

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 9 April 2024** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), L Brown, S Deinali, J Elmer, P Jopling, D McKenna and R Manchester

Also Present:

Councillors J Blakey and G Hutchinson

1 Apologies for Absence

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

2 Substitute Members

There were no Substitute Members.

3 Minutes

The minutes of the meeting held on 13 February 2024 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

Councillor L Brown, in relation to Items 5b and 5c, 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 Items 5b and 5c, 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.

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

a DM/23/02164/FPA - Croxdale and Hett Working Mens Club and Institute, Front Street East, Croxdale, Durham, DH6 5HX

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 Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use and extension to rear of the former workingmen's club (Sui-Generis) to assisted living accommodation (C2) for 16- to 18-year-olds and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted the application was for a maximum of 10 16–18-year-olds, and noted the property was two-storey, mid-terraced and was four parking bays wide at the front. She noted previous alterations which were considered insensitive, would be addressed as part of the application. It was explained there would be five parking spaces, and all rooms were compliant with nationally described space standards (NDSS). The Principal Planning Officer noted that there had been no objections from internal consultees, or Durham Constabulary, with objections having been received from Croxdale and Hett Parish Council, along with 48 letter of objection, and two further e-mails in objection subsequent to the publishing of the Committee papers. Members noted a summary of the objections was contained within the agenda papers, with the two further e-mails referring to a number of issues including: lack of GP/healthcare provision; the area being linked to a number of suicides and the potential impact on vulnerable young people; lack of nearby services, activities associated with the nearby public house; crime statistics; that there was already another children's home within 200 metres, would be all male, and close location to the local park.

The Principal Planning Officer noted the existing care home was around 500 metres away, beyond the settlement boundary and was not intended to be for all male residents. She noted the Council's Children and Young People's Directorate had supported the proposals, and it had been noted there would be no impact on residential amenity, with the young people to be housed being of 'low level need'. She noted there was a condition in respect of a detailed management plan for the facility, to be agreed by the Authority prior to occupation. The Principal Planning Officer concluded by noting that the application was considered to be in line with the County Durham Plan (CDP) and National Planning Policy Framework (NPPF) and explained as regards a recent Ministerial Statement from May 2023, which noted that Local Planning Authorities should support applications that provided appropriate accommodation for Looked After Children in their areas. She reiterated the support from the Council's Children and Young People's Directorate, adding there would be a 'Durham first' approach in terms of accommodating young people from the county. She concluded by noting the application was recommended for approval, subject to the conditions set out within the report.

The Chair thanked the Principal Planning Officer and asked Parish Councillor Ian Clarke, representing Croxdale and Hett Parish Council, to speak in relation to the application.

Parish Councillor I Clarke noted that the Parish Council were strongly opposed to the application, believing that it would lead to an unbalanced community. He added the Parish felt there was not sufficient information as regards the 24-hour support that would be in place, and there were no social activities for the age range proposed within the village. He noted there was a potential for an increase in anti-social behaviour, an increase in traffic to the back road, and added there had been community engagement prior to the application being submitted.

Parish Councillor I Clarke explained that the Parish Council had not objected to the previous care home application, 21 June 2021. He added that there appeared to be some inconsistencies within the report, with lack of clarity in terms of remote or on-site tracking, and whether the young people were to be of 'low need', as set out at paragraph 45 or 'low to medium' as set out later in the report. It was noted that there was no guarantee in terms of Ofsted, and indeed it was not clear who would be the actual provider.

Parish Councillor I Clarke explained that Croxdale was a small village of only 854 residents, split into effectively two smaller areas by the A167. He noted that the former Croxdale Inn now housed homeless people and those leaving prison, adding that the village was already not large enough to accommodate that facility and the existing children's home. He added that around a quarter of all residents were over 65, and an additional 10 young people at the proposed home would make them the majority of young people in the village.

He added that not all parishioners were able to access the information on the Council's website, and it was felt this was exclusionary and marginalised the elderly residents of the village. He emphasised that the Parish Council would not allow parishioners to become prisoners within their own homes.

Parish Councillor I Clarke reiterated that there had not been evidence that the health and recreational needs of any young people would be met, and noted that bus services to the village were limited after 6.00pm, there was only one shop that was limited in terms of goods, however, there were five licenced premises in the area. He noted the access route described was along an unadopted back road, with the activities associated with the proposal, the already poor condition could deteriorate further. He noted paragraph 30 of the report stated there would have been more traffic generated when the property had been operating as a Working Men's Club, however, the parish did not feel that was correct and that it would in fact be more from the proposed use as a children's home. He added that in terms of noise, the Parish also did not believe it would necessarily be less than that of the previous use.

Parish Councillor I Clarke concluded by asking the Committee to reject the application, based upon the residents' fear of crime and safeguarding young people from risk of exploitation, reiterating that while residents had supported the previous children's home, the application was simply too much for such a small village.

The Chair thanked Parish Councillor I Clarke and asked Councillor J Blakey, Local Member, to speak in respect of the application.

Councillor J Blakey reiterated the point that the previous application for a children's home had been welcomed and noted that in terms of Policy 18 – Access to Services, there was nothing in Croxdale for young people, and suggested they may struggle. She added her disappointment in terms of lack of response from the Police to consultation, having herself approached the Police to comment on the application. She noted the existing children's home, around 500 metres away from the application site, with vulnerable young people. She explained the proposals for additional children would add to the problems. She noted that there were already five children's homes within the electoral division and the issues with each all added up, with many children being from outside of County Durham, the issues being to the detriment to all residents.

Councillor J Blakey noted that to provide 24-hour support, one child required five support workers, therefore an additional 10 young people, there would be many more staff, including visits from social workers and others.

She added there was concern in terms of management, and noted a report in the early 2000s on looked after children and children's homes that had stated that larger children's homes were not the way forward, and that smaller 'home-like' properties provided a better environment.

Councillor J Blakey noted that should the application be granted, those in the room would not be impacted, however, it would impact upon the residents in Croxdale. She reiterated there was the halfway house within the village, as well as a number of vulnerable residents. She added that Croxdale was a small tightknit community and noted the new custody suite only half a mile along the main road, noting those released from there would make their way into the village as the first settlement they would encounter. She noted that the cost to the Council in terms of looked after children was phenomenal and added that the management plan should have been included with the application, to help avert residents' fears and concerns. She therefore asked the Committee to carefully consider the application and refuse the application on behalf of the local residents.

The Chair thanked Councillor J Blakey and asked Councillor G Hutchinson, Local Member, to speak in respect of the application.

Councillor G Hutchinson asked Members to consider the points already raised, and Councillor J Blakey's request to look very carefully at the application. He noted he would not normally speak at Committee, however, in this case he felt he must, based upon the strength of feeling from residents. In terms of the impact of vehicles attending the proposed care home, the previous use as a Working Men's Club, the majority would walk to the club, therefore if there were meetings with social workers on-site, there would be many more vehicles than in the past, and also there would not be sufficient parking for all involved. He noted the back road was in a poor state of repair, with numerous potholes, with his understanding that an emergency vehicle had been unable to get along that road and therefore would the application in fact be putting those young people at risk.

Councillor G Hutchinson noted the park opposite, with eight set of play equipment aimed at those aged 6-12 years old and asked where 16-19-year-old young people would go. He noted the local shop closed at 6.00pm, as the owner feared for their safety, adding there had been 26 incidents of violence, anti-social behaviour and burglary in the area. He explained that therefore there was a great worry in bringing young people into the village in that context. He reiterated that there was already an existing children's home in the area, and the additional young people proposed represented a safety concern.

He noted that 48 residents had written in objection to the application, a lot of those being older people, noting the number of people aged 7-8 in the areas was below the national average, and the village was an older community and therefore the Committee should consider the impact on the mental health of those older residents. He added that with the existing halfway house, private children's homes and nearby custody suite, there were already a number of worries for residents. He concluded by noting he hoped the Committee would consider the young people involved, the residents that would be impacted, especially the elderly, and refuse the application.

The Chair thanked Councillor G Hutchinson and asked Georgina Hollingsworth, who was speaking on behalf of local residents, to address the Committee.

G Hollingsworth noted that it was evident that the proposed children's home would be all male and added that residents felt that the location proposed represented a risk in terms of the mental health and wellbeing for residents and the young people, there being no facilities nearby in the village. She added that the other children's home housed four vulnerable young people, and the former Croxdale Inn had several ex-offenders, many of which had mental health and substance misuse issues, not a safe area for new young people to be housed. She added that the North East Ambulance Service, Tees, Esk and Wear Valley NHS Foundation Trust and Durham Constabulary regularly attended the former Croxdale Inn, which highlighted the ongoing issues with that facility.

G Hollingsworth noted that there was a fear for residents, and concerns for any young people to be housed in the proposed children's home, if not regulated. She added the proposals added to the village were not proportionate with its size and cited the fear of crime residents felt. She noted the 2021 approval for a children's home, less than 500 metres from the application site, also close to the halfway house as mentioned, with anti-social behaviour, drug misuse and dealing. She added that Public Health had referred to Croxdale as a high-risk area in terms of suicide and therefore was not a safe location for a children's home. She noted that around a quarter of all residents in Croxdale were over 65 years old.

G Hollingsworth explained that the report set out there had been no objections from the Highways Section, however, the unadopted back road was in a poor state of repair and the additional traffic would represent a negative impact on residents. She asked where the staff and visitors to the children's home would park, and also what impact would larger vehicles in connection with the construction phase would have on the unadopted back road. She highlighted the issue of emergency vehicles being able to access the rear, citing fire safety as a concern.

G Hollingsworth noted the fear of crime was a real concern and noted that the play area nearby was really only suitable for younger children, adding where would the older children from the proposed home go. She reiterated around a quarter of residents were older people and asked the Committee to refuse the application, based upon the residents' fear of crime, impact upon local community cohesion and the lack of demonstration of safeguarding for the proposed children's home, especially in the context of the nearby halfway house. She concluded by noting it was the wrong development in the wrong place.

The Chair thanked the speakers and asked the Principal Planning Officer to respond to the comments made.

The Principal Planning Officer noted that Durham Constabulary had been informed of the application and asked for their comments, she noted a locality risk assessment as regards the assisted living facility and had not raised any concerns. She noted she had spoken to the Police the previous day and they had not felt any concern in terms of crime statistics, being relatively low. She added that it was the position of the Highways Section that the previous use as a Working Men's Club would represent a similar use of the rear lane to that proposed and therefore there would not be any significant impact.

The Chair noted the agent and representatives from the applicant were present and asked if they could share information as regards the proposed management arrangements and the number of staff that would be present at the site.

Peter Richards, Chief Executive of Moving On, the applicant and operator of children's homes, explained that they managed around 150 young people within County Durham and as a statutory requirement, they had to keep an anti-social behaviour register. He explained he had not reported a single incident to their Board of Trustees in the last two years. He explained that there was no intention for the proposed children's home to be all male, and explained the majority of their homes were around 50/50 in terms of male/female split. He explained all homes were staffed 24 hours a day, 365 days a year, with the number of staff to flex according to the number of children present within the home at any one time, however, with always a minimum of four staff.

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

Councillor D Oliver noted there were two children's homes within his electoral division, housing three children each. He noted that while operated by a different organisation, they too operated a 'Durham first' approach.

He noted when those two homes' applications were made in 2020, prior to him becoming a county Councillor, there had been similar concerns raised at that time. He noted that since that time those homes had settled into the community and while he had been a County Councillor, he had received complaints in respect of anti-social behaviour or crime linked to those homes. He noted that the young people had a positive relationship with the area and were involved in the community. He asked if there was any data to suggest it would be contrary to his experience in terms of this proposed children's home, noting that Burnhope within his electoral division was of a similar size to Croxdale.

Councillor P Jopling noted that it would have been useful if there had been more information from the Police, however, she asked what activities Moving On provided for the young people in their care, and whether there were leisure activities set out within their management plan. She noted that Members were told Moving On was a good company, however, could they assure Members that these young people would not be wandering around, not knowing what to do with themselves.

The Chair asked if P Richards could respond. P Richard noted that, more than anything, the facility was designed to be a 'home'. He added that any activity the young people wish to undertake would be looked at, as normal for any other young person of that age growing up and citing examples of activities of other young people within Moving On children's homes such as horse-riding, trips to the beach, attending funfairs. He reminded Members that of the age group of 10-19 within their homes, they would expect those ages 10-16 to primarily be attending education through the week, and those 16-19 to be either in further education or work, however, they would be of course free to engage in activities and trips in their spare time, such as at weekends.

Councillor L Brown noted she had attended the site visit and it was her opinion that there would be issues in terms of car parking. She noted the previous 'management plan' was dreadful and glad there was a requirement for a new management plan, to be agreed by the Local Authority, via condition. She noted that the proposed parking stated five cars, however, there was none for other visitors. She noted that should other visitors park at the rear, there was potential to block residents access to garages. She noted bollard to the front of the property, preventing parking to the front directly, and therefore would displace any additional vehicles to park on the main road. She noted that parking issues were a big concern within children's homes within her electoral division, noting instance of criminal damage. She added that, as she often requested, that should the Committee be minded to approve the application, the start time for construction be changed from 7.30am to 8.00am, in order to protect residents' amenity.

Councillor J Elmer noted he too had attended the site visit and he too had been struck by the lack of parking provision. He noted that children's homes in his electoral division were much smaller, with only one young person, and that regularly generated four to five vehicles at the property. He added that it was understood that these types of facility did generate a high parking need, and he felt that five spaces for the proposed facility was inadequate. He added it had been hard to understand the implications in terms of parking or the management plan without clearly set out numbers of staff that would be on-site.

The Principal Planning Officer noted that data in terms of issues with children's homes was very specific to each child, and there was not a generic view in terms of issues associated with those types of facility. She reiterated she had spoken with the Police the previous day and they had not raised any issues with the application. She understood the fear of crime as described, however, Police often attending children's homes was an issue of safeguarding duty, rather than of any crime or anti-social behaviour.

The Principal DM Engineer, David Battensby noted that within the Council's Supplementary Planning Document (SPD) on Parking, the minimum requirement was for one parking space per three bedrooms, so five spaces for 10 beds represented approximately double the minimum provision required. He noted the extant permission in terms of the Working Men's Club or for three residential properties, would likely have generated more traffic. He noted that, given those extant permissions, any refusal on parking would not likely be sustainable upon appeal. He added that the front street was nine metres wide, including the running lanes and central cross-hatched section, and therefore parking on that road would not cause an obstruction and again as there were no major road safety concerns, such a refusal reason would likely not be sustained at appeal. He noted there was regular bus services that the staff and visitors could use in addition and reiterated that as the parking provision was greater than required by the SPD, was likely less than the extant permission, and that there were no issues in terms of parking on the front street.

The Chair noted Condition 5 stated that the management plan would be agreed by the Authority, and asked who at the Council would look at and approve that plan. The Principal Planning Officer noted that it would be shown to both the Police and colleagues from the Children and Young People's Directorate within the Council. She added that Environmental Health would also be approached as regards any potential for a statutory nuisance, and an element of any management plan would be the approach to tackling anti-social behaviour, protocols on missing children and other matters.

Councillor D McKenna asked, through the Chair, if the Chief Executive of Moving On could confirm whether they had consulted with the Parish Council in their application process. The Chair asked if P Richards wished to respond. P Richards noted Moving On had requested to attend a meeting of the Parish Council twice, however the offers had been refused. Councillor D McKenna asked if the Parish representative could confirm if that was the case. G Hollingsworth noted she was also a Parish Councillor, and while Moving On had made their offer, it was after consultation on the application had ended.

Councillor R Manchester asked whether it would be appropriate to have the Chair and Vice-Chair have sight of the management plan in due course. He added that the Parish Council representative had referred to uncertainty as regards who would be operating the proposed home, was it Moving On? As regards 24-hour provision on-site, was that something that could be conditioned, or was that not necessary and would be within the management plan and asked as regards soundproofing. The Chair asked if P Richards could respond. P Richards noted that Moving On would not own the property, rather would lease from the owner, however they would operate the children's home. He reiterated that Moving On delivered across 150 properties in the county and explained that there had been a lot of changes in terms of regulations within the sector and Moving On had received its Ofsted certification early this year. The Principal Planning Officer noted that 24-hour provision was stated, soundproofing was not a requirement that Environmental Health had requested and therefore it was not clear if it could be made a requirement at this stage.

Councillor P Jopling noted it was difficult as the Council had a duty of care for vulnerable young people, and therefore it was a case of weighing up the issues involved. She added that, if properly managed, there should not be any issue and reiterated she was disappointed there was not a more detailed response from the Police. She added that it was a concern that if an application for a site considered suitable by the Authority was not provided, then there could be difficulty in finding a suitable alternative. She noted she agreed with the comments from Local Members, however, she felt that if the Committee did not approve the application, then it would be disservice to those young people. She moved the application be approved, with any suitable amended conditions as the Committee felt necessary. Councillor D Oliver echoed the comments from Councillor P Jopling and agreed there was a bigger picture and noted a recent Audit Committee report that had set out the pressures within the care sector, noting the Planning Officer's report set out at paragraph 70 that there had been a 187 percent increase in usage of such facilities since the pandemic. He noted that given the need demonstrated, and accepting that no application was ever perfect, he would second approval.

Councillor L Brown asked whether a change of use application would be required if the use were to change from a children's home to a halfway hostel. The Principal Planning Officer noted that the provision was tied via Condition 3 within the report, specifying for use for children aged 16 – 18 years old, and with Condition 5 in terms of a management plan to be agreed.

Councillor D McKenna noted that he heard the concerns of residents as explained by the representatives at the meeting, however, while he would have liked to have had more details in terms of the management plan, he would support the application.

The Principal Planning Officer asked for clarity from the Committee in terms of addition conditions, noting reference to an 8.00am start time for construction works, and soundproofing to be added, albeit with Environmental Health not having required such soundproofing. Councillor R Manchester explained he felt it would be useful, as while there could be argued there was greater noise from the former Working Men's Club, how long had the club been closed and not in use, therefore he felt it would be suitable. The Chair asked if Councillors P Jopling and D Oliver as the mover and seconder for approval were happy with those additional conditions, they agreed. The Principal Planning Officer noted she would liaise with colleagues from Environmental Health as regards a suitable condition, though some standards may be through building control regulations.

The application had been moved for approval by Councillor P Jopling, seconded by Councillor D Oliver and upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, subject to the conditions set out within the report, with a change to Condition 9 to 8.00am for start of construction works, and a suitable additional condition in respect of sound-proofing measures.

b DM/23/02538/FPA - 90 Gilesgate, Durham, DH1 1HY

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

The application was to convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms, and to convert outbuilding to office space including alteration to the external walls and roof and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer explained that while there would be some overlap in terms of the issues raised with the next application, being the associated Listed Building Consent application, they were separate applications and would be presented as such.

The Principal Planning Officer noted the property was a Grade 2 Listed Building, situated within the Durham City Conservation Area. Members were shown elevations and proposed elevations, noting the material changes and reduction from a previously proposed dormer window to Velux roof lights. The Committee were asked to note the proposals for the outbuilding, with flat roof and two pitched roofs, to provide an office and washroom, with the Principal Planning Officer adding there was already an office within the outbuilding currently.

The Principal Planning Officer explained there had been no objections from internal consultees and the City of Durham Parish Council had objected to the application, in terms of the materials proposed being harmful to the Listed Building and Conservation Area, and that the application could facilitate a change of use to an house in multiple occupation (HMO) in future. He added there had been a number of objections from the public, as summarised within the report, with issues raised including: the original proposed use of granite, now stained hardwood; harm to the Listed building and Conservation Area; potential use as an HMO separation of the outbuilding use; and parking and access issues.

The Principal Planning Officer noted that Officer felt that the proposals as set out were in line with planning policies and noted that any potential change of use to become an HMO would require a separate application for that change of use. He explained that the Design and Conservation Team were satisfied there would not be any adverse impact upon heritage assets and the Highways Section were satisfied in terms of access and parking. Accordingly, he noted the application was recommended for approval, subject to the conditions set out within the report.

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

Parish Councillor C Lattin thanked the Chair and Committee and explained she would be representing the Parish Council and the Gilesgate Residents' Association. She noted that there were two important applications before Members today and thanked those Members that had attended the site visit the previous day. She noted that the Parish Council, as a general principle, warmly supported the opportunities of residents to adapt and develop their homes, as long as the development itself does not have any adverse impact on neighbouring dwellings nor diminish the sustainability of the community. She noted, as Members would be aware, that the planning system operated under a presumption in favour of sustainable development, where it accords with the local development plan. She noted that the Parish Council were not objecting, rather asking for a condition regarding permitted development rights. She concluded by noting she would address other issues within the Listed Building application.

The Chair noted that should some of those comments relating to the Listed Building application overlap, as had been suggested by the Planning Officer, it may be appropriate for the Parish Council to set out their position on all matters now.

Parish Councillor C Lattin noted that the Parish Council was particularly concerned with the so-called 'office', being substantial, with a shower room, kitchenette, dining facilities and sufficient space for a double bed. She added that with knowledge of the Gilesgate area, it was clear that the property could easily and swiftly be transformed into habitable living accommodation, which itself carried with it additional requirements such as parking, bin storage, council tax, services and much more. She explained that on 31 March 2021, the Government confirmed a new Permitted Development right to allow the change of use in England from any use with Class E, commercial, business and service use class, to residential use, Class C3. She added the new right was 'Class MA'. Parish Councillor C Lattin noted that when assessing this particular permitted development right, the Parish Council noted that any such change of use would be subject to a 'prior approval' application requiring the Local Planning Authority's assessment of such a change of use in relation to: transport issues; contamination; flooding and noise risks; impact on the character of the conservation area; and whether rooms would have sufficient access to natural light and meet NDSS.

Parish Councillor C Lattin noted that therefore there was a real danger that, though such a prior approval process, there would be no opportunity to assess whether the appropriate privacy levels were maintained between new and existing dwellings.

She added that therefore the Parish Council believed that it was essential to apply a condition that removed the permitted development rights associated with the change of use of dwellings, as described in the General Permitted Development Order (GDPO), in order to allow consideration of any future change of use of the outbuilding, for instance to a self-contained flat, holiday accommodation or otherwise.

Parish Councillor C Lattin explained the Parish Council were asking for a condition to be applied, should Members be minded to approve the application, such that permitted development as describe be removed. She added that this had already been done for other similar applications within the City and would offer reassurance on the eventual use of the building. She concluded by noting the Parish Council believed that the condition was both necessary and reasonable with regard to Paragraph 55 of the NPPF.

The Chair thanked Parish Councillor C Lattin and asked Professor Brian Tanner, local resident and neighbour to the application property, to speak in respect of the application. It was noted there would be accompanying slides, to be shown on the projector screens.

Professor B Tanner explained his main objection was the proposals for the historic outbuilding, which was one of the very few remaining vestiges of the commercial and domestic activity behind Gilesgate in the Nineteenth Century. He explained it was divided by an interior party wall, half lying within the curtilage of the Grade 2 Listed Building, 90 Gilesgate, and half within the boundary of 89 Gilesgate.

He explained that the outbuilding was originally a washhouse and the mid-nineteenth century building has a very rare roofscape, incorporating a cupola vent covered in grey slate. He added that, according to Historic England, it appeared to be one of only four such pieces of architecture in the country; the others being National Trust properties. He noted this example was the only piece outside of a museum environment and was unique in County Durham. He explained that it was the roofscape, visible from Gilesgate and West View, was its principal historic importance, the roof being a simple square with four equivalent sloping sides rising to the cupola vent. He continued, noting the present proposal would wreck the beauty of the simple roof geometry by intruding into on of the roof slants. He added that by not considering the whole of the building, Planning Officers had not fully stated the impact and their assessment of preserving the essential historic features was therefore not correct. He noted that the proposals would destroy one quarter of the roofscape of a building which must be treated under the Planning (Listed Building and Conservation Areas) Act 1990 as a Grade 2 Listed Building and was therefore a designated heritage asset, as defined in the NPPF July 2021.

Professor B Tanner added that a flat roof was inappropriate half-way up the sloping roof and, whatever the demerits of the existing 1970s extension, that extension did not intrude into the roofscape, its height being at the bottom of the roof and leaving the original roof intact.

In respect of the modification to use black wood, Professor B Tanner noted while it represented a move to a traditional material, it was not being proposed to be used in a traditional manner. He added that nowhere else in the Conservation Zone was wooden cladding used for domestic walls, and while it may be found in old buildings in the south of England, it was not characteristic of the North-East. He explained that the present panelling on part of the building had been installed since 2018 by the present applicant, illegally, without planning permission or listed building consent, adding that the NPPF dismisses such detrimental existing alterations, stating that '*the deteriorated stage of the heritage asset should not be taken into account in any decision*'.

Professor B Tanner noted that, more importantly, wood cladding was, and is not used for roofing of domestic dwellings, neither in the Gilesgate Conservation Area nor traditionally elsewhere in England. He added that the flat component of the proposed roof was particularly inappropriate in wood and out of character within the Conservation Areas where brick and slate were the traditional building materials. He noted the owner of an adjacent West View property had been required to repair their roof with existing, traditional grey slate to maintain the character of the Conservation Area. He added that while the present design would indeed delineate the shape of the original building, it was not the walls of the building that were of architectural interest. Professor B Tanner reiterated that primarily lay in the roofscape, adding that a wooden roof extension would not match, and the raised flat component destroyed the lower part of one side of the existing slate roof, changing the character of the building.

Professor B Tanner noted that, as the proposals did not comply with NPPF 16 in terms of 'conserving and enhancing the historic environment', nor with CDP Policy 44 or Neighbourhood Plan Policy H2, and adversely detracted from a building that must be treated as a Grade 2 listed designated heritage asset, he would urge rejection of the application. He concluded by noting that such a change in character would be, as set out in the Officer's Committee Report, 'more contemporary', and would not be permitted on the main Grade 2 Listed Building and the law, through the Planning (Listed Building and Conservation Areas) Act 1990, explicitly required that the pre-1948 building within its boundary to be similarly protected.

The Chair thanked Professor B Tanner and asked Stuart Kent, agent for the applicant, to speak in support of the application.

Councillor P Jopling left the meeting at 11.05am

S Kent thanked the Chair and Committee and noted that the Council's Design and Conservation Officer, Lee Hall had supported the proposals as set out before Members. He added that the Council's professional Officers had agreed that the proposals were acceptable in terms of NPPF Part 16, CDP Policy 44 and Neighbourhood Plan Policy H2. He explained that the dark timber proposed matched that used within the main building and therefore was complimentary. He added that there were no proposals to alter the roof of the main house, rather to replace existing roof lights.

S Kent explained that the annex, was not anything other than an office space to the applicant and clarified that as a Listed Building, change of use via permitted development was not allowed. He noted that, as per the Officer's report, the application would not represent a detriment to the Listed Building or Conservation Area and therefore should be approved.

The Chair thanked the speakers and asked the Principal Planning Officer if he wished to respond to any of the matter raised.

The Principal Planning Officer reiterated that the application being considered at this point was the full planning application (FPA), and not the Listed Building consent, however, noting that impact upon the listed building was an issue for consideration for the FPA.

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

Councillor L Brown asked if Parish Councillor C Lattin should complete her comments in relation to the Listed Building, the Chair noted she would be afforded that opportunity within the next agenda item.

Councillor L Brown asked as regards the proposal from the Parish Council in terms of the removal of permitted development rights, in light of the comments from the applicant's Agent, especially in terms of reference to short-term lets. The Principal Planning Officer noted that permitted development rights related to some Class E properties being changed to residential use, he noted that use as a home office did not constitute Class E use and therefore would not fall under such rights in any case. He added that, accordingly, Officer did not feel there was a requirement to remove that 'right' as the existing building was not use Class E, indeed there would need to be a change of use application to Class E prior to attempting to use such a permitted development right. Councillor L Brown reiterated the concern in respect of potential short-term lets. The Principal Planning Officer noted that if permitted development rights were removed there could be unintended impact upon use.

Councillor L Brown asked as regards the impact upon parking. The Principal DM Engineer noted that if the proposals were for the outbuilding to provide residential accommodation, then the SPD set out that there would be a need to provide parking, and that in itself would require an application.

The Lawyer, Planning and Highways, N Carter noted that it was very unlikely that further planning permission would be required for the use as canvassed, the current application not changing from the existing C3 use. He therefore noted that he struggled to see the planning justification to add a condition to remove permitted development rights that would, in effect, be no different to any intensification of use by a family. Councillor L Brown noted she would suggest the Committee push for that extra condition removing permitted development rights, should it be minded to approve the application. The Lawyer, Planning and Highways noted that of course was a matter for Members to decide, however, his advice was that it was not required. He suggested canvassing the applicant, as they were present, for their view on such a condition.

S Kent asked for an example of the wording proposed. Through the Chair, Councillor L Brown noted wording to note if the property was sold in future. S Kent noted no objection to a condition that would prevent the annex being used as a let. The Principal Planning Officer noted that suitable worded condition could be worked up, should the Committee be minded to approve the application.

Councillor J Elmer asked if this application and agenda item was the appropriate point to bring up issues in terms of the Listed Building. The Principal Planning Officer noted that Listed Building matters were material in weight to the FPA application.

Councillor J Elmer noted his frustration in terms of it being clear that the main issue in connection with the application was a Design and Conservation matter, and there was no representative from the relevant Section, in contrast to an Officer from the Highway Department who was present to answer the Committee's question in that regard. He noted that the City of Durham Trust, within their comments on the application, had concerns that the application failed to meet the test in terms of an owner of a Grade 2 listed building in '*conserving historic features*', and that planning applications were an opportunity to restore historic features, for example the black wood proposed rather than brick, why not use brick?

Councillor J Elmer noted that a key feature was the roofscape, which would be lost if the proposals were enacted. He noted the comments stating the roof was only one of four examples within the county, and the only one within County Durham.

He noted he would have liked to have been able to understand, by hearing further from an Officer from the Design and Conservation Team, as regards their position in supporting the alterations to the roof as proposed. He noted the position was that the Council's Design and Conservation Team were taking an opposing view to that of the other conservation team within the City, namely the City of Durham Trust.

The Principal Planning Officer noted he would feedback comments from the Committee to the Design and Conservation Section and reiterate the invitation to attend the Committee where appropriate. The Chair asked, if the Committee were minded to approve the application, there was a proposal from Councillor L Brown to include an additional condition, however, approval or otherwise would need to be proposed and seconded. Councillor L Brown noted she was fearful that if the FPA was proposed, seconded and approved, then the Listed Building would be impacted upon, in terms of the cupola roof on the former washhouse. The Principal Planning Officer noted that Paragraph 40 of the report set out the position from Design and Conservation, that the contemporary intervention did not detract and therefore was in line with policy requirements, however, objectors were taking a contrary position.

The Chair asked, if the FPA was approved, would it be possible for the Committee to refuse the Listed Building application. The Principal Planning Officer noted that the impact upon the listed building was material and therefore he could not see a position where the FPA was approved and the Listed Building application was refused, the material considerations applied to both applications.

Councillor D Oliver noted he had listened to the concerns raised and understood the points made, however, he was broadly comfortable with the Officer's recommendation and therefore was content to move the application be approved, however, he would welcome further comments in terms of the additional condition proposed.

Councillor J Elmer explained he was now of the view, having taken into account all the information, there would be an impact from this application in terms of the Conservation Area and Grade 2 Listed Building, with the wooden cladding proposed and intrusion into the roofscape, and therefore he moved the application be refused. Councillor L Brown seconded the motion for refusal. The Chair noted a motion for refusal had been moved and seconded and asked for those Members to elaborate on their proposed reasons for refusal.

Councillor L Brown noted that it was that the Committee felt the application was contrary to CDP Policy 44 in terms of the impact the application would have on the character of the Conservation Area.

The Principal Planning Officer noted that there were other policies, namely in terms of listed buildings, Sections 66 and 72 of the Listed Building Act, and NPPF Part 16, as well as Policy H2 of the Neighbourhood Plan. Councillor L Brown noted she, and Councillor J Elmer wished their disappointment to be noted for the record that Officers from the Design and Conservation had not been in attendance at the meeting.

The Lawyer, Planning and Highways asked the Members for clarification on exactly which policies and reasons the refusal was being put forward. He asked whether it was impact from the alterations to the annex roof that were deemed as unacceptable, in terms of a listed building and that the proposals did not 'preserve' its architectural merit, and therefore did not 'preserve or enhance' the Conservation Area. Councillor J Elmer noted that was correct, and also the choice of black timber cladding, which was not used elsewhere in the area, noting indeed the adjacent building was white.

Upon a vote being taken it was:

RESOLVED:

That the application be **REFUSED** as it was considered that the use of dark stained timber cladding to the external walls of the outbuilding and the alterations to its roof, would fail to preserve the special architectural interest and the historic fabric of the Grade II Listed outbuilding and its setting and would also fail to preserve or enhance the character or appearance of the Durham City Centre Conservation Area, contrary to the requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policy 44 of the County Durham Plan, Part 16 of the National Planning Policy Framework and Policy H2 of the Durham City Neighbourhood Plan.

c DM/23/02539/LB - 90 Gillesgate, Durham, DH1 1HY

The Principal Planning Officer, Paul Hopper gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application a Listed Building consent to convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms, and to convert outbuilding to office space including alteration to the external walls and roof and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted the decision in respect of the previous application and explained that the position was much the same as set out previously, in that Officers felt the application was in line with NPPF Part 16, Policy 44 of the CDP and Section 66 of the Listed Building Act 1990.

The Chair thanked the Principal Planning Officer and asked Parish Councillor C Lattin to speak on the application.

Parish Councillor C Lattin noted the refusal of the FPA and noted the concerns of the Parish Council in terms of the impact of the application on the unique Victorian Washhouse outbuilding. She added it was a significant and very rare heritage asset and not just within the Gilesgate area, within the whole of Durham. She reiterated the point made by Professor B Tanner that Historic England confirmed that only three other such buildings exist in England, those three all being National Trust properties. She added that, in fact, 89 and 90 Gilesgate had formerly been one house, and when divided the party line ran through the washhouse, dividing its ownership in two, an anomaly that could not be simply set aside in terms of the Listed Building application.

Parish Councillor C Lattin noted that one must also take into account that the part retained within 89 Gilesgate still retained its original internal features, a flue suggesting some use as a forge, and part of a fireplace, and interesting flagging on the floor. She added that on the top, and centre of the building, which was also divided in two, there was the unique cupola with vents. She explained that the washhouse was on the list of County Durham's non-designated heritage assets and therefore should be protected by ensuring the integrity of the cupola and vents.

Parish Councillor C Lattin noted the Parish Council would draw the Committee's attention to Section 1(5) of the Listed Building Act 1990, that highlighted that buildings and other structures that pre-date July 1948, and were within the curtilage of a listed building, were to be treated as part of the listed building. She added that historic mapping suggested that the outbuilding was around 150 years old, and while the original use was uncertain, it was understood it may have originally been part of the Blacksmith's forge or used as a washhouse. She added that while the Parish Council welcomed the reduced scale of the alterations, and the removal of the previously proposed use of granite cladding, it objected to the discordant use of vertical hardwood timber cladding, stained in black, as the cladding and roofing on the historic building. She noted that it would create a material, appearance and texture that was totally at odds with the existing brick and slate appearance of the outbuilding and was starkly contrasting and unsympathetic to the white painted main listed building of 90 Gilesgate.

She added the Parish Council saw no reason why the proposed extension could not use bricks and slate to be in accord with the existing materials of Victorian bricks for the walls and slate roof tiles. She noted that use of those would enhance the heritage aspects of the building and be appropriate in appearance to match the aesthetic within the Conservation Area.

Parish Councillor C Lattin noted the proposed vertical black timber cladding was hostile to the original, valued building and in stark contrast to anything else in the local environment. She added that it clearly infringed Policy H2 of the Neighbourhood Plan which stated, '*development proposals within or affecting the setting of the Durham City Conservation Area should sustain and enhance its significance*', particularly with reference to rooftops, and having materials appropriate to the vernacular, context and setting. She noted that to intrude into the fourth quarter of the rooftop with black cladding would create a ludicrous and ugly mismatch. She reiterated that slate had been enforced on the re-roofing of the building behind and should be enforced in this case too.

Parish Councillor C Lattin noted that the outbuilding was not solely owned by the applicant, with half being owned by Professor B Tanner at 89 Gilesgate, and the proposal would cause irretrievable damage to his property. She concluded by noting the Parish Council believed the application failed to preserve the Grade 2 Listed Building and therefore was contrary to Section 66 of the Listed Building Act, and contravened Neighbourhood Plan Policy H2, as well as the aims of CDP Policy 44 and key parts of the NPPF.

The Chair thanked Parish Councillor C Lattin and asked Professor B Tanner to speak in relation to the Listed Building Application. Professor B Tanner noted he would not wish to further take up the time of the Committee and that his statement on the previous application applied.

The Chair asked S Kent, agent for the applicant to speak in support of the application.

S Kent noted the previous comments in terms of the rationale of the design and material choices. He noted there had been no objection from the Council's Officers in terms of the contemporary design within the Conservation Area, indeed he could refer to one such design within the Gilesgate area that had recently won a Royal Institute of British Architects (RIBA) award. He added that the black tone would compliment the main house and that cladding would not be a massive new addition, and indeed existing stone would be restored. He explained that the new contemporary features would allow clear delineation of old and new, helping to give a better read of the building and its history.

He added that the cupola on the roof would not be impacted, rather the roof would be altered at a lower level and there would be cooperation with the neighbour in terms of shared outbuilding, although it was noted there was deterioration to their side. He reiterated the position of the Council's professional Officers and agreed that the proposals represented a suitable design.

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

Councillor L Brown noted no reference to Neighbourhood Plan Policy H2 on the impact of the proposals, and proposed that the application be refused, along similar lines to the previous application.

Councillor D Oliver thanked the Agent for his information on the design, so that Members could better understand the thoughts behind the proposal. He added he felt the recommendation put forward by Officers represented a high bar and therefore he would not feel confident in overturning that recommendation and therefore moved approval.

Councillor J Elmer noted that the word 'subjective' had been used on several occasions when considering the impact upon the listed building and the Conservation Area. He noted that to cut through, he considered the opportunity presented by applications to restore and conserve our built heritage. He noted that, therefore, he would second Councillor L Brown's proposal for refusal.

The Principal Planning Officer noted that Policy H2 was not referred to within the slides on screen as it was not Listed Building specific, with that element having been removed from the policy at the Neighbourhood Plan consultation stage.

Upon a vote being taken it was:

RESOLVED:

That the application be **REFUSED** as it was considered that the use of dark stained timber cladding to the external walls of the outbuilding and the alterations to its roof, would dominate the host building and fail to preserve the special architectural interest and the historic fabric of the Grade II Listed outbuilding and its setting, contrary to the requirements of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.

6 Appeals Decisions

The Chair noted that there had been a number of decisions received following appeals to the Planning Inspectorate subsequent to decisions made by the Committee. He noted a report detailing the outcomes would come forward to a future meeting and asked if Officers could give a brief update in advance.

The Principal Planning Officer, Paul Hopper noted that of four appeals, three had been upheld by the Inspector, with one appeal having been dismissed. He reiterated that a report would be tabled for a future meeting.

Councillor J Elmer asked if it would be possible to have sight of the relevant documents to see how Officer put forward the cases on behalf of the Committee. The Principal Planning Officer noted it would be possible to circulate the relevant documents to Members via e-mail in advance of such report being tabled.