

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Special Meeting of **Area Planning Committee (Central and East)** held in the **Council Chamber, County Hall, Durham** on **Monday 25 September 2023** at **1.30 pm**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), L Brown, J Elmer, L A Holmes, D McKenna, R Manchester and K Robson

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, I Cochrane, S Deinali, C Kay, K Shaw and A Surtees.

2 Substitute Members

There were no Substitute Members.

3 Declarations of Interest

Councillor D McKenna declared an interest in Item 4a, noting he was Local Member and explained he would speak in objection to the application and leave the meeting during the consideration thereof.

Councillor L Brown, in relation to Item 4b, noted she was a Member of the City of Durham Parish Council, however, she was not a member of their Planning Committee and had not had any input into their submission in objection to applications on the agenda. She added that she was a member of the City of Durham Trust, however she was not a Trustee and had not been party to their submissions in objection to applications on the agenda.

The Chair, Councillor D Freeman, in relation to Item 4b, noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not had any input into their submission in objection to applications on the agenda.

He added that he was a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection to applications on the agenda.

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

a DM/22/00039/FPA - Land to the east of The Meadows, Seaton, SR7 0QB

The Senior Planning Officer, George Spurgeon gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was a full planning application for the development of 75no. new homes (Use Class C3) including affordable homes and associated access, landscaping and infrastructure and was recommended for refusal, for the reasons set out in the report.

The Senior Planning Officer asked Members to note some updates following the publication of the agenda pack. He explained that an updated air quality report had been supplied and reviewed by the Council's Environmental Health Team and consequently they had withdrawn their objection. He noted that therefore refusal reason 4 would be removed. It was noted that the applicant had submitted over the weekend, prior to Committee, an indicative site plan which included some details relating to parking. The Senior Planning Officer explained that Officers had not had sufficient time to consider the details submitted, however, he noted that even if the details were satisfactory and refusal reason 3 could be removed, the recommendation would still be for refusal, with reasons 1 and 2 being the most fundamental. He asked that, if Members were minded to refuse the application, that Officers be given delegated authority in terms of the inclusion of refusal reason 3, after considering the indicative site plan supplied by the applicant. The Senior Planning Officer noted that paragraph 158 referred to Landscape Plan (g), he noted that the latest revision was (i).

The Chair thanked the Senior Planning Officer and asked the Chair of Seaton with Slingley Parish Council, Parish Councillor Alyson Slater to speak on behalf of the Parish Council in objection to the application. Parish Councillor A Slater explained that she was Chair of Seaton with Slingley Parish Council and resident of the area for 70 years.

She noted that the Parish Council would wish for the application to be refused and added that, as the local Council with the 'feet on the ground', they understood the residents feeling very well. She explained that the land in question was a very attractive piece of land, with a great deal of wildlife in the area, including deer, as well as other uses including agriculture.

Parish Councillor A Slater noted that the proposed access via The Meadows was too narrow and that the B1404 leading to the proposed access was also very narrow. She added that residents were very concerned as regards the speed of the traffic along that road, as well as traffic often being backed up which would be exacerbated by the proposals.

Parish Councillor A Slater explained that the area was rural and unique and noted that the property designs for the proposed development were 'bog standard' and did not fit in with existing dwellings in the area. She noted that Seaham already had a number of developments that were ongoing.

Parish Councillor A Slater added that bus services in the area were unreliable, with no service on Sundays and only operating 8.00 until 18:00 the rest of the week. In relation to the local sewers, she explained the system was overloaded and noted two holding systems that were in place, adding that adding more would be inappropriate and could compromise the system.

Parish Councillor A Slater explained that there was no desire for the proposed residential development and noted that there were many other more suitable sites for such volume builds. She added that the proposals would represent a blight on the small community and noted the spirit of the community should be protected. She concluded by noting that the Parish Council would ask that the application be refused.

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

Councillor D McKenna thanked the Chair and Committee and acknowledged the significant amount of work by residents and the Parish Council to protect the fabric of their village, clearly in opposition to the proposals. He explained that Avant appeared to be looking for maximum profit, irrespective of the damage it would cause. He noted that while the number of properties proposed had reduced from 106 to 75, residents were still opposed to the plans in terms of the lack of requisite infrastructure, poor transport links, overdevelopment of the site and the proposed access being too narrow. He added that, if approved, road safety would be compromised. He concluded by explaining that the development was unwanted, unsuitable and unsafe and therefore he would ask that the Committee refuse the application.

Councillor D McKenna left the meeting at 1.53pm

The Chair asked Helen Golightly, Local Resident, to speak in relation to the application.

H Golightly explained that she had been a local resident for 30 years and had raised two children while living in the village. She emphasised that it was a rural village, separated from Seaham by the A19 and surrounded on all sides by countryside and noted that residents welcomed the recommendation for refusal from Officers. She noted that residents objected to the application for several reasons, noting they agreed that the application was contrary to County Durham Plan (CDP) Policies 6 and 10. She added that the settlement strategy focussed on new development and wider access to services and noted this was very limited in Seaton, with only two public houses and a community centre. H Golightly explained that therefore the application was contrary to the CDP as it did not meet the needs of those potential additional residents and would make them primarily reliant upon a car, contrary to CDP Policy 29. She added she felt the application was significant development, disproportionate in size, and therefore the unsustainable location was also in conflict with National Planning Policy Framework (NPPF), Paragraph 105 and the Spatial Strategy of the Council. She noted that the proposed house types did not reflect the style of the properties at The Meadows and were also not well related, contrary to Policy 6. H Golightly noted that the site was an important landscape buffer with the A19, and the land also represented a gap between the village and Seaham nearby. She explained that the Hawthorn to Ryhope public right of way was very visible from the site and the development of the site would impact on the character and setting and openness, contrary to CDP Policies 6(c), 10(l) and (o) and 39, as stated in the Officer's report.

H Golightly noted that there were also concerns as regards transport safety, as noted by the Highways Section, with the 4.5-metre-wide access through The Meadows into the site being less than the 4.8 metres required. She added the footway was also insufficient and only on one side. She explained that there was a poor proposed layout, and there were issues with drivers and heightened risks, contrary to Policies 6(f), 10(q) and 21 of the CDP and Section 1 of the NPPF. She noted that the land was unallocated land within the development plan and the Council was able to provide sufficient housing for five years.

She noted that residents would urge that Member refuse the application, and she thanked the Officers for their comments as regards the additional information provided in terms of the proposed layout, and in noting the main refusal reasons being those set out at reasons 1 and 2 within the report.

The Chair thanked H Golightly and asked Richard Newsome, Agent for the applicant, to speak in support of the application.

R Newsome noted that Avant North East welcomed the update from Officers withdrawing refusal recommendation 4, noting that the applicant had put right the issues that had been raised. He noted disappointment in that the verbal update was that recommendation was still for refusal, and noted that given the limited time available, he would ask Members to look at the updated position reasonably. He explained that in terms of the scale, the original proposals were for 106 properties, and this had been reduced by 30 percent to 75 properties. He added that there was open space to the north and east of around 1.58 hectares, with a play area and planting, and area equivalent to 11.5 football pitches. R Newsome explained that the proposals represented a 60.9 percent biodiversity net gain, much greater than the 10 percent required under the Environment Act or the CDP.

He noted that Avant had been very positive in terms listening to feedback from Council Officers when meeting as regards the development and changes to the design and character appraisals had been produced, including the submitted computer generated images. He noted Avant had asked for a further design review meeting, however, this had been declined. He added that the access proposed was in fact suitable, and similar to many other applications that had been before Committee before. He added that while it was a decent walking distance away from some facilities, around 550 metres away at nearby Seaham, a reasonable distance with a safe and appropriate route. He noted that the Highways Section had requested an internal road layout 25 August, and this had provided limited time for a response to be produced, with an indicative plan having been produced and submitted for consideration. He asked, therefore, that the application be deferred, to allow the Developer, Avant, to come back with an update to address the points raised.

The Chair thanked R Newsome and asked the Senior Planning Officer to address the points raised by the Speakers.

The Senior Planning Officer noted that whilst the 30 percent reduction in properties, from 106 to 75, referred to by R Newsome was correct, prior to the application being submitted officers had provided advice to a pre-application enquiry submitted in November 2020 for 78 properties.

He noted that Officers had explained to the applicant that 78 at that time represented a development that was too dense and Officers had noted that a significant reduction, from 78, was required as it was considered that 78 dwellings would 'not be in keeping with adjacent development or in keeping with edge of settlement development'.

The Senior Planning Officer noted that 75 properties represented only 3 properties fewer than 78, not a 30 percent reduction. He noted the applicant had carried out a character appraisal and a design and access statement. He added that the proposal was an edge of settlement development, not an infill development, and that the density proposed far exceeded the density of the adjoining The Meadows, contrary to the submitted Design and Access Statement which acknowledged that housing density typically disperses from the centre and as it moves outwards. Therefore, Officers could not agree with the interpretation within the Applicant's submissions.

In respect of an enhanced design review, the Senior Planning Officer noted that this was not a compulsory review, similar to pre-planning advice, and explained there would be a fee for such a review. He noted that from the dialogue in terms of the impact of the proposed scheme when looking at CDP Policy 29 and looking at the 'Building for Life' Supplementary Planning Document, there were a number of 'red' scores, in part indicating that the proposals were too dense. He added that advice at the pre-application stage had been that the proposals had been too dense, with the submitted scheme showing that the applicant had not been willing to reduce the density sufficiently. The Senior Planning Officer noted that accordingly, the applicant was advised that there was little value in going through the enhanced design review process as it would have simply been taking a fee from the applicant to reiterate that the scheme was too dense, as stated at the pre-application stage.

In terms of sustainability and walking distances, the vast majority of services were greater than 400 metres away, with national guidance stating that when greater than 400 metres, people were not likely to walk, and would use other modes of transport. He added that it was desirable to have 'straight' walking routes, with those that were winding being less desirable, putting people off from walking. The Senior Planning Officer noted that the 'Planning for Walking 2015' stating that 'pedestrians prefer to see where they are heading'. He noted that therefore with no direct route to the bus stop, potential residents would likely rely upon use of a private car. In terms of the services at Seaham, the Senior Planning Officer noted they were at what was considered to be at or in excess of an upper threshold of what could be considered a reasonable distance to walk for access to services.

The Senior Planning Officer explained that residents had an independent consultant carry out a speed survey, with the result being the 85th percentile travelling at speeds greater than the 30mph limit. He added there was no crossing in place, and no footpath on the eastern side of the highway for the first 45 metres going into The Meadows.

The Senior Planning Officer noted that the applicant's Agent had asked Members to defer the application, however, Officers would reiterate that they were confident in recommending refusal based on Reasons 1 and 2 as set out in the report and that Officers and the applicant disagree in terms of the density of development suitable for the site. He added the application, in this form, had been submitted in January 2022 and whether the Highway issues were or were not insurmountable, it was still felt that the application was contrary to Policy such Officers would recommend refusal, based upon Reasons 1 and 2 set out in the report.

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

Councillor L Brown noted she was disappointed as regards late information being submitted, this not helping Officers or Members. She asked if the ten 'red' on the 'Building for Life' SPD was still the current score. The Senior Planning Officer noted that there were scores of 10 red, 1 amber and 1 green, with the amber being a drainage issue that had moved from red to amber. Councillor L Brown noted that one or more red would be sufficient for refusal unless there were other significant issues to mitigate, however, she would hear what other Committee Members had to say on the application before she made a decision.

Councillor R Manchester asked what level of density would be deemed to be acceptable for the proposed site. The Senior Planning Officer noted that it was difficult to give an exact number as each proposal was different, however, 75 was not close and there would need to be a lot less properties and a different layout. He reiterated that the initial number had been 78 properties and Officers had explained that was too many, with the reduction of 3 to 75 not being sufficient. Councillor R Manchester noted that he had taken from the Officer's response that it was not an application that could be made acceptable by 'tinkering around at the edges'. The Senior Planning Officer noted the refusal proposed by Officers was still the position, even subsequent to the deferral proposal from the Applicant.

Councillor J Elmer noted he concurred with the assessment of the area in terms of its character, being a small, linear, rural village. He noted that The Meadows itself was the 'new estate' and had already impacted upon the village. He noted that the proposed very large addition did not appear to relate well to the rest of the village.

He added that there would be impact in terms of loss of agricultural land and on the countryside. Councillor J Elmer noted the 'marginal pass' in terms of Highways and the 4.5 metre width and asked for some clarity in terms of policy. He noted his concerns in terms of creating car dependency as the bus services were not regular and with limited services within Seaton, residents must have a car.

Councillor J Elmer explained he would be happy to propose refusal of the application, on Refusal Reasons 1 and 2, with Officers having delegated authority to include Reason 3, if having considered the late submission Officers still felt it would apply.

The Senior Planning Officer noted that the access available via The Meadows would be around 4.7 to 4.8 metres wide, and therefore did not meet the current 4.8 metre requirements, with new requirements that were not yet in effect to be 5.5 metres.

Councillor K Robson noted he agreed with the points raised by Councillor J Elmer and added that on the site visit it was clear that there would be significant disruption in terms of any development on that site. The Senior Planning Officer agreed, however, noted that should any development be approved, the Committee could impose a Construction Management Plan (CMP) by condition, to control construction traffic and safety. He noted that element would not be grounds for refusal in itself.

Councillor L Brown noted she had not attended the site visit, however, she agreed with the comments from Councillor J Elmer and seconded that the application be refused on Refusal Reasons 1 and 2, with delegated authority as regards the inclusion of Refusal Reason 3.

Councillor D Oliver noted that he had attended the site visit and he noted that he was more comfortable with the setting of the application than perhaps other Committee Members. However, his concern was the proposed access. He noted discussions when on the site visit in terms of why other access options were not possible and thought it may be useful if Officers explained that for the benefit of the Committee. He also noted he would be interested on any comments from the applicant in terms of mitigating issues raised, in terms of density and access. The Senior Planning Officer noted that the vehicular access was, as proposed, via The Meadows and noted that initially there would have been an additional pedestrian access, however, there had been concerns raised by Durham Constabulary as regards to the proposed footpath not being overlooked. He added that ultimately Officers did not support the application and the only way to mitigate the issues raised would be to significantly reduce the density of housing.

The Chair noted that there had been a motion for refusal by Councillor J Elmer, seconded by Councillor L Brown. He added he did not feel the need to hear further from the applicant in terms of density, they had set out their case in their statement and could come back with a new application should they wish. Councillor D Oliver noted he felt at the moment that, given the scale and concerns in relation to the access, the application was not right for the site.

Upon a vote being taken, it was:

RESOLVED

That the application be **REFUSED**, as per Refusal Reasons 1 and 2 as set out in the recommendation within the report, with delegated authority in relation to the inclusion of Refusal Reason 3 as appropriate.

Councillor D McKenna entered the meeting at 2.28pm

b DM/23/00241/FPA - 24 Nevilledale Terrace, Durham, DH1 4QG

The Principal 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 change of use from 6 bed dwellinghouse to 2no. 2 bed flats and was recommended for approval, subject to the conditions as set out within the report.

The Chair thanked the Principal Planning Officer and asked Parish Councillor Grenville Holland, representing the City of Durham Parish Council, to speak in relation to the application.

Parish Councillor G Holland explained that, once again, Members were facing the dilemma surrounding student accommodation. He reminded Members that, two weeks ago, they had been considering applications from outside the city centre. He noted that at Committee today, Members were looking at the very heart of our city, which was already saturated with Houses in Multiple Occupation (HMOs). He added that the city certainly needed no more HMOs, and the Committee therefore must decide if yet further saturation was merited, with the Parish Council believing that it was not.

He noted that the particular property in the application had been a problem for some considerable time, as the residents would explain during their opportunity to address the Committee.

He explained that various attempts had been made by the applicant to convert the family home into an HMO. He noted that those attempts had been refused and, on two occasions, the applicant had taken the matter to Appeal, losing on both occasions and for good reason.

Parish Councillor G Holland noted that yet, throughout that period, the applicant had continued to rent the property.

He added that indeed, not so long ago, it was found that 24 Nevilledale Terrace had become what was described as “a large cannabis farm” run by a group of Albanian tenants, much to the excitement of the Police and the despair of the local residents. He suggested that the incident may offer an insight into the applicant’s rather relaxed management style, which, as Members would recall, was also seen recently at 1 Larches Road and 41 Fieldhouse Lane.

Parish Councillor G Holland noted the Officer’s report compiled evidence in support of the applicant, however, set against that were the real experiences of the residents living there, the real impact on their lives in an area crowded with HMOs and with the general conduct of such a large gathering of students in their midst. He noted that everyone agreed that there was no room for any more HMOs at this locality, which explains why HMOs were now appearing en masse in the areas bordering the city centre.

Parish Councillor G Holland asked, faced with that situation, how an applicant could create yet another student house on Nevilledale Terrace? He noted that one way would be to split your property into C3 flats and bypass the C4 planning barrier. He added that the pretence offered was that those flats were desirable and would somehow be occupied by serious students who had taken a vow of silence, or for the flats to even be occupied by upwardly mobile young professionals leading a monastic life. Parish Councillor G Holland noted that idyll would not be the outcome, and everyone knows it. He added that furthermore, residents believed, based on experience, that the property, once out of sight and with minor internal modifications, could simply become another HMO.

Parish Councillor G Holland explained that the reasons to refuse the application were embedded a group of environmental policies stretching from the NPPF to the Durham City Neighbourhood Plan (DCNP). He noted he had discussed those in much greater detail two weeks ago and would not repeat them, however, the central and consistent theme of all of those important policies was that development must “*add to the overall quality of the area*”. He added that experience had shown that these HMOs and their artificial affiliations do the opposite. He noted that the reasons for refusal were also embedded in Policy 16.2, Paragraphs (a), (b), (c), (e), and (g), all outlined within the Officer’s report.

Parish Councillor G Holland noted that, as Durham University’s own figures already showed, the need for additional student accommodation in Durham City, as claimed by the applicant, did not exist and the application therefore failed to satisfy Policy 16.2 Paragraph (a).

He added that concerning Paragraph (b), the applicant's planning statement simply disregarded that requirement by stating "*The proposals relate to the provision of 2 No. flats and, as such, it is not considered that formal consultation with the relevant education provider is proportionate in this instance.*"

Parish Councillor G Holland noted that, when correctly read, Policy 16.2(b) was blind to the size of the scheme in question, and it was clear that consultation was required, and it was not up to the applicant to disregard that requirement within the Policy. He noted there has been no formal consultation, as required, and the application therefore failed Policy 16.2 Paragraph (b).

In relation to Paragraph (c), although the small-scale nature of the proposal would not give rise to any measurable negative impacts on the wider commercial position of the city, Parish Councillor G Holland explained that planning permission at Committee today would set a dangerous precedent and encourage similar applications elsewhere. He added that indeed there was already another application in the pipeline nearby. He noted that the applicant had also failed to demonstrate compliance with Paragraphs (e) and (g) of Policy 16.2 and DCNP Policy S1(m). Parish Councillor G Holland explained that both policies had already been seen as relevant by Appeal Inspectors in terms of amenity impacts, and, as one Inspector put it, detrimental to the "*quality of life and community cohesion for surrounding residents in contravention of Policy 16, 29 and 31 of the County Durham Plan and paragraphs 92 and 130 of the National Planning Policy Framework.*"

Parish Councillor G Holland concluded by noting the Parish Council believed that the application would set a dangerous precedent and failed to address any of the key points relating to access and amenity, and it was in clear conflict with aspects of CDP Policies 16, 29 and 31 and DCNP Policies S1 and H3 and that the latest attempt to turn this particular C3 dwellinghouse into a pseudo-C4 dwelling should again be refused.

The Chair thanked Parish Councillor G Holland and asked Joan Adams, local resident, to speak in respect of the application.

J Adams thanked the Chair and explained she was a resident of Nevilledale Terrace. She emphasised that the proposals undermined the stated aim of the city's housing policy, which was to create sustainable and inclusive communities.

She added that the applicant was an investment landlord with a track record of poor property management and had provided no credible, independent evidence in support of the development.

J Adams explained she felt the application was a cynical and artificial device to get around existing policies set up to promote and protect mixed communities. She noted that Nevilledale had 36 other houses, of which only three house young families, with 15 being student lets. She added that meant 41 percent were short-term, transient tenants who made little contribution to the social mix and harmony of the area. She noted that residents already had the usual problems of noise, parking, rubbish and vermin associated with such short-term tenants. She reiterated that there was a need for family houses to be retained, for people who wanted to commit to the community, to sustain it and grow it.

J Adams noted that the owner of 24 Nevilledale had already demonstrated a cavalier attitude to being a landlord and in following essential planning procedures. She added that the house had been converted, without permission, from a four-bed family home to a six-bed rental and had consistently housed an unauthorised number of tenants. She suggested that the most significant demonstration of the arm's-length management style by the owner was that the house had been used as a cannabis farm. She noted that further supported residents' doubts about the effectiveness of the management of the property.

J Adams concluded by noting that the proposed flats would bring no benefit to Nevilledale Terrace, with no one having spoken in favour of the conversion, the house was still a potential family home and residents urged this Committee to protect it for families of the future.

The Chair thanked J Adams and asked R Cornwell to speak in respect of the application.

R Cornwell noted he was representing the City of Durham Trust and the local residents' association and that the comments from Parish Councillor G Holland and J Adams were fully endorsed by other residents and the City of Durham Trust.

He explained that a letter from the Trust challenged the Committee report and drew attention to essential documents missing from the Planning Portal, sent last Thursday, only uploaded to the Portal the morning of Committee. He added that after that letter was submitted, the missing documents were uploaded by substituting a 17-page document for a five page one. He noted that the publication date on the Portal was not changed, nor were consultees given the courtesy of a message to say that it had been done, so consultees were unaware. He added it could only be called underhand at best. R Cornwell noted he had a quick look at the new evidence, and he saw that all the testimonies had been selected by the applicant from amongst her own tenants past and present.

He noted that this was not clear from Paragraph 56 of the report before Members and demonstrates why objectors were right to insist on seeing that evidence.

R Cornwell referred to the question of supposed need for the development and noted that residents and the Trust agreed with the conclusion in Paragraph 46 of the report which stated that the application should be assessed against CDP Policy 16.2, as student accommodation. He added that Paragraph 53 gave figures provided by Durham University, however, they relate to the previous academic year. He noted that at a meeting of Durham University / Residents Forum, held last week, the senior University representative present told residents that the number of students in the coming academic year had now become clear and would be around 800 fewer than in the previous year. He added that furthermore, a number of recent planning permissions, approved by the Committee, had increased the future supply of student accommodation, including at William Robson House and the former Apollo Bingo site. He added those were in addition to the approval by the County Planning Committee, at its meeting held 2 May 2023, for an 850-bed scheme at Mount Oswald, 1,207 beds in total.

R Cornwell noted that the reduction in student numbers this year, and the increase in future supply provided sufficient headroom that the applicant noted was desirable. He noted that what the applicant called 'headroom' were in fact properties standing empty that could be used as family homes. He reiterated that the conclusion within Paragraph 58 of the Officer's report relied too much on statements made by the applicant, without taking an independent view. He added that the need for more student accommodation had not been established, and that was a requirement of CDP Policy 16.2. he concluded by noting that, along with the other points made by the previous speakers, the point he had raised made an irrefutable case for Members to refuse the application.

The Chair thanked R Cornwell and asked Officers to comment on the points raised by the speakers, including in terms of the information placed on the Planning Portal.

The Principal Planning Officer noted the concerns raised with regards missing documents, however, clarified that when the information had been submitted, it contained personal information, which required that support officers undertake a lot of work to ensure that all personal information was redacted. The full document contained 17 pages, but the last 12 contained personal information, whilst the first five were suitable for publishing.

Once the personal information within the document had been redacted, the full 17 pages were made public on the Public Access system. She further clarified that the information had been available over the weekend in advance of the Planning Committee, and the Parish Council would have had access to the document for consideration prior to Committee. She noted that the applicant had been providing evidence to back up her case in terms of the need for this type of accommodation. She added that Officers had assessed the evidence and felt that the application met the requirements of Policy 16 both qualitatively and quantitatively. She noted the proposals were not necessarily for students, and reiterated Officers felt the submissions addressed the requirements of Policy 16.

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

Councillor L Brown noted she had thought she might propose deferral on material grounds, in reference to Paragraph 50, 51 of the report, however, there had been updates and explanation provided. She noted she felt it should have been highlighted as regards the changes on the Portal. Councillor L Brown noted that the application at 4 North End had been similar, for two two-bed flats, and had been refused on delegated authority on Policy 16. She noted that therefore there should be consistency and felt the application before Committee should have been recommended for refusal. She asked as regards the proposed bin storage, was it expected that residents would walk all the way around the street to get bins to the other side, or rather would they simply be placed to the front of number 24. She asked as it was new development, would there be parking permits issued, understanding that for development after 2000, permits were not issued.

The Principal Planning Officer explained that, in reference to 4 North End, each application was looked at on its own merits, and that case was different to that before Members at Committee it that in that case, the applicant had failed to set out the case whereas in this instance Officer felt the applicant had. In terms of bins, it was accepted that there were issues, however, they were not felt to be insurmountable, and there was a condition as regards full details relating to waste, providing an option of enforcement in future should conditions not be complied with. In terms of parking permits, she would defer to Highways colleagues if required, however, it was her understanding that the applicant was providing one space within the property, via the garage, and another being on-street through an existing permit. She reiterated that refusal on highways grounds would not be put forward given the highly sustainable location.

Councillor J Elmer noted he was quite frustrated, with the application appearing to be an attempt by an experienced applicant to circumvent Policy 16, and to have an HMO that had been refused, approved by other means. He added he felt that this was a weakness in policy and asked questions for the future, however, it would not be to look to Policy 16 to refuse the application. He added that he felt that Members may feel that the application was contrary to Policy 31 in terms of amenity and pollution, especially following decisions at the previous Committee. He noted those refusals had not sought to use Policy 16, rather had focused on other policies in terms of the impact on amenity, noise and the number of issues raised by large numbers of students in a high-density area, noise, disturbance, litter, those being real problems for residents. He noted that view was absolutely consistent with those recent decisions, and therefore he would propose refusal of the application, it being contrary to Policy 31, with the impact of the large density of student lets on amenity and pollution, as well as the need to maintain balance in terms of providing family homes.

Councillor D Oliver noted he acknowledged the points made by the speakers and Members, however, he had some anxiety in terms of overturning the Officer's recommendation, given the limited explanation of how it was felt to be contrary to policy. The Chair noted he too felt that the applicant was looking to circumvent policy, however, he too was finding it difficult to see grounds sufficient to sustain refusal, adding in terms of impact upon amenity, the proposals effectively reduced the number of residents from six to four. Councillor J Elmer noted that would make the property currently an unauthorised HMO. The Principal Planning Officer noted that if there was an unauthorised use as an HMO, that was an issue Planning Officers could look at in terms of enforcement action. She noted the Chair was correct in that a reduction from six to four residents would not represent the same level of concern or impact on residential amenity. Councillor L Brown noted that until Enforcement found out as regards the actual situation, the application represented an additional four adults.

Councillor LA Holmes noted he felt similar to Councillor D Oliver, in that he was struggling to find material planning grounds on which to refuse the application, there being a need for such accommodation for young professionals, he therefore moved approval, as per the Officer's recommendation.

Councillor L Brown noted that statements from Estate Agents were that students wanted these properties, she added she would second Councillor J Elmer's proposal for refusal, with the application being contrary to Policy 31.

The Chair noted that while the applicant was a well-known student landlord, one could not say who would ultimately rent and live in the property.

The Principal Planning Officer checked whether Councillors J Elmer and L Brown wished to refuse the application on the basis of whether they felt a sufficient case for need was demonstrated. They said they did not wish to refuse on these grounds. They were further queried whether the application be refused due to being contrary to Policy 31 in terms of the impact upon residential amenity. They acknowledged that they agreed with this. Councillor D Oliver noted he would second the proposal for approval made by Councillor LA Holmes.

It was noted the motion for refusal had been put and seconded first, therefore that motion would be put first.

Upon a vote being taken, it was:

RESOLVED

That the application be **REFUSED** as the change of use of the property to 2no. 2bed flats would be attractive for student occupation and would therefore have an adverse impact upon the amenity of existing residents through increased noise, disturbance, anti-social behaviour and pollution, due to the property being located in an area with a high concentration of student occupied HMOs, contrary to the aims of Policy 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.