stray golf balls; and that further subsequent applications would look to increase opening times or introduce floodlighting.

The Principal Planning Officer noted that among other relevant saved Local Plan Policies there was a specific policy relating to golf courses, Policy R18. He explained that this stated that development would be permitted provided it could be demonstrated that it did not have an adverse impact on: the openness of the greenbelt or the character or appearance of the countryside; or the natural or historic environment; or existing flora and fauna; or the agricultural viability of the best and most versatile agricultural land; or public rights of way; or residential amenity; or traffic and highway safety.

The Principal Planning Officer noted that as there was already an existing practice range on that location it was not felt that there was impact upon amenity, with the orientation of the proposed structure likely to encourage straight plays, however, this would be an issue for the Golf Club to enforce. He reiterated that Environmental Health had not objected in terms of noise impact. In relation to impact upon the Conservation Area, Area of High Landscape Value and Historic Park and Gardens, the Principal Planning Officer noted the modest structure would only represent a minimal adverse impact, with the Landscape and Conservation Area Officers offering no objections to the proposal.

The Principal Planning Officer explained that the Highways Section had not offered any objections in terms of a potential increase in traffic, and in respect of amended opening times and/or floodlights would be subject to separate applications and for consideration by Committee if appropriate. He added that this application did not include toilet facilities.

The Principal Planning Officer concluded by noting that Officers felt that the application was acceptable in terms of saved Local Policies and National Policies and therefore was recommended for approval.

The Chair thanked the Principal Planning Officer and asked Local Member, Councillor F Tinsley to speak in relation to the application.

Councillor F Tinsley noted both himself and his fellow Divisional Members, Councillor O Gunn had listened to the points raised by all residents on this application. He noted the context, within the beautiful Brancepeth Village, having a unique character which should be protected and preserved. He added it was important that the Committee took the time to consider the issues relating to the Conservation Area and the Historic Park of national significance.

Councillor F Tinsley noted that it was also clear the Golf Club had taken regard of the constraints of the site, with a modest structure being proposed, smaller than a two-bed bungalow. He reiterated as regards the number of letters of both support and objection to the application. He noted that the Golf Club had explained as regards dwindling numbers and that they needed to compete in terms of facilities they offered.

Councillor F Tinsley noted the issues raised by objectors in terms of impact on the Conservation Area and the Historic Park and in terms of residential amenity from noise and stray golf balls. He added that there was not inclusion of floodlighting within the application and he and Councillor O Gunn were glad as they would feel that would be inappropriate. He concluded by noting Local Members felt Brancepeth Village was a beautiful village and wished for it to remain that way.

The Chair thanked Councillor F Tinsley for his comments and asked Councillor O Gunn to speak in relation to the application.

Councillor O Gunn thanked the Chair and noted the area she and Councillor F Tinsley represented, Willington and Hunwick included Brancepeth Village. She reiterated the points made by her fellow Divisional Member, adding that in particular the Castle and St. Brandon's Church were amazing buildings. She noted the views of residents on both sides had been set out within the report and by Councillor F Tinsley and both she and Councillor F Tinsley understood those views. She explained she understood the importance to the Golf Club in being able to retain members and enhancing golfing opportunities. She noted that looking at wider sustainability for the area she was delighted that the golf club was in the top 100 in Britain and Ireland and was the only golf Club within the Electoral Division.

She concluded by asking the Committee to take into account issues raised, such as the impact on the Conservation Area and potential traffic issues and noted she was sure the Committee would bring their experience to bear on the decision.

The Chair thanked Councillor O Gunn and asked Mr Steve Rose, the applicant to speak in support of his application.

Mr S Rose thanked the Chair for the opportunity to speak to Committee and explained he was Chair of the Brancepeth Castle Golf Club's Strategy Sub-Team, and a 30-year member of the Golf Club. He added that Team had been mindful of considering the natural environment when looking to have a structure for the practice ground, which had been in use for 48 years. Mr S Rose noted that most structures of this type were of steel construction and appearance, however, the Team had looked to have a more sympathetic design with timber and appropriate wood stain.

Mr S Rose noted no objections from the Council's Highway Section and added that with dwindling numbers at the club meant that there were 120 less than 10 years ago, giving context in terms of the traffic associated with the Golf Club. He added there had been no formal complaints as regards noise from the practice area. He noted that the Chair and Vice-Chair of the Golf Club were residents of Brancepeth Village and supported the application.

Mr S Rose noted that it was felt the application would benefit the community in offering additional facilities and asked that the Committee approve the application.

The Chair thanked Mr S Rose and asked the Principal Planning Officer to comment on the issues raised by the speakers.

The Principal Planning Officer noted he felt it had been helpful that Local Members had attended to give the views on both sides on behalf of residents. He added that Officers had been very careful in looking at issues such as the impact on the Conservation Area and Officers had worked with the applicant in terms of issues such as the choice of stain to be used, to ensure the structure would blend in.

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

Councillor J Robinson noted he agreed with the comments made by Councillor F Tinsley as regards potential floodlighting, however as Officers had stated, that would be a separate application should that ever be requested.

Councillor J Robinson noted the condition within the recommendation for a management plan and took comfort that this offered protection in perpetuity and therefore proposed that the application be approved.

Councillor M Davinson noted on the visit to the site that the area where the minibus had parked while Members looked at the practice ground had potential for people to park and noted he felt the Club should put something in place to prevent parking at the bottom of the practice ground. He added that the practice ground appeared to be relatively quiet, however, should the application be approved, and the area become more popular he felt there would need to be a procedure in place to be able to collect the golf balls safely. He seconded the proposal made by Councillor J Robinson for approval.

RESOLVED

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