

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 9 March 2021** at **9.30 am**

Present:

Councillor J Clark (Chair)

Members of the Committee:

Councillors D Brown, K Corrigan, K Hawley, S Iveson, A Laing (Vice-Chair), R Manchester and A Simpson (substitute for B Coult)

Also Present:

Councillors L Hovvels and M McKeon

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane, B Coult, M Davinson, D Freeman, J Robinson, J Shuttleworth and P Taylor.

2 Substitute Members

Councillor A Simpson substituted for Councillor B Coult.

3 Minutes

The minutes of the meeting held on 12 January 2021 were confirmed as a correct record by the Committee and would be signed by the Chair.

4 Declarations of Interest

Councillor K Hawley declared a personal and prejudicial interest in Item 5a - DM/20/0346/FPA - Hillrise House, 13 Durham Road West, Bowburn and withdrew from the meeting during the consideration thereon.

Councillor K Hawley left the meeting at 9.33am

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

a DM/20/03406/FPA - Hillrise House, 13 Durham Road West, Bowburn, Durham, DH6 5AU

The Principal Planning Officer, Alan Dobie, 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 to replace conservatory with single storey extension, replace pitched roofs of rear extensions with flat roof, replace windows, apply render to ground floor front elevation, install electric gate to side, increase height of side boundary wall, replace felt hanging tiles with cladding between windows to front elevation and install security shutter (Part Retrospective) (amended description) and was recommended for approval subject to conditions.

The Principal Planning Officer referred Members to slides relating to the application site location and photographs of various views of the site. He explained that some works were retrospective, and some works were yet to be completed. He asked Members to note photographs showing the front elevation of the property prior to works and after, highlighting differing brick types used during previous alterations and tiled cladding above and below the bay windows. It was added the current position included cleaned up brickwork at the first floor level, with grey render applied at the ground floor. He noted the windows had new grey frames and the cladding between the windows had been renewed.

In respect of the side elevation, the Principal Planning Officer noted before and after photographs, noting signage from the previous use as a guest house having been replaced with new signage for the funeral business, which had been subject to a separate planning permission.

The Committee were asked to note photographs showing the current rear and rear and side elevations of the property, with the conservatory visible at the rear and the electric gate to the side. The Principal Planning Officer noted the disjointed appearance, as a result of the extensions and alterations that had taken place over time, adding the application sought to rationalise the position.

Members were referred to slides showing the frontage of several nearby properties which had a render finish, as concerns had been raised as to whether render was a suitable finish for the front of the application property.

The Principal Planning Officer noted the slides demonstrated that a render finish was not uncommon in the area, with two properties on the opposite side of the main road, one on the corner across the side lane, and with three further along the main road. He explained as regards variation in material, with some having pebbledash, some plain render, with a majority being red brick. He added this showed there was not consistency in terms of the type of finish used in the area.

The Committee were shown current and proposed elevations, showing the variations in roof line and the extensions that had been added over time. The Principal Planning Officer noted that the proposed elevations highlighted the retrospective elements and the proposed works, primarily within the rear yard area and demonstrated the rationalisation and tidying of the roof lines.

In respect of consultation responses, it was noted that the Highways Section had offered no objections to the proposals. The Principal Planning Officer noted the comments received from Cassop-cum-Quarrington Parish Council, with points raised including the works not being treated as retrospective, and that while the works had been carried out to a high standard, the Parish Council did not consider that they were in keeping with the nearby Conservation Area. He added that the Design and Conservation Officer had offered no objections to the application.

The Committee noted there had been one letter of representation received and four letters of objection to the application, with a more detailed summary of the comments set out within the report. It was noted that concerns and objections included: objectors not being notified of the change of use application resulting in a lack of confidence in the planning process; that previous concerns had not been addressed – highway congestion in the side lane; use of the building as function rooms for up to 35 people; operation of a mortuary and preparation room; how odours and waste would be handled, were the chapels to be used as chapels of function rooms with catering; applicants intending no trade waste, were there to be no preparation of the deceased on site or no food waste created; the proposed roof plan showed access to the yard, it was not clear if that was for access or congregation which could result in noise; and that insufficient information had been submitted with the application.

The Principal Planning Officer noted the issues were fully addressed within the report. He explained that established planning procedure was that any residents commenting on an application were not notified of an outcome, it was the responsibility of an individual to check on the outcome, with the correspondence sent to those commenting on planning applications advising individuals of that. He noted the other points raised referred to the previous change of use planning application and could not be taken into account when considering the current application.

The Committee noted representations had noted that: the neighbour notification letter had not stated the application was part retrospective and the website had; it was unclear as to which parts of the application were retrospective and two separate applications would have indicated that; there had been objections to the previous application in respect of parking, with parking being poor since that approval; there were concerns in changing the pitched roof to a flat roof; and the development should not overhang the highway, with one of the roofs appearing to fall to the highway.

The Principal Planning Officer noted the first point was rectified as a further consultation process had taken place, and that it was felt it was reasonable to deal with the matter as a joint application, with all aspects given due consideration. He explained that parking was not relevant to the application being considered as it only referred to external works, however, Planning Officers had not received any complaints as regards the use since it had commenced in terms of parking or other issues. He noted the issues in terms of roof type, to be discussed later within the presentation, and roof overhang, with the latter having been addressed, all drainage now being into the yard.

The Principal Planning Officer noted that further objections had been received following the publication of the Committee report, and the objector asked that the concerns be put to Members. He noted concerns included: receipt of four notifications altogether, two of which mentioned part-retrospective, two did not, leading to some confusion; how the Committee would know which elements were retrospective and which were not as queries relating to this had no response and there had been no changes; and how the Committee could make a decision without the correct facts.

The Principal Planning Officer noted that he was not aware of the Case Officer having any direct contact from the objector in order to be able to advise on the queries. He added it was felt it was reasonable to assume that anyone living locally would have been aware of the works that had taken place and would have seen them in progress, though the Case Officer would always be available to answer queries as required. He noted that paragraph five of the report set out a list of the retrospective works and reiterated that the application itself was for the whole development, whether or not already completed, and would need to be assessed upon that basis. He added it made no difference to Officers' consideration of a proposal whether part of the scheme had already been completed. The Principal Planning Officer noted that while that was the case, retrospective applications were disappointing for Officers to receive and for Committee Members to have to determine where works had been undertaken within the relevant planning permission. He added that planning legislation did make provision for such applications and for works to be regularised if they were acceptable or be open to refusal if they were not acceptable.

In reference to the principle of development, the Principal Planning Officer noted the change of use from guest house to funeral directors was granted in June 2020. He noted the works proposed under the current application related to external alterations connected with the change of use. He added that these included: replacement of the conservatory with an extension; replacement of the various pitched roofs with one overall flat roof; replacement of windows; an increase to the boundary wall height; and render to the lower part of the front elevation. He explained the works that had taken place and were retrospective included the replacement windows, the render to the front elevation, and replacement of felt tiles with cladding.

The Committee were asked to note Officers felt that the alterations to the property, within a built up area, were acceptable in principle subject to consideration of detailed issues. The Principal Planning Officer noted the site was not within the Bowburn Conservation Area, rather was situated on the edge of it, across the road. Accordingly, the considerations were the character and appearance of the property itself and the potential impact upon the setting of the conservation area. He explained the Council's Design Officer had assessed those elements and provided comments to assist the Case Officer in consideration of the application. It had been noted that the front render, while not usually appropriate on a traditional red brick property, was considered acceptable by reason of covering up the mismatched brickwork on a prominent front elevation. The Principal Planning Officer added that the other examples of render within the vicinity, as demonstrated by the photographs within the presentation, meant that a render finish could not be described as out of keeping with the surroundings. He noted that for similar reasons it was not considered to adversely impact upon the setting of the Conservation Area.

The Principal Planning Officer noted that flat roofs would normally be discouraged as pointed out by objectors, however, given the variation of roof lines at the rear a flat roof was considered acceptable in this case, the proposals would rationalise and tidy the current arrangement resulting in a simplified and improved appearance to the rear and side elevations. He added the other works were to repair and upgrade the property and were considered acceptable.

Members were reminded that while the issue of highways safety had been raised by objectors, the current application was for external works only and had no direct implications for traffic movement other than vehicles associated with works being carried out. The Principal Planning Officer noted the issue of traffic relating to the use of the property was considered in association with the previous application and could not be reconsidered as part of the current scheme. He noted that Highways Officers offered no objections.

In relation to residential amenity, the Principal Planning Officer noted that in terms of neighbours' amenity the reduction in roof height to the extensions by the removal of pitched roofs and replacement with a flat roof would lessen the visual impact and also allow more light into the yard of the adjacent property. He added that other issues that had been raised had been fully addressed within the report and presentation.

The Principal Planning Officer reiterated that objectors were no longer notified of the outcome of a planning application, although it had formed part of the process some years ago, adding that the responsibility was with objectors to keep a check on an application. He explained that matters relating to the operational side of the funeral business were not relevant to the consideration of the application before Members which was for external changes only. He noted an objector had made reference to the original roof layout draining towards the external walls, possibly requiring guttering overhanging the highway. The Principal Planning Officer reiterated that the issue had been raised with the applicant and addressed through a revised design and submission of an amended plan, resolving the issue with all parts of the building draining into the site.

The Principal Planning Officer noted the principle of development was considered to be acceptable, with the external changes proposed not being considered to have adverse impact upon the setting of the Conservation Area or current levels of residential and visual amenity around the site itself. He explained that there were no highways objections and the proposal was considered to not detrimentally impact the character or appearance of the area. He added it was felt that the application met the requirements of the National Planning Policy Framework (NPPF) and relevant local plan policies. He noted that the objections and concerns raised had been taken into account and addressed within the report and that, on balance, the concerns raised were not felt to be of sufficient weight to justify refusal of the application. He concluded that as some of the works were retrospective, it was standard practice to add an informative to any decision made, if approval was granted, to warn the applicant of the risks of applying retrospectively as that could lead to work having to be rectified and reinstated, in the hope that would avoid the situation happening again with the same applicant in the future.

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

Councillor M McKeon thanked the Chair and noted she had been contacted by Residents from the Durham Road West area, the area just behind the property subject to the application, as regards some concerns they had about the planning application.

She noted the concern shared was in respect of the electric gate and the arrangements for hearses and other vehicles to enter the yard, where it stated the cargo would be unloaded into the funeral directors. She explained she had concerns as regards there not being enough room for a hearse to manoeuvre, or indeed fit within the yard, and that there would not be sufficient space for the vehicles that were needed.

Councillor M McKeon explained that would mean vehicles, large hearses, parking regularly on the path which was a footpath which would become increasingly busy as the area behind Durham Road West was developed and more people used the footways to get into and out of the village. She added that part of the reason for concern was that Planning Officers had stated there had been no complaints in respect of parking since the permission had been granted for the change of use. She explained that was as a consequence of the nearby club not operating at its usual capacity, if operating at all, and similarly for the nearby the hairdressers as a result of current lockdown restrictions. She noted the hairdressers had needed to cordon off half of the seats within the salon and was operating at half capacity. Councillor M McKeon explained that meant if there was a parking issue, it would have not been detected so far and she added from personal experience of using the hairdressers that she was aware of congestion issues in that area. She added that while Officers noted those issues were issues for the previous application and not the current one, she had looked at the previous application and had not been able to find a detailed highways report that confirmed the data or argument from the Highways Section in respect of the impact of the previous application, or current application. She noted that the previous application had been granted during a time where it would not have been possible to undertake an effective parking survey due to lockdown, with a lot of traders that would normally have customers parking were not being able to trade. She added that while she saw some of the argument for not including the issue within the current and future applications relating to the property, she noted she must disagree as the difficult situation that everyone had been living with for a year had meant that a proper conversation around the issue had not taken place. She added she did not want the Committee to shut down that conversation as it could become pertinent to the village in the future.

Councillor M McKeon noted that the application was retrospective, adding that while that was not a reason to refuse an application, a number of retrospective applications were being received across her Electoral Division. She added that she, along with residents, Parish Councils, and community groups, were becoming more and more frustrated that work was taking place without residents being able to have a proper say through the planning process.

She understood that it was not a matter a Committee could act on as such, however, she noted that wherever possible Local Members should take a stand against retrospective applications particularly when in such a sensitive area, such as the key commercial area of a growing village such as Bowburn. She thanked the Committee for their time.

The Chair thanked Councillor M McKeon and asked Mr D Morgan to speak in objection to the application.

Mr D Morgan thanked the Chair and Councillor M McKeon, as she had noted many of the points he would wish to make. He reiterated that it was the case that the process in respect of the development had been impacted by COVID-19, adding he felt the constraints on businesses and communication had not been fully appreciated, and certainly not appreciated in the decision making in respect of the initial consent for a funeral home in June 2020, as the country emerged from lockdown.

He explained that residents, including himself, had made representations to the Planning Authority in respect of the application noting issues of: highway impact; amenity impact; noises and odours; and, at that time to a lesser extent, the impact on the Conservation Area. Mr D Morgan recognised that those concerns appeared to have been considered and had been dealt with in June 2020. He noted, concentrating on the application before Committee, that he, along with one other resident, had objected to the application. He added that such a facility for a funeral home was welcomed in the area, and any impacts alleged or otherwise that would be referred to were community impacts, not personal impacts on issues such as house prices. He noted Members would have seen from the maps displayed that there was a Working Men's Club in the area and that would not normally be conducive of increasing house values. He added that the funeral home per se was not an issue and never had been.

Mr D Morgan noted that paragraph six of the report made reference to the application being considered by Committee as the applicant was related to a Councillor. He added that, as far as he had been able to trace, such declaration had not been made in relation to the earlier decision process and therefore he felt there was a lack of consistency in terms of the process.

Mr D Morgan noted the highway issue that he wished to concentrate on was that of the installation of the electric gate, echoing the concerns of Councillor M McKeon in that long wheelbase vehicles would not be able to deliver the deceased to the establishment without obstructing the footway. He added that was clearly prejudicial to highway safety and also to wheelchair users and parents with children in pushchairs, they having to deviate onto the carriageway.

Mr D Morgan explained, in terms of the conservation impact, the Conservation Officer had noted no objections to the use of render on the property. He added that would give licence to other persons seeking to render properties within the Conservation Area and clearly devalue the protections to the wider community and impact the Committee in the future decision making relating to render within the Conservation Area. He noted that at paragraph 29 of the report, the applicant's statement noted there was no current parking problem. Mr D Morgan added that there would not be, for the reasons Councillor M McKeon had described, the trading situation being at least only 50 percent. He concluded by noting the pressure from a number of businesses in the area, competing for public parking space, with the funeral director business having no exclusive parking provision.

The Chair thanked Mr D Morgan and asked the Principal Planning Officer to respond to the issues raised.

The Principal Planning Officer noted that in respect of the electric gate and whether there was sufficient room to allow for a hearse to enter and manoeuvre, he noted the previous report referred to the issue and the Highways Officer had considered it was acceptable, acknowledging it was a tight space, with an electric gate perhaps helping to facilitate vehicles entering the yard. He reiterated that the issue had been considered during the change of use application and could not be revisited at this stage. He noted the concerns raised by the Local Member as regards not simply dismissing highways concerns, however, the change of use application had been determined and granted by the Council.

The Principal Planning Officer noted that retrospective applications were always of concern to Members and Officers, with people perhaps feeling matters were a foregone conclusion, however, he noted that was absolutely not the case. He added that while legislation allowed for the submission of retrospective applications, it required the Local Planning Authority to take into account all the relevant planning issues and if it was concluded that permission would not have been granted had the application been made prior to works, then permission ought to be refused. He explained there could be a compromise position, where some elements are deemed acceptable and some are not, and conditions could be applied to rectify certain issues. He reiterated that it was by no means the case that because works had been undertaken that Planners were fettered by that. The Principal Planning Officer noted that there was no punishment the Local Planning Authority could invoke in respect of a retrospective application, the process of retrospective application being to provide the opportunity to have works regularised, with Officers looking objectively at the appropriate planning considerations when considering such applications.

The Principal Planning Officer referred to the issues raised in respect of the render finish, he reiterated the issue had been fully addressed within the report and presentation. He noted the render was felt to be appropriate as there was a difference in the brickwork, as shown on the photograph within the presentation. He noted that there were also other examples of render used in the area and added that each application would be dealt with on a case-by-case basis. The Principal Planning Officer reiterated that the property was outside of the Conservation Area and therefore the considerations of the impacts were slightly less than if in the area. He noted as it was on the edge of the area, legislation required that consideration was given to the setting of the Conservation Area and whether it was significantly adversely affected. He noted that the Design Officer had concluded that was not the case and therefore it was not felt a refusal could be supported based upon the render finish.

The Principal Highways Development Management (DM) Engineer, David Battensby reiterated the comments of the Principal Planning Officer in respect of the previous change of use application having been dealt with and highways issues having been considered at that time. He added that it had been noted that the previous application had been for change of use from a guest house and that use would have had parking generated from use of that business. It had been noted that the amount of parking generated by a funeral business would likely be less than that generated by a guest house. He noted there had been discussions at that time with the applicant as regards visitors to the premises and it had been noted they would be by application and only be one visit allowed to each unit within the property.

In reference to the rear access for a hearse, the Principal DM Engineer explained it had been noted that the rear courtyard space available was approximately eight metres, with enquiries noting that the length of a hearse was six metres, therefore whilst tight, there was sufficient space to accommodate those vehicles. He added that the use of a roller shutter was more beneficial than gates that would require opening into the yard as they would have further reduced space. He reiterated the current application was for external works and that highways issues had been considered within the previous application.

The Chair thanked the Officers and asked if highways had felt that the measurements and turning angles for a hearse had been considered sufficient to be able to turn into the rear of the property. The Principal DM Engineer noted that was correct.

The Chair thanked the Principal DM Engineer and asked the Committee for their comments and questions.

Councillor A Laing asked if the size of the largest model hearse had been considered, noting such vehicles appeared to be very large nowadays. The Principal DM Engineer explained that the size was based upon the model use by the applicant for their business. Councillor A Laing noted vehicles would be replaced and therefore for future reference asked if it was known whether such vehicles could be larger than the six metres stated and whether a restriction could be placed in terms of vehicle size. The Principal DM Engineer reiterated that issue had been dealt with through the previous application and it would not be possible to place a restriction via the current application, however, six metres was the average size of such vehicles.

Councillor A Laing moved that the application be approved, she was seconded by Councillor S Iveson.

Upon a vote being taken it was:

RESOLVED

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

Councillor K Hawley entered the meeting at 10.20am

b DM/20/03621/FPA - Former Community Health Clinic, School House, Front Street, Wheatley Hill

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 for refurbishment into 5 individual self-contained flats and was recommended for approval subject to conditions.

The Planning Officer noted that since the publication of the Committee report, comments from Durham Constabulary had been received and she would update Members within her presentation.

The Planning Officer noted that the application was put forward by the County Durham Lettings Agency, which formed part of the Housing Solutions Team, and they were seeking permission for conversion of the existing health clinic into five flats. She referred Members to slides relating to the application site location and photographs of various views of the site.

She noted the site was within the defined commercial centre of Wheatley Hill, with several workshop units, located to the north-east. She added residential terraced properties were located to the west along Dennis Street. Members were asked to note the aerial photograph showed the large wooded area to the rear, with built development on the remaining three sides.

The Planning Officer referred to a photograph of the front elevation and noted the proposals would include the removal of the front curtain walling and two front doors and two windows would be inserted. She explained that the rear elevation photographs highlighted the vehicular access from Dennis Street and also razor wire and window security measures that would be removed under the proposals. Members were referred to a rear view from the property, showing the remainder of the site and the woodland beyond. The Planning Officer noted the gable elevation, facing Dennis Street, would be altered to include two new windows at the ground floor level. She referred to photographs that showed nearby empty properties, with two of four properties in the nearby terraced block being boarded up at the time of the photograph being taken. A final photograph showed the adjacent workshop as discussed.

The Planning Officer explained the site plan showed that the footprint of the building would remain unchanged, with resurfacing works proposed to the car park to the rear. She explained the main changes would include the addition of two doors and two windows to the front elevation and replacement of the curtain walling with matching render. She noted the proposed side elevation showed two new windows at ground floor level and doorway. She added there were no changes intended for the rear elevation or other side elevation.

The Committee were referred to proposed floorplans and the Planning Officer explained the ground floor showed the layout of three of the five flats, each having a separate bedroom from the main kitchen/living area. She noted the first floor plan showed the remaining two flats, with a separate kitchen/living area from the bedroom in each.

The Planning Officer noted statutory consultation responses included objections from Wheatley Hill Parish Council, their concerns including: the inappropriateness of the location to house homeless; already existing problems of anti-social behaviour in the area; future occupiers at risk of being vulnerable to problems in the area; future occupiers have complex needs and the area has no proper services to provide support; safeguarding of children and nearby schools; and the extent of the public consultation, the Parish Council noting a number of the nearest neighbours notified were empty properties. She noted the Highways Authority raised no objections to the application.

In reference to internal consultees, the Planning Officer explained there had been no objections from the Ecology Section and the Nuisance Action Team had raised no objections subject to noise mitigation measures to protect future occupiers from daytime business noise from the workshops.

The Planning Officer explained that late comments received from Durham Constabulary stated: *“Having full strategic oversight of the project and its purpose, Durham Constabulary support the development. It is noted there are pockets of Anti-Social Behaviour in and around the locality, but it is deemed that Durham Constabulary and partners will manage this as we do in many different locations. That fact does not deter from the probative value of having this building brought back into service to act as accommodation for those deemed appropriate by Durham County Council”*.

The Committee were asked to note two letters of objection had been received, the Planning Officer explaining the concerns raised included: the extent of the consultation; the impact on the nearby community centre and service users, new occupants of the flats may bring additional pressure and footfall of existing users to the site; assurances were sought that proper safeguarding policies and procedures would be in place for effective day-to-day management; and the ongoing anti-social behaviour in the area.

The Planning Officer noted the in terms of the principle of development, the proposals were felt to be in line with Policy 6 of the County Durham Plan (CDP) relating to undeveloped sites and the site was in a central sustainable location, with access to services and transport links. She noted there would be no loss of service as a replacement health centre had already been built and the derelict building, which was prone to vandalism, would be brought back in use. While there had been concerns raised by objectors in terms of the proposed use and its location, it was highlighted that there were limits to the extent of control that could be afforded through the planning system in respect of future occupiers. It was added that the applicant was notified of the issues raised and had provided clarity in terms of likely tenancy at the flats, confirming that the accommodation was to meet the needs of people at risk or homelessness as defined under the Housing Act 1985 which had a broader definition than just “rough sleepers”. The Planning Officer noted the applicant had confirmed that there was no greater likelihood that clients would have complex needs or a criminal record than any other tenant. She added it had been further clarified that the properties would be managed by the County Durham Lettings Agency, a department within Housing Solutions at the Council, and they would vet and manage all future tenants and provide a range of support services.

The Planning Officer noted the five flats proposed met the criteria of Policy 6 and the proposed C3 use was deemed acceptable.

The Committee were asked to note that the scheme was considered to have a positive impact upon the character and appearance of the area as it would bring a derelict building back into use. It was explained Officers felt that there would be no negative impact upon existing surrounding occupiers based upon residential occupancy of the building and that the noise mitigation measures required due to the neighbouring workshop units could be secured via condition. The Planning Officer added that all the flats met the national criteria in respect of space standards and two of the flats would be Disability Discrimination Act compliant. It was reiterated that there had been no objections raised by Officers in terms of highway safety or parking.

Members were asked to note in respect of the extent of the consultation, it had exceeded the requirements as set out within the development management procedure order and the other points highlighted as part of the consultation process had formed part of the consideration, however, had not been deemed sufficient grounds for refusal of the application as they would be limits to planning control that could be applied to future occupancy of the flats.

The Planning Officer concluded by reiterating the proposals were compliant with Policy 6 of the CDP, noting Paragraph 11 of the NPPF required that proposals in accord with an up-to-date development plan were approved without delay and therefore the application was recommended for approval subject to the conditions as set out within the report.

The Chair thanked the Planning Officer and asked Parish Councillor Jake Miller, Chair of Wheatley Hill Parish Council, to speak in objection to the application.

Parish Councillor J Miller thanked the Chair and Committee and noted he would be presenting a statement that had been unanimously agreed by all Members of the Parish Council and he would be speaking on behalf of both the Parish Council and residents that had raised concerns. He noted that he wished to make it known that the comments from the Police referred to today at Committee were amended comments and that on Wednesday, 3 March the Crime Prevention Unit had published a comment on the Planning Portal stating that they had serious concerns with the proposed development. He noted, however, the statement was only available for a short period of time before it was taken down and replaced by a statement of support from DCI Blakelock. He added that the Parish Council was surprised that a DCI had commented upon such an application. He noted the Parish Council had conversations with Police Officers who had stressed their concerns about the development and the Parish Council found it odd that such a U-turn had occurred within a short period of time.

Parish Councillor J Miller noted the objections of Wheatley Hill Parish Council were two-fold. He explained that the objections were not to a homelessness provision within the village, adding he had himself worked within the homelessness sector for some time and therefore understood how high the need was for more homelessness services. He added that to provide such services should be a top priority for all Local Authorities every year, not just during a pandemic.

Parish Councillor J Miller explained the first objection was to the proposed location, the Front Street in Wheatley Hill rife with anti-social behaviour. He added that the Parish Council was constantly receiving complaints as regards the level anti-social behaviour in that area and the damage being caused to surrounding homes and properties. He added that there were also complaints as regards the length of time it took Police to respond to such incidents. He noted the Parish Council regularly received complaints as regards youths causing damage in the area, with Arriva making contact with the Parish Council to explain they would no longer be operating in the area in the evenings as a result of anti-social behaviour. He added that it had included stones being thrown at passing vehicles including busses, with one incident where a driver was hit and required medical attention. Parish Councillor J Miller noted the local MP had become involved with the issue last year, after receiving a number of complaints from residents about such behaviour. He added that since then two site visits had taken place with himself, County Councillor L Hovvets, the Police, Street Wardens, the Fire Service and Durham County Council representatives. He explained this had been to discuss the problems that had occurred at the street behind the Front Street, Black Lane, and to discuss how action could be taken to tackle the issues. Other examples of issues in the area included vandalism to the community centre vehicle, the vehicle being used to deliver meals on wheels to elderly residents in the area. He added that without the quick reactions of volunteers on that day, meals would have not been delivered for some time, adding the community centre was located around the corner from the proposed development.

Parish Councillor J Miller explained the village Co-op store was located just along from the proposed development and recently the store had been trashed, and thefts had occurred on a number of occasions, with a theft also occurring at the funeral home next door in addition. As a result of the anti-social behaviour and crime in the area, it was noted the Parish Council had recently asked Durham Constabulary to look into issuing dispersal orders to those involved in order to tackle the level of anti-social behaviour. He explained that it was for those reasons that the Parish Council felt that placing the proposed provision within the centre of such issues would not only place tenants at risk of becoming victims of such anti-social behaviour, but would also put them at risk of becoming involved in addition.

He noted that it was important to protect everyone involved, not just those living there or committing crime.

Parish Councillor J Miller noted he had witnessed first-hand how easy it was for vulnerable people to become involved with things they may not have become involved with, had they not been vulnerable. He added he appreciated the comments from the Council's Housing Manager, Marion Rucker as regards clients not having complex needs, however, he noted that an individual did not have to have complex needs to be enticed into behaviour by a group of people, they just needed to be in the wrong place at the wrong time, adding the Front Street at Wheatley Hill was completely the wrong place. He explained that during community meetings, Durham County Council's Housing Team had reported, month after month, high levels of empty properties that they owned, struggling to be occupied. He added the Parish Council asked therefore whether it would not be better to invest the Government grant in those properties instead of renovating and converting an entire building.

Parish Councillor J Miller noted the Parish Council's second objection was as regards the consultation and planning process undertaken, adding the Parish felt the transparency of the process had been clouded and that the Parish had not been involved in the original conversations. He noted the Housing Manager had mentioned, within her supporting document, that Local Councillors were involved however Parish Councillors had not been involved, so it was assumed that had meant County Councillors. He reiterated that the Parish had not been notified and had not been included in those conversations. Parish Councillor J Miller noted that the application form did not mention the provision was for former rough sleepers or those at risk of homelessness, instead it was written in tiny font at the right-hand side of a document entitled "Proposed first floor plan". He added the Parish accepted that it was contained within the proposal section of a document entitled "Design and access statement", however, they questioned why it had not been set out within the proposals section of the application form itself. He noted that most people would check the application form and the Parish submitted that would have been more transparent to have included on the application and not on a plan of how the development would look.

Parish Councillor J Miller noted the Planning Portal stated that neighbouring properties were consulted on the proposals, however, he explained the Parish felt that consultation could not have been effective as, of the 21 residential properties included, only eight were occupied. He added that this meant 13 properties stood empty though were still involved in the consultation process.

He added that Councillors had been informed that those properties were now occupied, however, the consultation had commenced on 5 January 2021 and the Electoral Register from 3 December 2020 showed 13 empty properties. He noted this would indicate that the empty properties had been filled in just under one month, and over the festive period when many services would have been closed. He noted that after months of attending steering group meetings listening to report after report as regards the County Council struggling to fill such empty properties, it was now being stated that 13 properties had been filled in less than one month. He explained that of the 21 properties consulted one of them was School House, Front Street, Wheatley Hill, the property being considered for the proposed development, which meant that the County Council had consulted with a derelict building, which it owned, as regards a planning application they had made. He noted this had not made sense to the Parish Council and had made it question the transparency of such an application. Parish Councillor J Miller added that the Housing Manager had noted that the appropriate consultation had taken place as the flats proposed were not a specialist provision, however, within the third paragraph of the document it states "tenants will be offered housing management support in terms of paying bills, maintaining property standards and linking clients into employability opportunities". He asked whether that was not specialist provision.

Parish Councillor J Miller reiterated that the Parish Council was by no means in objection to homelessness provision within Wheatley Hill, adding there were a number of areas and streets where such provision would be better suited, somewhere quiet, somewhere with less anti-social behaviour problems and somewhere where former rough sleepers or those at risk of becoming homeless would be able to enjoy living. He added that listening to youths throwing stones through windows or at buses, vandalising shop fronts and houses, and verbally abusing residents as they walked past was not an environment that he would consider enjoyable. He noted it was not somewhere where a former rough sleeper should be housed. Parish Councillor J Miller concluded by noting it was upon the objections he had set out that Wheatley Hill Parish Council objected, and continued to object, to the planning application and asked the Committee to refuse the application.

The Chair thanked Parish Councillor J Miller and asked Local Member, Councillor L Hovvels to speak in relation to the application.

Councillor L Hovvels thanked the Chair, Committee and Officers and noted it was only the second time she had felt the need to attend Committee to speak on a planning matter relating to her Electoral Division in the 10 years she had been a County Councillor.

Councillor L Hovvels noted she was representing the people of Wheatley Hill, providing a voice for the residents who felt they had not been consulted and felt that their opinions had not been taken into account. She reiterated the points made as regards the empty properties in the area, the bulk of which she noted had been empty for a very long time. She recalled the visit by the MP John Healy, around two years ago when looking at selective licensing and explained locally such visits had continued with multi-agency walkabouts, bring organisations together to try to address the issues in the area. She noted the photographs of Dennis Street had shown two of the four properties in the street as being boarded up and added she would be very pleased if those issues were addressed and the empty properties were brought back into use, especially as those properties backed on to aged miners bungalows that were being developed.

Councillor L Hovvels echoed the comments of Parish Councillor J Miller in agreeing there was a need for provision for vulnerable and homeless people to live, however, she explained that they needed to be safe and there was a duty of care to those individuals. She added that she felt that not all of those factors were being taken into account when looking at the application.

Councillor L Hovvels noted that she felt the application was rushed and linked to the funding attracted to the scheme and reiterated that a conversation with the local residents of Wheatley Hill had not taken place. She noted that NPPF Part 8, as referred to at paragraph 11 of the Committee report, referred to "*Promoting healthy and safe communities*" adding that was an area Members should look at, in terms of "*Local Planning Authorities should plan positively for the provision and use of shared space and community facilities*". She noted she believed such provision required wider consultation with the community, adding notices in the street would not be effective, as a consequence of the COVID-19 pandemic people were not outside looking for notices. She continued by noting that NPPF Part 8 stated "*Developments should be safe and accessible*" adding it was not felt the area was a safe place to accommodate vulnerable people. Councillor L Hovvels noted the high levels of crime and anti-social behaviour in the area, with the Police and other agencies and Council staff openly admitting the issues. She noted that all were familiar with the area and had a duty of care to vulnerable people. She noted NPPF Part 8 also stated "*An integrated approach to considering the location of housing, economic uses and services should be adopted*". Councillor L Hovvels noted that the Crime Prevention Unit had made representations and they had been taken off from the Planning Portal quite quickly, on one day and off the next. She noted they had expressed concerns and emphasised that they provided advice to those seeking such advice on crime prevention.

Councillor L Hovvels explained she had a copy of the representation that had been made and correspondence in relation to the application and the timescales in respect of funding and works required to commence on or before 31 March. She added she was interested in Wheatley Hill becoming a better place, a safer place, and she did not believe that the proposal would enable that to happen. She explained she felt it would add to problems that were being dealt with and she hoped that the Committee, having heard the concerns of the residents, would reject the application on the grounds it was not in accord with NPPF Paragraph 8 - promoting healthy and safe communities.

The Chair thanked Councillor L Hovvels and asked the Planning Officer to respond to the points raised.

In respect of the Police statement, the Planning Officer noted that the original statement was received on 3 March and it had remained public throughout the process, it had not been removed, and the subsequent response received on 5 March was also made public. She noted Officers understood the situation in respect of anti-social behaviour, however, she reiterated that the application was for the conversion of the building to five flats, and therefore did not fall within any other policy other than Policy 6, reiterating Officers felt that it was in accord with policy. The Planning Officer noted that the application was presented as the refurbishment of a building into five flats and the specifics in relation to occupiers of the flats was not an issue that could be controlled in planning terms and therefore would be difficult to put forward as a refusal reason. She noted the applicant had clarified the management process and therefore the issue would be for Committee to consider. In terms of the consultation process, the Planning Officer noted that Planning had gone over and above what was normally required, with a wider than usual consultation with residents surrounding the site. She acknowledged the point raised as regards site notice, however, she explained that weekly planning lists were circulated, and this would likely have been where the Parish Council would have noted the application.

The Chair thanked the Planning Officer and asked the Housing Manager, M Rucker, representing the Council as applicant, to speak in support of the application.

The Housing Manager thanked the Chair and noted for clarification that the scheme was the development of five flats within the building for those as defined under the Housing Act 1985, adding the Act had a very broad remit. She noted representations had referred to vulnerable people, complex people, and rough sleepers, however the Housing Act covered any person that becomes homeless. She explained that could be a person leaving home needing their first own home or a person going through a relationship breakdown and requiring a place to live.

The Housing Manager noted occupiers would not be vulnerable and complex, adding the Council had other housing schemes that it had developed across the county for such individuals and it would be inappropriate to house those individuals in a development such as that proposed for Wheatley Hill. She explained that was a benefit of Housing Solutions managing the scheme, the team being able to know at all times who would be occupying the flats. She added that the team would gather a lot of background information as regards an individual when they contacted the Housing solution service and therefore, they would be able to allocate the flats appropriately.

In reference to consultations, the Housing Manager noted discussions in relation to notices going to empty properties. She explained that the owners of those empty properties had the right to be consulted and comment on the proposals. She noted in respect of scheme, that it was to help with housing across the county, adding that currently there were no available properties in the east of the county and there was a shortage in terms of the provision of both flats and accessible flats for those with disabilities. The Housing Manager noted the building had been identified a few years ago as being suitable and the Council had been working to secure funding to develop a scheme. She noted there were associated time constraints linked to the funding, as there would be with any such funding schemes, and she reiterated that the proposals were to bring the building back into use for five flats, and to manage those flats effectively. The Housing Manager explained the flats would be for use by general people who had been through the homelessness service, not for people with complex needs or vulnerabilities, the Council having other suitable accommodation such as the complex needs facility opened on 1 February elsewhere in the county.

The Housing Manager explained that tenancy support services were offered to anyone that came through the Housing Solutions service, and she noted this was what was referred to within her response. She explained that the service saw many users come back as a consequence of being unable to manage bills, set up direct debits, or claim benefits which they were entitled to and therefore the support was offered via Officers within her team to any user that needed such help to maintain their tenancy. She added the support and management offered was in the best interests of all and would help prevent users with a tenancy crisis representing to the service in the future, the long-term goal in respect of tackling homelessness within the county.

In reference to remarks as regards potential criminal backgrounds of individuals to be housed at the property, the Housing Manager explained that they would be subject to Police checks and the service worked very closely with the Police and would continue to do so.

She reiterated that the flats would be effectively managed and that the service already managed a number of properties across the county effectively, with a 100 percent success rate in managing tenancies, with tenants being settled within communities with no issues. She added the proposals were an opportunity to provide regeneration as part of the first works within the area, alongside other work in respect of selective licensing and empty homes in Wheatley Hill and the east coast area of the county.

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

Councillor A Laing noted reference to “regular visits” and asked how regular those visits were and whether there would be any age limit, or starting age, that would be required for tenants of the flats. She noted that the owners of the empty properties would have likely not seen the letter that had been delivered as part of the consultation. She asked if the Police checks referred to would highlight issues such as drug misuse.

The Housing Manager noted the age for a tenancy was 18 years old or over, though there would be consideration in terms of who else was living within the area and within the flats and there would be a balance. She added that the process was part of the overall management policies as the Lettings Agency. She noted that levels of contact would depend upon the needs of the individual, however, at least 3-4 visits per week, with routine during the pandemic having been to telephone tenants daily. In respect of Police checks, the Housing Manager noted it would depend upon the response from the Police, however, if the Council was aware of certain issues then the Council would look to avoid putting individuals with certain issues in areas with those issues.

Councillor D Brown noted the apparent overlap between planning regulations and social issues, or issues with anti-social behaviour, and asked for some advice from the Solicitor – Planning and Development, Neil Carter on what weight could be afforded to the issues raised in terms of possible refusal of the application.

The Solicitor – Planning and Development noted that the application was for C3 residential use and, as stated by the Planning Officer, Policy 6 was the relevant policy, containing a number of criteria. He added that generally the planning system would look as regards uses of land or buildings rather than the particular individuals that may occupy a property. However, he noted that issues of anti-social behaviour and the fear of anti-social behaviour and crime were potentially material planning considerations.

He noted the difficulty in respect of the application, in terms of the query from Councillor D Brown regards refusal, was that the Police did not support a refusal reason based upon exacerbation of an existing anti-social behaviour or crime and disorder issue. He noted the most recent consultation response from the Police, their amended response, made it clear that there were existing pockets of anti-social behaviour, however, they made it clear they did not see bringing the property back into use as exacerbating that issue. He added that it could be suggested that it could be of benefit in respect of that issue as, once a property is brought back into use, there would be less chance that property would generate the sort of anti-social behaviour that was associated with empty properties.

The Solicitor – Planning and Development concluded by noting that, in terms of framing a refusal reason around the reason of anti-social behaviour and crime and disorder, it would be very difficult for Members to come up with reason around those issues that would be sustainable upon appeal, predominately as there was not the support from the Police for such a reason.

The Chair thanked the Solicitor – Planning and Development and asked whether the flats would be used a short-term measure for those tenants in order to develop their confidence prior to moving on to other providers. She also asked whether potential tenants could come from anywhere within the county, and therefore be unaware of the area or situation. The Chair asked if the building was currently on the Council's asset register and listed for sale and whether, if the property were to be sold and a similar scheme came forward from a private developer, would there be potentially be less safeguards than the currently proposed Council scheme.

The Housing Manager noted that occupants would be allowed to remain at the property for up to three years, the Council having to protect itself against right-to-buy through non-secure tenancies agreements, managed through the Lettings Agency. She noted the support work that took place with Social Providers to help those people find longer-term accommodation. She explained that it would be hoped to take individuals from the east of the county to the proposed scheme, it was not intended to move people from other parts of the county. The Housing Manager added she believed that people needed to be their local area and in many cases the homeless offer from the Council had to be within a certain area that the individual had chosen, generally close to where they live and where possible properties were reserved for those local to the area. In respect of the property, the Housing Manager noted it was on the Council's asset register and therefore there was a possibility of it being sold, adding it one of a number of properties Housing Solutions were working through across the county.

Councillor A Laing noted she was disappointed, in terms of the response the question raised by Councillor D Brown relating to potential refusal reasons. She noted Councillor L Hovvels had mentioned NPPF Part 8, however, on consideration of the advice given by the Solicitor – Planning and Development, she would move that the application be approved. Councillor D Brown seconded the motion for approval.

Upon a vote being taken it was:

RESOLVED

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