

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in the **Council Chamber, County Hall, Durham** on **Tuesday 8 October 2024** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), A Bell, J Clark, S Deinali, J Elmer, C Kay, K Robson, K Shaw and A Surtees

Also Present:

Councillors C Fletcher, D Hall, E Mavin and L Mavin

1 Apologies for Absence

Apologies for absence were received from Councillors L Brown, I Cochrane, D McKenna and R Manchester.

2 Substitute Members

Councillor B Kellett substituted for Councillor D McKenna.

3 Minutes

The minutes of the meeting held on 10 September 2024 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

Councillor B Kellett noted, in respect of application DM/24/00692/OUT - Homer Hill Farm, while he had made a comment on the planning portal, he had no interest and had attended the site visit the previous day.

Councillor S Deinali entered the meeting at 9.34am

The Lawyer (Planning and Highways), Neil Carter asked if Councillor B Kellett, despite having made representations on the planning portal, was saying that he was approaching the application with an open mind. Councillor B Kellett confirmed that was the case, and that he would not be speaking on the matter as a Local Member.

The Chair noted 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)

The Chair noted that Item 5d on the agenda, application DM/24/00692/OUT - Homer Hill Farm, would be taken as the first item in order to better accommodate speakers.

d DM/24/00692/OUT - Homer Hill Farm, Pittington Road, Rainton Gate, Houghton-le-Spring, DH5 9RG

The Planning Officer, David Richards 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 previously visited the site and were familiar with the location and setting. The application was an outline application for the erection of 1no. rural workers dwelling (with all matters except access reserved) and was recommended for refusal, with reasons as set out in the report.

The Planning Officer noted that in respect of representation, Councillor D Hall supported the application, with Councillor B Kellett having responded in support of the Officers' position. He noted there was no objection from the Highways Section although stipulations were made, and advice provided from the Spatial Policy Team. He noted no objections from Landscape, Tree Officer and Ecology, subject to conditions, screening, noting green belt policy would apply and biodiversity net gain (BNG) would not apply as it was a self-build development. He explained that the Coal Authority had objected to the application, noting the application was in a Development High Risk Area and that the applicant would need to submit a Coal Mining Risk Assessment accordingly. The Planning Officer noted that there were no objections from members of the public.

The Planning Officer noted that the report offered a full assessment from Officers, however, in summary the application was recommended for refusal as the applicant had failed to demonstrate the need for a worker on-site, as there was already another worker living on-site, and therefore was contrary to Policy 12(a). He added that while the retail element was substantial, it was outside of any reason that could justify the application. He noted in respect of security, recent incidents had been dealt with by current workers on-site. He added that therefore the application had failed to comply with Policy 12(e) of the County Durham Plan (CDP). The Planning Officer noted that the application was inappropriate development in the green belt and would cause visual and spatial harm to the openness of the green belt, and as other considerations did not clearly outweigh the harm caused to the green belt, there was not the very special circumstances to justify the development, which conflicted with the aims of Part 13 of the NPPF and CDP Policy 20. He concluded by noting that as no Coal Mining Risk Assessment had been submitted, the application represented unacceptable risk from pollution or land instability, contrary to the National Planning Policy Framework (NPPF) Paragraph 180 and CDP Policy 32.

The Chair thanked the Planning Officer and asked Councillor D Hall, Local Member speaking in support of the application, to address the Committee.

Councillor D Hall noted that the applicants, Mr and Mrs Haswell were in their 80s and were quite frail and therefore had not been able to attend Committee due to the stress of the situation. He reiterated he was one of the Local Members for Sherburn Village and therefore the application was in his electoral division. He explained that Homer Hill Farm was a thriving business, with butchery and café, and a local supplier to such companies as Marks and Spencer. He noted that farmers lived on farms, and farms were by their nature in the countryside and regularly within the green belt. He noted the application was not very unusual and he had been disappointed that it had been felt it was required to be considered by Committee, rather than approved under delegated authority. He added that if one looked at the details, it was for a rural dwelling for a rural worker. He noted the family had been a farming family for over 100 years, surviving economic turbulence and the impact of inflation and cost of living pressures. He noted that the applicants' daughter's illness had meant she had to step back from the running of the café and farm shop. Councillor D Hall noted he, as a civil servant, would likely retire around the age of 65 - 67, however, farmers often worked much later in life, reiterating Mr Haswell was in his 80s. He noted the hard work of the applicants during COVID, keeping local people supplied with quality products, and emphasised the business employed over 30 people and was a very successful local business.

Councillor D Hall noted how difficult it was to run a farm, his family having previously ran a farm in Ireland prior to moving to England.

He explained that the application was for a family of farmers, and succession planning was very important for their business, and he felt that surely, they were helping the green belt, with planning policy supporting this type of use. He noted the importance of those children that stay to support succession within farming businesses, reiterating that Mr and Mrs Haswell had worked until their 80s and therefore it was unfair to punish them by not allowing for such succession upon their retirement.

Councillor D Hall noted there was a small farming community that was supported via our planning policies and emphasised that policy should not get in the way of farmers or farming, with there being scope within policy for those required to live on-site in relation to 24 hours, seven days a week activity. He noted that any suggestion that farmers should live in the village and not on the farm did not make sense and urged Members of the Committee to support the application.

The Chair thanked Councillor D Hall and asked H Wafer, Agent for the Applicant, to speak in support of the application.

H Wafer thanked the Chair and noted the application sought planning permission to enable the development of a rural workers dwelling in support of the established agricultural business at Homer Hill Farm. She noted some of the Members may be familiar with Homer Hill Farm, adding it was a successful family run business which had been operational for over 100 years and currently employed over 30 local people. She added the business was originally established as a traditional cattle farm with over 110 acres of land in County Durham. H Wafer explained that, due to the volatile agricultural market, the business had diversified over the years and now included a farm shop, café and butchery. She noted, however, the business did still maintain traditional agricultural operations, with a current stock of cows, sheep and so on. She explained the meat was used both in the farm shop and also supplied to other local businesses, and in addition had recently been supplied to Marks and Spencer, an increase in the farm's business.

H Wafer explained that Glan and Jean Haswell had played a pivotal role in establishing and running the business on site over the past 40 years, and they wished to see that continue. She noted that whilst they were still involved in the business, Glan and Jean were looking towards retirement, but could only do so if a member of staff could reside on-site, to ensure security of the business and welfare of the livestock. H Wafer noted that the Committee Report produced by the Planning Officer advised that they do not consider there to be a need for a worker to live on-site, advising that the suggested worker was more involved in the butchery and retail side of the business, and that security of the farm could be managed with appropriate technology such as CCTV.

She noted the Report also stated that it was reasonable for the Applicants' grandchildren to live with the Applicants', should they wish to continue operating the business effectively. H Wafer noted whilst the business was currently operating effectively and that was only possible with the Applicants still being actively involved and their grandchildren living with them. She noted, however, that was not practical nor was it sustainable. She explained that with regards to the use of CCTV for security purposes, many of the Committee would be aware that technology often could fail, or glitches could occur. She added that it was not comparable to living on-site, particularly when dealing with emergencies that could be detrimental. She noted that, unfortunately, such occurrences were not uncommon for rural businesses and must be dealt with quickly. H Wafer explained that daily activities on the farm included animal husbandry; welfare checks; calving and lambing; all of which typically occurred outside the of normal working hours and required an on-site presence. She noted that National Planning Guidance confirmed that in such instances there was an essential need to live on-site. She noted that likewise, rural workers' dwellings could be supported if there was confidence that the business was viable and if the dwelling was required for succession planning.

H Wafer explained that the business had been established and profitable for a significant period of time, seeing a year-on-year increase in customers and turnover. She noted, however, continued growth was only possible with an on-site presence. She reiterated that the application before Committee sought to develop a single rural workers' dwelling in the green belt. She noted Members has heard from Officers that they do not consider there to be an essential need for a worker to live on-site, however, should Members determine there was in fact a need, then very special circumstances exist which would enable the Committee to support the development in the green belt. H Wafer noted that the fundamental aim of green belt policy was to prevent urban sprawl by keeping land permanently open, adding that in this instance she would consider that the site was previously developed land due to its association with the farm house and surrounding built form. H Wafer explained that the NPPF advised that the development of new buildings in the green belt was inappropriate unless they met a number of exceptions, which includes the redevelopment of previously developed land. She noted that whilst the application was in outline, it was considered that a dwelling could be provided on site which was subservient to the adjacent buildings, infilling a small area of garden land and as such could be considered compliant with Paragraph 154(g) of the NPPF.

H Wafer noted that it was acknowledged that one of the reasons for refusal, as sited by the Planning Officer, was the lack of a Coal Mining Risk Assessment, however, if Members wished to recommend approval the applicant would be more than willing to accept a suitably worded condition or provide the assessment prior to a Decision Notice being issued.

H Wafer noted that therefore she would ask Members to support the application, the business and its employees. She concluded by adding that, if approved, the development would be invaluable and would ensure the business could be sustained and continue to thrive.

The Chair thanked H Wafer and asked Officers to address the points raised by the speakers.

The Principal Planning Officer, Jennifer Jennings noted Officers had looked at the application and supporting statements provided and that the work of the new resident would largely be commercial in nature, in connections with the café and farm shop. She added it was not clear that the resident would be hands-on with the agricultural side of the business, and while Officers had sought additional information in this regard, it had not been forthcoming, and therefore Officer had felt the application was not policy compliant. The Principal Planning Officer noted that in terms of any exception based on the land was previously developed was not supported by Officers, with agricultural land not being considered as previously developed. She added the application was not applied for on the basis of being garden land, however, if it had been it would still have impacted upon the openness of the green belt, as outlined within the Committee Report.

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

Councillor J Elmer noted there was already another dwelling on the site, other than the farmhouse, previously approved under CDP Policy 12. The Principal Planning Officer noted two dwellings on the site, prior to the recent businesses. Councillor J Elmer asked for clarification, noting reference on the site visit to the recently built house. The Principal Planning Officer noted that there was a farmhouse and a bungalow, both being longstanding developments.

Councillor D Oliver noted that the biggest impact of the application was on the countryside. He added that as the application was only in outline, he felt that the design at any reserved matters stage could achieve a design that could be acceptable in terms of maintaining views. The Principal Planning Officer noted that it was correct that the application was in outline, and design would be for any reserved matters stage, however, as the application was within the green belt there therefore needed to be very special circumstances demonstrated to allow such development. She added that Officers did not consider that there were such very special circumstances, in addition to there also being felt there would be impact upon the openness of the green belt.

Councillor A Bell noted the second property referred to on the site was a bungalow and asked if that property had a condition to state that it was only for use by a rural worker. The Principal Planning Officer noted the farmhouse was occupied by Mr and Mrs Haswell who ran the business with their granddaughter. She noted the bungalow was occupied by Mr and Mrs Haswell's daughter who was, as previously noted, ill. She added she did not know whether there was such a condition on the bungalow, however, they did work within the overall business.

Councillor A Bell noted the strict requirement to demonstrate a need to be on-site, recalling similar previous applications. He asked whether a temporary accommodation could be explored as a 'first step'. He noted the business was very successful and help support our local economy and provided a good number of jobs. He added that if the application only just fell short, he would hope to try and find a way to support the application. The Principal Planning Officer noted applications for temporary dwellings in rural settings were often associated with a new business and were to provide an opportunity to see if the business could be successful. She added that in this case, the business was established and there were two existing dwellings on-site and no information had been provided in terms of retirements or otherwise. The Principal Planning Officer noted that in relation to any temporary accommodation, the village of West Rainton was a 10–15-minute drive, should there need for persons to be at an address nearby. She reiterated that planning policy required demonstration that all options had been looked at, which was not felt to be the case in terms of this application.

Councillor D Oliver noted his view on planning decisions was a balance, and while he had not operated a farm himself, he would take on face value what the family had said in terms of the three generations living on-site. He noted that as he understood, the older generation were frailer and therefore there was a pressure on the business and there would be an impact if the family were scattered. He noted he was willing to accept the position stated by the family when balancing against any visual harm. He reiterated he felt that a design at the reserved matters stage would be able to suitable, and therefore he would be open to a motion for approval, though he would listen further to comments from the Committee.

The Chair asked for clarification as regards who currently lived on-site, to his understanding the Applicants lived in the farmhouse, and while the granddaughter helped with the shop, it did not operate 24 hours a day, 7 days a week. In addition, he noted there had been sufficient time for the Applicant or their Agent to provide the information Officers referred to in terms of assessments and additional evidence to support the application. He asked if the Coal Authority were not satisfied, and no assessment had been made could the application be approved.

The Principal Planning Officer noted that the application site was in a development high risk area, and the Coal Mining Risk Assessment was a very important document. She deferred to the Lawyer (Planning and Highways) as regards any potential approval of the application without the assessment having been completed. The Lawyer (Planning and Highways) noted there was a fundamental concern in terms of a lack of a Coal Mining Risk Assessment and added that it may be very difficult to condition, given the magnitude of the issue. He noted that if Members were minded to approve the application, he would suggest a deferral, in order to allow time for the Coal Mining Risk Assessment to be carried out, would be a preferable course. He noted that if the Committee were minded to approve the application, then there would need to be reasons given why the benefits of the application outweighed the harm to the green belt by inappropriateness, harm to the openness of the green belt, harm as described by Policy 12 of the CDP, and to explain as regards the very special circumstances that would mean the application was acceptable.

Councillor S Deinali moved deferral of the application, to allow for a Coal Mining Risk Assessment to be conducted, and to allow for further information to be submitted in relation to the role of the granddaughter in respect of the business. She added that she felt that if the Committee were to refuse the application now there would be potential that the business could not proceed, especially given the age of the applicants. The Chair noted there may be some merit to a deferral, however, there had been an amount of time already in which those issues could have been addressed.

Councillor J Clark moved that the application be refused as per the Officer's recommendation, adding that she understood the emotive input from the Local Member and Applicants' Agent, however, she could not support the application.

Councillor J Elmer noted he had attended the site visit, and he felt the decision was very tough in that each application for development in the green belt needed to be looked at carefully, so as not to make each subsequent application in the green belt easier and easier. He noted that in this instance, the farmhouse over two storeys already impacted upon the openness of the green belt, however, he had doubt in terms of any very special circumstances as the applicant had not provided sufficient evidence, especially with two buildings already on the site. He noted he would second the motion for refusal.

Councillor D Oliver understood the concerns raised by other Members, however, he felt there was potentially value in the application, therefore he would second the motion for deferral.

He noted there were no objections from members of the public, and there was an economic case for the application that the family may wish to make, in addition to the requisite Coal Mining Risk Assessment.

The Chair noted there was a motion for refusal and a motion for deferral, he would therefore put the motion for deferral first, moved by Councillor S Deinali, seconded by Councillor D Oliver, and upon a vote being taken the motion was **LOST**. The Chair noted the motion for refusal was moved by Councillor J Clark and seconded by Councillor J Elmer and upon a vote being taken it was:

RESOLVED:

That the application be **REFUSED** as per the reasons set out within the report.

a DM/24/02063/FPA - 58 Bradford Crescent, Gilesgate, Durham, DH1 1HL

The Planning Officer, Michelle Hurton gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for change of use from dwellinghouse (Use Class C3) to a 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 previously been dismissed at Appeal, with the current application now having increased width of some rooms such they now met nationally described space standards (NDSS), the sole reason for dismissal at Appeal. She added this also included the required soundproofing. She noted there had been objections received from Belmont Parish Council, as well as from the three Local County Councillors, with issues including the increase in the number of HMOs without there being any clear need, as well as here being existing student provision, including for postgraduates at Ernst Place. The Planning Officer noted no objections from the Highways Section, with HMO Licensing noting no requirement for a licence, albeit provided information on required standards. She noted that HMO Data noted that including the application there would be 8.2 percent Class N exempt properties, rising to 9.2 percent if one unimplemented approval was taken into account, both being less than the 10 percent threshold within Policy.

She added that there had been no objections from Environmental Health, and two public objections had been received, citing concerns relating to residential amenity, highway safety and parking, impact upon the character of the area, that student HMOs did not contribute in terms of Council Tax and that the HMO data was not good and did not take into account the actual position on the ground.

The Planning Officer concluded by noting that the application was acceptable in principle as it was in line with Policy, and in also taking recent appeals decisions into account, the application was recommended for approval subject to the conditions set out within the report, noting that there was not requirement for BNG.

The Chair thanked the Planning Officer and asked Parish Councillor P Conway, representing Belmont Parish Council, to speak in relation to the application.

Parish Councillor P Conway thanked the Chair and Committee and noted there were several concerns that the Parish Council and local residents had in respect of the application. He noted that while not within the Belmont Parish area, it was within the area that would be covered by the developing Neighbourhood Plan for Gilesgate and Belmont, being led upon by the Parish Council. He noted that the Committee were well aware of the unrest within the city as regards the issue of HMOs, with many residents feeling there was scant regard for their concerns. He noted that the Committee Report made it appear as if the only issue with the application had been with the extension size, whereas the 56 objections to the initial application demonstrated the scale of opposition to the proposals. Parish Councillor P Conway added that there was the impact upon the character and appearance of the area, exacerbating the problems young families were experiencing in trying to get on the housing ladder. He noted there was a knock-on effect in terms of the numbers at the local school, impacting its viability.

Parish Councillor P Conway noted that the proposals were at variance with the environmental, social and economic aims of the NPPF, namely Parts 2, 5, 8 and 9. He explained that replacing a family home, occupied 52 weeks a year with a transient population, occupying for only 30 weeks per year was a detriment to the area. He noted that with no Council Tax being paid, in effect local residents were supplementing student landlords, and many residents felt the application was also contrary to CDP Policies 21, 29, 31 and 35, as per their objections to the original application. He noted that those residents' concerns were as material as Policy 16 and that Belmont Parish Council were informed by County Council Planners at one of its meetings that 'all CDP policies were relevant, not just Policy 16'.

Parish Councillor P Conway noted that planning was a matter of judgement and in considering Policies 21, 29, 31 and 35, as well as the NPPF, the Parish Council and residents were at variance with the Officer's report and those opinions should be taken on board. He added there was clear disagreement in terms of Policy 16 and the 10 percent threshold, noting many instances where properties were being used as an HMO without permission and hence the figures were incorrect. He noted specifically 78 Bradford Crescent being an HMO and asked whether Planners had visited the property to see if it was being used as an HMO.

Parish Councillor P Conway concluded by noting that the Parish Council and residents felt there was evidence of so-called 'sandwiching' of HMOs and that this was an issue that other Local Authorities were taking into account in their decision making, and therefore that, in addition to the other points raised in concern, should be taken into account and the application be refused.

The Chair thanked Parish Councillor P Conway and asked the three Local Members to speak in relation to the application.

Councillor E Mavin noted that three of the four applications on the agenda represented HMO applications within his electoral division. He added that the Committee were well aware of the impact such application had, undermining communities and preventing people from getting on to the property ladder. He noted the strength of feeling in terms of the number of objections from local residents to the initial application and reminded Members of the recent protests prior to Full Council and debate relating to HMOs. He concluded by noting it was felt the application was contrary to CDP Policies 16, 29 and 31 and therefore he would ask that the application be refused. Councillor L Mavin supported those comments and endorsed what the Parish Council and Local Residents had said in objection to the application.

Councillor C Fletcher noted she did not have much to add to the excellent comments from the Parish Council and Councillor E Mavin and L Mavin, other than to add she felt the application was contrary to Policy 16, if one were to look at the actual properties within 100 metres, such as those at Cunningham Place which were bungalows and therefore not ever likely to become an HMO. She added that there were 9 HMOs in the area, equating to around 13.9 percent, and reiterated that residents were increasingly feeling 'sandwiched' and saturated by HMOs. She noted Bradford Crescent was a lovely street, which unfortunately was silent during holiday time, as students were no present and there were fewer and fewer families with children as a result, reiterating prior points made as regards the local Primary School. She asked that application be refused being contrary to Policies 16, 21, 29 and 31 of the CDP.

The Chair thanked the Local Members and asked G Swarbrick, Agent for the Applicant, to speak in support of the application.

G Swarbrick noted that as the Committee had heard, the previous change of use application had been dismissed at Appeal, with the only reason being that of rooms that had not met NDSS on the ground floor, with that issue now having been addressed within the current application through reconfiguration of the ground floor to give a large living area, kitchen/dining room and garden area. He reiterated that the application fully addressed the sole reason for the dismissal at Appeal and noted that the percentage of HMOs in the area was less than the 10 percent threshold within Policy. He appreciated the concerns raised; however, it was felt there was an appropriate mix of properties in the areas and therefore was in line with Policy 16. He added that the application was in line with parking and highway safety requirements, with letting boards in the area meaning that many other properties would appear externally similar.

G Swarbrick noted that there was no impact upon residential amenity, the application being in line with Policies 6, 29 and 31 of the CDP. He reiterated that the sole reason for the previous HMO application being dismissed at Appeal had been addressed and therefore, given no reasonable reason for refusal, he would ask that Members endorse their Officer's recommendation for approval.

The Chair thanked G Swarbrick and asked the Committee for their comments and questions.

Councillor A Bell noted that, notwithstanding the objections as set out by the Local Members and Parish Council, the dismissal by the Planning Inspector of the previous application had only been on an issue that had now been overcome with the current application. He added therefore it was highly likely if the application was refused, it would be overturned at Appeal and therefore he would move that the application be approved, as per the Officer's report.

Councillor D Oliver seconded the motion for approval, adding he did understand the issues of over-proliferation of HMOs; however, Policy 16 had been specifically designed to protect against such over-proliferation. He noted that the application was compliant with Policy 16 and that given the views of the Inspector, he could see no other view.

The Chair noted that the issues raised with the 100 metres rule relating to HMOs would be something looked at within a future review of the CDP.

Councillor J Elmer noted it was very depressing that it could be concluded that there was no overall net harm from these types of application.

He noted the impact these types of application had on local communities, and the need for family homes in these areas. He noted it was extremely frustrating. He noted that our Planning Policies were informed by Government, and that they were pushing us into taking decisions that were not in the benefit of local communities. He added he felt only landlords were benefitting and there were many young people being pushed into lifelong debt.

The Chair noted that while Members may feel they would wish to refuse the application, the Committee had to work with the policies in place. He noted that while that was perhaps a depressing position, there would be further work as regards the CDP in due course.

Councillor D Oliver noted he felt there needed to be a balanced approach, and that Policy 16 did provide, if administered properly, the requisite protections.

The application was proposed for approval, as per the Officer's recommendation by Councillor A Bell, seconded by Councillor D Oliver and upon a vote being taken the motion was **LOST**.

The Chair noted therefore an updated or differing motion would need to be put.

Councillor C Kay noted he had come into the meeting with an open mind, and initially been minded to support the Officer's position following their presentation. He noted that he had listened to the Parish Council and Local Members, with their proposed reasons for refusal, however, he had not heard how they were specifically germane, and he would therefore like the Legal Officer to educate him on that in particular. He reiterated he had abstained in terms of the previous vote, and had meant no disrespect, however he felt it was a strange position the Committee was in, and he would struggle without some further information.

Councillor D Oliver noted he would echo his previous comments and while acknowledging the risks of the over-proliferation of HMOs, he believed that on balance the policy relating to a 10 percent threshold was reasonable in terms of the impacts. He noted the use of the word impact, rather than harm, and that anyone could live in this street, not all the properties were HMOs. He reiterated his previous comments in terms of the bounds of the Inspector's decision in relation to the previous application and noted that therefore it was a case of making a decision now, or for months of uncertainty to be followed by a likely cost to the Local Authority.

The Chair asked if Planning Officers and the Legal Officer could provide some further information that may help Members, reiterating that the only reason for dismissal of the previous application at Appeal had related to room sizes.

The Principal Planning Officer, Paul Hopper noted that within the Local Plan, Policy 16 was the main relevant policy in respect of HMOs. He noted the Parish Council had noted that other policies were relevant, such as Policy 31, when looking at aspects such as residential amenity, anti-social behaviour and noise. He noted that in considering those elements, Policy 16 had a 10 percent threshold, with anything below being considered acceptable and therefore the application was policy compliant. He noted there had been some discussion as to whether some other additional properties were being used as HMOs, however, Class N Council Tax exempt was the criteria used within Policy 16. The Principal Planning Officer noted the discussions in terms of the Inspector's decision relating to bedroom widths, and that Inspectors had considered Council Tax data as being robust. He added that while that may be an issue to be looked again during any review of the CDP, the application must be assessed against policies in place. He noted that in respect of the application, significant weight could be afforded in terms of appeal decisions on this property.

The Lawyer (Planning and Highways) noted he supported the comments from the Principal Planning Officer, and that the previous appeal at the property was a significant material planning consideration. He noted he had not heard any reasons from the Committee in terms of refusing the application and he was struggling to see any sustainable refusal reasons given the steer in terms of the decision from the Planning Inspector.

Councillor J Clark noted she took on board the comments from the Lawyer (Planning and Highways), however, she understood the comments from Councillor C Fletcher in terms of a 'mistake' in taking into account bungalows that could not realistically be converted to HMOs. She noted she felt for residents and had made note of the list of policies they had referred to, however, as the previous application had only failed on the size of bedrooms there was a need to think carefully.

The Principal Planning Officer noted for clarity that the appeal was regarding non-determination, with the Inspector dismissing the appeal only on the issue of bedroom width, all other aspects being acceptable.

Councillor K Shaw noted that the Committee had refused previous HMO applications in terms of the impact on the mix and balance of communities. He noted that shortly, Durham County Council (DCC) would be in the position where it would need to build twice as many properties, including providing family homes, as a requirement from Government.

He noted the 'drip, drip' in terms of the loss of family homes to student HMOs and therefore based upon that need for family homes, he could not support the application.

The Chair noted that the previous motion for approval had been voted down, and therefore if a motion for refusal was to be put, it would need grounds that would be defensible at any appeal, with some of the reasons stated by Councillor K Shaw not being within our current planning policies. Councillor C Kay noted that he was disappointed and felt that was somewhat disingenuous with policies 19, 29 and 31 having been cited by the Parish Council and Local Members. He added, however, that after listening to the debate further and taking into account the information as regards the Inspector's decision with the only reason for dismissal of the previous application being addressed within the current application, he would be minded to support the Officer's recommendation.

Councillor K Shaw noted that in terms of evolving Government policy there was an additional need for family homes and therefore getting rid of them did not make sense.

Councillor A Bell noted, to move progress, he asked the Lawyer (Planning and Highways) to advise the Committee on their options. The Lawyer (Planning and Highways) noted there had been a lot of genuine debate on why Members felt they did not think the application was a good thing, however, there had been no sustainable planning reasons put forward in terms of refusal, indeed there had been no motion for refusal put forward. He added if Councillor C Kay was now proposing approval, that motion would require a seconder. Councillor D Oliver noted he would second the motion.

Upon a vote being taken it was:

RESOLVED:

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

Councillor J Elmer requested his abstention in respect of the vote be recorded in the minutes.

Councillor D Oliver left the meeting at 11.03am

b DM/24/01649/FPA - 2 Monks Crescent, Gilesgate, Durham, DH1 1HD

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 application was for change of use from dwellinghouse (Use Class C3) to small house in multiple occupation (HMO) (Use Class C4) including driveway widening, 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 Belmont Parish Council had objected to the application, citing the over-proliferation of HMOs, impacts upon amenity, the transient nature of student tenants and lack of evidence of need for such HMOs. She continued, noting that Councillor C Fletcher had objected in principle, being the loss of a family home. She explained that the Highways Section had noted the application was in compliance with the Supplementary Planning Document (SPD) in terms of the parking and garage arrangements.

The Planning Officer noted HMO Data noted that there were 2.9 percent Council Tax exempt properties within 100 metres, increasing to 6.2 percent if considering unimplemented consents. She noted there had been no objections from the Arboricultural Officer, Ecology and Environmental Health, subject to the conditions set out within the report. The Planning Officer explained there had been two further letters of objection received since the publication of the agenda papers, noting 12 letters of objection, including from the City of Durham Trust. She added a summary was included within the report, with issues raised including: an existing high concentration of HMOs in the area; parking; impact on the character and appearance of the area; impact from noise on neighbours; impact on the environment, with HMOs and their gardens often being less well maintained; impact upon the community from the loss of a family home; loss of Council Tax revenue; and no evidence of need, especially given spaces being available in nearby purpose-built student accommodation (PBSAs).

The Planning Officer noted that the application for change of use was acceptable in principle, with the application being compliant with Policy 16 as there was less than 10 percent Council Tax exempt properties within 100 metres, being 6.2 percent including unimplemented consents. She noted that as the application was considered acceptable in terms of Policy 16, it was noted there was not an over-proliferation of HMOs and that there was not an adverse impact in terms cumulative impact upon residential amenity. She added it was felt there was sufficient amenity space internally and externally to meet the needs of potential occupiers.

She noted that the proposals were acceptable in respect of visual amenity and impact on the character of the area and reiterated the proposals were compliant with the Parking SPD in terms of parking, highway safety and cycle parking provision. The Planning Officer noted no other issues, adding that the application was exempt from BNG requirements, and therefore was recommended for approval, subject to the conditions set out within the report.

The Chair thanked the Planning Officer and asked Parish Councillor P Conway to address the Committee.

Parish Councillor P Conway thanked Members for again listening to the objections from the Parish Council and over 30 local residents. He reiterated that the views of local residents were material and needed to be taken into account. He noted the Parish Council felt there were sufficient grounds within Policies 21, 29, 31 and 35 to present a robust challenge to the application. He noted that we all found ourselves in a vexed position, and while well-meaning, Policy 16 was clearly no longer fit for purpose. He added that the application was also contrary to the NPPF's environmental, social and economic aims, again a material consideration.

Parish Councillor P Conway noted the proposals were to replace a family home with a HMO with a transient population, with no Council Tax revenue being generated by the property and with no contribution to the local community. He added that now clusters of HMOs were emerging, with Policy 16 referring to 'sustainable communities'. He noted one simply needed to view the comments on the Planning Portal to find numerous examples of the negative impacts of HMOs on our communities. He noted that one resident's comments had been to say that families had moved away, houses had been sold, divided into shoeboxes designed to cram in as many students as possible. He added the resident had also stated that they had felt that the application had not offered any benefits for local residents, the city or indeed students, with the only people benefiting being the landlords.

Parish Councillor P Conway noted that residents felt that the only conversation was around the 10 percent threshold and reiterated that there were numerous objections from residents in terms of HMOs, including this specific application. He added that the Parish Council would continue to represent the view of local people, however, those people were finding it difficult to keep faith, given there were other policies within the CDP and NPPF that could be used to refuse such applications. He asked that the Committee reject the application.

The Chair thanked P Conway and asked Local Members to speak in respect of the application.

Councillor C Fletcher noted that she would echo the comments from the Parish Council and echo the sentiments of residents. She explained she knew the area very well and that the issue of the application had been causing great concern to resident families in the area. She noted numbers 5 and 9 Monks Crescent were student HMOs, effectively sandwiching number 7, which was currently up for sale as the resident no longer felt it was a residential area. She explained that numbers 5 and 9 Monks Crescent had stood empty for a year, which had impacted upon the look and feel of the area. She noted, again similar to the previous application, as the property backed on to three bungalows, it would not actually be possible to reach the 10 percent threshold, given how unlikely it was that those bungalows would be converted to HMOs. She added if you considered the number of properties within the street itself, rather than a 100-metre radius, then it would be three properties from nine, representing 33 percent of properties. Councillor C Fletcher noted that 33 percent in this respect felt like contravention of Policy 16 and unfair to residents and students too, with 'shoebox' rooms. She noted the applications offended our local communities.

Councillor L Mavin noted she agreed 100 percent with the comments from the Parish Council and Councillor C Fletcher, adding the 100-metre radius considered within Policy 16 not working, especially in this case. She noted there were numerous local concerns and the application fell well short in terms of the NDSS. She noted that policy required at least one double sized bedroom to allow for reconversion back to a family home, and that there was a minimum requirement of 123 square metres, with the actual space available of 103.5 square metres being 19 percent less than standards. Councillor E Mavin added that he would urge the Committee to take note of the objections raised by the City of Durham Trust when considering Policy 29, being well designed, and the Parking SPD in terms of amenity standards to meet the existing and future residents' needs. He asked that Members refuse the application.

The Chair thanked the Local Members and asked A Gemmill, representing the City of Trust, to speak in relation to the application.

A Gemmill thanked the Chair and Committee and explained he, as one of its Trustees, was speaking on behalf of the City of Durham Trust. He noted that the application sought to turn a three-bedroomed family home, without extension, into a six-bedroomed HMO, the property requiring to be licensed and comply with the Council's "*Standards for Houses in Multiple Occupation*". He explained that the introduction to the standards, as set out on the projector screen for Members' information, pointed out that they had been formally adopted, and that they set out minimum requirements to ensure the health and welfare of occupants.

A Gemmill noted that Part 2 of the document set out minimum room sizes for bedrooms, kitchens, etc, but also stipulated the number of shower rooms and WCs to be provided, based on occupant numbers. He noted that for six occupants, two shower rooms or bathrooms must be provided, together with 2 WCs. He emphasised that a key requirement was that the WCs must be provided in rooms that were separate from the shower rooms. He noted thus four separate rooms were needed for this application, whereas the proposed plans provided only two, each housing a shower and a WC. He noted this represented a significant loss of amenity.

A Gemmill added that the standards did allow that the requirement to be waived, in exceptional circumstances, however, it was felt there was absolutely nothing exceptional to consider at this stage, since nothing had yet been implemented. He noted that the application was simply the case of a developer attempting to cram in as many bedrooms as possible in order to maximise rental profit. He explained that the City of Durham Trust believed that this lack of compliance alone provided grounds for refusal, but for two reasons Members were unaware of the issue.

A Gemmill explained that normally the Council's Environmental Health HMO Team was included in a list of consultees who are invited to comment on the acceptability, or otherwise, of an HMO application. He added that the HMO Team was expected to advise on the relevant requirements contained within the Standards and to draw the attention of the Case Officer to any deficiencies in the proposals. He noted that in this case however, the HMO team was not consulted. He notes the City of Durham Trust was concerned that the resulting lack of advice may have compromised evaluation of the application and hence the resulting recommendation for approval.

A Gemmill explained the second reason Members were unaware of the issue was that, despite the Committee Report acknowledging submission of the City of Durham Trust's letter, its objection was not included in the summary of public comments received or addressed in any of the evaluation relating to Policy 29. He noted that was partly why the Trust felt the need to speak at Committee, to ensure that Members were aware of their concerns.

A Gemmill referred to Paragraph 66 of the Committee Report and noted Members would see that it confirms the NDSS to be appropriate for assessing the suitability of internal space in the context of CDP Policy 29(e). He added that the City of Durham Trust had measured the overall internal area and found it to be 103.5 square metres. He explained that the most appropriate NDSS requirement was 123 square metres for a six-bedroom, seven-person dwelling, therefore the shortfall in overall area was some 15 percent, which could hardly be described as '*slightly below requirements*'. He noted another way to put it was that, as has been observed earlier, the property would need to be 19 percent larger to comply with standards.

A Gemmill noted that supported the City of Durham Trust's view that the proposals represented significant over-development of the property. He noted that finally, once again, Paragraph 67 of the Committee Report confirmed that the property must comply with DCC's HMO standards.

A Gemmill noted that it had been suggested that compliance with HMO standards was not a Planning matter per se, however, the wording of Policy 29 effectively conferred on the adopted HMO standards, a status equivalent to an SPD. He added that, as such, according to Policy 29, compliance with HMO standards must be considered as a Planning issue, particularly in terms of amenity. He noted that accordingly, he would ask Members to consider the points made by the City of Durham Trust as grounds for the refusal of the application.

The Chair thanked A Gemmill and asked G Swarbrick, Agent for the Applicant to speak in support of the application.

G Swarbrick noted the point raised in terms of the only beneficiary to such HMO applications were landlords, however, the NPPF noted that planning should look to meet housing needs, that of all people including students.

Councillor C Kay left the meeting at 11.26am

G Swarbrick noted that CDP Policy 16, together with other policies, were taken into account, however, the test within Policy 16 was the 10 percent threshold, considering Class N Council Tax exempt properties within a 100-metre radius of the property.

Councillor C Kay entered the meeting at 11.27am

G Swarbrick noted the neighbouring property had been approved and reminded Members of previous decisions of the Planning Inspectorate, noting that other than letting boards, the HMO properties were the same as any other property, and did not represent a detriment to residential amenity or the character of the area. He added there was sufficient parking provided, in line with the SPD. G Swarbrick noted that NDSS need not be applied rigidly, and that the Applicant had signed up to the Durham Student Landlords Scheme and provide a Management Plan for the property. He noted that accordingly, the proposals were in line with Policy and therefore, in also considering recent Appeal decisions, he would ask the Committee to approve the application as per their Officer's recommendation.

Councillor B Kellett left the meeting at 11.30am

The Chair thanked G Swarbrick and asked the Committee for their comments and questions.

Councillor J Elmer noted he felt the application was significantly different to the previous application, and noted he had listened as regards the 'sandwiching effect' as described by the Local Member, and the resident that had decided to sell up and move out, as well as the argument in relation to the bungalows backing on to the property, reducing the number of potential HMOs to be counted within the 100-metre radius. He noted successful HMO applications were creating local densities that were having an increasing impact upon our communities. He noted he felt that Policy 16 was less robust, and that the impact upon community cohesion needed to be taken into account. Councillor J Elmer noted that there were also concerns in terms of the calculations relating to NDSS, adding that if it did not comply then it was surely in breach of policy. He noted that a lack of WCs and bathrooms meant it did not seem that the property could be licensable and was not in line with Policy 29 in terms of being '*properly designed*'. Accordingly, Councillor J Elmer proposed the application be refused as it was contrary to Policies 29 and 31 of the CDP.

The Planning Officer noted the comments in relation to the clustering of HMOs and a 'sandwiching effect'. She explained that a recent Appeal decision in relation to 4 Monks Crescent had taken those factors into account, with the two properties opposite. She added that while some weight had been given, it had been concluded that as the percentage of HMOs within 100-metres was less than the 10 percent set out in Policy 16, the application did not represent an unacceptable impact or harm in terms of noise and disturbance. The Planning Officer noted that NDSS did not need to be applied rigidly, however they did represent a guide. She added that the bedrooms did meet the required space standards, with the overall living accommodation requirements being only slightly less than guidance. She noted that the proposals fell in between five-bed, six persons being 110-123 square metres, and six-bed, seven persons being over 123 square metres. She added it was felt more appropriate to look at the 110-123 square metre example, and therefore at 105 square metres, the area was only slightly less than the 110 square metres as set out. She noted that while there had been an omission in consultation with the HMO Licensing Team, the bedrooms met with NDSS, and the Applicant would have to go through the necessary process with that Team should the application be approved. She noted she had spoken with the HMO Licensing Team separately as regards the issue raised relating to WCs, and while they confirmed that the ordinary requirements were for two bathrooms and two WCs, they would not refuse a licence on that basis, namely separate WCs.

The Chair asked for confirmation that the HMO Licensing Team had stated they would not refuse a licence on the basis of not having separate WCs, the Planning Officer confirmed that was the case.

Councillor B Kellett entered the meeting at 11.37am

Councillor A Surtees noted that each application was looked at on its own merits, adding there would be impact on the strength of community cohesion and there were the issues raised in terms of rooms and sizes. She added she therefore would second Councillor J Elmer's motion for refusal.

Councillor A Bell noted he felt the points raised by Councillor J Elmer were valid, however, he felt the Planning Officer had explained as regards the issues raised. He noted that the 10 percent threshold was that set out in Policy, and it was the measure we applied, as well as what Inspectors expected and therefore would be happy to move approval of the application.

The Chair noted there had been a lot of reference to Policy 16 and the 100-metre radius rule and that perhaps the number of bungalows within the proximity had an impact and that the application should be treated differently, however, he felt that the Policy could not help Members in this case.

The Principal Planning Officer, Paul Hopper noted that in a previous case the Committee refused planning permission for an application where the percentage of Council Tax exempt properties within 100-metres was less than 10 percent, as the Committee considered the small, close-knit areas cul-de-sac street arrangement to be such that despite being compliant with policy 16 of the CDP, to grant planning permission would still unbalance the community and be detrimental to residential amenity. He added that while that appeal had been allowed, costs were not awarded against the Council. The Chair asked if that referred to number 4 Monks Crescent. The Planning Officer noted that the Inspector had taken into account comments and had afforded them minor weight, adding that the experience of one HMO was not the same as another HMO, and that the impacts were similar to that of a family home. She added that the Inspector had concluded that any 'tipping point' in terms of the balance of communities was the 10 percent as set out within Policy 16. She noted that in terms of limited evidence on the impact upon community cohesion, the Inspector had allowed the appeal.

The Chair asked as regards impact in terms of there being less than the 10 percent Council Tax exempt properties within 100-metres. The Principal Planning Officer noted that where below 10 percent, the Inspector had noted there was impact, however it was limited as the percentage of properties was under the 10 percent threshold.

Councillor K Shaw noted different opinions at Appeals and added that the 10 percent threshold should not be a straitjacket where such HMO applications were clustered in small areas and that the impact would validate refusal. The Principal Planning Officer reiterated that the 10 percent threshold was set out in policy and that if the application was compliant in that regard, there would be a need to understand what the reasons were that Members wished to refuse the application on.

Councillor K Shaw noted that he felt that the proposed HMO being next to bungalows was such that there was a valid reason in terms of impact.

Councillor J Clark noted the issues raised as regards the 10 percent threshold and that those would be considered when the CDP was up for review. She noted the information of the sizes of rooms and overall space, and it appeared that the issues were being dismissed by Officers whereas she felt those issues compounded problems with the application, with sizes not as they should be. The Principal Planning Officer noted that information had been provided on two guidance measures, and that HMO Licensing had their requirements, and Planners looked to apply NDSS. He reiterated that the bedroom sizes met NDSS, and there was only a marginal shortfall in terms of overall space, with Officers feeling the provision was adequate.

Councillor J Elmer noted he was still of the view that the 10 percent threshold was not fit for purpose, noting a number of situations similar to this application where a number of bungalows where further development, or use as HMO or family homes would not be possible. He felt there was sufficient argument in the case of this application to refuse and take the matter to appeal to push the Inspector. He added he took exception in terms of the comments from the Applicant's agent, adding there was evidence of oversupply in terms of the number of student bed-spaces and that the only benefit was to landlords. The Chair noted there was evidence in terms of the number of empty student bed-spaces and HMO properties. The Chair asked the Lawyer (Planning and Highways) for further advice.

The Lawyer (Planning and Highways) noted he had listened to the reasons that had been put forward for refusal from several Members. He explained he had extreme concern in relation to Councillor J Elmer looking to disregard Policy 16 as he felt it was 'not fit for purpose'. He emphasised that Policy 16 was part of the adopted CDP and while it may not be what some Members wanted it to be, it was the policy that was in place. He reiterated that he would urge caution in terms of any refusal in respect of need, with need not being a criterion within Policy 16. The Lawyer (Planning and Highways) noted Members had referred to their concerns in terms of amenity impact, and the implications of bungalows in the area and it may be that a reasonable refusal could be framed in terms of impact on the specific surroundings in this application.

Councillor A Surtees noted that when looking at the area via Google Street View, there appeared to be six bungalows opposite at Pilgrims Way and within Monks Crescent, noting an impact upon parking with potentially up to six vehicles. She added it was not known as regards any additional needs those occupying the bungalows may have, and reiterated she felt there would be impact upon community cohesion.

The Principal DM Engineer, David Battensby noted that the application was compliant with the Parking and Accessibility SPD, adding that work within the parking spaces was permitted development.

Councillor K Shaw noted that Policy 29 noted that applications should not affect community character, and therefore this application was in conflict with that.

Councillor J Elmer noted his concern in terms of ruling out Policy 16, adding the Policy was not only about the 10 percent threshold, but also referred to community cohesion. He noted he felt it was reasonable to say it was not the best methodology, and that a different approach could be taken to those previous appeals. The Lawyer (Planning and Highways) noted he had concern as regards any argument in terms of how the 10 percent threshold was calculated, and that any Inspector would look at a refusal on that basis as a case of the Committee not learning from previous appeal decisions. The Principal Planning Officer added that the decision on the other application at Monks Crescent had not included Policy 16 within that refusal, as it would have required articulation of reasons why it was contrary. He reiterated that refusal had cited conflict with Policies 29 and 31.

The Chair asked it was possible to frame any refusal in terms of Policy 29, taking into account the particular surrounding area, specifically the number of bungalows in the proximity, and that this would increase the impact of the lifestyle of students. The Lawyer (Planning and Highways) noted he would defer to Planning Officers as regards the strength of such an argument. The Principal Planning Officer noted the opinion of Officers was set out within the recommendation for approval contained within the report. He noted however, that if Members felt the proximity of the bungalows had an impact, then Officers would look to defend any decision made by Members at any subsequent Appeal.

Councillor S Deinali noted she suggested that the application was contrary to Policy 31, in terms of the impact upon community cohesion and amenity. Councillor C Kay noted he felt Members were 'dancing around the houses' and that, as stated by the Lawyer (Planning and Highways), Policy 16 set out the 10 percent threshold that was in place. He added he felt the Committee needed to move to a vote.

Councillor J Elmer noted he agreed with the suggestion made by Councillor S Deinali relating to Policy 31, in terms of the impact on residential amenity, community cohesion, and as impacted by the number of bungalows in the area. The Lawyer (Planning and Highways) asked as regards the specific impacts upon residential amenity, whether they related to noise, disturbance, increased anti-social behaviour etc.

Councillor J Elmer noted that was correct, including the impact on the elderly, who were more likely to be impacted from such disturbance and the transient nature of student populations, our elderly population needing good neighbours to help look out for them.

The Lawyer (Planning and Highways) noted he still had concerns in terms of an evidence base, with other similar HMOs in similar areas having been approved, and with an apparent assumption that student tenants would be badly behaved. Councillor J Elmer noted that it was the large density of young people in a small area, leading to likely greater impact in terms of noise and disturbance. Councillor A Surtees noted that there appeared to be around 14 bungalows in the area, and it was more likely that the residents were elderly than not.

Councillor C Kay noted that there had been substantial changes over the years in terms of the demographics of those living in bungalows, adding that in conversation with Registered Social Landlords (RSLs) in his area, while previously no one under 65 would have been eligible for a bungalow, many now were occupied by younger people and therefore once could not assume all bungalows were occupied by pensioners.

The Chair noted there had been a motion for refusal, proposed by Councillor J Elmer, seconded by Councillor A Surtees and upon a vote being taken it was:

RESOLVED:

That the application be **REFUSED** as:

1. The change of use of the property to a small house in multiple occupation (Use Class C4) within this locale would, given the presence of existing C4 HMO uses as well as several bungalow style properties within close proximity to the application property, unbalance the community and result in a detrimental impact upon community cohesion, adversely affecting the amenity of non-student residents, from increased noise and disturbance contrary to Policies 29 and 31 of the County Durham Plan.

Councillors A Bell and C Kay left the meeting at 12.06pm

c DM/24/02126/FPA - 3 Aspen Close, Gilesgate Moor, Durham, DH1 1EE

The Planning Officer, David Richards gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes).

Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for change of use from 3-bedroom residential dwelling (Use Class C3) to 4-bedroom small HMO (Use Class C4) with extension to driveway and provision of cycle storage and was recommended for approval, subject to the conditions as set out in the report.

The Planning Officer explained as regards the proposed extension to parking to provide an additional space and noted a typographical error on the title of a slide showing proposed layouts. He explained that there had been no objections from Environmental Health, subject to conditions, and that Highways had noted no objections, subject to the extra parking as mentioned. He added HMO Data had noted the percentage of Class N exempt properties, including the application property, within a 100-metre radius would be 5.4 percent, below the 10 percent threshold.

The Planning Officer noted objections from Belmont Parish Council, and seven letters of objections from residents, with a summary of concerns set out within the Committee Report, including: over-proliferation of HMOs; impact upon amenity; loss of family homes; transient nature of students tenants; no need demonstrated for additional student HMOs; highway safety and parking; impact upon biodiversity in terms of loss of garden space. The Planning Officer note that the application was in line with Policy 16 in terms of being below the 10 percent threshold, and Officers felt the application was also in accord with Policies 29 and 31 of the CDP and relevant parts of the NPPF and therefore the application was recommended for approval, subject to conditions as set out within the report.

The Chair thanked the Planning Officer and asked Parish Councillor P Conway to speak in respect of the application.

Parish Councillor P Conway noted Belmont Parish Council and local residents objected to the application, for many of the same reasons as listed for the previous two applications. He reiterated that residents' views were material and that while there were many comments on the Planning Portal, many people he had spoken to had noted they did not see the point in registering their objections as there felt there were no taken into account and that the only factor considered was the 10 percent threshold in relation to Policy 16. Parish Councillor P Conway noted that the Parish Council felt that there was more than simply Policy 16 to consider, with other CDP Policies and the NPPF. He noted that other policies had been used by the Committee to defend a refusal reason, and those options were open to the Committee. He explained that Aspen Close considered of only seven properties in a small cul-de-sac, noting that Policy 29 noted to only allow development in there were no unacceptable impacts, such as in terms of highway safety.

He added there were numerous examples of highway safety issues that had been uploaded to the Planning Portal within objections to the application.

Parish Councillor P Conway noted that in respect to Policy 16 and Article 4 Directions, at a meeting of the Belmont Parish Council, a DCC Officer had noted that Policy 16 was only one policy amongst others.

He added that reference had been made to decisions by Planning Inspectors, however, he was not sure if Inspectors fully appreciated the context of specific local configurations, or whether they had a chance to visit sites themselves. He felt that it would be beneficial for Inspectors to visit sites, and that Local Residents and Local Councillors could also attend to help inform on local matters.

Parish Councillor P Conway noted this was another case of clustering of HMOs and 'sandwiching' and another case where, as a small cul-de-sac, where the 100-metre radius was not a suitable measure. He noted that requests to look at Policy 16 had been resisted since 2016, and now in 2024 the Parish Council requested an immediate review of Policy 16, reiterating that this had been refused by DCC. He added that in the meantime more HMO applications were being submitted and Belmont Parish Council and residents continued to register their objections. He asked that the Committee refuse the application as it was contrary to several policies, and that the Committee instigate a review of Policy 16 with immediate effect and not wait for the review of the CDP.

The Chair thanked Parish Councillor P Conway and asked Local Members for their comments on the application.

Councillor C Fletcher noted all three Local Members were in objection to the application, reiterating that there were only seven properties in Aspen Close and that impacts upon a small cul-de-sac were magnified. She added that when she had recently visited a resident living at Aspen Close, she had been unable to park in the Close, instead she had to park at Hawthorn Crescent. She added that one of seven properties in the Close equated to 14 percent of properties. She added that behind Aspen Close there were a number of bungalows provided by the Durham Aged Mineworkers' Homes Association (DAMHA) to the rear of Aspen Close at Whitwell Court, adding all those residents were elderly.

Councillor C Fletcher noted the properties at Aspen Close were small, three-bed semi-detached properties, and the conversion to four-bed HMOs would result in 'shoeboxes' that only provided income for landlords and did not address local needs.

She reiterated that there were concerns in relation to parking, adding that the applicant had referred to the garage as parking, however, the garages on Aspen Close were too thin for most modern cars, and would likely only accommodate the smallest of electric vehicles and therefore would not meet the requirements of the Parking SPD.

Councillor C Fletcher noted that the residents of Aspen Close were frustrated that there would be disruption within their quiet street from students, however, noted there would be disruptions other than noise. She noted that the development was not justified and that the current resident of the property had wished to live there long-term and had been given a s21 Eviction Notice to make way for a student HMO. She reiterated the point made previously that there were unused bed-spaces at the PBSA at Ernst Place and that there was the new 140-bed PBSA at Regatta Place, on the site of the former Majestic Bingo Hall. Councillor C Fletcher concluded by asking the Committee to refuse the application being contrary to Policy 31 and the Parking SPD.

The Chair thanked Councillor C Fletcher and asked C Jary, local resident in objection, to speak in respect of the application.

C Jary noted the phrase 'a good team on paper, but sport is played on grass' and how that seemed to apply to CDP Policy 16. He noted that while the proposed development may only have a minimum impact upon the large number of the population outside of Aspen Close, there would be a large impact upon local residents. He noted 29 Hawthorn Crescent had recently been approved to be converted to an HMO and explained that there was only one more house, number 27 Hawthorn Crescent, before turning on to Aspen Close. He added that the first house in Aspen Close, number 2, was directly opposite number 3 Aspen Close, therefore there was not three houses between the two HMOs as recommended to stop "sandwiching" or clusters of HMOs being in close vicinity to each other. He noted that while under 10 percent as per the 100-metre radius calculation, one property from seven represented 14 percent of Aspen Close, thus demonstrating the policy was not fit for purpose.

C Jary explained that an HMO would generate additional traffic on Aspen Close and Hawthorn Crescent, noting many young children playing in the Close, and there already being issues in terms of parking. He noted the proposals included plans to rip out the garden and include two parking spots, and with the garage and existing space. He noted the impracticalities in terms of the use of the garage and movement of cars to allow for parking within the curtilage, likely leading to the Close being blocked if any cars needed to reverse, and to lead more vehicles parking on Hawthorn Crescent. He added the proposals would also result in the loss of on-street parking provision.

He reiterated that a lot of children played in the area and that the proposal would impact on them. He concluded by noting that the 10 percent threshold within Policy 16 had been put in place to protect residents and not landlords.

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

Councillor J Elmer asked the Highways Officer to comment on the safety and parking concerns raised, including as regards the width of the garage. The Principal DM Engineer explained the difficulties when considering such change of use applications. He noted for the existing C3 use, then two spaces would be considered acceptable, including a garage and a driveway. He added for the proposed 4-bed arrangements, then one additional parking space was required by the SPD and therefore the proposed provision of an additional space met the requirements.

Councillor K Robson noted that, once again, the Committee were in a situation where they were not happy, however, as there were no reasons to refuse the application, they would need to approve. He moved approval, as per the Officer's recommendation. The Chair noted the motion required a seconder. Councillor K Shaw noted he shared the sentiment of Councillor K Robson in that concerns could be raised, and Members may agree, however there were not grounds available for Members to refuse such applications.

Councillor J Elmer noted a point raised several times was the call to overhaul Policy 16, he noted he would agree with the call by Belmont Parish Council to review the Policy as soon as possible, perhaps via an SPD. The Chair noted that Members' frustrations in relation to policy, and noted he would raise the issue and he would encourage other Members to raise the matter themselves in addition. He added, however, that the Committee needed to make a decision on the application before them.

Councillor K Shaw clarified that he had not seconded the motion put by Councillor K Robson. The Lawyer (Planning and Highways) noted that a seconder was required, or a rival motion be moved and seconded. The Chair reiterated the Committee needed to make a decision on the application. Councillor A Surtees asked if the Chair could second a motion. The Chair noted he could, and the Lawyer (Planning and Highways) added that while not usual, there was no legal reason to preclude the Chair from doing so. The Chair noted he would second the motion for approval, and upon a vote being taken it was:

RESOLVED:

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