



Area Planning Committee (Central and East)

Date Tuesday 12 June 2018
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 8 May 2018 (Pages 3 - 14)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham) (Pages 15 - 26)
DM/18/00747/FPA - 7 St Josephs Close, Gilesgate, Durham DH1 2JA -
Change of use from C3 (dwellinghouse) to C4 (house of multiple occupation).
6. Report on Appeals Allowed (Pages 27 - 28)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
4 June 2018

To: **The Members of the Area Planning Committee (Central and East)**

Councillor P Taylor (Chairman)
Councillor A Laing (Vice-Chairman)

Councillors G Bleasdale, D Brown, J Clark, I Cochrane, K Corrigan,
M Davinson, D Freeman, A Gardner, K Hawley, S Iveson, P Jopling,
R Manchester, J Robinson and O Temple

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 8 May 2018** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors J Blakey (substitute for I Cochrane), G Bleasdale, D Brown, J Clark, K Corrigan, D Freeman, S Iveson, P Jopling, J Maitland (substitute for A Laing) and O Temple

Also Present:

Councillor F Tinsley

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane, M Davinson, A Laing, R Manchester and J Robinson.

2 Substitute Members

Councillor J Blakey substituted for Councillor I Cochrane and Councillor J Maitland substituted for Councillor A Laing.

3 Minutes

The Committee Services Officer noted a typographical error, the agenda referring to minutes of the meeting held on 10 March 2018 which should have read 10 April 2018. The Chairman noted the minutes were from the last meeting of the Committee held on 10 April 2018 and they were confirmed as a correct record by the Committee and signed by the Chairman.

4 Declarations of Interest

There were no Declarations of Interest submitted.

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

a DM/18/00298/FPA - Damson House, Dragon Lane, Gilesgate, Durham

The Senior Planning Officer, Graham Blakey gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for demolition of existing buildings and construction of discount foodstore (Class A1), non food retail unit (Class A1) with external garden centre, provision of associated access, customer car parking, landscaping and associated works, subject to conditions and completion of a Section 106 Legal Agreement.

The Senior Planning Officer noted the position of the proposed Lidl and The Range stores on site plans, highlighting pedestrian links to the nearby bus stops. Members noted a number of photographs showing the site from various approaches.

The Committee learned there had been late representation in terms of the link road from Sherburn Road north to the site, with residents being concerned as regards the level of traffic.

The Senior Planning Officer noted in terms of representations, limited objections had been received from internal and statutory consultees and they had been satisfied, subject to conditions. He added that the Highways Section had noted that the routes in the area were saturated and they had suggested a relief road and access to the site from Damson Way, a single access. In relation to drainage, the Drainage Officer had noted a required run off rate of 9 litres per second, with the proposed development only achieving a rate of 51.9 litres per second. It was added that accordingly there would be opportunity to incorporate prevention, source control and site control measures in accordance with the Council's SuDs Adoption Guide 2016.

Members were informed of late representations from Indigo Planning on behalf of the owners of the Mono Containers site, objections in respect of highway safety and access proposals. It was added that there had been 2 letters of support from residents; however, they had highlighted the potential impact of traffic and as regards future plans. The Senior Planning Officer noted that the Applicant had made modifications to the application following comments received, in an attempt to address some of the issues raised, including those from Indigo Planning with a single point of access from Damson Way.

The Senior Planning Officer noted that City of Durham Local Plan Policy S8, relating to retail warehousing outlets, was judged to be out-of-date due to the evidence base and accordingly NPPF Paragraph 14 would be used in terms of a balance test looking at the impact of the development against the benefits of delivering the development.

It was noted that in considering all the objections and issues raised, the Officer recommendation was for approval subject to conditions and completion of a Section 106 Legal Agreement.

The Chairman thanked the Officer for his presentation and asked Mr S Neale, from Indigo Planning to speak in objection to the application.

Mr S Neale explained he was a Director at Indigo Planning and represented Standard Life, owners of the former Mono Containers site. He added he was accompanied by Mr David Hunter-Yeats, from WSP Highways Consultants. He noted that in relation to the permission at the Mono site, £1.3million of highways works had been secured by a Section 278 Agreement. He added that his client did not object to the development as such, rather the proposed access arrangement. Members were asked to recall the proposal from a Public Inquiry in 2003 in terms of a filter lane for traffic turning left in to Damson Way from the north and Mr S Neale added that the development could generate 70% more trips and lead to 57 vehicle queues along Dragon Lane. He noted the recommendation for a financial contribution in terms of highways, a relief road; however, Mr S Neale noted the potential of vehicles using the car parks as a "rat run" at busy times. He added that it was felt the financial contribution was not suitable in this case and asked that conditions were added in terms of the highways elements as proposed by Indigo Planning.

The Chairman thanked Mr S Neale and asked Mr D Harris, a local resident, to speak in objection to the application.

Mr D Harris thanked the Chairman and Committee for the opportunity to speak and explained he lived in West Sherburn. Mr D Harris noted he supported the development at the site, however, he could not accept the impact that would come from traffic associated with the development as it would affect his daily life. He explained that he felt he had not received correct information from Planning in terms of the proposed relief road and asked that this be removed from the agenda. Mr D Harris added that the Highways Development Manager, Mr J McGargill had noted he would be willing to speak to him as regards highways issues after the Committee meeting, and accordingly he asked that the application be rejected, or conditionally approved until discussions as regards highways issues and his concerns had been understood.

The Chairman thanked Mr D Harris and asked Mr G Elliott, local resident to speak in objection to the application.

Mr G Elliott noted he was a resident of nearby bungalows at Damson Way and he had looked at the information as given by the Planning Department and while Planners had noted the application adhered to the NPPF he felt there was negative impact in terms of environment, social and the economy. He added that a calculation as regards the number of vehicles showed 4,200 vehicles and asked had a survey been carried out looking at the impact of pollution from vehicles. Mr G Elliott noted that this did not appear to take into account delivery vehicles and asked if it did include such could he receive a copy. In respect of the social aspect, he noted the loss of manufacturing jobs and the increase in retail at Dragonville.

In terms of Economy, Mr G Elliott noted that the impact of retail would be felt by Durham City, adding there already were a number of vacant shops in the City. He concluded by making a reference to how similar out-of-town developments at Bishop Auckland had led to Bondgate being effectively defunct.

The Chairman thanked the speakers for their comments and asked the Highways Development Manager to respond to the issues raised.

The Highways Development Manager explained that in considering the application, it had been noted that the network in the area suffered queues and delays at peak times. He noted the modelling carried out in relation to both the Mono and Kier sites and the decision of the Public Inquiry in 2003. The Highways Development Manager added that a parallel road to Dragon Lane, from the Durham City Retail park to the A181 would be suitable mitigation to address traffic impacts from this development.. Members noted that funding had been secured via the Council's Capital Programme to deliver the relief road, however, the scheme had not been fully costed and there is an estimated shortfall of £500,000. There would be a need for a reasonable contribution from the developer to contribute to this shortfall. The Highways Development Manager noted that in terms of the Kier and Alexage sites there was not a left turn filter at the dragon Lane signals as it was felt that the redistribution of traffic via a relief road would mean the omission would be acceptable. He added that the transport consultant for Standard Life had noted a left turn entrance from Dragon Lane to the site would be of benefit; however the concern was that this option would be to create a "rat run" via the Alexage development car park for vehicles wishing to avoid queuing at the traffic signals. Accordingly, the Highways Development felt that a relief road was the best option to deal with the issues at this area.

The Chairman asked Mr J Williams, from ID Planning to speak in support of the application.

Mr J Williams noted he was Director with ID Planning, representing the applicant in respect of this planning application. He noted he was accompanied by Mr P Owen from Optima, Highways Consultants for the applicant.

Mr J Williams explained that the site was a brownfield site, with good public transport links. He noted that regeneration of the site would have both social and economic benefits in terms of physical development of a derelict site, around 110 new employment opportunities and the applicant agreeing to maximise the take up of these opportunities locally and has done similarly with other Local Authorities previously.

Mr J Williams noted that the Council's Planning Department had confirmed that there had been no suitable sequentially preference sites and therefore the development would not negatively impact on the city centre and local area. He noted an extant permission in place, albeit without food use. Members were informed that both companies that wish to occupy the site, Lidl and The Range, were both committed to the site and to be open by Summer 2019. Mr J Williams noted that the design for both stores was modern, in keeping with other development in the area and would feature landscaping to improve the frontage.

Mr J Williams noted positive discussions with the Council's Highways Department, with the recommendation for approval out in the report, subject to conditions and the financial contribution in terms of a relief road, a road which would have benefits for the wider area. He noted that the owner of the former Mono Containers site had suggested some access amendments and that work had been ongoing in terms of these and the applicant agreed to the realignment and agreed that a second access was not necessarily of benefit as it may lead to a "rat run" being created. He also noted signage as regards no right-hand turn.

Mr J Williams noted the proposal would have economic benefits in terms of the 110 jobs created, adding the NPPF gave significant weight to the economic benefits of schemes. He concluded by respectfully asking that the Committee support the Officer's recommendation and approves the application.

The Chairman thanked Mr J Williams and asked the Senior Planning Officer if there were any issues he wish to clarify.

The Senior Planning Officer noted that in terms of the economic impact of the development on the city, colleagues from the Spatial Policy Team had looked thoroughly at the application and had been satisfied that the food aspect in addition to the extant permission were acceptable and therefore the application was recommended for approval. He added that in relation to the junction at Sunderland Road was an Air Quality Management Area (AQMA) and that a relief road would redistribute vehicles and therefore there would be wider benefits in relation to environmental health.

The Chairman thanked the Officer and asked Members of the Committee for their comments and questions.

Councillor K Corrigan referred to the points raised by Belmont Parish Council, as set out starting at page 22 of the report, and asked for a response to those issues. It was noted that Officers would come back, after referring to the agenda pack.

Councillor D Freeman noted that the application seemed to be an improvement of a brownfield site, although he acknowledged that there were issues in terms of the existing traffic problems. He asked if a relief road was to be build, when would it be completed, as he felt that if more development was in place before the relief road then there could be gridlock before the needed road was completed.

The Highways Development Manager noted an application for the road would be made in September 2018, with funding secured and it being not unrealistic that the road could be in place by 2020. He added in terms of the comments from Belmont Parish Council, he noted the area was very busy, though in general vehicles would remain on main roads, not residential areas. He added in terms of parking concerns, residents parking would be provided and there would be plenty of parking provided for customers within the development site, and cycle parking was dealt with by condition.

The Senior Planning Officer noted that in relation to the concerns raised by Belmont Parish Council, there would be a Construction Management Plan, with Heavy Goods Vehicles (HGVs) being directed via this, there were conditions relating to noise levels, and also there was a dust management plan.

Councillor J Blakey asked if the aerial plan indicating the new relief road could be shown on the projector screens, the Senior Planning Officer brought the plan up on the screen. The Highways Development Manager explained the proposed link road would go from Renny's Lane down to Damson Way, and also there would be a triangular arrangement at the junction with the A181, south of Damson Way. Councillor J Blakey noted she was familiar with the area and noted a lot of speeding traffic and asked if there would be new limits to address this. The Highways Development Manager noted there was a 30mph limit in place currently and therefore there was no further issue in this regard.

The Chairman noted that speakers and members of the public may not debate across the floor of the Council Chamber and that they should place their trust in the elected Members of the Committee to determine the application.

Councillor P Jopling noted that traffic was extremely bad in the area and her worry was the time-lag in delivery of a relief road in comparison to the development and asked if there was any way to condition that the road was in place first. The Senior Planning Officer explained that the recommendation as set out in the report was for a financial contribution towards a relief road, with the previous comments from the Highways Development Manager describing how this would be delivered. He added the condition was as regards securing a financial contribution, not in proposing timescales. Councillor P Jopling noted a desire for the businesses to be in place Summer 2019; however the road may not be for a year after that. The Highways Development Manager noted there was not a programme of works at this point, with funding being drawn together, reiterating that approval would be sought in September 2018.

The Chairman understood the disappointment of Members in terms of the funding and the programme relating to the relief road, however, he noted that was not what was before Members for determination, rather the application as set out within the agenda papers.

The Solicitor - Planning And Development, Clare Cuskin noted that the details of the relief road were separate from the application, with the Highways Section having acknowledged the need for a relief road. She noted that while it may be possible to condition as regards the road, she did not recommend this as she felt that an appeal as regards removal of such a condition would be likely to be successful.

Councillor D Brown noted he had attended the site visit and felt that the sooner the site was tidied up and brought back into use the better, providing benefits for the immediate area and the wider Durham City area. He understood the issues in relation to traffic, however, he felt that the application should be approved and moved the Officer's recommendations as set out in the report.

Councillor D Freeman seconded the proposal.

RESOLVED

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee.

b DM/18/00608/FPA - Former Phillips Components Ltd, Belmont Industrial Estate, Durham, DH1 1TH

The Senior Planning Officer, Graham Blakey 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 the erection of a three-storey office and training centre (Use Class B1 / D1) with access, car parking, delivery / service bay and was recommended for approval subject to conditions.

The Senior Planning Officer highlighted on photographs and elevation drawings how the proposed development mirrored the nearby Wear House and Severn House in terms of design and noted there was an extant permission for a two-storey building, with this application looking to increase this to three-storeys and to include the associated additional car parking required. He added that access and all other arrangements were as per the previous permission.

The Committee noted no objections from the statutory and internal consultees, other than the Coal Authority noting concern as regards a mineshaft on site, and while it was felt this was not under the site of the building and had previously been remediated, they suggested a condition be required in terms of a risk assessment to be carried out.

The Senior Planning Officer noted that the use classes of B1 and B8 were established and the Training Centre as Class D1 was felt to also be an acceptable use. It was noted that the City of Durham Local Plan Policy did not generally permit the latter use class, however it was considered to represent a similar planning use and therefore the application was proposed for approval, subject to conditions.

Councillor K Corrigan moved that the application be approved; she was seconded by Councillor J Blakey.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

c DM/18/00225/FPA - Land to the north of Hackworth Road, North West Industrial Estate, Peterlee, SR8 2JQ

The Principal Planning Officer, Claire Teasdale 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 a gas fuelled capacity mechanism embedded generation plant to support the National Grid and was recommended for approval, subject to conditions.

The Principal Planning Officer referred to a site plan on the projector screen, highlighting a nearby solar farm, the B1283, the A19 and the North West Industrial Estate. She also noted the nearby residential properties included: Moor House Farm, Calf Close Farm and Calf Close Farm, Cow Close Farm and Home Lea.

Members were referred to a new access running north to south, and connections to the gas pipeline and the electricity grid. Photographs were displayed showing the existing access, and views of the site. The Principal Planning Officer explained the site layout, consisting of 40 gas generator sets and transformer equipment, sub-station, switch gear and welfare area. It was explained that the proposed CCTV poles would be 6 metres high, as set out in the application. It was explained that it was envisaged that the development would take 8-10 months to complete and that an engineer would attend the site daily once in operation.

The Principal Planning Officer noted a change in the conditions, with trees as set in the report being replaced with hedgerows. Members noted a 4 metre high acoustic fence in addition to a 2.4 metre high security fence, and were referred to elevations showing the maximum height of flues at approximately 7 metres.

The Committee were informed that there had been no objections from statutory or internal consultees, subject to the conditions as set out within the report. The Principal Planning Officer explained that there had been 4 letters of objection, 2 received since the report had been produced, with 2 speakers in attendance at Committee. It was noted the objections had been summarised within the report, and an issue had also been raised in relation to notification.

The Principal Planning Officer noted the report set out the relevant policies from paragraph 49 onwards, with Easington District Local Plan (EDLP) Policies being 1, General Principles and Development, and 3, Protection of the Countryside being felt to be out-of-date and therefore NPPF Paragraph 14 would apply. It was added that Officers felt that the landscape harm and small loss of agricultural land did not outweigh the benefits of the development. The Principal Planning Officer noted the application was recommended for approval subject to conditions, reiterating that Conditions should now refer to hedgerows rather than tree belts as previously mentioned.

The Chairman thanked the Principal Planning Officer and asked Mrs N Wilson to speak in objection to the application.

Mrs N Wilson noted she appealed to the Committee to have careful consideration of the impact of the application on the agricultural businesses and reported that residents had many concerns. She added that issues as regards a new access route had been raised with the Case Officer and noted no consultation as regards this. Mrs N Wilson noted the proposed access was on a blind bend and would contribute to congestion. She added that there would be negative impact in terms of noise, exhaust pollution, visual impact and impact upon livestock.

Mrs N Wilson referred to Paragraph 64 of the Committee Report, which stated that EDLP Policies 1 and 35 required that an application safeguard visual amenity and have no serious adverse impact on the amenity of people and existing adjacent land in terms of privacy, intrusion, noise and other pollutants and traffic generation. She added that the NPPF and EDLP protected agricultural land, with the application site having been classified as Grade 3a. Mrs N Wilson noted the report at Paragraph 54 was incorrect, the land having always been used as arable land, not for use by horses. She added that the application was not comparable to the nearby solar farm, that development not creating noise. Mrs N Wilson noted to stick to conservation at the site, grazing of sheep nearby and to secure wildlife for future generations.

The Chairman thanked Mrs N Wilson and asked Ms J Wood to speak in objection to the application.

Ms J Wood noted she lived at Holme Lea, off Durham Lane and that her main concern was the proposed access arrangements. She noted the point of access that was adopted adding it was not very well maintained. She added that there had been a number of assumptions as regards potential noise levels and asked if there was noise at night and it was at an unacceptable level what recourse did residents have? She concluded by seconding the comments from Mrs N Wilson in relation to refusal of the application.

The Chairman thanked Ms J Wood and asked Mr B Atkinson, the Applicant to speak in support of the application.

Mr B Atkinson thanked the Committee for the opportunity to speak on behalf of Enso Energy Limited, a highly experienced developer providing energy using a range of techniques to supply to the grid and businesses. He added the business was an advocate of sustainable energy and also supported Government policies with the application being, whilst relatively small, a way to help balance demand at peak times.

Mr B Atkinson noted that the site was chosen as it met all the critical parameters, with good access to the electricity grid and gas pipeline and provided minimum environmental impact and was sufficiently removed from residential receptors. He added that the application had been assessed and Officers had deemed it acceptable against local and national policies. Mr B Atkinson noted the construction and operational phases offered economic benefit locally and that the location meant that power from the facility would be used locally first in periods of peak demand. Accordingly, Mr B Atkinson asked that the Committee agree with the Officer's recommendation and approve the application.

The Chairman thanked Mr B Atkinson for his comments and asked if the Principal Planning Officer could speak in relation to the points raised.

The Principal Planning Officer noted that in relation to highways issues raised by the objectors, those had been considered by the Highways Section and the proposed access had been deemed suitable with details of access arrangements to be provided for through condition. In relation to the period of construction, a construction management plan would set out further details of how this process would be managed. It was stated that once operational there would be an engineer visiting the site daily. It was reiterated that the impact on the environment and visual impact had been considered. The Principal Planning Officer noted that there was a small loss of Grade 3a agricultural land and this had been considered within the planning balance. It was noted that in terms of sound levels, Condition 5 of the report would be required to be adhered to which would limit noise levels during 23.00 – 07.00 hours; else it would be an issue for Planning to take action on.

The Chairman thanked the Principal Planning Officer and asked Members for their comments and questions.

Councillor J Maitland asked if the proposed site layout could be shown on the projector screen, and then asked as regards the gas containers, their locations and sizes. The Principal Planning Officer noted their proposed locations on the site plan and explained they would be 3 metres wide, 12 metres in length and 4 metres high.

Councillor J Clark noted the application was along a route she often used in travelling back from Durham City to the coast. She added the development would be an eyesore on the field, and that you would not wish to see this while travelling to the Durham Heritage Coast. Councillor J Clark noted that if it was located on the nearby industrial estate would be more suitable and suggested this option be explored. She added that the loss of Grade 3a agricultural land was not appropriate.

Councillor J Blakey noted she appreciated the comments of Councillor J Clark and noted the report mentioned employment adding there were a number of industrial sites within the Peterlee area. She noted she agreed with Councillor J Clark in that the proposed site was not the right site for this application.

Councillor O Temple noted reference to the application supporting renewable energy and asked for further explanation of this and also asked as regards how biodiversity would be enhanced by the application as he could not see how this would be the case unless very obliquely. The Principal Planning Officer noted that the proposal would support the national grid at times of peak demand and represented support to solar and wind turbines when they could not cope with demand. In reference to the site selection, the Principal Planning Officer noted the applicant chose the site due to the relatively short distances to existing gas and electricity connections. It was reiterated that the loss of Grade 3a agricultural land had been considered, however, it was noted it was a small area of land. In terms of the increase to biodiversity, this included the planting of new native hedgerows and bat and bird boxes along the fencing at the site.

Councillor O Temple noted he had experienced problems in his area as regards noise issues and understood local objections that had been raised.

He added that if the equipment was not run at night how could it be said it was supporting solar power. Councillor O Temple noted that application fell outside of EDLP Policies 1 and 3, which Officers had noted were out-of-date. He noted that in other cases, Local Plan policies were referred to be Officers as relevant. Councillor O Temple noted he was minded not to support the application.

Councillor P Jopling noted that she felt the same as other those Members that had spoken, in that the site may offer convenience for the applicant, however, she felt it may set a precedent in terms of such development on arable land and that brownfield sites should be looked at first.

Councillor S Iveson asked as regards ownership of the land. The Principal Planning Officer noted there was agreement from the landowner for the applicant to use the land. The Chairman noted the Applicant wished to clarify and allowed him to speak. Mr B Atkinson noted issues of commercial sensitivity, however, explained the land was owned by a local farmer and the land would be occupied under leasehold.

Councillor J Clark asked for clarification in terms of the removal of a condition as mentioned by the Officer. The Principal Planning Officer noted reference to Conditions 11 and 12, with the replacement of "tree belt" with "hedgerow", and the removal of the compound and restoration of the site was still set out at Condition 12. Councillor J Clark reiterated she felt the nearby industrial estate would be more suitable and felt this area must also have access to the gas and electricity supplies.

Councillor O Temple moved that the application be refused as it was contrary to EDLP Policy 1 in that agricultural land was not protected. Councillor D Freeman seconded Councillor O Temple and added he agreed with Councillor J Clark in that the nearby industrial estate would be more suitable, with the report at Paragraph 79 stating that the applicant had not demonstrated the need to locate at this site.

The Solicitor - Planning And Development noted that her advice to Committee was that she would be nervous as regards a refusal solely based upon the loss of best and most versatile agricultural land. She noted Members had mentioned issues in terms of landscape character. The Solicitor - Planning And Development added that the need and ability to locate elsewhere was not a material planning consideration.

Councillor O Temple added that further to the application being contrary to EDLP Policy 1, that it was also contrary to EDLP Policy 3 in relation to protection of the countryside.

RESOLVED

That the application be **REFUSED** for the following reason:

The Local Planning Authority considers that the countryside location of the development would create adverse impacts in terms of unacceptable visual amenity and loss of best and most versatile agricultural land, and these are such that they would significantly and demonstrably outweigh the benefits in the context of Paragraph 14 of the National Planning Policy Framework, and accordingly, the proposals are considered contrary to Policies 1 and 3 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework.

6 Planning Development Management Performance Summary 2017/18

The Chairman asked the Team Leader - Central and East, Alan Dobie to give an update on Planning Development Management Performance 2017/18 (for copy see file of minutes).

The Team Leader - Central and East noted that the report was presented to Committee for information, and asked Members to note the headline figures relating to performance. He explained that performance figures were all above Government targets. Members noted the number of planning appeals that were successful for each Committee and it was added that if Government thought too often decisions of a Committee were being overturned at the Planning Inspectorate, then Government could ask developers to apply directly to the Planning Inspectorate. The Team Leader - Central and East noted that it was important for the Committee to ensure that any decision for refusal of an application was grounded, with solid reasons for refusal.

The Committee noted performance of Durham County Council against other comparable Local Authorities and the national average and the Council was noted as performing well. In reference to enforcement, Members noted responses in time to the three priority levels, and were informed of the impact of management changes in terms of the Central and East Team, as regards some not being signed off in time.

The Chairman thanked the Team Leader - Central and East and asked Members of the Committee for their comments and questions.

Councillor O Temple asked as regards the report noting "appeals allowed", did this mean appeals that were successful against decisions made by Committee, or did it include those determined under delegated powers in addition. The Team Leader - Central and East noted that the numbers did include both Committee and Delegated Decisions. Councillor J Maitland agreed that it would be useful to have the numbers in terms of Delegated and Committee decisions. The Team Leader agreed to report back to the Committee on this.

RESOLVED

That the report and presentation be noted.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00747/FPA
FULL APPLICATION DESCRIPTION:	Change of use from C3 (dwellinghouse) to C4 (house of multiple occupation)
NAME OF APPLICANT:	Mr Christopher Kirk
ADDRESS:	7 St Josephs Close, Gilesgate, Durham DH1 2 JA
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Paul Hopper (Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a C3 residential property at No. 7 St Josephs Close, Durham. The property is a two storey dwelling with 3 reception rooms, a kitchen, conservatory and garage to the ground floor and four bedrooms and bathroom to the first floor. It is located in a predominantly residential area and is served by a single off street parking space and integrated garage.

The Proposal

2. This application seeks planning permission for the change of use of the property from C3 family house to a C4 house in multiple occupation (HMO). Works to facilitate the proposed change of use would be wholly internal and create additional bedroom space with the ability to accommodate 6 individuals.
 3. This application is being reported to Planning Committee at the request of Eric and Lesley Mavin (Local Councillors for the Ward) who consider the nature of the proposal to be such that the potential impact upon the residential character of the area and parking should be considered by the planning committee.
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PLANNING HISTORY

4. There is no planning history relevant to the current application.
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PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
7. *NPPF Part 1 Building a Strong, Competitive Economy*: The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
8. *NPPF Part 4 Promoting Sustainable Transport*: Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
9. *NPPF Part 6 Delivering a Wide Choice of High Quality Homes*. Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
10. *NPPF Part 7 Requiring Good Design*: The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *NPPF Part 8 Promoting Healthy Communities*: The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted
12. *NPPF Part 11 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

LOCAL PLAN POLICY:

City of Durham Local Plan

13. Policy H9 (Multiple Occupation / Student Households) states that the sub division or conversion of houses for flats, bedsits or for multiple occupation, or proposals to extend or alter properties already in such use will be permitted provided that it does not adversely impact on other planning considerations.

14. Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
15. Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
16. Policy T10 (Parking) states that vehicle parking off the public highway in a new development or redevelopment should be limited in amount, so as to promote sustainable transport choices and reduce the land take of development.

Interim Policy on Student Accommodation

17. On the 15 July 2015, Cabinet approved consultation on an Interim Policy on Student Accommodation. The consultation took place during September and October 2015. Responses received during the consultation period were considered and amendments were made to the Policy. On the 16 March 2016, Cabinet recommended that full Council adopt the revised Interim Policy and Council adopted the Policy on 13 April 2016. As the Interim Policy has been adopted, it can be afforded weight in the decision making process, although the weight to be afforded to it must be less than if it were part of the statutory Development Plan for the area.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

18. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Highway Authority* notes that it would be reasonable to expect some of the occupants of the property, whether used as a family home or as a HMO, to have access to a motor vehicle, or vehicles and in this regard it is also noted that a garage, as well as the driveway capable of accommodating one vehicle (a car) currently serves the property. In addition the Highway Authority also notes that there is an unrestricted area used for parking at the entrance to St Josephs Close (40 metres from the property) which forms part of the adopted highway. In light of the above the Highway Authority raises no objection to the application as there does not appear to be sufficient grounds upon which to raise an objection on highway safety or amenity grounds.

NON STATUTORY RESPONSES:

20. *Durham Constabulary Architectural Liaison Officer* states that the Police are concerned that siting a HMO for up to six people in this quiet residential cul-de-sac would have a very serious impact on the amenity of the existing residents, as HMO's generate more noise and disturbance at unsocial hours than the average family home along with nuisance in the form of litter and bins being left in the street, creating an unnecessary fear (or perception) of crime; as would the regular appearance of Police vehicles at the house. They note that since the start of the academic year in October 2017, it is noted that the Police have issued 251 Community Protection Warning Notices to Student Properties, 44 of which have been escalated to full Protection Warning Notices, this is clear evidence of the negative impact HMO accommodation has on our communities.
21. In addition the Officer considers that contrary to common perception students do bring cars to university and there are issues with these vehicles cluttering the streets alternatively occupation of the house by contractor workers would in all likelihood attract more vehicles, any additional parking outside of the curtilage of this property will have an adverse impact on the existing residents.

INTERNAL CONSULTEE RESPONSES:

22. *Spatial Planning Policy* confirms that policy H9 of the City of Durham Local Plan is relevant to the determination of this application along with the Council's Interim Student Policy which is a material consideration to which weight can be applied and states that a Change of Use from C3 to C4 will not be permitted if more than 10% of the total number of properties within 100 metres of the application site are already in use as HMOs or student accommodation exempt from council tax charges. In this regard the Council's Spatial Policy Section confirms that 9.3% of properties within 100 metres of the site are student properties as defined by Council Tax records. Therefore there are sufficient, up-to-date policies within the Local Plan to determine the application unless material considerations suggest otherwise.
23. *Noise Action Section* does not raise any objection to the application but notes that the application relates to a noise sensitive development as the use will be residential. However, as the use will be for student accommodation as an HMO then it could also be classed as a noise generating development and as such the planning officer should consider the fact that the residential area of St Josephs Close is a quiet residential area in determination of the application and the introduction of students into this area could increase noise levels within the area which could have an adverse impact on the residential amenity of the area.
24. *HMO Licensing Officer* offers no objection to the application but notes that the property would require a license under Part 2 of the Housing Act 2004.

PUBLIC RESPONSES:

25. Cllrs Eric and Lesley Mavin have raised objection to the application citing concerns regarding the impact of the proposal upon residential amenity and parking and the extent to which the application has been publicised.
26. The application has been publicised by way of site notice and individual notification letters to neighbouring properties. 11 letters of objection have been received which raise the following concerns;

Residential Amenity: The proposed use would increase noise and disturbance within what is a small cul-de-sac to the detriment of residential amenity.

Balance of the demographic of the existing street and unstable tenancies: The introduction of student accommodation would unbalance the current demographic of the street which is at present predominantly the elderly.

Refuse Collection and Litter: The current fortnightly bin collections would not be sufficient to dispose of the amount of waste generated by 6 adults living at the property.

Drainage: The current foul and surface water arrangement is not sufficient to accommodate the increase in demand caused by 6 adults.

The development would devalue other properties within the street.

The planning application has not been publicised sufficiently widely within the locale.

APPLICANTS STATEMENT:

27. In relation to the proposed planning application at 7 St Josephs Close, I would like to outline the benefits we, at Nicholas Humphreys Durham, feel this application will bring and hopefully ease any concerns raised.
28. Firstly, my company Nicholas Humphreys Durham, currently advertise over 80 properties for students. I personally manage around 30 of these and will be managing 7 St Josephs Close. I have managed properties in Durham for the last 3 years, and over these 3 years, have managed close to 90 tenancies consisting of hundreds of students. These have all gone without incident, crime, anti-social behaviour or otherwise. For each property managed by us, tenants sign a contract that has multiple clauses regarding the treatment of the property, the gardens and the neighbours and their properties; any conduct that would breach these clauses would result in removal from the property. I always ask my tenants to engage with their neighbours if possible, to build positive relationships and add to the community, rather than ostracise themselves from it.
29. For all our properties, I personally introduce myself to all neighbours and make clear that I am available to contact anytime, day or night, to alleviate any concerns neighbours may have during the tenancy. The majority of the properties I manage are on Marshall Terrace, Wakenshaw Road, Bradford Crescent and Laurel Avenue (etc.), so I am very familiar with the Gilesgate community. Most of my immediate family are still local to Gilesgate and I am there most days.
30. Currently in Durham we are seeing a huge increase in large blocks of self-contained studio flats earmarked for students and, with the closure of the Durham University Queen's campus in Stockton, this is leading to a shortage of affordable student housing. For example, the three blocks closest to 7 St Josephs for the coming academic year are currently priced at £130 per week to £250 per week, per student. We will be looking to achieve £75-£80pppw in a property that, although shared, will be far more spacious and finished to a very high standard. This will therefore increase the students' disposable income that can be spent in the local area and Durham City and, more importantly, increase the quality of their lives and experiences in Durham so they speak highly of their time here and return multiple times in the future.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/F>
PA

PLANNING CONSIDERATIONS AND ASSESSMENT

31. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon residential amenity (including appropriate provision for bin storage and other shared facilities and consideration of the security of the building, its occupants and that of other local residents and legitimate users) and highway safety.

The principle of development

32. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses within C4 (houses in multiple occupation HMOs). HMO's are small shared houses occupied by between three and six unrelated individuals, as their only or main residence and who share basic amenities such as a kitchen or bathroom. The proposed floor plans submitted with the application indicate that the proposal is such that the development would normally benefit from the provisions contained within the GPDO. However, an Article 4 direction came into effect on 17 September 2016 withdrawing permitted development rights in this regard and as such planning permission is required.

33. Planning legislation requires that the application should be determined in accordance with the development plan unless material considerations dictate otherwise. The NPPF is a material consideration and City of Durham Local Plan (CODLP) remains a statutory component of the development plan and a starting point for determining applications as set out in Paragraph 12 of the NPPF. The NPPF advises at Paragraph 215 that greater weight may be given to local plan policies depending on their degree of consistency with the NPPF. Furthermore paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development.

34. The CofDLP was adopted in 2004 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

35. Policy H9 of the CofDLP is therefore relevant which relates to the conversion of houses for multiple occupation. It states that such development will be permitted where adequate parking, privacy and amenity areas can be provided, where it will not adversely affect the amenities of nearby residents and is of a scale and character appropriate to its surroundings and where it will not result in concentrations of sub divided dwellings to the detriment of the range and variety of the local housing stock.

36. Policy H13 of the CofDLP is also relevant and states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them.

37. The approach contained within policies H9 and H13 of the City of Durham Local Plan is considered consistent with the general aim of the NPPF at paragraph 50 to create mixed and balanced communities and as such they remain up to date policies of the current development plan and as such can be attributed significant weight in determination of this application.

38. Several local residents have raised objection to the application citing concerns regarding the impact of the development in this regard in unbalancing the current demographic of the existing street which is understood to be principally occupied by families and the elderly.
39. In addition, to policies H9 and H13 of the CofDLP, the Council's Interim Policy relating to student accommodation is also relevant and states that the Local Planning Authority will not support the change of use of properties in instances where there is in excess of 10% of properties within 100 metres of the site already used as student accommodation. Whilst the Interim Policy has less weight than the saved policies of the City of Durham Local Plan it is nevertheless a material consideration and has been endorsed by cabinet subject to a 6 week consultation period ending April 2016. The threshold of 10% was derived from section 2 of the 'National HMO Lobby Balanced Communities and Studentification Problems and Solutions', 2008 and in this respect is considered up to date and accords with the aims of the NPPF.
40. The Council's Spatial Policy Section advises that the most recent up to date Council Tax information identifies that 9.3% of those properties within 100 metres of the site are currently occupied as student let accommodation. This concentration is presently below the 10% threshold stated in the Interim Policy and as such the development can be considered acceptable in principle subject to satisfactory consideration of the other requirements listed in the policy.
41. In summary with regard to the principle of development the combination of the Interim Policy, along with Policies H9 and H13 of the Local Plan, provide a policy framework whereby the change of use from C3 to C4 could be supported in principle subject to proper consideration of the impact of the proposal upon residential amenity, appropriate provision for bin storage and other shared facilities, consideration of the security of the building, its occupants and that of other local residents and legitimate users, parking and highway safety.

Residential Amenity

42. Policy H9 of the CDLP states that the sub division or conversion of properties to provide student development will be permitted provided that it will not affect the amenities of nearby residents. This displays a broad level of accord with the aims of paragraph 123 of the NPPF which requires that planning decisions avoid noise from development giving rise to significant adverse impacts on health and quality of life; and mitigate and reduce to a minimum other adverse impacts through the use of conditions.
43. In this instance the application site is a two storey, link property spread over 2 floors which is located within a residential area within Gilesgate and as such the nearest residential units adjoin the application property to the east and west at Nos. 5 and 9 St Joseph's Close respectively.
44. Several surrounding residents, Durham Constabulary Crime & Community Issues Team and Councillors Eric and Lesley Mavin have raised objection to the application citing concerns regarding an increase in noise that the introduction of a student HMO would likely create, the former in particular noting the elderly nature of some of the existing residents within the street and the likely disturbance caused by music and comings and goings at unsocial hours. This, the Durham Constabulary Crime & Community Issues Team consider, would have an adverse impact upon the fear of crime for existing residents. However, with regard to the fear of crime it is considered that despite these concerns the introduction of a single HMO within this locale is unlikely to have any fundamental impact on the wider population in this regard and any impact could be mitigated through effective management of the property and details of tenancy agreements which the applicant advises would be undertaken by a management company currently responsible for around 80 properties, predominantly in the Gilesgate area of the City.

45. The Council's Environmental Health Section has been consulted and confirms that the development is unlikely to cause a statutory nuisance and does not raise any objection to the application in this regard. However, they also advise that St Josephs Close is a quiet residential area and the introduction of a 6 bedroom student property could increase noise levels within the area which could have an adverse impact on residential amenity.
46. The over proliferation of properties to HMO uses within a given locale can have a cumulative impact in this regard and as such the Interim Policy on Student Accommodation includes provision for the refusal of a planning application where in excess of 10% of all properties within 100 metres of the site are already in use as HMOs registered as exempt from Council Tax as being let wholly to students. Current Council Tax information indicates that at present less than 10% of properties within the locale are currently in use as HMOs and in this context it is not considered that the change of use of one additional property to a HMO would have any unacceptable increase in terms of its impact upon residential amenity.
47. It is accepted that the proposed occupation of the building by 6 unrelated individuals may result in different patterns of behaviour which may generate a greater level of noise when compared to that of a single family unit. However, the change of use of single property in this regard, is unlikely to result in an increase so significant as to warrant refusal of this application and it is noted that the property would be managed by the agent who also has responsibility for the management of a large number of HMO properties within the city.
48. The Council's Interim Policy for Student Accommodation includes a requirement to ensure that adequate bin storage provision is provided and that other shared facilities are adequate and it is noted that this is also raised as an objection to the application by local residents, particularly that bin collection arrangements would not be sufficient to dispose of the amount of refuse generated by 6 individuals. With regards to bin storage it is noted that the Council's Licencing Officer has advised that refuse storage containers shall be provided sufficient for the needs of the house, of a type acceptable to the LPA and that these should be located on a hard standing within the curtilage of the dwelling allowing. It is considered that sufficient space exists within the curtilage of the property to provide adequate bin storage and means of collection.
49. With regard to the amount of residential amenity space available, it is considered that the property and its curtilage are sufficient to accommodate adequate provision in accordance with the requirements of the Councils Interim Policy and policy H13 of the CofDLP. In particular each of the 6 bedrooms (2 downstairs and 4 upstairs) would exceed the minimum 6.25sq metres in floor space required by the HMO Licencing regime as would the kitchen and lounge.
50. Whilst residents have raised concerns regarding the precedent that granting planning permission would have with other properties within the cu-de-sac potentially being subject to similar applications, it is noted that the Interim Policy on Student Accommodation includes a lower threshold of 10% and that should the concentration of properties increase to the point that the 10% threshold is exceeded, the policy includes provision for the Local Planning Authority to refuse planning permission for any further applications for changes of use to HMOs.
51. In light of the above there are not considered to be sufficient grounds to warrant a reason for refusal on the basis of residential amenity and the proposal is considered to accord with the requirements of policy H9 and H13 of the City of Durham Local Plan in that regard, Paragraph 123 of the NPPF and the Council's Interim Policy relating to Student Accommodation.

Parking, Access and Highway Safety

52. The property benefits from an integrated garage and single width drive served by a dropped kerb from the existing highway. Policy H9 and the Council's Interim Policy both require that new HMO's provide adequate parking and access.
53. Several residents have raised objection to the application and consider that insufficient parking is provided within the curtilage of the property to serve the likely increase in demand and this is also raised as a concern by Durham Constabulary Crime & Community Issues Team and the Local Councillors for the Ward.
54. Whilst it is noted that all residents of the proposed HMO could potentially have their own private vehicle this is unlikely to be the case and the Highway Authority raises no objection to the application noting that the existing garage and driveway currently serve the property and that an area of parking is available at the entrance to St Josephs Close.
55. In light of the above the proposal is considered to accord with the requirements of Policy H9, T1 and T10 and the Council's Interim Policy in that it would provide safe access and adequate parking.

Other Matters

56. Residents have raised objection to the application citing concern that the introduction of 6 individuals within the property would put excessive pressure upon the existing foul water arrangement which could not accommodate increased flows. However, notwithstanding these concerns it is considered that the existing drainage arrangements could accommodate the increase in occupants proposed, which would not be subject to any control as part of the existing C3 use.
57. Whilst residents have raised objection to the application citing concerns regarding a perceived negative impact upon the value of other properties within the street it is noted that the impact upon property values is not a material consideration to which weight can be attached in determination of this application.
58. Several residents and the local councillors for the ward raise objection to the application citing concerns regarding the way in which the application has been publicised. In this regard it is noted that the application has been advertised by way of site notice and neighbour notification letters sent to all properties within St Josephs Close and that this exceeds the minimum statutory requirements as defined by the Town and Country Planning (General Development Procedure) Order 2014.

CONCLUSION

59. The proposed change of use would accord with the requirements of the Council's Interim Policy relating to student accommodation and would not result in more than 10% of the properties within 100 metres of the site being used as HMO's. Whilst the concerns of local residents, the ward councillors and Durham Constabulary Crime & Community Issues Team with regard to the impact of the development upon the balance of the existing street, residential amenity and parking, access and highway safety are noted, it is not considered that the introduction of an additional HMO in this locale would result in any unacceptable impact in this regard in accordance with the aims of policy H9, H13, T1 and T10 of the City of Durham Local Plan or conflict with the aims of the NPPF and Council's Interim Policy to create sustainable, inclusive and mixed communities.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Drawing No.	Description	Date Received
	Location Plan	7/3/2018
	Proposed Floor Plans	7/3/2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. The development hereby approved shall not be occupied by more than 6 non related occupants.

Reason: An increase in the number of occupants would need further consideration by the Local Planning Authority and in the interests of residential amenity.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

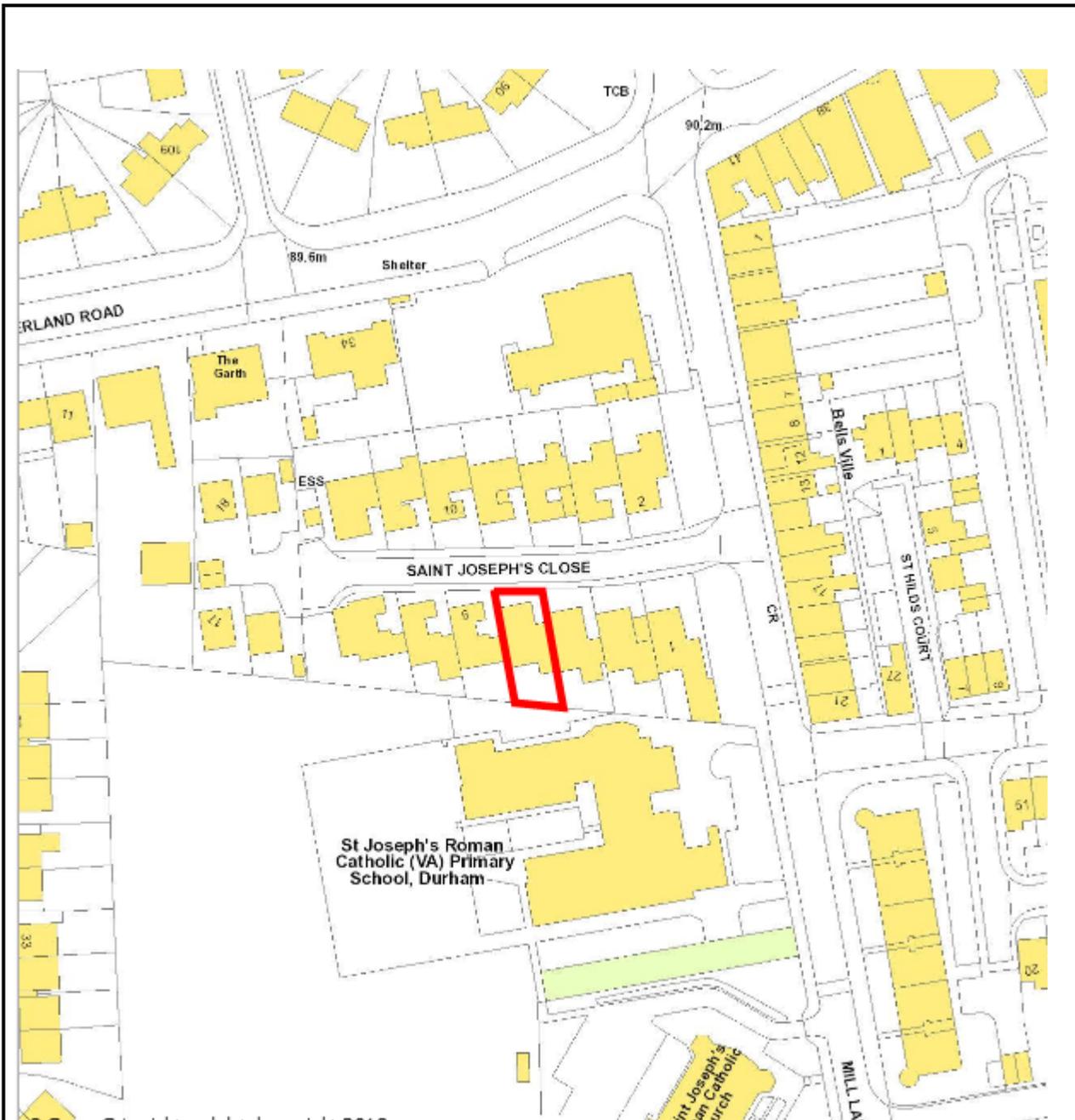
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

City of Durham Local Plan 2007

Statutory, internal and public consultation responses



Planning Services

Change of use from C3 (dwellinghouse) to C4 (house of multiple occupation) at 7 Saint Joseph's Close, Durham

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Comments

Date 12 June 2018

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Planning Services

COMMITTEE REPORT

REPORT ON APPEALS ALLOWED

At the last Area Planning Committee (Central and East) held on 8 May 2018, members considered a report and presentation on the performance of the Planning Development Service. One of the issues discussed related to the number of appeals allowed in the Central and East area, contrary to the Council's decision. Members requested more details of the cases, to provide a better insight into how these applications had been decided. This report provides a breakdown of the cases.

As previously advised, there were seven appeals allowed, out of a total of nineteen cases. Of these seven, three were determined by officers under delegated powers. They related to a first floor extension to a dwelling, felling of a TPO tree and erection of a six bedroom HMO.

One application was refused by committee in accordance with a recommendation of refusal, for an infill extension to a dwelling.

Two applications were refused by committee contrary to officer recommendations of approval, relating to extensions to a dwelling and an apartment development.

The final appeal was against non-determination of an application for a domestic outbuilding.

This summary, and a more detailed officer analysis of the specific applications, suggests there is no set pattern to appeals being allowed, with a range of cases involved, both delegated and committee referrals. It remains the position that any refusal of planning permission, whether by officers under delegated powers or by the planning committee, must be soundly based and justified on material planning grounds.

RECOMMENDATION

That the information be noted.

Report prepared by Alan Dobie, Interim Area Team Leader.

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