

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

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 14 May 2024** at **9.30 am**

**Present:**

**Councillor D Freeman (Chair)**

**Members of the Committee:**

Councillors D Oliver (Vice-Chair), A Bell, L Brown, J Cosslett, S Deinali, J Elmer, P Jopling, D McKenna, R Manchester, K Shaw and A Surtees

**Also Present:**

Councillors J Blakey, J Clark, L Fenwick, G Hutchinson, S McDonnell and M Wilson

**1 Apologies for Absence**

Apologies for absence were received from Councillors I Cochrane, C Kay and K Robson.

**2 Substitute Members**

There were no Substitute Members.

**3 Minutes**

The minutes of the meeting held on 9 April 2024 were confirmed as a correct record by the Committee and signed by the Chair.

**4 Declarations of Interest**

The Chair, Councillor D Freeman 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.

Councillor L Brown 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.

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

**a DM/23/03271/FPA - Land to the north of Mill Road, Langley Moor, Durham, DH7 8HL**

The Chair noted Agenda Item 5a - DM/23/03271/FPA - Land to the north of Mill Road, Langley Moor, Durham had been deferred.

**b DM/22/01536/FPA - Old Arbour House, Crossgate Moor, Durham, DH1 4TQ**

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 some Members of the Committee had visited the site and were familiar with the location and setting. The application was for the creation of an outdoor horse arena, with timber rail fencing and floodlighting, exclusively for personal use (retrospective) and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted that equestrian use was well established on the site and therefore the use of the land did not form part of the application. She added that Condition 3 should refer to following discharge of Condition 2, rather than to follow completion of the development.

The Committee were asked to note that the application site was in the open countryside, within the green belt and within an Area of High Landscape Value (AHLV). The Principal Planning Officer noted that the site was also within extensive parkland, associated with the ruined Beaufort Priory, a scheduled monument and non-designated heritage asset.

She noted the site was also within the setting of the Registered Battlefield of Neville's Cross and a public right of way, Footpath No.10, ran adjacent to the north-eastern boundary of the arena.

Members were shown site photographs and were asked to note the elevated position, a 1.5-metre-high fence surrounding the area, and three, four-metre-high floodlights. The Principal Planning Officer referred to photographs from 2010 to 2019 which demonstrated the build up of land for the arena, and the height and position this created in terms of the arena, fencing and floodlights. She reiterated that the application was in effect in relation to the arena surfacing, fencing and floodlights, with equestrian use having been established.

The Principal Planning Officer noted no objections from the Highways Section, with Bearpark Parish Council having objected, their representations having been made following the publication of the Committee report. She noted that issues raised by Bearpark Parish Council related to the elevated position, with floodlights dominating the surround area, light pollution, and that the application only benefited two people, while the impact of the floodlighting would impact hundreds of other residents. She noted that the City of Durham Parish Council had also objected, in terms of the light pollution and impact of the application on their residents.

The Principal Planning Officer noted that Historic England had not commented on the application, and the Design and Conservation Team had noted the impact of the flood lights. She added that the Landscape Team had noted the application represented a degree of harm, and had requested the removal of the floodlights, and a darker surface for the arena. It was explained that the applicant amended the scheme to move the floodlights to the north-west side of the arena, with Design and Conservation and Landscape Teams noting the amended scheme represented less harm and there was a requirement for conditions in respect of landscaping and use. The Principal Planning Officer noted Environmental Health had noted no objections, subject to a condition limiting the hours of use of the floodlights, for the period November to March, with two hours use in between the hours of 1600 to 1900. She added that the Contaminated Land section noted no objections, and Archaeology noted to keep a watching brief.

It was noted that there had been five letters of objection, including from the City of Durham Trust, with issues raised including: that the site was an eyesore; floodlight being on a prominent ridge; the possibility of the arena being for more than just personal use; impact on the historic park land; light pollution; and impact on the greenbelt.

The Principal Planning Officer noted that the application was considered to be in line with County Durham Plan (CDP) Policies 10, 13 and 20, and while there was some impact on the area, it was felt the application represented an opportunity to mitigate existing impact via conditions and therefore the application was recommended for approval.

The Chair thanked the Principal Planning Officer and asked Councillor M Wilson, Local Member, to speak in respect of the application.

Councillor M Wilson thanked the Chair and Committee and noted that concerns had been raised by residents of Bearpark as well as residents from the Neville's Cross Division, Bearpark Parish Council and the City of Durham Parish Council. She explained that the arena was on the edge of a very popular footpath for walkers, and the arena blocked views and impacted the green belt with its prominent position on the top of a hill. She noted the impact of light pollution was felt by residents from Bearpark, adding there was also the impact upon wildlife from the light pollution, noting deer in the area that were disturbed from the light and activity. Councillor M Wilson explained there was also the impact of the application on Beaurepaire and the Neville's Cross Battlefield. She noted potential anti-social behaviour and that residents had raised concerns in terms of the personal use for two individuals when balanced against the hundreds of residents that utilise the public right of way. She concluded by asking Members to carefully consider the proposals and to refuse the application.

The Chair thanked Councillor M Wilson and asked Dr Mohammed AlHilali, local resident in objection, to speak in relation to the application.

Dr M AlHilali explained that he had made his home in Durham over the last seven years and felt that green spaces needed to be protected. He explained that the application site was to the rear of his property, with the floodlights shining into his bedroom window, He noted the impact of the floodlights, explaining he had been able to see the northern lights recently, however the floodlights had been turned off. Dr M AlHilali added that there would be impact upon nature and wildlife as a result of the application, as well as for residents from the local communities. He noted that the area should be for all to enjoy, not just a privileged few. He asked that the Committee refuse the application, reiterating the impact upon the environment, community, nature including deer as mentioned, from noise and light pollution.

The Chair thanked Dr M AlHilali and asked the Committee for their comments and questions.

Councillor L Brown noted her disappointment that there was no Officer from the Design and Conservation Team in attendance at Committee to speak on the application, and also that the applicant was not in attendance. She explained that the amendment in terms of the floodlights being moved to reduce impact was welcomed and asked if it would be possible to condition the surface material to a darker colour, especially as it would take a period of time before landscaping measures would help hide the arena.

Councillor J Elmer noted he had attended the site visit and the site was very prominent, its elevated position making it a very visible location. He noted that it could be seen from the road leading from Bearpark and the floodlights would have an impact. He added that even with the proposal to move the floodlights, there would still be issues in terms of diffuse light above the hill that were of concern. Councillor J Elmer noted his frustration in terms of the application being within the green belt, an AHLV, adjacent to the Neville's Cross Battlefield, and that if the application had been through the normal process, rather than part-retrospective, he felt it would be unlikely to have been recommended for approval. He explained that he felt the biggest impact had been the reprofiling of the landscape to create the raised arena area, which would have required earthworks, and therefore any archaeology or ecological impact to have been considered. However, he understood those works had been carried out over five years ago and therefore were no part of the planning permission being sought.

Councillor J Elmer explained as regards his thoughts on the applicants' approach in terms of those works and the application only being submitted part-retrospectively after being noticed. He added that even if the floodlights were moved and were of a more suitable colour, painted, there would still be an impact on the landscape from the light, and therefore may not comply with CDP Policy 39, and this was of concern.

The Principal Planning Officer noted that Officers had approached the applicant in terms of the surface colour being amended to be darker, the applicant had declined the request. In terms of the part-retrospective nature of the application, the Principal Planning Officer noted that the equestrian use, would have likely been acceptable, that use being one of those looked at favourably in terms of development within the green belt. She noted that, however, the application in terms of surface material was that as presented, and Officer felt it was the best opportunity to mitigate the impact via landscaping and tree planting.

Councillor J Elmer noted that the landscaping plan would need to be robust, and he hoped for native trees, and not non-native species such as Norwegian Spruce.

He added he felt that much could have been done better for the site, however, he would reluctantly move approval as per the Officer's recommendation as there were not sufficient planning reasons to refuse the application.

Councillor D McKenna asked as regards the lighting levels, and whether Officers had spoken to the applicant in terms of having lights along the fence line, rather than floodlights, so that they were only lighting the surface of the arena, rather than the wider area. The Principal Planning Officer noted the scheme was as presented, including three, four-metre-high floodlights. She reiterated that their position had been moved to reduce their impact, and there were a number of conditions and those had been agreed in conjunction with Officers from the Environmental Health Section. She noted they included the hours of operation within the period November to March, for two hours between 1600 and 1900.

Councillor P Jopling noted she would second the proposal from Councillor J Elmer, adding that there were several issues, and the application was not perfect, however, she did not feel there were sufficient grounds to turn down the application. She noted that perhaps a cowl on each of the floodlights could prevent light pollution, however, she would second the proposal as put.

Councillor A Bell agreed that the application was not a perfect application, however, such uses in rural settings were not uncommon and the Officer had noted that such a use would likely have been approved. He noted the limiting of the use via condition, and reiterated the point made by Councillor J Elmer, that there needed to be a robust landscaping plan.

Councillor K Shaw noted he had sympathy with the Local Member and local residents, however, the application was as put before Members and the conditions Officers were proposing aimed to mitigate the impact as much as possible and therefore, he would support approval, as he could not see any grounds to reject the application.

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

**RESOLVED:**

That the application be **APPROVED**, subject to the conditions set out within the report, and amendment to Condition 3 as referred to by the Principal Planning Officer.

**c DM/24/00334/FPA - 131 Grange Way, Bowburn, Durham, DH6 5PL**

The Senior Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for a temporary change of use of the property from a C3 residential dwelling to C2 children's home for a period of up to 3 years and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer noted the application was for up to two children aged 3-17 years old, for temporary use, up to three years. She added that the property had been used as an un-registered crisis home since February 2023, and as the home currently had one child the application was retrospective. It was noted the application had been called-in by Councillor J Blakey, on the basis on anti-social behaviour issues associated with the property.

Members were informed that there had been no objections from the Highways Section or Durham Constabulary. It was noted that Cassop-cum-Quarrington Parish Council had objected to the application. The Senior Planning Officer noted internal consultee responses had included no objections from Environmental Health, and with the Council's Children and Young People's Service (CYPS) offering no objections and noting there was a need for such children's homes.

The Committee were asked to note there had been 47 letters of objection, with a summary of the concerns set out within the report, which included: anti-social behaviour, business use without permission, and devaluing nearby property values. The Senior Planning Officer explained that the Police and Crime Commissioner, Joy Allen had raised concerns in terms of the demand on policing from such C2 children's home use increasing within the county.

It was noted that subsequent to the agenda papers being published there had been a further two letters of objection, one relating to damage and vandalism to their property, including a Police report and images of graffiti, the other being from a resident who was unable to attend Committee who noted the impact of the children's home on their physical and mental health.

The Senior Planning Officer noted the application had been considered under the relevant children's home policy and while there had been concerns raised by local residents, Officers did not feel they were sufficient to refuse the application. She explained the application was in line with CDP Policies 18, 21, 29 and 31 and that the Council had a duty under the Childrens Act to provide sufficient space for children in care. She noted there were no external works to the property, with the Highways Section considering that the proposals offered sufficient parking, and therefore the application was recommended for approval.

The Chair thanked the Senior Planning Officer and asked Councillor J Blakey, Local Member, to speak in relation to the application.

Councillor J Blakey noted that within her electoral division there had been a spate of children's home applications, six within the last three years, with not all of those presenting an issue. She noted that the property in question had not been operating sporadically, rather it appeared to have been operating permanently since its initial opening, with Local Members having not been made aware that this children's home had been operating. She added that upon contacting the Head of Children's Services at the Council, she learned that the Council had not been aware that the children's home had been operating and the home was not registered with Ofsted. She added that further discussions had revealed that the child within the home was from another Local Authority area.

Councillor J Blakey explained that the Police had been called to the property so many times that it was not possible to count, adding she had asked the Police for the figures in relation to call outs, however, to date she had received no response. She noted that the Police had attended the property three to four times a day on some occasions. She added there was an impact on the families bringing up their children in the area in terms of the parking and number of incidents. She noted that CDP Policy 18 stated that children should be 'appropriately matched', however, the impact on local residents' amenity from the activity at this property was immense. She noted that she felt it was contrary to CDP Policy 31, with there being anti-social behaviour at all hours of the day and night, adding that was not a normal life for either the child within the children's home, or the residents within the area.

Councillor J Blakey noted that there was not a plan in place, the applicant had applied now, not previously and properly. She added that she had witnessed cars parked all over, not adhering to any management directive. She explained that the children's home had already been in operation since February 2023, already over a year, and residents had already put up with a year's worth of anti-social behaviour and asked should they have to put up with another three years' worth.



She concluded by asking the Committee to look really carefully at the objections to the application.

The Chair thanked Councillor J Blakey and asked Sarah Wilkinson, Local Resident in objection, to speak in respect of the application.

S Wilkinson explained she was representing herself and her neighbours from the local community. She noted the property was not a registered children's home and explained it was not a '*might*' the home was causing impact now. She explained that the operator, Juniper Care and Support, were not adhering to the parking plan, with an average of four to six cars blocking the road, with bin lorries unable to access properties as a result. She noted this impacted on residents' friends and families being able to park, with spaces taken up 24 hours a day by care staff.

S Wilkson noted that there had been a number of incidents at the property and there was a frequent Police presence, two or three times a day, day and night. She added that the property had not been 'sporadically' occupied, rather as far as local residents could see, it had been near constant. She noted that the children's home had not been registered officially and a governance statement said, '*Juniper Care and Support were fully registered*'.

S Wilkinson noted that there was a restrictive covenant within the deeds for properties on the estate, stating no business use was allowed, and allowing such use in this case could set a precedent for anyone to operate a business from their property. She gave an example of an ambulance having to attend the property and asked, if the child had been correctly supervised, how had they become hurt. She added that children had been loitering around the unregulated care home.

S Wilkinson explained that residents should not have to live like they are, with their children regularly being woke up by the disturbance from the children's home. She added there had been incidents of criminal damage, so there was actual crime, and the fear of crime for residents. She noted that there were usually four carers at the property, not two carers, and despite that there was continued damage caused and children absconding from the children's home. She asked if that was how they performed with one child, how would they manage with two children. She reiterated the child in the home had smashed glass, threatened to self-harm and absconded from the property. She noted that residents had only been given contact details for Juniper Care and Support after 15 months.

S Wilkinson explained that within the area there were 15 children under 10 years old, with 10 under five years old, and residents did not want their children to be intimidated in their homes and cited an example of one child walking around in a balaclava, entering other residents' gardens and shouting abuse.

S Wilkinson noted it was a shame that locals' wellbeing had not been considered when opening the children's home, the impact on their lives had not been considered. She noted that the Council's Vision 2035 was for children to enjoy the best start in life, good health and emotional wellbeing, and have a safe childhood, and she asked was that the future for the children of residents in the area.

The Chair thanked S Wilkinson and asked Lee Sowerby, the applicant, to speak in support of his application.

L Sowerby noted the scale and staffing arrangements for Juniper Care and Support, noting two ex-Head Teachers as staff, experienced managers, and regular support from a child psychologist. He emphasised that the company and all staff were dedicated to making a difference to the lives of those young people in their care.

L Sowerby noted a 'Durham First' approach, with the Council's commissioning service for such homes having noted that there were few two to three bed homes offering that type of accommodation, therefore the proposals supported Durham in that regard. He added that where there were contradictory views, he would ask that independent views were taken on board and given more weight. He noted the comments from such independent professionals included noting that Juniper Care and Support offered *'proactive care, genuinely focussed on the young person's care'*, and that *'working with Juniper in three locations, they have a different relationship, engaging in education, the progress they have made with our client shows the level of experience they have, and I cannot speak highly enough of them'*.

L Sowerby noted that several points raised had been asserted as fact, however, that was not the case. It had been noted that all downstairs windows at the property had been smashed, L Sowerby noted this was not true. He noted the reference to a child being left alone was not true, it was in fact true that child that had previously been in care, who had made great progress, had returned to the property from his hometown after feeling they needed support and therefore turned to the people that had supported them previously.

L Sowerby concluded by thanking all the Durham County Council staff for their professional support in relation to the application and noted that Councillor J Blakey had not responded to an offer of contact from Juniper Care and Support.

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

Councillor A Bell noted he felt this was a sad application to hear, noting the many issues set out by residents, some outside of planning matters, and that he felt the Committee needed more reassurance that those issues impacting residents would be rectified and asked whether it would be possible to defer the application, in order to receive more information as regards processes in place. The Senior Planning Officer asked what specific information Members would wish to receive. Councillor A Bell noted that the speaker in objection had related details of a number of incidents that had been of concern, in terms of anti-social behaviour and the Police attending the property, and therefore he felt Members needed assurance that there would be appropriate support in place. The Senior Planning Officer noted that a management plan had been agreed with the Police, and they were in accordance with that, however, Officers could ask that more contact details are provided. She added that other than those additional contact details, with the management plan had been sufficient for the Police and the property to be registered with Ofsted, subsequent to planning approval.

Councillor A Bell asked if Ofsted registration could be obtained prior to planning permission approval and noted that the Police and Crime Commissioner had objected, highlighting resource implications in terms of children's homes. The Senior Planning Officer noted that the comments from the Police and Crime Commissioner was a generic comment in relation to any children's home application across the county. She added that the Durham Constabulary Architectural Liaison Officer had not objected when being consulted on this specific application. She added she was not aware of the Ofsted application process, that would be for the applicant, however, noted comment from Ofsted in terms of not being able to decide upon registration until proof of permission was provided.

The Chair asked, if Ofsted required that planning permission to be in place, how had the children's home been open for the last 12 months. The Senior Planning Officer noted that there were two separate elements, unregistered provision, and Ofsted registered provision, noting the application was for regulated use, with Ofsted.

Councillor P Jopling noted that Members were very much aware of their duty as corporate parents, however, she had serious concerns as regards the application, including the wide age range proposed, eight to 17 years old, especially in the case where the children would not know each other and one was eight, the other 17 years old. She added that she noted that she felt there had been a number of children's home applications coming through in what she felt were inappropriate areas. She noted that residents had very eloquently spoke in respect of their issues and believed those residents had rights too, and there was a need to balance the needs of the child against those of residents. She noted it may have been different if the application was in an area where it did not impact residents, and questioned the company's choice given there were already issues as set by the Police and Crime Commissioner in her submission. She added she did not feel she could support the application, however, was not sure on what grounds it could be refused.

Councillor D Oliver explained that he heard and understood the difficulties in terms of considering the application. He noted a somewhat similar children's home in his electoral division, where there had initially been a number of complaints. He added that since the home had been established, the concerns had diminished and a similar management plan was now in place, and the home had registered with Ofsted, again similar to the application before the Committee. He noted that he felt that, in principle, the concerns could be addressed and reiterated the point raised previously in terms of Councillors and their role as corporate parents. He noted the concerns raised by residents, however, he was confused that neither the Police nor the Council's CYPS had flagged any concerns when consulted on the application. He noted that the comment from the Police and Crime Commissioner appeared to be a generic comment, and if there had been any specifics to this application, surely, they would have been set out. As he could see no specific reason to refuse the application, such as a steer from the Police, he would look at the bigger picture in terms of the need for such children's homes and therefore he was minded to approve the application.

Councillor L Brown noted she was disappointed not to have the crime figures listed and noted she was the Chair of the Police and Crime Panel, the Panel being the forum to hold the Police and Crime Commission to account. She noted that the Police and Crime Commissioner had noted at meetings that she was worried about the amount of time and resources taken up in relation to children's homes. Councillor L Brown noted that she felt that the issues raised meant that it had gone beyond what she would consider acceptable. She added there was a children's home in her electoral division, with parking being the biggest issue, whereas in this case incidents referred to by residents included a broken window, crime and anti-social behaviour.

Councillor I Brown added she felt the application should be refused as it was contrary to CDP Policy 31, in terms of impact upon residential amenity, and NPPF Part 8, in terms of crime and the fear of crime.

Councillor K Shaw echoed the comments from Councillor L Brown and noted similarities to an application fought against in his electoral division, with crime and the fear of crime being big issues. He asked if therefore the application could be deferred, as proposed, else he would be minded to vote against the application.

Councillor J Elmer noted he felt the application rested on the Committee's understanding of the levels of anti-social behaviour in the area, and he did not feel that there was a clear view. He noted he had changed his mind on the application two or three times during the debate and felt that if the application was deferred, that may allow time for more information to be gathered. The Senior Planning Officer noted the Police were asked for statistics, however, they provided wider statistics for the Bowburn area, not down to the detail of this particular property. She asked what additional information Members would wish to have. The Chair noted that, if the Committee were minded to defer the application, he could not see why specific information could not be obtained. The Senior Planning Officer noted that for a previous application, specific information was requested, however, the response had been with generic information. She noted that therefore the request could be made, however, specific information may not be provided.

Councillor P Jopling noted her position had not changed, noting that residents had demonstrated the Police attendance at the property. She noted that she still had concerns in terms of the age range proposed and felt the Committee could not ignore what had been going on and should not add to the burden of those living in the area.

Councillor A Surtees noted that the proposals and subject were emotive ones adding she was struggling in respect of the application, in balancing the needs of a child and of residents. She noted all would want the best care and start in life for such children in care, but also for residents' children too. She added she did not believe that more detailed information could not be obtained from the Police, and she did not feel there was evidence from Juniper Care and Support in terms of addressing the issues raised. She added she felt it was a struggle to find the right place for a children's home and noted she was torn between being against the application, or for deferral. She explained she would be happy for deferral, if that would allow for more information to support the application, and to address the concerns as raised by residents. She asked if the Legal Officer could provide clarification whether Councillors needed to declare an interest as corporate parents.

The Lawyer (Planning and Highways) noted that Councillors did not need to declare an interest as a corporate parent.

Councillor D Oliver noted he understood the points that had been raised, however, he felt that Members could use the professional information and opinions at their disposal, and he valued the comments that had been put forward by the Police. He noted that should extra Police information come forward, he was not sure he would have enough confidence to say the property was an unsuitable location. He reiterated that he saw many parallels with the similar children's home in his area and felt it was acceptable on balance.

Councillor A Bell noted he still felt there was sufficient reason to defer the application, to ask for more information from the Police. He noted that of course those children needed a home, however, Members needed information that the property was being ran properly, and that there could not be a cost placed on a child's care.

The Lawyer (Planning and Highways) noted the proposal for deferral in order to have further information from the Police and Police and Crime Commissioner, and Members' request for information amplifying the management plan. Councillor L Brown noted she would support deferral. Councillor A Bell asked as regards exploring having Ofsted in place in advance. The Lawyer (Planning and Highways) noted that was under separate regulatory framework, outside of planning, though more information could be sought for information.

It was proposed by Councillor A Bell, seconded by Councillor J Elmer that the application be deferred and upon a vote being taken it was:

**RESOLVED:**

That the application be **DEFERRED**.

**d DM/24/00201/FPA - 31 Bradford Crescent, Gilesgate, Durham, DH1 1ER**

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

The application was for change of use from dwellinghouse (Use Class C3) to house in multiple occupation (HMO) (Use Class C4) including single storey rear extension, cycle parking and bin storage and was recommended for approval, subject to the conditions as set out in the report.

The Planning Officer noted that the application had been called into Committee by the Local Members, adding that if the extension had been slightly smaller in height, that element of the application would have been permitted development. He explained the rooms met the Nationally Described Space Standards (NDSS).

The Planning Officer noted the Highways Section initially objected when proposals were for a five-six bed HMO, however, with a revision to fewer bedrooms, namely three, they no longer objected. He explained that the City of Durham Trust objected to the six bed proposals, and cited issues including NDSS and noise. He noted that the Council's HMO Licensing Team had noted the proposals did not require an HMO licence, and it had been confirmed that the percentage of HMOs within a 100-metre radius was 8.2 percent, and along with a new application ongoing for 42 Bradford Crescent, would still be below the ten percent threshold set out in CDP Policy 16.

The Planning Officer noted that Environmental Health offered no objections, subject to conditions, and Durham Constabulary had offered no objections, putting forward some advice in terms of such applications.

It was explained there had been 42 letters of objection from members of the public, and objections from Local Members and Mary Foy MP, with the main concerns raised relating to overconcentration of HMOs, loss of family homes and lack of demonstrated need.

The Planning Officer noted that the application was in line with CDP Policy 16, met the requirements in terms of the NPPF and NDSS and was in accord with the Residential Amenity SPD and therefore was recommended for approval, subject to the conditions set out within the report.

The Chair thanked the Planning Officer and asked the Committee Services Officer to read out statements on behalf of the Local Members, Councillors E Mavin, L Mavin and C Fletcher.

The Committee Services Officer read out the statement on behalf of Councillors E Mavin and L Mavin:

*'As County Councillors for the area, Eric Mavin and I, Lesley Mavin, wish to formally object to this planning application, change of use from dwellinghouse (C3) to HMO (C4) including single storey rear extension, cycle parking and bin storage.'*

*We believe it contravenes the following policies of the CDP for the following reasons:*

*Policy 16*

*This states that the council should 'promote and preserve inclusive, mixed and balanced communities and to protect residential amenity'.*

*There have recently been over 12 planning applications for conversion from C3 to C4 on Bradford Crescent, and nearby streets, and this clearly influences the balance of the local community in relation to both residents and students.*

*The university itself has stated that there is no need for any further student accommodation within the city and surrounding areas. As there are also 800 fewer students this year, this need is even less.*

*This concerns sustainable design, and we argue that removing more C3 housing stock, of which there is already a significant shortage, from a community where there is already unused, empty C4 houses, the viability in the area as a sustainable community will be reduced.*

*Policy 31*

*This relates to amenity and pollution, and again we argue that by creating a cluster of HMOs in a single area the occurrence of transient anti-social noise within the street will increase which will in turn negatively affect the character of the area and the amenity of its residents.*

*Policy 21*

*This policy requires that all new developments ensure that any vehicular traffic generated by new developments do not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. This planning application relies on the unrestricted on street parking on Bradford Crescent and states no further parking spaces would be needed. Suitable car parking spaces have not been provided. Bradford Crescent is also a local bus route and an access to a local school, already causing parking and obstruction issues.*

*We also share and support the concerns raised from the adjoining property, number 60, regarding privacy, party walls, waste, parking and noise.*

*We are requesting for these reasons this application be refused'.*

The Committee Services Officer read out the statement on behalf of Councillor C Fletcher:



*'As a County Councillor for the area I wish to object to the planning application to create an HMO at 31 Bradford Crescent.*

*I am objecting to this application, because as a local County Councillor for the Belmont Division in City of Durham (covering Gilesgate, Gilesgate Moor, Belmont and Carrville) I represent local residents in the community. They are telling me "We need to protect precious family homes; we can no longer sacrifice more."*

*Policy 16 of the County Durham Plan states the council should "promote and preserve inclusive, mixed and balanced communities and to protect residential amenity." The residents support this view but are frustrated at what they see is the saturation of their street by developer landlords who don't care about their community, or even the students that will live in the HMOs.*

*Whilst I accept that the current method of calculation means this application does not exceed the 10% limit of C4 properties in a 100m radius (this will make it 8.2% according to the HMO Data Consultee), I am arguing that it will have a serious impact on the quality of life and sustainability in this residential street.*

*A key factor in the 8.2% is that immediately behind 31 Bradford Crescent is Kenny Place, a discreet community of its own, with bungalows for elderly residents. The ground level of the bungalows is below the ground level of the Bradford Crescent houses and the front doors will look up to the extension planned and will be intimidating to the older people who like to sit outside their bungalows.*

*Between nos. 21 – 75 Bradford Crescent (a total of 65 houses), there are 9 houses which are C4. This makes a total of 13.9%. This is why residents are concerned their residential street is saturated with student accommodation. Whichever direction they look they see student HMOs.*

*This application contravenes Policy 29 by reducing sustainable housing. Alterations are hard to undo and experience has proven that, once family houses have been altered to accommodate an HMO (moving internal walls and layouts, changing outhouses and garages to bedrooms) it is expensive and difficult to revert the houses back to a family home.*

*I believe that this application should be considered within the spirit of the NPPF.*

*This confirms that the planning system should contribute to the achievement of sustainable development. Built into the NPPF is a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.*

*Paragraph 9 of the NPPF confirms that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of an area.*

*Durham County Council Parking and Accessibility SPD (2023) 4.1 states that "Developers are expected to provide an adequate amount of safe parking which is appropriate in scale, location and reflects the context of the development. Adequate parking provision for residents and visitors improves road safety and limits harm to residential amenity from parking on pavements and verges."*

*The parking guidance states that "Where a garage is not provided, alternative secure provision must be made."*

*The development at 31 Bradford Crescent will increase the size of the house from 2 to 3 bedrooms. It is thus required within Table 5 of the SPD to accommodate a minimum of two cars securely within the curtilage. As there is only on-street parking for this property it is not possible to park two cars securely.*

*Parking is already at a premium along the length of the road with cars parked both sides and it can be difficult to find space on an evening or weekends. Residents are concerned that this HMO fails to provide any of the required in-curtilage car spaces.*

*Durham University has reported publicly that there is sufficient housing stock for all students who need it. They stated "In 22/23 the University had a total of 22,131 students, of which 21,341 were full-time. Total student numbers for 23/24 are released after the 1 December census date. However, there has been enough accommodation in the City for everyone who wanted it this year - there were rooms in HMOs still being advertised in September, and the University has a normal number of void rooms across its estate. In 24/25 planned total student numbers are expected to be lower than in 22/23 and 23/24. As such, we can say with confidence that there is enough student housing in Durham City to meet demand."*

*I cannot see that this application brings any improvement to Bradford Crescent, Gilesgate or Durham. I can see no demand for it and no reason why this residential street should lose yet another family home. On behalf of the residents of Bradford Crescent and Gilesgate I ask that you reject this application'.*

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

G Swarbrick thanked the Chair and Committee and noted recent approvals for similar HMOs, including at 58 Bradford Crescent, and appeals that were dismissed in terms of NDSS and bedrooms, not an issue in this application. He added that the Planning Inspector, when looking at the application for 58 Bradford Crescent had noted that application had been in line with CDP Policy 16 and acceptable in terms of parking and highway safety.

G Swarbrick noted that the current application included a limited extension, and the Officer had noted the application was in accord with CDP Policies 16, 29 and 31. He reiterated the Planning Inspector's view of applications being in line with those aspects, in terms of residential amenity and highways. He noted the percentage of HMOs within a 100-metre radius was less than the ten percent threshold and noted that therefore the application should be approved as there were no reasonable grounds to withhold approval.

The Chair thanked G Swarbrick and asked Officers if they wished to address the points raised.

The Principal Planning Officer, J Jennings noted that the objectors had stated there was no need demonstrated for the proposed HMO, however, Part 3 of Policy 16 of the CDP did not consider need, rather the ten percent threshold was used to monitor the situation in terms of HMOs, as endorsed with recent appeals decisions referred to, with the Planning Inspector in one case noting that need was not required to be considered, and there was the opportunity for properties to revert to family homes. She noted the other considerations were as set out by the Planning Officer in his report.

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

Councillor A Bell noted that the Committee had struggled with many HMO applications, then the CDP had been adopted, and now a number of appeals decisions had come through from the Planning Inspector. He noted that he would therefore take on board those professional opinions and move approval of the application.

Councillor P Jopling queried the need for such HMOs, with the University having several hundred units available for students at the moment. She noted she could not see why applications were coming forward when there was existing accommodation available. The Principal Planning Officer noted that while there may be some beds available in University Colleges, that itself was not reason for refusal, and was for market forces to consider. The HMO part of Policy 16 was designed to control the supply of HMOs by monitoring it against the percentage threshold.

Councillor J Elmer noted the Committee had considered many similar applications and noted he felt it was the purpose of planning to allocate by aligning provision with need adding he felt the Committee found itself in a very strange position that it had gravitated towards in terms of HMOs. He noted that the application represented the loss of a family home, and there was evidence that it had had an impact upon families in terms of student HMOs, students being transient by their nature. He added he agreed with the comments from Councillor E Mavin and L Mavin and noted that not all appeals decisions on HMOs had gone the applicants' way, with around half being upheld. He proposed that the application be refused, based on Policy 31 and the negative impact upon amenity for surrounding residents.

Councillor D Oliver noted he felt an element of déjà vu in respect of many similar HMO applications coming before Committee. He noted he appreciated the comments from both sides, both residents and applicants, however, he would always point to the relevant policies. He added he understood those applications that had been refused previously and therefore tested via the Planning Inspector, however, it was clear to him that the Council should not be refusing applications for HMOs when under the ten percent threshold, as a measure of the impact of HMOs on an area. He added that therefore he would be supportive of the application, especially given the details of appeals decisions.

The Chair noted that Councillor J Elmer had referred to Policy 31 as a refusal reason, however, those grounds had been rejected by the Inspector at appeal. The Principal Planning Officer noted that one of the appeals dismissed by the Inspector on such grounds had been a very different case, being the change from a six-bed to ten-bed HMO, and there had been evidence in terms of crime reports in the area. She added that an appeal for an HMO close to the current application had been allowed at appeal, with the Inspector agreeing with the ten percent threshold as set out in the CDP. Councillor L Brown noted she understood that those appeals decisions that had been upheld were being challenged. She asked, if Members were minded to approve the application, that construction commenced at 0800, rather than 0730 as it was in a residential area.

Councillor R Manchester noted he would second Councillor A Bell's motion for approval.

He noted from his time on the Committee that Members were acutely aware of the impact of such HMO applications on communities, however, he did not feel it was possible to refuse such HMO applications on amenity grounds without any additional information specific to that application, else it would be effectively a ban on all HMOs. Councillors A Bell and R Manchester agreed to the amended start time for construction being 0800.

The application had been moved for approval by Councillor A Bell, seconded by Councillor R Manchester and upon a vote being taken it was:

**RESOLVED:**

That the application be **APPROVED**, subject to the conditions set out within the report, with amendment to Condition 5 to the start time for construction works, from 0730 to 0830.

**e DM/23/02397/FPA - Land North of 1-4 Bow View, Ushaw Moor, DH7 7BY**

The Principal Planning Officer, Leigh Dalby 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 some Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of 5no dwellings with associated site access and ancillary facilities and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted some corrections to the report and displayed a map with the correct red line boundaries denoting land within the applicant's ownership and the proposed biodiversity area, and slight movement of the location of some garages. He explained that the proposed access was from Temperance Terrance, with a temporary construction access to be taken via Cockhouse Lane to avoid issues with construction traffic. He added that the application was within the open countryside, to the north and south, and with an AHLV to the west of the application site. He noted that there was a public right of way (PROW) running through the landowner's field, and the application site was currently grassland with a steep increase in height running south to north. In respect of Biodiversity Net Gain (BNG), Members were asked to note the land further to the west from the proposed dwellings, as well as the proposed site layout, access,

construction access and Sustainable Drainage System (SUDS) pond within the main site.

The Principal Planning Officer noted landscaping and tree planting that were proposed to the north and south. He referred Members to the house types proposed for the development. He noted no objections from the Coal Authority, Highways, Ecology, Landscaping, Tree Sections, subject to amended landscaping and conditions as set out. He added that the Council's PROW, Environmental Health and Archaeology Teams had also offered no objections, subject to conditions.

The Principal Planning Officer noted 12 letters of objection along with a petition with five signatories, with the main reasons including: construction traffic, light, noise and dust, additional traffic, parking issues, loss of green space, mining activities and reduced privacy levels.

The Principal Planning Officer noted that Officers felt the application was acceptable in terms of CDP Policies 6 and 10, with the landscaping proposed being acceptable and therefore the application was recommended for approval, subject to the change to the location of the garages as mentioned.

The Chair thanked the Principal Planning Officer and asked Parish Councillor Jimmy Jamieson, representing Brandon and Byshottles Parish Council, to speak in relation to the application.

Parish Councillor J Jamieson noted he was representing the Parish Council, and lived right next to the application site, and while he had objected to the application in a personal capacity, he was speaking on behalf of the Parish Council at Committee. He explained it had been disappointing to note the surveyor's report on the field, which he noted was fully sodden, evidenced by the willow trees growing, which preferred such moist conditions. He added he had lived in the area for 30 years and knew the land well, having installed the field drains himself many years ago. He noted that new properties at Bow View meant areas now flood, noting he had video of such flood water flowing down the area, and that additional properties would exacerbate the issue and noted that garages at Waltons Buildings were damp.

Parish Councillor J Jamieson noted the National Coal Board (NCB) report in terms of the adjacent Welby Drive, where a massive sinkhole had appeared, where a local farmer had been very close to falling into the hole, being over 30 metres wide. He added that the NCB had tipped rubble into the hole in an attempt to fill it, however, the developer in that instance had broken the cap, however, the development had not been completed and local people had used the site as a mountain bike track. He added the fear was that building works would crack the cap and present issues in the future.

Parish Councillor J Jamieson noted that the proposed construction traffic access had been welcomed, however, access to the site from Temperance Terrace was felt to be an issue, give the road camber and narrow nature. He noted that while Bow View had been built, it was common for vehicles to have to reverse along the street, with there also having been no banksmen employed during that construction.

Parish Councillor J Jamieson added that the Parish did not feel the proposals were well defined or thought through in terms of the impact upon public access, parking, the PROW, and issues of flooding. He noted other issues included the removal of hedges, impact upon Roe Deer that lived in the area, pheasants, as well as endangered Partridges and Sky Larks nests, and field mice and voles. He added all would be lost if the proposed development were to go ahead. He asked the Committee, on behalf of the Parish Council and its residents of Waltons Buildings, Temperance Terrace and Welby Drive and refuse the application, to prevent all the issues.

The Chair thanked Parish Councillor J Jamieson and asked Councillor M Wilson, Local Member, to speak in respect of the application.

Councillor M Wilson noted that the application had caused a number of concerns, with the NCB, now Coal Authority, not making a good case for building in the area, with many coal seams in the area, with additional development increasing risks of subsidence further. She noted as regards the pond at Valley View Farm and the increased flood risk at Waltons Buildings, with run-off from previous development running down Cockhouse Lane producing treacherous conditions, especially in winter. She added that the access proposed was very tight and would present issues in terms of refuse vehicle, emergency vehicles and deliveries. She noted that parking in the area was already a big issue, and that would be exacerbated by this application. She asked the Committee to refuse the application.

The Chair thanked Councillor M Wilson and asked Belinda Snow, local resident, to speak in relation to the application.

B Snow noted that she did not object to the buildings themselves, rather she objected to the road proposed for access being used, as it was already very tight and a concern in terms of traffic and parking. She explained that for 40 years, the children at Temperance Terrace had played in the gardens opposite, running between those gardens and their homes opposite. She added this would likely end up being used as a rat-run to access the proposed properties. She added overspill parking would result in it being impossible for refuse vehicles to access nearby properties and lead to up to 25 additional cars travelling up and down Temperance Terrace and Waltons Buildings.

The Chair thanked B Snow and asked Ciaran Walsh, agent for the applicant, to speak in support of the application.

C Walsh noted a drainage strategy had been submitted in line with CDP Policy 35, with the addition of a SUDS pond to help deal with any high outflow demand. He noted that the property types proposed were of a split-level design, one and a half, and two and a half storeys, taking into account the incline of the site and being built into the hill. He added the designs were such to cater for growing families, allowing those in the area to move from two and three bed properties, freeing those homes up on the market for new families. He noted that the concerns as regards the previous development mentioned had been taken on board, hence the proposed alternative site access for construction vehicles, alleviating pressures on existing residents.

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

Councillor L Brown asked as regards any response from Northumbrian Water in respect of the application and whether their drains would be able to cope with the additional load. She noted paragraph 31 of the report referred to photovoltaic panels, and asked as regards connection to the gas network as it was not referred to. She asked if the back terrace referred to by the speakers could cope with traffic and noted, if approved, would it be possible for Condition 12 to refer to a 0800 start time, rather than 0730.

The Principal DM Engineer, David Battensby noted that as part of the application process, the applicant had supplied analysis in terms of access for refuse vehicles along Waltons Buildings / Temperance Terrace. He added that the width of the carriageway was six metres, which is wider than the required 5.5 metres for new build estates, and therefore was more than capable in terms of the proposed development. Councillor L Brown asked as regards the rear lane and issues with parking. The Principal DM Engineer noted that there was existing on-street parking however there was still ample space, if there were any obstructions, other primary legislation would apply.

The Principal DM Engineer noted that any one-way system would need to be voluntary by the applicant as the car park is not part of the highway to which the legislation applies, therefore it would not be possible to enforce and would be open for drivers to act contrary in any case. He added any one-way system could conflict with parking in the north-east corner and could be at the cost of additional spaces. He reiterated that it would be voluntary at the landowner's discretion, and in any case likely would not be adhered to which could create road safety issues.



Councillor J Elmer noted his concerns as regards ground nesting birds, as referenced by one of the speakers and noted a check should be made with the Council's Ecologist in terms of building at the appropriate time of year to protect those species, with Skylarks being a Protected Species. He asked for any further information in relation to potential subsidence and explained his frustration that Northumbrian Water had not responded, with many of their sewers operating well beyond capacity, on occasion releasing wastewater into surrounding areas. He noted that while he had those concerns, and as regards the highways issues raised, he could not see anywhere where the application breached planning policies.

The Principal Planning Officer noted that the Coal Mining Risk Assessment had set out that the Coal Authority thought development was acceptable, subject to conditions. In relation to ground nesting birds, the Principal Planning Officer noted that in terms of breeding birds, it had been noted there had been thought to be limited impact, however, if Members were minded an addition condition could be placed, limiting construction outside of breeding season.

Councillor M Wilson noted she would dispute the comments from Highways in terms of vehicles being able to get up and down the roads, she noted parking was often in both sides of the road, reducing the width such that refuse wagons were unable to get passed the parked cars, adding she could not see how they would be able to get around the tight corner.

Councillor K Shaw noted he had listened carefully and could not see any grounds for refusal, therefore he would second Councillor J Elmer's proposal for approval.

Councillor J Elmer noted his approval was subject to a condition linked to the birds as referred to and the Wildlife and Countryside Act. The Principal Planning Officer noted an appropriate condition would be added.

The application had been moved for approval by Councillor J Elmer, seconded by Councillor K Shaw and upon a vote being taken it was:

**RESOLVED:**

That the application be **APPROVED**, subject to the conditions and Section 39 Legal Agreement set out within the report, with addition condition relating to nesting birds.

*Councillor J Cosslett left the meeting at 12.05pm*

**f DM/24/00426/FPA - How Do You Do, York Road, Peterlee, SR8 2DP**

The Planning Officer, Michelle Penman gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from dwellinghouse (Use Class C3) to house in multiple occupation (HMO) (Use Class C4) including single storey rear extension, cycle parking and bin storage and was recommended for approval, subject to the conditions as set out in the report.

The Planning Officer noted in respect of consultation that no objections had been received from statutory or internal consultees, subject to conditions. She explained there had been five letters of received in total, including from Councillors L Fenwick, S McDonnell and Graeme Morris MP and residents. She added there had been four letters of objection received, with issues raised including noise and light pollution, parking issues, impact upon amenity, potential anti-social behaviour and litter. She added one letter of support had been submitted supporting the application for the benefits it would bring to the area for residents.

The Planning Officer noted that the application was felt to be in accordance with Policies 6 and 9 of the CDP and it was not considered that there would be significant detrimental impact upon residential amenity or highways safety to warrant refusal and therefore the application was recommended for approval, subject to the conditions set out within the report.

The Chair thanked the Planning Officer and asked Councillor S McDonnell, Local Member, so speak in relation to the application.

Councillor S McDonnell thanked the Chair and Committee and explained she knew the area very well, having previously lived within walking distance to the York Road shops. She explained she did not support the application as she had to consider the impact upon the elderly and vulnerable residents living in the surrounding area, some living directly opposite to the site. She noted that a convenience store had been located at the corner of the precinct, next to the Fish Shop, with the Fish Shop operating until 2100-2200, with the shop closing at 2000, noting it had been an off-licence. She explained that youths had congregated at those shops, and it had been very intimidating with many locals not going to the shops after dark. She added that it had appeared to many as if that shop had been run down, in terms of stock, and then had closed.

Councillor S McDonnell noted that the twelve residents opposite the application site suffered already in terms of traffic, with bright lights from the building and from cars coming and going glaring into residents' windows. She added this issue had been raised with Environmental Health. She noted there were two access points into the site, from York Road and Bedford Place, with around 99 percent using the York Road entrance/exit, hence headlights glaring into the bungalows opposite.

Councillor S McDonnell noted she understood the applicant wishing to diversify their operation and have operating hours of 0700 to 0000, however, she noted other nearby shops operated either 0700 to 2200 or 1200 to 0000. She emphasised the impact on residents from the lights flashing across their windows. She explained she had sat in the bungalows with residents and had witnessed firsthand the huge difference those lights made to the elderly and vulnerable residents of those bungalows and asked the Committee if they would want to live with the impact of those lights at their homes.

The Chair thanked Councillor S McDonnell and asked Councillor L Fenwick to speak in relation to the application.

Councillor L Fenwick noted that she had objected to the change of use application in terms of the impact it would have on the twelve bungalows opposite the site. She noted those residents were elderly and some were very vulnerable, and while a shop was welcomed, the natural position would have been within the existing shopping parade, which was set back and had its own parking spaces. She explained there had been relatively little impact from the public house, some disturbance when events were held, however a shop opposite to the bungalows would represent constant light and noise pollution. She added that, as was the case in many other similar areas within Peterlee, there was the risk of anti-social behaviour, impacting upon the health and wellbeing of local residents.

Councillor L Fenwick noted comments from local resident, Coral Fisher, who had asked if she could present her comments to the Committee. Councillor L Fenwick noted C Fisher asked that the Committee took a moment to consider the application and the needs and amenity of those living opposite the site. It was noted that the proposals would have a big impact upon C Fisher and her neighbours, with slides being shown demonstrating the impact of headlights on those properties. Councillor L Fenwick explained that C Fisher felt there was already impact from the pub, however, that would only get worse should the application for a shop be granted, with non-stop traffic and increased lighting from the shop itself. It was added that residents opposite did not want 24 hour, seven days a week impact and Councillor L Fenwick noted who would want their curtains closed from 1400, with residents not wanting to feel isolated in their homes.

Councillor L Fenwick explained as regards medical issues that would be exacerbated as a result of increased light pollution, and highlighted other issues including with parking, traffic and that residents felt the application was contrary to Policies 6 and 31 of the CDP in terms of impact upon the health and wellbeing of residents and their amenity.

Councillor L Fenwick explained that C Fisher had noted that it had been stated there were 46 parking spaces, however, there would only be three rows of 14 spaces, the remaining being lost to the proposed extension. The previous referral to Environmental Health in respect of light issues was noted and the issues of concern raised were reiterated, being light and noise, anti-social behaviour, fear of residents in terms of going out. She concluded by noting that there were no other shops with bungalows opposite within Peterlee, adding a new shop was welcomed, just not in that location, and that the wellbeing of residents living opposite should be taken into account, with many of those properties having been adapted specifically for those residents.

The Chair thanked Councillor L Fenwick, and C Fisher, and asked the Committee for their comments and questions.

Councillor D Oliver thanked all for their comments and noted that shops within residential location could be source of traffic and present issues residents, however, Environmental Health had not objected in respect of the application. He noted shops within his area were viewed positively as an asset and had heard nothing that would suggest the proposals before Members would be anything different. He added that, with the bigger picture in terms of promoting sustainable development, he would be strongly minded to approve the application.

Councillor D McKenna noted he was finding it hard to see any reasons to refuse the change of use application, though understood the issues raised and the impact on residents. He asked if there could be any better solution, in terms of screening the light from headlights as described. He added it was not possible to predict whether anti-social behaviour would occur.

Councillor A Bell understood the impact on residents, however, the use opposite was commercial use, and it was the case that some development would take place. He echoed the comments from Councillor D McKenna in terms of any potential screening and would second the motion for approval by Councillor D Oliver.

*Councillor D Oliver left the meeting at 12.44pm*

Councillor L Brown asked as regards the two entrances/exits and whether there was any scope for a one-way system to prevent lights flashing across the bungalows.

Councillor J Elmer asked if there was any scope to design out potential anti-social behaviour, by not introducing places to sit, the addition of CCTV and so on.

The Principal Planning Officer, Jennifer Jennings noted that conditions relating to lighting presented an opportunity to control those elements in terms of timings and locations. In terms of concerns relating to additional advertising signage, they would be subject to separate future consent, and noted for reference that other nearby shops did not operate backlit signage. She added that a condition in relation to CCTV could be added if Members were so minded.

The Principal DM Engineer noted that any one-way system would need to be voluntary by the applicant as the car park is not part of the highway to which the legislation applies, therefore it would not be possible to enforce and would be open for drivers to act contrary in any case. He added any one-way system could conflict with parking in the north-east corner and could be at the cost of additional spaces. He reiterated that it would be voluntary at the landowner's discretion, and in any case likely would not be adhered to which could create road safety issues.

The Chair noted the issue of potential screening raised by Councillor D McKenna. The Principal Planning Officer noted that the entrance was open and the area in question for screening was not part of the proposed scheme and noted it would not be reasonable to make a requirement by way of condition.

The Chair noted the application had been moved and seconded and noted the comments from Councillor J Elmer in relation to CCTV.

Councillor L Fenwick noted the main issue raised related to light on the bungalows opposite and that some screening may help. Councillor J Elmer noted that the grassed area to the front of the bungalows had three tall trees that headlights would easily shine through, and felt some hedging across that area, being council owned, could be useful.

Councillor A Surtees noted she was familiar with the area and noted that there would always be issues with lights from vehicles in the area, and possibly a small metal frame could help deflect the light from parked vehicles. Councillor L Brown noted she felt the Local Councillors could approach the applicant, if the application was approved, in terms of a one-way system.

The Chair noted the suggestions in terms of screening. The Principal Planning Officer noted that the red line boundary of the application did not extend beyond land owned by the applicant and the land suggested was Council owned and therefore any such screening as suggested would fall outside of this application. There would be an opportunity to secure fencing outside the planning process, any fence 1 metre or less would not need planning permission.

The Lawyer (Planning and Highways) noted that the proposer had left the meeting, however, the proposal for approval had already been moved and seconded.

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

**RESOLVED:**

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

## **6 Special Meeting**

The Chair noted there was a special meeting of the Committee being held on Friday, 17 May 2024 at 1.30pm, in the Council Chamber, County Hall, Durham.