

**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of **Area Planning Committee (Central and East)** held remotely via **Microsoft Teams** on **Tuesday 21 July 2020** at **9.30 am**

**Present:**

**Councillor J Clark (Chair)**

**Members of the Committee:**

Councillors K Corrigan, B Coult, M Davinson, D Freeman, A Gardner, S Iveson, R Manchester, J Maitland (substitute for A Laing), J Robinson, J Shuttleworth and P Taylor

**1 Apologies for Absence**

Apologies for absence were received from Councillors G Bleasdale, D Brown, I Cochrane and K Hawley and A Laing.

**2 Substitute Members**

Councillor J Maitland substituted for Councillor A Laing.

**3 Minutes**

The minutes of the meeting held on 26 June 2020 were confirmed as a correct record by the Committee and would be signed by the Chair.

**4 Declarations of Interest**

Councillor A Gardner declared an interest in Item 5b – as an employee of Durham University and took no part in the debate or decision on that item.

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

**a DM/19/03566/OUT - Land to the North of West Farm Paddock, Cold Hesledon, Seaham, SR7 8RL**

The Area Planning Team Leader (Central and East), Sarah Eldridge, 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 an outline application for erection of 1 no dwelling with all matters reserved (re-consultation following change to ownership details) and was recommended for refusal.

The Area Planning Team Leader noted two updates relating to the application and report, with paragraph 2 of the report referring to the nearby site of the Pemberton Arms Public House, this should refer to the former Pemberton Arms Public House, now demolished with four dwellings being constructed on the site. She added that paragraph 32 of the report referred to five letters of support, a further letter had been received and therefore six letters of support had been received.

The Committee were referred to plans and aerial photos and it was noted the site was within the open countryside as defined within the District of Easington Local Plan. Members were shown photographs of the site and surrounding area for context, noting the settlement of Cold Hesledon with limited services and a small number of dwellings, with the adopted access road to the site being unlit and without footpaths. The Area Planning Team Leader explained that the application was in outline and referred to an indicative site layout plan also showing the stables and schooling area. She noted the application stated it was for security purposes following a series of crime incidents, however, at the current juncture there was not a rural business operating from the site. She referred Members to an aerial photomontage showing where the Seaham Garden Village would be located, that site having outline planning permission and therefore it was an indicative layout and the final detailed design detail had not yet come forward. She noted the indicative village centre and areas of residential development, however, she explained it was felt to be premature to give weight to any future relationship between the application site and the Garden Village development.

The Area Planning Team Leader noted there were no objections from technical consultees subject to conditions, namely Highways, Archaeology Ecology, Environmental Health and the Landscape Section.

She added in terms of public responses there had been six letters of support and a 60 signature petition in support, with signatories from a wide geographical area, and no comments or representations in objection to the application had been received.

The Area Planning Team Leader noted that in terms of the principle of development the policies within the Local Plan were out of date and therefore consideration would be via Paragraph 11 of the National Planning Policy Framework (NPPF), whether the benefits of the application outweighed the impacts of development. She noted in terms of sustainability, the site was not isolated in that it was surrounded by dwellings, however, it was within the open countryside, very much within the rural setting. She added that new dwellings within the countryside are generally considered where there is a requirement for a rural worker to be on site to perform their duties and the NPPF required that new developments should be located in area that were sustainable, limiting the need for travel. It was explained the nearest bus stop was 0.5km away and occupiers would need to walk along the unlit track without a footpath, with services between Sunderland and Hartlepool and Sunderland and Durham running approximately once an hour.

It was explained that there was not easy access to amenities from the site, with Murton approximately 2km away and Dalton Park around 1.5km away, although Dalton Park had limited facilities to meet the daily needs of occupants and it was felt residents would be reliant upon use of private vehicles. She added that if the Garden Village did follow the design as set out within the indicative plan, it would be approximately 850m to the centre of the Garden Village from the application. In relation to the impact on the character and appearance of the area, the Area Planning Team Leader noted the building was somewhat detached from the existing clusters of buildings and it was considered that it would represent a further incursion into the countryside. She noted there were no concerns relating to residential amenity or highways issues and it was noted the Applicant was putting forward a case in terms of crime and disorder, noting a number of incidents at the site, however, Officers did not feel these outweighed the impacts of the development in terms of the visual impact and sustainability.

The Area Planning Team Leader noted in conclusion that while the application would provide some limited economic benefit in terms of the construction of the site, expenditure by future occupants and potential to reduce future incidents of crime, this was not felt those limited and site specific benefits were sufficient to outweigh the wider ranging adverse impacts of a dwelling in an unsustainable location and the impact upon the character and appearance of the open countryside and therefore the recommendation was for refusal.

The Chair thanked the Area Planning Team Leader and noted there were two registered speakers, Councillor L Pounder and Ms Helen Heward, Agent for the Applicant asked if the Senior Committee Services Officer, Ian Croft could read out a statement on behalf of Councillor L Pounder who was not able to attend the meeting.

The Senior Committee Services Officer noted the statement from Councillor L Pounder read as follows:

*“Thank you for reading out my statement, I feel strongly about supporting development which is going to have a positive effect on the economy of our County whilst also resolving an ongoing criminal activity.*

*Five letters of support have been received stating what a positive benefit this property would be to the area. A petition of support with 60 signatures has also been provided, no objections have been received. This scheme is supported by our community.*

*The development will add to our housing supply at a time when our economy has been plunged into depression, our area needs jobs and a small scale housing project will use small scale local trades people, whilst the Committee Report references that the development would only make a minor economic uplift, if we added together all small scale development this would not be minor and so we should stop being blinkered and look at supporting our community.*

*There is ongoing problem with crime which have been raised by supporters of the scheme and whilst the owner of the site has put in place security measures such as gate locks and CCTV these have not deterred criminals from targeting the site.*

*The applicant has risked his own personal safety by staying at the site in their vehicle over night to protect their property and animals, this is not right in a time when the safety of a home has never been more necessary during this pandemic. There have been financial costs, but you can't put a cost on the mental anguish resulting from concerns for the welfare of the horses kept at the sits.*

*In terms of the location, the Committee Report highlights that the site is not sustainable however the was a recent appeal on a site nearby, at Saddleback Cottage, Cold Hesledon with similar access and connectivity which was allowed as the Inspector concluded that the site was a sustainable location for a dwelling.*

*It seems perverse that based on the same planning policies an independent Planning Inspector considered Cold Hesledon sustainable and yet the Committee Report does not - we need consistency in decision making. This appeal decision was based before Seaham Garden Village was approved and now that development has started this only adds to the site's sustainability.*

*I implore you all to support this development, the benefits of this application are obvious.*

- 1) It's in a location which has been established as a sustainable location by an independent inspector, amongst a cluster of other properties and right next to Seaham Garden Village.*
- 2) It will provide the opportunity for local trades to work on a local site, supporting our economy at a time when people are desperate to work.*
- 3) It will provide a home for a member of the community to enable him to look after his horses in a safe environment, deterring the existing criminal activity currently experienced.*

*A safe home is of paramount importance in the current climate, so let's join our community and support the development. Thank you".*

The Chair thanked the Senior Committee Services Officer and asked Ms H Heward to speak on behalf of the Applicant in support of the application.

Ms H Heward thanked the Chair and Committee for the opportunity to speak on behalf of the Applicant. She explained that they had read the Officer's report and were disappointed that they did not support the application in this instance. She explained that they understood that national and local policies looked to resist isolated dwellings in the countryside, however, the application would not result in an isolated dwelling. Ms H Heward noted that proposals were only 35m away from existing dwellings in Cold Hesledon, where policy required a minimum distance of 20m in any case. She added that the photographs shown within the Officer's presentation did not show the closest dwelling to the proposals, just to the south of the site, and she would argue that the proposals did not intrude further into the countryside than existing buildings on the site which consisted of a large American style barn with stables inside and a riding arena, therefore the proposed dwelling would not appear isolated and would relate well to the existing built form that surrounded the site.

Ms H Heward noted that the approved Seaham Garden Village was also important in terms of consideration of the application in that it was in the next field to that of the proposed dwelling.

She added that while the details were not yet known, a discharge of condition had been submitted to the Council, inferring that it was reasonable that scheme would come forward and provide various shops and facilities within walking distance to the proposed dwelling regardless of the specific details, with the proposed dwelling being ultimately viewed within the context of that large development. It was explained that the main reason for the Applicant wishing to provide a dwelling at the site was as a result of the number of incidents of crime, the site having been consistently targeted by criminals resulting in loss and damage to property and associated financial cost. Ms H Heward added that on a number of occasions the criminals had left the gates open which would allow for the horses to wander out onto the public highway, posing a danger to the animals and road users. She added this had placed great stress on the Applicant, who himself had taken personal risk, sleeping in his car, to prevent such criminality from occurring. She informed Members that additional security measures, such as gate locks and CCTV had been installed, however these had not deterred criminals from targeting the site and noted that allowing the dwelling would provide a permanent deterrent to criminals.

Ms H Heward noted that the Officer's report stated the site was unsustainable and would rely upon private cars for travel, however, allowing a dwelling at the site would reduce trip generation as the Applicant drives to and from the site at least two to three times a day. In addition, she noted that the Highways Section had raised no objections to the application in respect of the access. She noted that importantly there had been a recent appeal on a site nearby at Saddleback Cottage, Cold Hesledon with similar access and connectivity which was allowed. She noted that in that case, the Inspector concluded that even though the occupiers would have to negotiate a narrow country lane, that would be for a relatively short distance and the lane was not heavily trafficked and therefore in allowing the appeal the Inspector considered that the site had access to regular services, bus stops and lit footpaths which linked the development to the existing built form and as such the site was a sustainable location for a dwelling. She noted it was reasonable to expect a resident of the proposed dwelling to walk to the nearby bus stop or use the convenient, recently opened shop at Dalton Park for their daily needs.

Ms H Heward noted local residents were consulted upon the application and six letters of support had been received, alongside a 60 signature petition, and she pointed out the application did provide significant economic benefits, and in the current climate where Government was encouraging people to build it needed to be a priority to support small-scale development where a local workforce is likely to be used, in order to help the economy recover.

In summary, Ms H Heward reiterated that the proposals represented a number of social, economic and environmental benefits and the site was a sustainable location for a dwelling, providing much needed security for site without intruding on to the open countryside. She concluded by respectfully asking the Committee to go against the Officer's recommendation and approved the proposed dwelling at the site.

The Chair thanked Ms H Heward and asked the Area Planning Team Leader to respond to the points raised by the speakers.

The Area Planning Team Leader noted that in respect of the appeal decisions referred to for Saddleback Cottage, that location was further south than the application site and sat within an enclave of existing buildings, and was a conversion scheme, and the appeal took place five years ago and in the context of the Pemberton Arms still being a Public House and the Morrisons store that had been built at Dalton Park, though not yet occupied. She explained that Officers noted several more recent appeals decisions, that reflected more closely the circumstances of this case, with one such appeal decision referred to within the report, at Castle Eden, where access was along a similarly unlit lane without footpaths and with the Inspector in that instance concluding that a 250m lane would make that site an unsustainable location. She added that an estimate of the length of the access in respect of the proposal was approximately 400m to where it joined the main road adjacent the site of the former Pemberton Arms Public House.

The Chair thanked the Area Planning Team Leader and asked the Principal Highway Development Management Engineer, David Smith to speak in relation to the issues raised.

The Principal Highway Development Management Engineer explained that when looking at new housing development, the Highways Section would look at a publication from the Chartered Institute of Highways and Transportation (CIHT), "Journeys by Public Transport", which sets out the journeys to public transport by foot. He added that the application site was over 400m away from the nearest road junction with the B1432 and the publication noted a comfort level for a person waling to public transport. He noted the access lane had no footpath, was not lit, was very narrow with potential to come into conflict with traffic, and the distance in total to the nearest bus stop was around 500m, which had an hourly service. He noted those negative aspects, together with low lighting levels especially in the winter months, were not conducive to walking on foot and he would agree with the comments of the Highway Development Manager within the report that the location was not a sustainable location.

The Chair reminded Members that should they realise they have a declaration of interest in any item they should make it known.

The Chair asked the Committee for their comments and questions on the application.

Councillor J Maitland noted that she was a Member for the adjacent Murton Electoral Division and explained that from listening as regards the proposed development she could only see it as being good. She added that there had been no one against the application and that all the representations had been in support and that the anti-social behaviour that had been occurring would be deterred if someone was living at the site, noting the Applicant had been sleeping in their car at the site. She noted that the proposal site was near to the Garden Village, where plans had been approved and it was hoped that scheme would go ahead. Councillor J Maitland noted the reference to the appeal relating to Saddleback Cottage which was not very far away from the application site and concluded by noting she wished to go against the Officer's recommendation and proposed that the application be approved.

Councillor J Shuttleworth noted that he struggled on occasion where a site is referred to as an "unsustainable" location, with his idea of an unsustainable location being 20 or 50 miles away from anywhere else. He added he agreed with Councillor J Maitland and the Local Members in that he felt the application was of benefit, could create a couple of local jobs and would stop the anti-social behaviour and therefore he would second the approval of the application.

Councillor P Taylor noted that in terms of planning regulations he felt the case was fairly cut and dry for the application and he agreed with Officers that it represented an incursion into the countryside, would have an adverse impact upon the character and appearance of the area and he noted his concerns as regards pedestrians walking in darkness. He added he gave no credence to the 60 signatures in the petition that came from far and wide, with the application having no impact upon those that had written in. He noted that when looking at the application on its own merits, bearing in mind representations and Appeals decisions, from the NPPF and Local Plan the application was a "non-starter" and therefore he agreed with the Officer's recommendation and he would move refusal of the application.

Councillor J Robinson referred to paragraph two of the report which referred to planning permission for four houses at the former Pemberton Arms site and asked why permission would be given for that nearby location, and the nearby Garden Village, if the argument for refusal of the current proposal was that it was in an unsustainable location. The Area Planning Team Leader noted that the former Pemberton Arms site was at the end of the 400m track previously referred to and was adjacent to the bus stop mentioned.



The Chair noted Councillor J Maitland had proposed the approval of the application and Councillor J Shuttleworth had seconded the proposal. She added that Councillor P Taylor had proposed that the application be refused and asked if there was a seconder to his proposal. Councillor M Davinson noted he would second the proposal for refusal. The Chair asked the Solicitor – Planning and Development to coordinate the voting, in the order of the proposals, for approval in the first instance.

The Solicitor – Planning and Development noted that the vote would be for approval of the application, subject to appropriate conditions, adding what he had understood from the Members proposing the approval was they believed, in the context of the NPPF Paragraph 11 balancing exercise, that the adverse impacts of the development did not significantly and demonstrably outweighed by the benefits of the proposed development.

Upon a vote being taken, the application was **Approved**.

The Chair noted that accordingly there was no need to consider the motion for refusal and noted the Area Planning Team Leader wish to clarify a point. The Area Planning Team Leader noted there would be a need for an appropriately worded suite of conditions as well as a Section 106 Legal Agreement as the site was within the 6km coastal buffer zone, a contribution of £756.61p to mitigate against that impact. Councillor m Davinson added that as usual the conditions and agreement should be subject to consultation with the Chair and Vice-Chair of the Committee.

## **RESOLVED**

That the application be **APPROVED** subject to a suite of conditions and Section 106 Legal Agreement, the details of which to be delegated to the Planning Officer in consultation with the Chair and Vice-Chair of the Committee.

### **b DM/19/03753/FPA - 1-4 Green Lane, Durham, DH1 3JU**

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 application was the change of use from 4 no. C3 residential buildings to 4 no. B1 office buildings and was recommended for approval subject to conditions.

The Planning Officer, JJ explained there were two updates for Members in relation to the application, an update to the wording of Condition 3 to reflect the updated Sustainable Travel Plan and that following the final draft of the City of Durham Neighbourhood Plan moving into the examination in public stage, the plan could be attributed weight in line with paragraph 48 of the NPPF.

The Planning Officer, JJ noted the heritage features and character of the terrace, such as the sash windows, and noted the rear yards to the properties and the nearby University office block. She referred Members to rear elevations and nearby Valuation Office car park, the office block and nearby student accommodation block. She asked Members to note the proposed internal layout, with minor internal alterations and making good the existing sash windows. She referred to the parking plan and area in blue which benefited from University parking permits. She noted that the Highway Section had noted no objections and that the Design and Conservation Section acknowledged the building was of heritage value, though was not a Listed Building, and the proposal would have no impact on the character of the area or the Conservation Area. She added that Environmental Health had also raised no objections to the proposals.

The Planning Officer, JJ noted four letters of objections had been received with a summary of their representations being set out within the report, namely in terms of loss of family housing within the city centre, historic links to the railway station that existed, the buildings in poor condition, with timber windows left to rot and original features removed, and that parking and congestion would be increased, the Travel Plans being aspirational.

The Planning Officer, JJ explained that in principle the proposed change of use of the terraced properties to office accommodation was considered acceptable, due to being suitably located, close to University buildings, the town centre and readily accessible by sustainable transport modes. She added that the proposals would not require external alterations ensuring the historic character or appearance of the terrace was retained, thus preserving the character and appearance of the surrounding Conservation Area. It was added that the continued use of the building would also ensure its upkeep and maintenance. The Planning Officer reiterated that there were no concerns regarding impact on amenities of neighbouring occupiers and, while the proposal has generated public interest with four letters of objection received, the objections and concerns raised had been taken into account and addressed within the report. She concluded by noting that, on balance, the concerns raised were not felt to be of sufficient weight to justify refusal of this application and therefore the application was recommended for approval.

The Chair thanked the Planning Officer, JJ and asked the Senior Committee Services Officer to read out a statement on behalf of Mr Alan Hayton, representing the Whinney Hill Residents' Association, and who was not able to attend the meeting.

The Senior Committee Services Officer noted the statement from Mr A Hayton read as follows:

*“It had been our intention to attend the Committee meeting but unfortunately, due to the situation which faces us at present due to Covid-19 and the need for the meeting to be conducted via ZOOM we are unable to take part in person but have provided a written statement.*

*To support our original written objection to this application we would like to make the following comments:*

- 1) *In our initial objection we referred to the University's claims that the construction of the large-scale Palatinate Building on Stockton Road (opened 2012) was intended by the University to address all of its office requirements (now and in the future) and at the time this claim was central in supporting their application for approval. The Planning Officer states that it is accepted that with any business that different needs emerge over time and it is not unreasonable for the University to seek out further office accommodation. The Officer further states that the application must be determined on its own merits, regardless of what previous intentions the University may have had with regards office accommodation. This would appear to indicate that any argument can be presented in order to gain approval and then it can be conveniently disregarded when it has served its purpose. As it would appear with the Palatinate Building.*
- 2) *The Planning Officer refers to the proposed change of use of the dwelling houses can be suitably accommodated in this location, given the close ties with nearby University facilities. Most of the land nearby is open land given to sporting activities i.e. Durham City Rugby Club, The Cricket Club and The Rowing Club. There are also flats and the Magistrates Court nearby plus some University offices (which no doubt will be relocated at some point as part of the University's expansion plans). Consequently, we would consider the reference to 'close ties' as being rather exaggerated and given more emphasis than is justified.*

- 3) *Durham University has claimed in the past that it takes its responsibilities for protecting the heritage of Durham City very seriously and yet these Victorian Railway Cottages which Durham University have owned for some time have been allowed to disintegrate into such a poor state that it is now claimed that the conversion to offices will actually help preserve these buildings. As the last vestige of the City's railway heritage Durham University should be restoring them fully, both internally and externally, instead of merely incorporating them within their expansion plan.*
  
- 4) *The Planning Officer refers to the National Planning Policy Framework: NPPF Part 16 -Conserving and enhancing the historic environment. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. (<https://www.gov.uk/guidance/national-planning>). The point clearly being made is that sites and buildings do not have to be on the scale of castles or cathedrals to be retained for the benefit of future generations. Consequently, the Victorian Railway Cottages should be conserved as residential units fully restored as example of the period in which they were created in and, the social history evolution depicted within them.*
  
- 5) *The Committee report under Planning Policy paragraph 9 refers NPPF part 2, Achieving sustainable Development, however NPPF 2 part 8b does not appear to be referred to and states:*

*'8 b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations...'*

*By retaining the Victorian Railway Cottages as family homes, the above objective is achieved, and a mix of quality residential homes is maintained which would comply with DCC policy of maintaining and preserving mixed and balanced communities.*

- 6) *Paragraph 36 of the Committee Report refers to applicant's statement which claims potential benefits to local trade. Obviously, that would be a possibility rather than the properties being left empty. However, there would be a more immediate and long term benefit for local businesses if the properties were returned to family housing - giving a 7 day trade to both shops and evening premises and also avoiding the loss to trade if the offices were relocated at a later date.*
  
- 7) *The Planning report also refers to paragraphs 47 and 48 within the Planning Consideration and Assessment section. The application refers to a site which is at the far end of Green Lane and not located within the city centre. Consequently, we are not sure what the relevance of para. 47 is, as there is no bus stop anywhere near this location and the bus service on the adjoining Whinney Hill has been withdrawn. Therefore, it would appear to have no bearing on the application. The reference to para. 48 is also surprising as it refers to Saddler Street which is in the city centre. Surely, this only reinforces the point that even more family/residential accommodation is being taken out of circulation in order to facilitate Durham University's poorly thought out expansion.*
  
- 8) *It is also reported that Highways have no objections because the University can issue parking permits and they have 202 parking spaces which are operating under capacity at present. We would make four points:*
  - a. *At present Covid-19 is having an impact on University staff working practice and consequently all of their car parks could be described as operating under capacity.*
  - b. *During normal none Covid-19 times, Green Lane is awash with cars so approval of this application will simply result in the displacement of present car users.*
  - c. *When the Business School is completed (and during its construction), Green Lane will become an obvious choice as a car park. Again, present car users will be displaced.*
  - d. *Even now, during Covid-19, if you take a walk down Green Lane you will see that the parking spaces located there are in high demand.*

- 9) *We would also suggest that at least part of the applicant's statement is disingenuous when it states:*

*'We (The University) has found there is no demand for renting the properties in their current condition and is not viable for Durham University to Invest in properties for rental to staff. Conversion to office use restores the buildings, bringing them back into beneficial use. It is anticipated that this will be a short term proposal until there is a proposed bespoke office accommodation for the Faculty of Arts and Humanities. Works have also been designed to facilitate conversion back to residential in the future.'*

*We would highlight two points:*

- a) *The University claim there is no demand for renting the properties in their current condition or viable for them to invest in. As the current owners of the properties, the University should be maintaining them to a degree which enables them to continue to be sought after as residential properties, as they have been in the past. Therefore, the question should be why has the University deliberately allowed these properties to fall into such a poor state of repair?*
- b) *It is claimed that this is a short-term proposal and the properties can be converted back into residential use. In response firstly, in 2017 a University representative suggested that as part of Durham University's expansion Masterplan that the properties could be demolished as part of their development plans for Green Lane. Secondly, having conceded that it is not viable for Durham University to invest in these as rental properties; it is to be considered disingenuous that after allowing these Victorian Railway Cottages to fall into disrepair once that the University would be in any rush to convert them back into high quality residential units which genuinely reflected the period they depict?*
- 10) *DCC are the custodians of Durham City and yet year on year Durham City is losing its once, unique identity and is being absorbed into the corporate identity of Durham University. By approving this application DCC would merely be endorsing this loss of Durham City's identity and heritage.*

*We have been assured by DCC Conservation Officer's that the Victorian Railway Cottages have been afforded protection and can't be demolished, which back in 2017 a senior University representative said was a possibility. Now, it is proposed to convert these Victorian Railway Cottages which, up until now have been used as residential properties, into 14 office rooms.*

*The Planning Officer's report refers to Design and Conservation being consulted and for their views on the proposals. They confirmed the terrace of Victorian Railway Cottages dates from c.1898 and is rare within the city as it was built as part of the Durham Station-Elvet part of the Durham, Elvet & Murton branch line, with many of the buildings associated with the station demolished in the 1960s. They note that the terrace contributes positively to the surrounding conservation area and in this respect the proposed change of use to secure their use/occupation, along with associated fabric restoration works would be beneficial moving forwards.*

*In conclusion therefore, it would appear clear that these Victorian Railway Cottages do have a significant part to play in celebrating Durham City's railway heritage but it would also appear that these residential properties have been seriously neglected and, the Design and Conservation departments support for the change to office use is seen primarily as a way of preventing further erosion of these rare and unique properties within the city rather than fully endorsing the Change of Use application. As part of safeguarding Durham City's Railway heritage this application should be refused and the properties completely refurbished by the University and, they should continue to provide much needed housing in this corner of Elvet for either local residents or university staff. Thank you".*

The Chair thanked the Senior Committee Services Officer and asked the Planning Officer, JJ to speak in respect of the points raised within the statement.

The Planning Officer, JJ reiterated that the application was for a change of use to office buildings and regardless of other applications, the application must be determined on its own merits. She added that the area was already in mixed use, and that the site was well related to other University offices as well as student accommodation. She noted that in respect of the concerns raised regarding the current state of the properties, the reuse of the building would help in terms of their maintenance and upkeep and no external alterations were proposed and would not prevent their reversion to residential use at a later date. The Planning Officer, JJ noted while there would be merit in retaining the properties as dwellings, the application for change of use was deemed as being acceptable and there were not solid grounds for refusing the application on the basis of loss of housing. She added that as regards bus stops, while there may not be bus stops on Old Elvet, there were bus stops on New Elvet, just under 500m away. She noted parking issues were discussed within the Committee report and that there was a number of methods of accessing the site including walking and cycling and that the reuse as offices did not impact upon the heritage value of the building.

Councillor A Gardner declared an interest, as an employee of Durham University.

The Chair asked the Committee for their comments and questions on the application.

Councillor D Freeman noted he was a Local Member for Elvet and Gilesgate and that he had a lot of sympathy with the objection letter that was read out on behalf of the Residents' Association covering the main points why the proposals were an unsatisfactory application. He noted his concern was the loss of four domestic properties, with those properties having been occupied relatively recently, within the last few years. He noted the University was claiming no one wanted to live there now, though he believed this was largely down to the actions of Durham University in letting the properties run down to a state where University staff would not want to live there. He added that the properties were only metres away from other, non-student, residential properties and were not simply four student properties surrounded by office blocks, rather it was part of a residential street if one was to include the student properties. He added that the properties were the last remaining relics of what was Elvet Railway Station, the buildings being originally cottages for railway workers and therefore there was a historic reason for preserving the properties for residential use. He noted the historic environment of Durham was not just the Cathedral and Castle, it included the industrial heritage, with Durham once having three railway stations all within close distance to each other. He reiterated that he felt there was an argument to preserve the buildings for their original use as residential properties. Councillor D Freeman noted he found it difficult to see any benefits to the application, rather it was further damage by the University who he felt had a history of causing many of the problems his city experienced today. He agreed with residents in their suggestion that the University should invest in the houses which would then allow University staff to live in the city centre rather than moving out because they cannot find a house within the city as they are full of students. Councillor D Freeman noted the Residents' Association had raised Part 16 of the NPPF and saved Local Plan Policy H2 and he added he felt the application was contrary to those policies.

The Solicitor – Planning and Development noted that Councillor A Gardner had declared a pecuniary interest and therefore would need to leave the meeting. The Senior Committee Services Officer noted he could remove Councillor A Gardner from the meeting and re-invite him once the item had been determined.

*Councillor A Gardner left the meeting at 10.40am*

Councillor B Coult asked for clarification regarding the floor layout and were there going to be doors to allow for movement internally between the properties. The Planning Officer, JJ noted that this was not the case and all the properties would be accessed by their own individual external access, with the internal walls remaining to separate the buildings.



Councillor P Taylor noted with sadness the stark contrast between old properties and the new buildings and agreed with the comments from Councillor D Freeman and the comments from Mr A Hayton on behalf of the Residents' Association. He noted the beautiful looking railway cottages surrounded by the corporate cloak, enveloping rest of the area. He also added that he felt it was difficult to make a case against the application, with the Planning Officer, JJ being right in the points she had made, and he felt that any refusal would not be sustainable at appeal. He reiterated that he felt very saddened and he wished that the University would have proper participation within communities and play their part and do something nice for a change.

Councillor J Robinson asked for clarification as regards paragraph 35 onward of the report, noting the University had mentioned in their statement they could not afford to repair the houses, however, they would be able to afford to convert them to offices and then back to residential properties afterwards. He asked would it be possible to condition the office use for a temporary period of one year for example.

The Solicitor – Planning and Development noted that it would be very difficult to impose that type of condition, the Planning Officer having assessed the application on the basis of a permanent change to office accommodation, if there were any doubts about the impacts such that a trial period was required to assess the impacts, then in those circumstances a temporary or time-limited permission may be appropriate, however, that was not the situation and therefore he did not believe there was justification for a temporary permission.

Councillor J Shuttleworth noted he agreed with both Councillors D Freeman and P Taylor. He added the University appeared to get whatever they asked for from the Council and he felt residents within the city were sick of it. Noting an example being what he considered to be a monstrosity of a building on Durham Road, off Hallgarth Street, with residents from that area being up in arms as regards that development around 10 years ago.

The Chair noted she had a question as regards paragraph 17 of the report which referred to NPPF Part 16 - Conserving and enhancing the historic environment and asked whether there was anything the Committee could add, in similar terms to the blue plaques that are attached to buildings of significant historical value in this particular instance, referencing the historic railway use. The Planning Officer, JJ noted it could be suggested, however, she did not feel it would not be a requirement through condition.

The Solicitor – Planning and Development noted he agreed with the Planning Officer, JJ and that if it was something the Committee wished to be communicated to the University as Applicant then that could be done, purely as an encouragement. The Chair noted she understood that it would be a suggestion, rather than condition.

Councillor J Maitland noted that paragraph 35 of the report noted “temporary office use” and asked if the University could sell the properties as offices to a third party and whether there was anything the Council could do in that case in terms of reverting the properties back to residential use. The Solicitor – Planning and Development noted that he did not feel there could be a requirement for the properties to be changed back to residential use in the future, and in any case that change of use back would itself require planning permission, should the change of use to office use be successful. He added that the University could sell the properties as office use, however, that was not an issue for the Committee.

Councillor P Taylor noted he wished to support the comments of the Chair and he would wish for the Council’s Design and Conservation Team to be bold in terms of protecting buildings within Durham City at all costs and the comments that the proposals would have a “neutral effect”. He added that while the façade may remain unchanged, there would be an effect, the buildings were becoming offices and it represented another loss of residential properties within the city.

The Solicitor – Planning and Development noted a minor correction to what he had said, in that there would be some permitted development rights for conversion from office use back to residential use, subject to a prior approval regime, so the Council would have some element of control, however, not total control.

Councillor M Davinson noted that, while it may not be an application that he or the Committee liked, he felt that from the information provided by Officers, the application was technically appropriate and therefore he would propose approval in line with the Officer’s recommendation. Councillor J Maitland seconded the motion for approval.

The Chair noted for a comment to be included to encourage the University to work with the Design and Conservation Section in future.

## **RESOLVED**

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

*Councillor A Gardner entered the meeting at 10.57am*

**c DM/20/00340/FPA - 1A - 1F Victoria Terrace, Durham, DH1 4RW**

The Planning Officer, Lisa Morina, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for alteration of existing building to provide increased/reconfigured living accommodation to 6 apartments (use class C3) including conservatory to gable elevation (revised scheme) and was recommended for approval subject to conditions.

The Planning Officer, LM explained there were several updates to the report including, similarly to the previous application, the site was within the City of Durham Neighbourhood Plan area and therefore weight would need to be given to the policies contained within the draft plan, namely policies: S1 – Sustainability, H2 – Development within the Conservation Area; D6 – extensions; and T1 and T2 relating to transport and parking. She noted that the application was considered to be consistent with those policies. It was explained that the City of Durham Parish Council had, since the publication of the report, withdrawn their objections, following the amendment to the application, to be discussed further within the presentation. She asked Members to note that some comments from objectors related to the potential for a house in multiple occupation (HMO), however, the application was for householder alterations only, not for change of use from C3 to C4 use and therefore the application had not been assessed as a HMO application. She added that the property was located within the Article 4 Direction area and therefore there was the ability to control use should an application for C4 use be submitted.

The Planning Officer, LM referred to aerial photographs and location plans and noted the property was unlisted and located within the City of Durham Conservation Area. She noted historic maps showed that the property was built in between 1860-1894 and it, along with the other properties along Victoria Terrace and Albert Street were considered to be the finest examples in Durham of planned domestic architecture. She noted the application was for reconfigured living accommodation under the C3 use class, with an external fire escape to be removed from the front elevation and for a conservatory to the side elevation to replace the remains of previous development. She added that replacement windows were also proposed. She added that the application was requested for consideration by Committee at the request of the City of Durham Parish Council on the basis of objections relating to design and use class issues. She reiterated that those objections had been withdrawn following amendments to the application.

The Planning Officer, LM noted the original application had included a two-storey extension to the rear, withdrawn by the Applicant in relation to the impact upon residential amenity for the neighbouring properties. She added that there was a parking area on the original application, this too being removed by the Applicant in terms of the impact upon the Conservation Area and protected trees. Members were asked to note the current and proposed layouts for each floor within the property, for a total increase of 5 bedrooms across all floors.

The Planning Officer, LM noted no objections from the Highways Section as the application was within a controlled parking area and the Design and Conservation Team noting a neutral impact in terms of the Conservation Area. She added the Ecology Section and Tree Officers offered no objections, subject to conditions.

In terms of representations, the Committee were asked to note there had been three letters of objection from residents and the City of Durham Trust, with concerns including the total number of bedrooms, external alterations – relating to the withdrawn element, the car parking area – again removed from the application; a lack of pre-application discussions; and a lack of details relating to whether the application was for C3 or C4 use. She added there was support for the removal of the fire escape and tidying up of the property. Following re-consultation, subsequent to the removal of the extension and car parking elements, the City of Durham Trust submitted additional comments welcoming removal of those elements, however, reiterating their concern in terms of HMO status and the increase in bedroom space on general residential amenity. She noted that the City of Durham Trust also asked for the consideration of some additional conditions relating to the garden, steps and trees should the application be approved.

The Planning Officer, LM noted that the principle of the development was set out within the report and reiterated there had been no objections from Officer consultees subject to conditions. She concluded noting that, as the application was felt to meet all the necessary policies within the NPPF, Local Plan and requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the application was recommended for approval.

The Chair thanked the Planning Officer, LM and noted Mr John White, Agent for the Applicant was in attendance to speak on behalf of the Applicant in support of the application.

Mr J White thanked the Chair and Committee and noted the Applicant had recently acquired the property and it had not been in a good state of repair and had been unsympathetically altered over a significant period of time.

He noted the brief in preparing the proposals for refurbishment were to restore the property to its former glory whilst increasing its marketability and desirability to potential tenants. He added it was hoped the development would have a significant positive effect on the building, setting, the local area and the wider Conservation Area. He noted issues to be considered included removal of the fire escape, replacement of the unsympathetic windows with painted timber windows, a timber conservatory in a period style in the location where one had been previously situated, and internal alterations to allow for the removal of the external fire escape and increase marketability. He noted this would allow for repair and restoration of the paving, steps and garden which would improve the wider environment and Conservation Area. He added proposed alterations would allow direct access from the ground floor flats to the garden, allowing better use of that space. He noted that throughout the process it had been noted the property was occupied by a mix of families and professionals and that this would be how the property would be marketed and the use would remain as C3. He reiterated there was no desire from the Applicant to change the use class, and as mentioned by the Case Officer the property was within the Article 4 area and therefore would be controlled by the Committee should that ever be required, though he reiterated there was no desire from his Client to seek a change of use. He concluded by noting the intention was for the property to remain for use by families and professionals, with the proposals to increase the revenue from the property to allow for repairs and refurbishment and to maintain the property for the future.

The Chair thanked Mr J White and asked the Committee for their comments and questions.

Councillor J Shuttleworth noted he felt it was a very simple decision for Committee and he proposed approval. Councillor P Taylor noted he warmly welcomed the application and seconded the application while giving appreciation to Mr J White and the Applicant, adding it was nice to see an Applicant listening to the concerns of residents and making changes to an application so that it would fit in sympathetically within the city

Councillor D Freeman noted he too welcomed the revised application, adding he would have opposed the application in its original form. He echoed the comments of Councillor P Taylor and emphasised that improvements to the garden would be greatly appreciated, would very much enhance the property and potential income for the owner and therefore he too supported the application.

## **RESOLVED**

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