

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 11 December 2012 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors P Taylor (Vice-Chair), J Blakey, P Charlton, D Freeman, J Moran, J Robinson and A Naylor (substitute for A Laing).

Apologies:

Apologies for absence were received from Councillors A Bell, G Bleasdale, S Iveson and A Laing

Also Present:

Councillor Grenville Holland, Councillor Nigel Martin, Councillor Dennis Morgan, Councillor Maria Plews and Councillor Mac Williams

1 Minutes of the Last Meeting held on 13 November 2012

The Minutes of the meeting held on 13 November 2012 were confirmed as a correct record and signed by the Chair.

2 Declarations of Interest, if any

There were no declarations of interest.

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

3a 4/12/00149/FPA - 107A High Street, Carville, Durham, DH1 1BQ

The Committee considered a report of the Planning Officer regarding a proposed timber storage shed and flue associated with extraction system and the retention of solar panels, fridge, freezer, storage container and hard standing to the rear of 107A High Street, Carville, Durham (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting. Members were reminded that the application had previously been considered at a meeting of the Committee held in September 2012 and that a decision on the application had been deferred on the basis that there were outstanding issues to be resolved. The Principal Planning Officer advised that since that meeting, appropriate changes had been made to the application which addressed those issues.

Councillor Holroyd, local member, addressed the Committee. He began by providing the Committee with an overview of the development of Executive Catering. Initially, the company prepared and provided light foods for consumption off the premises, this activity necessitated very few vehicle movements and working hours were mainly in the daytime/early evening. The addition of hog roasting had resulted in a significant increase in vehicle movements and an extension of the operating times.

Councillor Holroyd continued that the original planning application for the premises was for the provision of a catering service providing sandwiches and light foods from the premises with parking provision for 2 vehicles. Over the last 3 to 4 years, Councillor Holroyd stated that the business had developed into a Hog Roast/Catering company which was cooking in the region of 400 to 500 pigs per year, operating 5 vehicles and trailers from the establishment. In addition to their own vehicle movement, Councillor Holroyd informed the Committee that there were numerous deliveries by large trucks sometimes in the early morning and often during the day, and due to restricted access, those vehicles reversed up a cul-de-sac and frequently needed to mount the footpath to gain access.

The entrance was the sole entrance to three houses and their garages and the garages to a further three properties. Councillor Holroyd believed that the hog roasting had generated significantly more traffic making access to those properties more difficult. Previous applications by the company had been turned down on the grounds of the generation of additional traffic.

In relation to the solar panels, Councillor Holroyd informed the Committee that the company had installed 16x0.5kw solar panels, generating 8kw. He advised that solar panels were live during daylight at an average constant voltage of 400+volts DC. Councillor Holroyd considered the location of the panels, their low height and the ease of access to them, to be a significant hazard.

Councillor Holroyd advised Members that he had panels installed on his property and upon their installation was issued with several warnings on the high voltage present in the panels and that unless familiar with the DC systems, no attempts should be made to touch the panels or the cables.

He was concerned that the solar panels at the premises could be easily accessed by children, especially as there had been recent instances of children climbing on roofs of other properties in Carville. Councillor Holroyd therefore requested that the Committee defer approval of the application until such time as the solar panels were removed to a safer location.

In relation to the appearance and surroundings of the premises, Councillor Holroyd informed the Committee that the unit was surrounded by residential development and a few retail outlets. There were 2 other food retailers on the High Street, all other commercial premises were non-manufacturing. Councillor Holroyd believed that the process of hog roasting was not sympathetic to that environment. Furthermore, Councillor Holroyd stated that although the development was almost invisible from the High Street, it was very visible from several other properties to the rear of, and adjacent to, the development.

Councillor Holroyd welcomed the limitation to operating hours detailed in the Planning Officers report however was concerned as to how that would be monitored and what actions would be taken should those hours be breached.

Councillor Holroyd circulated to the Committee photographs of the property to highlight the access issues, and a letter from the resident of 110A High Street, highlighting errors in the submission.

Councillor C Pattinson, Chair of Belmont Parish Council, addressed the Committee. He informed Members that following representations from residents and several visits to the site, the Parish Council had given serious consideration to the application. The Parish were of the opinion that residents were justified in their concerns regarding unsociable working hours, strong odours from the premises and noise from the premises during the night. The Parish believed that the current use at the property was unacceptable.

Other issues upheld by the Parish Council included restricted vehicle access, pollution of the drainage system, concerns regarding the safety and appearance of the solar panels and overdevelopment of the site. The Parish believed that the operation would be better situated at an industrial location.

Councillor Pattinson informed Members that, with particular reference to the flue, the proposals were of a poor design quality and unsympathetic to the surroundings.

The Parish Council felt that the usage of the premises had changed significantly since the original planning permission had been granted and the generation of extra traffic was detrimental to safety, as well as causing access problems.

Councillor Pattinson raised concerns regarding the condition to the application which restricted the operating hours of the ventilation system. He requested Members to consider that the company may continue to operate outside of those hours without ventilation. The Parish Council were also concerned that should the application be approved the development may not occur for up to 3 years, it was therefore the view of the Parish that the company should cease operation until all approved measures were in place.

Mr W Meikle, local resident, addressed the Committee. He informed Members that in relation to noise generated from the freezer, the report of the County Council Environmental Health Officers, comprising of noise monitoring over a 3 day period, concluded that the average night time noise was 35 decibels. Guidelines for

continuous night time noise indicated that levels should not exceed 30 decibels through a closed window. He informed the Committee that the refrigerator generated a continuous low frequency hum right through the night, which he believed could be eliminated with a simple modification to the equipment.

In relation to the solar panels, Mr Meikle advised that he was not against the principle of the panels, he just objected to the location of them. He informed Members that they were only 2 metres high from the footpath, producing a dangerous DC current, and he was fearful for the safety of children around them. He informed Members that the Health and Safety Act stated that development should have appropriate regard to safety especially where construction could cause danger. He requested that the Committee refused the retention of the solar panels, and that they should be relocated to a safer and more suitable location.

The Principal Planning Officer responded to the issues raised by all objectors as follows:

- Operating of Business – The business was long established since 1986 and attempts had been made by the applicant to rectify some of the issues presented by the site. The original planning permission gave no restrictions on the types of foods which could be produced on the premises or the operating hours as such no enforcement action in that regard was possible. Although it was acknowledged that the use of the premises had expanded over time, the use was still within the remit of the original planning permission.
- Solar Panels – the safety of the panels was purely the responsibility of the applicant, to ensure that the panels could be accessed. If someone was on the roof of the property and thus close enough to touch the panels/cables, then it was suggested that they would be there without due cause.
- Location – Although the business may be better suited to an industrial location, that was not what the application was for and so was irrelevant.
- Filtration System – In response to concerns regarding the time it could take for the filtration system to be installed, it was suggested that a condition could be applied which would require the applicant to install the system within a set period of time.
- Noise Assessment – This was addressed in the officers report, advice had been sought from Environmental Health and an Environmental Health Officer was in attendance at the meeting to address any concerns.

Mr P Hewitson addressed the Committee on behalf of the applicant. Mr Hewitson was the son of the proprietors of Executive Catering and Coach Services.

He began by informing the Committee that there had never been any instances of anyone accessing the roof of the premises, including children, even prior to the solar panel installation. Furthermore the panels had been professionally installed.

In relation to the hog roasting, Mr Hewitson informed the Committee that the roasting only took place on Thursdays and Fridays between the hours of 7am and 5pm.

The vehicles were parked at either the front or rear of the property and as such did not prohibit access.

In relation to the storage of gas cylinders, Mr Hewitson informed Members that Environmental Health were satisfied with the arrangements which were in place.

On the issue of the drains, Mr Hewitson advised that Northumbrian Water had inspected the drains on two occasions and had raised no issues.

Mr Hewitson drew attention to the fact that there were several other food retailers on the High Street, and that although when Executive Catering had been established only light foods were prepared, the company had been forced to adapt to the changing market, hence the introduction of hog roasts.

In relation to the issue of odours, Mr Hewitson informed the Committee that the company had worked closely with both Environmental Health and Planning to mitigate possible odours, and could ensure that odours would be dispersed at a high level. The flue would be sustained at the peak of the building both to minimise visual impact and to maximise the height of dispersion.

Mr J Dodds, Environmental Health Officer, addressed the Committee.

In relation to the noise from the extraction fan, the Committee were advised that Environmental Health were satisfied that there would be no significant increase in background noise from the fan.

It was acknowledged that the fridge and freezer emitted a low frequency tonal noise, and the Committee were informed that the applicant was willing to enlist engineers and consultants to work at eliminating the noise further. Mr Dodds suggested that a condition could be added to the application to insist that such works were undertaken, to be overseen by Environmental Health.

Both Councillor Blakey and Councillor Taylor acknowledged that the business had been long established and wondered why there had not been previous dialogue between the Parish Council and the company.

Councillor Taylor, in moving approval of the application, proposed that the additional conditions suggested earlier in the meeting, be added to the permission as follows:

- a condition requiring that the filtration system be installed within three months of the application being approved;
- a condition requiring that the applicant enlist engineers and consultants to work on eliminating the noise from the fridge and freezer, to be overseen by Environmental Health.

Councillor Charlton also supported the application with the addition of the two conditions.

The Legal Officer agreed that in principle the 2 conditions could be applied to the application, however suggested that the formulation of the conditions be delegated to Planning Officers.

Resolved:

That the application be approved, subject to the conditions outlined in the report and two additional conditions to be formulated by officers relating to:

- the imposition of a three month time limit for the installation of the filtration system;
- the noise attenuation measures to be undertaken in order to eliminate noise from the fridge and freezer.

3b 4/12/00762/FPA - Land Adjoining Holdens Yard, West Side of Front Street, Quarrington Hill, Durham

The Committee considered a report of the Assistant Planning Officer regarding the change of use of vacant paddock to north west (rear) of existing premises to form ancillary storage area, to be enclosed by 2.50m high palisade fencing at land adjoining Holdens Yard, west side of Front Street, Quarrington Hill, Durham (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members of the Committee had visited the site earlier in the day and were familiar with the location and setting.

Councillor Plews, local member, addressed the Committee. She informed the Committee that Coxhoe Parish Council had been interested in the site, and it was the belief of the Parish Council that the site was statutory allotment land. Councillor Plews stated that there had been no discussions with the Parish Council prior to the agreement of the conditional sale of land to the applicant, she therefore requested that the Committee adjourn consideration of the application to allow more time for discussions to be held with the Parish Council.

Councillor Morgan, local member, addressed the Committee. Councillor Morgan reiterated the comments of Councillor Plews, stating that the view of both Coxhoe Parish Council and local residents was that the application site was allotment land and as such should not be available for sale, instead should have been offered to the Parish Council.

He informed the Committee that the County Council's Assets Team had written to the Parish Council regarding the whole site, however there had been no subsequent discussions, as such he too requested an adjournment.

Should an adjournment of the application not be possible, he therefore requested that the Committee reject the application on the basis that the proposals were for building in the open countryside and that the Arboricultural Officer suggested at paragraph 26 of the report, that the trees in that area were worthy of retention.

Councillor Morgan further suggested that approval of the application would breach section 11 of the Planning Framework as the proposals would fail to enhance the natural environment.

Parish Councillor K Pounder addressed the Committee, representing Belmont Parish Council. He informed Members that there had been an extensive waiting list for allotments within the area for some years, and in the 2011 Parish Plan questionnaire, residents responded to say that they would like to see more allotment provision in the area.

Councillor Pounder informed the Committee that an asset transfer had been attempted, however there were clearly conflicting views over the appropriate use of the land. He suggested that the officers report was incorrect as there had, to date, been no discussions with the Parish Council, further to the Clerk to the Council contacting the Assets Team on 6 December 2012 to request a meeting.

Councillor Pounder called on the Committee to defer the item for 2 months to allow for discussions between the Parish Council and the Assets Team to take place.

The Principal Planning Officer responded to the issues raised by all objectors as follows:

- Land Sale – Whether or not the land should be categorised as allotment land, and determination as to how that land should be disposed of, were not planning issues. Should the application be granted that would not rule out further discussions with Asset Management, indeed it was understood that Asset Management were willing to enter into discussions.
- Policy – It was acknowledged that there would be an impact should the application be approved, however it was pointed out that the NPPF equally reflected the importance of economic growth and sustainability, as such there was a balance to be achieved.

Supported by Councillor Charlton, Councillor Blakey moved that the determination of the application be deferred for a period of 2 months to allow further consultation to take place.

Councillor Taylor moved that the approval of the application be granted, believing that negotiations regarding the sale of the land was not an issue for the Planning Committee.

In response to a query raised by Councillor Naylor, the Principal Planning Officer advised that he was not aware of any previous proposals which had been submitted for the land.

Councillor Moran supported Councillor Taylor and informed the Committee that he was satisfied that the removal of trees from the site would not be detrimental as the applicant would be planting additional trees as part of the development.

Councillor Robinson supported the motion for deferral of the application, and allow the Planning Team to view the correspondence between Asset Management and

Coxhoe Parish Council, in addition to further discussions to take place between the concerned parties.

Upon a vote being taken upon each motion, it was

Resolved:

That the application be approved, subject to the conditions outlined in the report.

3c 4/12/00791/FPA - Land Between 24 and 25 The Avenue, Durham, DH1 4ED

The Committee were informed that the application had been withdrawn by the applicant.

3d 4/12/00936/FPA - Land Between 24 and 25 The Avenue, Durham, DH1 4ED

Prior to the consideration of the Planning Officer's report, Messrs Cornwell & Priestly raised with the Chairman a matter of procedure, namely that they had decided to split their representations between the two applications i.e. one person was to speak for the full 5 minutes on item 3(c) and one person was to speak for 5 minutes on this application. They felt disadvantaged because item 3(c) had now been withdrawn and requested more than 5 minutes within which to speak on this application.

The Chairman exercised his discretion by allowing 5 minutes to each of them but made it clear that he would therefore allow 10 minutes to the applicant.

The Committee considered a report of the Planning Officer regarding the proposed extension of time limit for implementation of 09/00756 for three terraced dwellings (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting.

Councillor G Holland, local member, addressed the Committee. He believed the issue was whether the existing planning permission should be extended or whether it should expire naturally, requiring the applicant to submit a new application.

Councillor Holland informed the Committee that there was an overload of student dwellings within the area of the site, in addition the site was within a conservation area.

The land was currently garden space associated with no.24 The Avenue, Councillor Holland was concerned that Government guidelines were against development on such sites.

Since 2009, Councillor Holland informed the Committee that numerous properties in The Avenue had converted to HMO's (Houses in Multiple Occupancy), and he

made reference to the objections detailed within the report by Planning Policy, who objected to the application on the basis that they considered the proposal would have a significant impact on the local area as it would significantly increase the concentration of HMO's in the street. Councillor Holland highlighted that the proposals were contrary to policies H9, H13 and H16 of the City of Durham Local Plan.

In relation to the impact that the proposals could have on other residents in the street, Councillor Holland referred to Policy Q8 which stated that the impact on the occupants of neighbouring properties should be minimised.

Councillor Holland felt that the application should be rejected in light of the new planning landscape of 2012. Should the application be approved, Councillor Holland suggested that a C3 condition be applied to the permission to require that the property be for family use and not a HMO.

Councillor N Martin, local member, addressed the Committee. He felt strongly that recent years had seen an influx of students into the site area and highlighted that the increase in the student population had signified a change in tone from both the Police and from Planning Policy, with both vocalising concerns.

Councillor Martin called for the application to be rejected and although he agreed that if approval should be granted then a C3 condition be imposed, he highlighted that C3 was not exactly appropriate as the design of the development did not lend themselves well as family dwellings.

Mr S Priestly, local resident, addressed the Committee. Mr Priestly informed Members that he had resided in The Avenue for 18 years, during which time he had witnessed a real shift in the residential mix in the area. The street was now predominantly a student base and he feared that the introduction of more students to the street could drive families away. Quoting figures of students against families in The Avenue, Mr Priestly informed the Committee that should the application be approved and the site was developed as proposed, it would take the number of students residing in the street to over 200.

Mr Priestly informed the Committee of the problems which were created as a result of high numbers of students residing in residential areas, such as increased noise and anti social behaviour.

The Committee were advised that the families within The Avenue provided a vital service year on year in clearing the road during adverse weather conditions, a service which would not continue should families be driven out of the area.

Mr Priestly argued that it was unlikely that the developer would opt to market the property as a residential dwelling once developed as that would not be a viable economic proposition.

Mr R Cornwell, local resident, addressed the Committee. Speaking on behalf of Crossgate Community Partnership, Mr Cornwell called on the Committee to allow

the existing permission to expire, a move which would be supported by the Police and the Planning Policy Team.

Mr Cornwell informed the Committee that the site was not previously developed land and that Policy H2 still applied, and he drew reference to the NPPF which stated that a safe and accessible environment should be created. The Police had acknowledged that the condition in The Avenue had changed considerably since the original planning permission had been granted.

Evidence from Durham University suggested that there was more likelihood of disturbance in areas where students were not managed.

Mr Cornwell cited instances which he was aware of where the police and the university security had to be called to attend to issues with students in The Avenue and argued that the applicant would not personally manage any students residing in the developed site.

The Principal Planning Officer responded to the issues raised by all objectors as follows:

- Student Population – The Committee were advised that although objectors expressed concerns regarding a potential overload of student accommodation within The Avenue and wanted something better, he put it that there were no alternative proposals for the site. It did not necessarily have to be assumed that once developed, the property would become student accommodation as opposed to family dwellings.
- Since the last planning permission had been granted, it was accepted that there was possibly more students living in The Avenue, however that was not quantifiable as properties could be shared without being registered as student accommodation.
- The Committee were informed that there were no guidelines, limits or policies which specified a ceiling limit on the number of students which could inhabit an area.
- Members were informed that there was a current planning permission in place on the site and Government guidelines suggested that unless there were significant changes or new policies which superseded previous policy, then an extension request should not be refused.
- Whilst it was acknowledged that the site was technically Greenfield land, it could be argued that the location was sustainable and the development would have no detrimental visual impact.

Mr C Fish, representing the applicant Mr P Copeland, addressed the Committee.

He informed Members that the decision was taken to withdraw the previous planning application from the meeting agenda due to the depth of feeling amongst objectors, the applicant had thus felt it better to withdraw the matter rather than see it forced on local residents.

Mr Fish stressed that the proposed development was not an HMO, highlighting that the definition of an HMO was a property housing more than 6 people, whereas the proposed properties would house up to 6 residents.

The initial application for the site had been approved 3 years earlier and whilst it was generally accepted that the properties would become student accommodation, Mr Fish stressed that they did not have to be. He informed Members that ultimately the market would determine the usage of the properties based upon whatever would be the most appropriate investment at the time.

Mr Fish informed the Committee that his clients operated a number of high value single family lets in addition to the larger dwellings.

In addressing the existing permission on the site, Mr Fish informed the Committee that within the last 3 years a lot of off-site work had been undertaken along with other works such as an archaeological report, ecological studies and arboricultural studies. A site investigation programme had been undertaken to assist with the design of the foundations for the properties. Furthermore the applicant had worked extensively to discharge all conditions on the original planning permission, all of which had now been done. Mr Fish stated that all of these works demonstrated a significant commitment to the site on the part of the applicant.

Members were informed that the current economic climate had prevented construction works commencing on the site, it was a commercial project and currently the borrowing of significant funds of that nature was difficult. Mr Fish was confident that the applicant was now in a position for work on the site to commence within a six month period should the application be approved, with a view to the development being completed within 3 years.

Mr Fish informed Members that his client would not object to a C3 condition being imposed on the application, restricting the occupancy of the property to a maximum of 6.

In relation to the impact of students in the area, Mr Fish informed the Committee that this was a long standing issue which he believed stemmed back to the start of the University. He highlighted that there was no empirical evidence or unbiased study which evidenced that students did have a detrimental effect when inhabiting predominantly residential areas. Furthermore, the Council had not provided any guidance on what would be considered an acceptable level of students in an area.

In relation to the issue of student related crime in The Avenue, Mr Fish informed the Committee that having researched the Durham Constabulary crime statistics for that specific street, he had discovered that there had only been one report of anti-social behaviour in the previous 14 months, and in total only 9 crimes had been reported in that period, the majority of which had been motor vehicle theft.

On the issue of parking in the street, Mr Fish stated that it was a County Council responsibility to control and was not a matter for the applicant.

The Principal Planning Officer provided clarification to the Committee on the current regime of the use classes order and highlighted the difference between a C3 and C4 class.

Councillor Freeman felt that the proposals of development went against the creation of balanced communities and believed that the current permission should be allowed to expire, requiring a fresh planning application to be submitted.

Councillor Taylor felt that it was difficult to object to the recommendations within the report as a planning permission on the site already existed and there had been no change in circumstances, he therefore moved that the application be approved.

Councillor Charlton concurred that the previous planning permission could not be disregarded. She argued that a lot of the economy of Durham relied on the student population, and could not agree with the vilification of students.

Councillor Charlton agreed that the application should be approved and that a C3 condition should be imposed on the permission.

Resolved:

That the application be approved, subject to the conditions outlined in the report and the addition of a condition restricting the use of the dwellings to Use Class C3.

3e 4/12/00851/FPA and 4/12/00852/CAC - Former Fred Henderson Ltd, Ainsley Street, Durham City, DH1 4BJ

The Committee considered a report of the Principal Planning Officer regarding the demolition of existing garage/workshop buildings in association with the development of a student accommodation scheme (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting.

The Principal Planning Officer advised the Committee of late updates to the application, made since the report had been prepared and circulated, as follows:

In relation to Condition 2 of application 4/12/00851/FPA – The condition should refer to plan no. D210_03 B and not C.

In relation to Condition 8 of application 4/12/00851/FPA – The sustainable transport officer has requested additional cycle storage, which is allowed for under condition 5.

In relation to Condition 20 of application 4/12/00851/FPA – Variation to specifically refer to accreditation by the management company, parking/access control as well as the management plan.

An extra condition to be added for the agreement of existing and proposed ground levels prior to work commencing.

One further letter of support had also been received.

Councillor G Holland, local member, addressed the Committee. In stating that the application was one of the most significant he had ever seen, he dealt with three key themes – the purpose of the development, whether the development was needed and whether the development was appropriate.

In addressing the issue of the purpose of the development, Councillor Holland believed this to be speculative.

In addressing the issue of whether the development was necessary, Councillor Holland argued that it wasn't. In quoting from a letter of the University's Director of Estates and Buildings, Councillor Holland informed the Committee that the University were opposed to the development, further advising that the University were in consultation with the Council on developing an accommodation strategy which the County Durham Plan would provide support for.

Councillor Holland believed that the development would jeopardise the transition of the area and the application made no reference as to how the premises would be managed.

The design allowed for little social space and the developer had neglected to engage with the University on management issues. Furthermore Councillor Holland informed the Committee that not only did the University not support the proposals, nor did the Police.

In addressing the issue of whether the development was appropriate for the surrounding conservation area, Councillor Holland argued that it was wholly inappropriate. It would be a speculative build of no long term benefit, which would double the population of that area and have detrimental impact on drainage systems, and local residents. It was inevitable that the introduction of 223 students to a residential area would have an adverse impact on families already living in the area.

Whilst Councillor Holland acknowledged that the site was in need of restoration, he felt a holistic approach should be taken and any development should be linked in with the recently approved housing development in that area.

Councillor Holland informed the Committee that the proposals were contrary to various planning policies and was wholly unsuited to a conservation area. He called for the application to be refused.

Councillor N Martin, local member, addressed the Committee. He began by declaring an interest in that the owner of the site was a neighbour of his however having sought advice from the Monitoring Officer, would speak on the item as they did not have a close association.

In addressing the issue of the impact of students in the area, Councillor Martin informed the Committee that he had 34 years experience of supporting students professionally, and was as such aware of the issues which could arise. He believed that the introduction of a large number of students would have a big impact on local residents, in particular, the generating of noise particularly late at night.

Councillor Martin felt that there was insufficient communal space within the proposed development which was not conducive to the social interaction of the students, meaning they would inevitably “spill out” of the development into the area outside.

Councillor Martin informed the Committee that the management company who would operate the site were a newly established company and as such had no proven track record. The company could seek accreditation from Unipol who Councillor Martin knew to have expensive experience and were well established, he therefore requested that if the Committee were minded to approve the application, a condition be imposed requiring the appropriate accreditation to be sought.

Councillor Martin informed the Committee that the University did not support the development and had been unable to make contact with the developer to discuss the proposals. It was imperative that the management company established a good working relationship with the University and Councillor Martin suggested a further condition be imposed on the application requiring the management company to establish a clear memorandum of understanding with the University as to how the premises should effectively be run.

Mr G Bishop, a committee member of Friends of Flass Vale, addressed the Committee. Mr Bishop informed the Committee that Flass Vale was a conservation site with nature reserve status and the Friends of Flass Vale had concerns about the proposed development because of the impact it could have on the Vale.

The heights of the three buildings would be immense and had limited architectural merit, not in keeping with the setting which included various listed buildings. Furthermore the development had a distinct lack of carparking spaces and drop off bays, which also gave cause for concern. The footprint of the development was extensive and was completely out of character for the area.

Mr Bishop informed Members that the drainage system for the area had overloaded on several occasions and this issue would only be intensified by the development.

Other issues included light pollution which would have a detrimental effect on bats and badgers, as well as noise pollution and the risk of irresponsible behaviour, all of which could impact on the areas wildlife.

Mr Bishop suggested that the design to be reduced by 1 storey and the footprint of the development to be reduced. He called for the Committee to reject the current application.

Ms J Levitas, local resident, addressed the Committee. She informed the Committee that the University felt that the development infringed policy H16 and

would have a detrimental effect on the area. A significant proportion of complaints made to the University related to disorderly behaviour, drunkenness and rowdy behaviour, all causing distress to local residents.

In relation to managing students at the development, Ms Levitas informed the Committee that noise from parties within the premises was not the issue, it would be noise on the streets surrounding the development which would be the issue. Indeed the main thoroughfare for students making their way to and from the city centre would be predominantly residential.

It was widely acknowledged that many students did not embark into the night-time economy until nearing midnight and they were very noisy, it was therefore going to be made worse for the residents in the streets surrounding the development with the introduction of 223 students.

Ms Levitas concluded by stating that the University were in favour of seeing the site developed however were keen that families and children were encouraged to the area.

Mr G Pearson, local resident, addressed the Committee. In relation to blocks 2 and 3 of the proposed development, Mr Pearson informed the Committee that two thirds of the space encroached onto the nature reserve area.

An immediate neighbour to Mr Pearson had done an assessment of the people who resided in the area and had concluded that once the 223 entered the area, the proportion of students to long term residents would be 1:23 respectively.

Mr R Coleman, local resident, addressed the Committee and was permitted to circulate to Members a copy of his presentation. He believed the key issue regarding the proposed development to be the damaging effect that the development would have on the quality of life of residents for a generation and beyond. This was an issue he believed was of overriding importance more so in light of the fact that permission had recently been granted for a housing development in close proximity to the site which would introduce a further 50 residents to the area.

Mr Coleman believed the proposals to be contrary to the Governments sustainability objectives and applicable policies. He highlighted that the stated objective in the Local Plan Preferred Options was to attract families to come and live in Durham. He highlighted that the officers report did acknowledge the potential issues concerned, at paragraphs 114 and 138. However at paragraph 186 he felt there to be a contradiction in the conclusion made by officers.

Mr Coleman spoke of the harm that the development would inflict on local residents, such as substantial noise, particularly at night. In supporting his concerns Mr Coleman drew attention to the views of the Area Planning Policy Team and the Police Architectural Liaison Officer detailed within the report.

Furthermore he highlighted the strong opposition of the University to the proposals, quoting from a letter sent to the Planning Officers from the Durham University Estates and Buildings department.

Mr Coleman felt that the application and the report showed a total disregard for the existing problems of student noise in the area and the distress it already caused to neighbours, quoting from a statement written by a resident of Waddington Street.

Mr Coleman expressed concerns that the development would exist outside of the framework of the University's supervision and control, believing that student accommodation of such a large size could only work if it was integrated into the college and university structure where the university could actively perform a disciplinary and pastoral role.

Quoting from paragraph 104 of the report, Mr Coleman stated that he believed that there had been ample demonstration that the development should be considered contrary to Policy H16.

He also believed that although Environmental Health had made no objections to the development, that was because late night noise from students was something which was outside of their remit.

Mr Coleman raised concerns over road safety, informing the Committee that the approach roads and footpaths leading to the development were very narrow and that Ainsley Street and Waddington Street already met at a dangerous blind junction, situated where traffic from the new residential development at the bus depot site would join that street. He believe that the traffic required to support a further 223 students would substantially add to existing traffic in the area. Although he noted that the Highway Authority has raised no objections to the proposals, he referred to advice from the Highways Agency on the planning website, which was confined to the issue as to whether there was sufficient room for service and refuse vehicles to turn, as well as raising the question of emergency access. He felt that the report recommendations did not take into account that important relevant consideration.

Mr Coleman informed the Committee that he believed the proposals contravened numerous policies including H13 and H16 of the Local Plan, as well as paragraphs 58 and 123 of the NPPF.

He believed there to be no long term benefits of the development at a number of levels. The University objected to the proposals, he felt that students would not benefit from living in a premises which lacked all the benefits of the collegiate model and in a location removed from the hub of the University, and there would be an inevitable detrimental impact on local residents. Mr Coleman concluded by stating that to grant permission would show a reckless disregard for the interests of local residents in particular, but also for the clearly stated interests of the University and the student body for which it was responsible. He called on the Committee to reject the application.

Mr J Parkinson, applicant, addressed the Committee. He informed the Committee that every effect of the proposals had been thoroughly examined, as required.

In referring to the NPPF which advocated that new sustainable development should go ahead without delay, he argued that this was a vacant site with good transport links and the proposals were meeting a very definite need within the City, for the provision of further student accommodation.

He felt that the concerns of the University were unjustified and highlighted that they had not put forward any accommodation strategy for scrutiny. He continued that as and when the University did develop such a strategy, the proposed development would not jeopardise that in any way.

He acknowledged it was vitally important to engage with the University and stated that the developer had requested a meeting with the University on 25 August 2012.

Mr Parkinson informed the Committee that the University was growing at speed, stating that between 2006-12 there had been approximately a 10% increase in the number of full time students. Furthermore, the University's strategic document for 2010-20 stated that there would be a drive to recruit more mature, overseas students. He argues that the University was unlikely to provide high quality accommodation which was required in the short term.

The primary aim of the proposed development was to cater for post graduate international students, which he believed would alleviate concerns of anti social behaviour and respect for the surrounding area. He argued that the development would not have an adverse effect on residents in the area, highlighting the opinion of the Environmental Health officer.

A draft management plan had been submitted to the University and the Council, which reflected the University Code of Conduct. The development would be safe, secure and socially acceptable, and Mr Parkinson had no objections to the suggested conditions to be imposed on the permission.

Mr Parkinson highlighted that the company had spent 9 months working with the Council to achieve an acceptable design balance, and all concerns raised by officers had been allayed.

The Principal Planning Officer responded to the issues raised as follows:

- He disagreed that the development was speculative, rather there was a definite need and an ever increasing demand for student accommodation within the city. In relation to a future strategy, he informed the Committee that there was a short term need for student accommodation in the city which he did not feel the University were able to provide in the short term on their own;
- The concerns about the number of students in the viaduct area was acknowledged and it was further noted that this number had been increasing for some years. As such the contained development was a preferable option;.

- In referring to the issue of communal space within the development, he stated that the development would be a residential environment rather than a social one, and it was felt that keeping communal space to a minimum was beneficial to the surrounding area;
- In relation to the Management Company, the Committee were assured that the Planning Officers would specify that the management company achieved accreditation, acknowledging that this was essential for a legitimate scheme.
- Scale of Development – The rear of the development would be level with the Miners Hall and whilst the development may have an impact, it would not be detrimental in the context of the surroundings, the topography of the area would naturally frame the development;

Councillor Taylor acknowledged the complexity of the issues raised and though he would have preferred to have seen a residential application for the area, he appreciated that the current application was the only proposal for the site. He found the proposals to offer a good and acceptable layout and was pleased that the inhabitants would be likely mature students. He moved approval of the application.

Councillor Moran acknowledged that the issue was very emotive. He felt it would be helpful to know how many new students were expected to enter the city each year and how many would be seeking accommodation. Councillor Martin pointed out that any TO LET signs which were visible in student areas at the present time did not denote current vacancies, rather they were displaying signs to attract students for the next academic year.

Councillor Robinson was satisfied with the application with the inclusion of the condition relating to the accreditation of the management company.

Councillor Charlton also acknowledged that the application and the arguments given by both sides made the issue a difficult one to determine, however she could see no reason to refuse the application.

Councillor Freeman agreed, acknowledging that additional purpose built accommodation was required and was not being provided by the University. He felt that the development would only begin to address accommodation problems but felt that it could see some students leaving residential areas to move into the purpose built accommodation.

Resolved:

That the application be approved, subject to the conditions outlined in the report and the late representations outlined at the start by the Principal Planning Officer including specific reference in condition 20 to accreditation of the management company.

3f 4/12/00934/FPA - Beckwood, Potters Bank, Durham, DH1 3PP

The Committee considered a report of the Planning Officer regarding the erection of a two storey extension to the side and rear of the property, including a single storey sun room to rear, insertion of new windows in front elevation of dwelling, rebuilding of boundary walls and replacement of detached garage (part retrospective

submission) at Beckwood, Potters Bank, Durham, DH1 3PP (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting. He also advised the Committee that one of the local residents had taken issue with how the garage floor level had been calculated in the report. He explained that officers' assessment was based on the built height relative to what remained of existing ground levels within the site, and this was considered to be a reasonable approach. Regardless of this, its impact could be fully assessed because of the retrospective nature of the garage. Planning permission had been granted for a structure that would impact to some extent on neighbours. That impact had been considered to be at an acceptable level, and was considered to remain so with the development as constructed. Councillor Holland, local member, addressed the Committee. He informed the Committee that the development had not been built to plan originally, causing distress and anger to neighbouring residents. He was concerned that there had been no monitoring on the site as to how the development was progressing and argued that the public were not equipped to be able to visualise the outcome of a build and as such relied very much on the judgement of the Planning Officers.

Mr Nesbitt, local resident, addressed the Committee. He was a neighbour of the property and had objected originally to the previous planning application.

He informed the Committee that having sought an architect's opinion, it was suggested that the detached garage development was nearly 3 feet higher than planned. The building had been erected in the space of 2 weekends and there had been no policing or supervision of the build, causing a large degree of inconsistencies.

In addressing the issue of the impact on neighbouring properties, Mr Nesbitt advised that the garage was 4.8m from the dining room window of a neighbouring property and that the 6m rule had not been applied because the building was deemed not to be 2 storeys high, which he disagreed with.

He expressed deep concerns that neighbours had no rights and there was no supervisory mechanism to ensure that buildings were erected in accordance with approved plans.

Mr Anderson, agent for the applicant, addressed the Committee.

He acknowledged that the garage was further from the boundary but advised that it had no negative impact.

In addressing the issue of the height of the building Mr Anderson informed the Committee that when the original drawings had been done on the garden there had been a lot of vegetation. Once the vegetation had been cut back the levels differed and as such the first drawings show the proposals to be level with the surrounding ground levels.

Mr Anderson agreed that at the front of the building there was a minimal deviation, but it had to be acknowledged that a lot of ground had been removed. He highlighted that the levels were exact at the rear of the build.

Measurements had been taken in conjunction with Planning and Enforcement Officers and it was concluded that the building itself was exactly the same size as detailed in the plans.

Mr Anderson stressed that the applicant had not sought to antagonise, anger or cheat the neighbours nor had the build been carried out deliberately on weekends.

In referring to the policing and supervision of the build, Mr Anderson advised that was the responsibility of the planners and the applicant had met with the planners on site at their request to implement measures to satisfy the permission.

The Principal Planning Officer responded to the issues raised as follows:

- It was acknowledged that there were differing opinions as to the height of the garage floor, as explained previously.
- Supervision of the site – The responsibility lay with the applicant to build in accordance with the approved plans. Upon a report of concerns about the garage being made to the Planning Office by neighbours, an inspection of the site was conducted promptly. The Planning Office had the ability to halt works with immediate effect if necessary, however a balanced view had to be taken as to the extent of any discrepancy and the resulting impacts. In this case, the applicant was advised to submit an application for retrospective permission, and that any continued work would be at his own risk.
- Height – The garage was in between the height of a one storey and two storey build. There was room to have head room in the upper part and the Committee were informed that the height had been assessed and was within the guidelines of the Planning Office in terms of the distances to neighbouring properties. Concerns were addressed immediately and the retrospective application followed soon after.

Councillor Charlton felt that the Planning Officers relied on builders to follow plans correctly and that responsibility for adhering to plans was as such the responsibility of the builders/developers.

Councillor Taylor, though disappointed that a retrospective application had been submitted, felt on balance that the application should be approved.

Resolved:

That the application be approved, subject to the conditions outlined in the report.

4 Appeal Update - Appeal by Mr Dolan Jnr. (Planning Application No. CMA/5/33)

Consideration was given to an appeal update which had been received by the Strategic Team (for copy see file of Minutes).

The appeal had been made against the County Council's refusal of planning permission on 23 July 2012 for a site to accommodate 3 caravans, 2 dayrooms (to be accommodated in the existing hay store), the erection of a 3 bedroom chalet and stable blocks at Greenacres, Salters Lane, Haswell.

Notice of the Inspectors decision would be reported to Committee in due course.

Resolved:

That the report be noted.