

**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 15 January 2019** at **1.00 pm**

**Present:**

**Councillor A Laing (Chairman)**

**Members of the Committee:**

Councillors D Brown, J Clark, M Clarke (substitute for R Manchester), I Cochrane, K Corrigan, M Davinson, D Freeman, K Hawley, S Iveson, J Robinson and O Temple

**Also Present:**

Councillors R Crute and M Wilkes

**1 Apologies for Absence**

Apologies for absence were received from Councillors G Bleasdale, P Jopling and P Taylor.

**2 Substitute Members**

Councillor M Clarke substituted for Councillor R Manchester.

**3 Minutes**

The minutes of the meeting held on 11 December 2018 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/18/03308/FPA - 35 Front Street, Framwellgate Moor, Durham**

The Planning Officer, Susan Hyde, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer, SH advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from hairdressing training centre to 8 bed house in multiple occupation (sui generis) and was recommended for approval, subject to conditions.

The Planning Officer, SH noted the site was in a sustainable part of Framwellgate Moor and explained it was part of the allocated centre, with a number of amenities nearby. Members were informed of the adjoining social club to one side, and residential property to the other side. It was explained that the only access to the rear garden was via the property, on foot through the property, and for vehicles via the single width garage, no access from the rear, Alexandra Close. The Committee noted no changes to the elevations of the property, and the proposed internal layout retained the garage and there was internal alterations to accommodate the eight bedrooms. It was added that the Licensing Section had confirmed compliance in terms of headroom for the second floor.

Members were informed that there had been no objections from Environmental Health, subject to conditions including noise insulation. It was added there had been no objections from Highways, as the property was in a sustainable location, with amenities and transport links. Councillors noted that the House in Multiple Occupation (HMO) Officer had noted the application met the required standards for HMO licensing. The Planning Officer, SH noted responses from the public, with 3 objections from nearby residents from Front Street and Alexandra Close. She explained the objections were summarised within the report and related to: students occupying the property; increase noise and disturbance; the rear garden not being utilised for parking as per the previous planning consent; and the impact on parking.

The Planning Officer, SH noted that the application was considered acceptable in terms of being within a sustainable location, and reiterated that the previous uses of the property had been residential dwelling and hairdressing training centre, it had not previously been used as a retail unit. It was added that in terms of the sustainable location and two parking spaces provided within the garage the application was considered acceptable in highways terms.

The Planning Officer noted a change to Condition 3 as set out within the report, in order to be more precise, with the wording to include "...noise and meet noise regulations in Building Regulation document E". Members noted the application was recommended for approval, subject to conditions and the amendment as explained by the Planning Officer, SH.

The Chairman thanked the Planning Officer, SH and asked Councillor M Wilkes, Local Member, to speak in objection to the application.

Councillor M Wilkes thanked the Committee for the opportunity to speak in relation to the application. He noted he was speaking on behalf of a number of residents with concerns, his fellow Local Members, and the Parish Council and was asking that the Committee refuse the application. He explained that there was no objection from residents in terms of the property and site being developed, if the application was for the right development. He added that the application did not take into account residential amenity of nearby residents, nor that of the potential occupants of the property when considering the amount of parking provision. Councillor M Wilkes noted that the use was not specifically for students and there was no conditions relating to this. He added that initially that there was to be parking in the rear garden and within the garage space, with no parking at the rear within the application being considered. He noted that as the proposal was for a tandem garage, there would be a need to manoeuvre cars in order to get a vehicle at the rear of the garage out. Councillor M Wilkes noted that this would not be suitable should the property not be occupied by students, other types of occupiers likely having more vehicles, potentially eight. He noted that parking and access standards looked for a three metre width for parking, he suggested that given the width of the door was 2.34 metres that the driver would probably be stuck in their vehicle. Councillor M Wilkes noted that there was not capacity outside of the property or nearby properties, with the pub and public car parks nearby locked at night, and that the displacement of vehicles was a concern.

Councillor M Wilkes explained that if the Committee were minded to refuse the application, they may wish to consider City of Durham saved Local Plan Policy T1 in relation to traffic, where an application would not be approved if the development was detrimental to highways safety or have a significant negative impact on the amenity of occupiers of neighbouring properties. He added that the parking did not meet the minimum requirements in terms of parking and accessibility standards. Councillor M Wilkes noted that if one was to agree the proposed parking arrangements, he would then ask how bins would be moved from the rear of the property through two parked cars to the front of the property on collection day. He noted this was poor design, contrary to saved Policies Q1 and Q2, and there would likely be a need for multiple bins in terms of the number of potential occupants. Councillor M Wilkes explained he felt the application was also contrary to saved Policy H9, in terms of the sub-division of the property likely to have an adverse effect on the amenity of nearby residents. He concluded by asking Members to refuse the application on those grounds.

The Chairman thanked Councillor M Wilkes and asked the Planning Officer, SH to respond to the issues raised.

The Planning Officer, SH noted that the application had two spaces shown within the existing garage space, currently empty, and that given the sustainable location with nearby shops, New College Durham and bus stops, the provision as proposed was reasonable. She continued noting that Councillor M Wilkes was correct, the change of use to C4, HMO did not specify the type of tenant therefore there was a range of use, not just for students.

The Planning Officer, SH explained that in respect of bin storage, Councillor M Wilkes was also correct in that the bins would need to be moved to the front of the property, via the garage, and this could be an inconvenience, however this was the case for many properties. She added that the Applicant had noted that a local agent would manage the property and a tenancy agreement would be in place. It was reiterated that Officers felt that the application was suitable in terms of a HMO.

The Highway Development Manager, John McGargill explained that in terms of saved Policy T1 it was not felt after assessment that there was grounds for refusal. He noted the extant permission for the hairdressing training session and added that upon looking at the demand for parking, at that time the parking within the curtilage was not used, with a likely demand of three or four staff and several students. He noted that particular use could recommence at any time and that demand on parking materialise. He added that looking at other commercial demand in the area, there were 12 staff within the nearby six units, with all parking on the street. The Highway Development Manager noted that residential use was different to commercial use, with staff likely to park during the day, and residents to park on an evening, so in effect there would be an exchange of spaces, with 12 staff vacating spaces and eight potential residents to take those up. He added that there were 56 car parking spaces nearby at the community centre and Parish Council on the opposite side of the main road. The Highway Development Manager added that the application was in a very sustainable location with many shops nearby and bus stops. He explained that given this it would be difficult to uphold any objection in terms of Policy T1 as there needed to be "significant" effect, with perhaps some potential occupants needing to park a little way from the property, however, there was sufficient parking in the area.

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

Councillor O Temple noted that when visiting the site earlier in the day he had noted how well the property would lend itself to residential space if sound-proofed. However, he added that he felt the parking arrangements were not fine, with the garage feeling more akin to an alleyway that had been built over and that the large garden, currently in a state of disrepair, would be far better suited for around 6 vehicles to be parked. He added that in HMOs a garden was not the "crowning feature" and that the poor example at this property would be better suited for parking, accessed via driving through the "garage". He added that he felt it was a pity that the application was such to remove the parking to the rear and asked if planning had sought this. Councillor O Temple reiterated the point made by Councillor M Wilkes in relation to the bins and movement on collection days. He explained that he felt that the reasons suggested in terms of saved Local Plan Policies T1, Q1 and Q2 for refusal could be used in terms of supporting a recommendation for refusal. He added that it may be possible to argue that the application was contrary to Policy H13 in addition, and concluded by noting that many of the issues with the application could be perhaps remedied with the replacement of the garage door with an electric gate to allow access to the rear garden.

The Chairman asked if the Planning Officer could respond to the points raised. The Planning Officer, SH noted that the change to the parking arrangements was made by the Applicant and that Planners had only spoke in terms of clarity on how the doors would work and that the Applicant had chosen to submit the form presented to Committee.

Councillor J Robinson noted he was sad that there was yet another HMO application for Durham. He asked as regards paragraph 35 of the report, with the previous consent having a parking scheme which had not been implemented and whether for consistency this application should have a similar scheme. The Planning Officer, SH noted it had been a material consideration for that previous scheme, however, the approved plans had not been implemented.

Councillor M Clarke noted the building would benefit from internal refurbishment and that the main issue seemed to be that of parking. He agreed that it would be better if the parking was to the rear of the property, and while potential occupants would not need to rely upon a car given the location, it was still likely that an occupant would have a car and this would increase demand on spaces. Councillor M Clarke noted the proposed tandem garage arrangement had the potential for arguments and noted a national average of 46.8 percent of students owning a car, yet the eight bedroom proposal only had provision for two car parking spaces. He added that this did not take into account potential visitors to the property and that any tenancy agreement, even with a local agent engaged, was not a "policing agreement". He concluded by noting he was minded to agree with the concerns raised by local residents.

Councillor O Temple noted he would propose that the application be refused on the grounds the application was contrary to Policies Q1 and Q2, being of poor design, in relation to the bin store and means of placing bins out for collection.

The Solicitor – Planning and Development, Neil Carter noted that the main issues raised seemed to relate to the proposed parking arrangements and how this would also have a knock-on effect in relation to how bins could be presented for collection. He noted that this was not in relation to saved Policy T1 and added that if the garden was allocated as the parking for the development, it would not be possible to force the occupants to use it as such, similar to the extant permission not having this, and with occupants still having the option to utilise the garage space, still causing the issue in terms of bin movement as discussed.

Councillor O Temple noted that if there were not the parking to the rear, then there would not be the option to use it. He asked why not apply a reasonable approach and approve amenity for the occupants and residents nearby by removing the tandem garage use and have the rear garden used for parking.

The Solicitor – Planning and Development reiterated that the previous use as a hairdressing training centre had not developed the rear garden for parking, a breach of their permission, a separate enforcement issue. He added that if the application was revised as suggested, there was still the potential for the same issue to arise.

He noted he was simply querying the sustainability of a refusal reason on that basis, however, this could be an aspect Members wished explored and may wish for a deferment to allow this to take place.

Councillor O Temple proposed the application be deferred, he was seconded by Councillor M Clarke.

## **RESOLVED**

That the application be **DEFERRED**.

### **b DM/18/03100/OUT - Land to the West of Eden Cottage, Station Town**

The Senior Planning Officer, Paul Hopper, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. It was noted the proposal was an outline application for residential development comprising 4 dwellings with all matters reserved and was recommended for refusal.

The Senior Planning Officer noted the application had been brought to Committee at the request of Local Members, with the current application being a resubmission of a previously withdrawn application, albeit with an amended indicative site layout plan and a reduction from six dwellings to four. The Senior Planning Officer noted that the area of land was a narrow parcel, bordered by open space, with residential properties at either end of the parcel. He noted the site currently displayed a number of uses, including agricultural use, livestock on site together with a variety of boundary treatments in use. Members noted the C22 road running alongside the site, linking Station Town and Wingate to Hutton Henry. It was explained to the Committee that there were a number of timber sheds on the site, together with two caravans. The Senior Planning Officer reiterated that the application was outline, with all matters reserved, however, the indicative layout of four properties all showed individual access on to the C22. He added that the supporting information with the application suggested that the properties would be bungalow style properties.

In terms of representations, the Senior Planning Officer noted no objections from the Highways Section and similarly no objections from the majority of the internal consultees, subject to conditions and an appropriate Section 106 Legal Agreement. Members noted that the Council's Landscape Section had raised objections to the application on the basis that they felt the proposals would have substantial adverse impact of the landscape and visual impact in a "DCC Landscape Improvement Priority Area" where the aim of spatial policy was to "restore and enhance".

The Senior Planning Officer noted that there had been no objections from members of the public and in this case Paragraph 11 of the National Planning Policy Framework (NPPF) was engaged, with there being a balance test applied, with a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. He explained that the Landscape Section noted that the proposed development would adversely impact in terms of further erosion of the rural character of the area and would represent a degree of coalescence between the settlements of Station Town and Hutton Henry that was not acceptable. Officers felt that on balance the limited benefits of the development in terms of housing supply and jobs was outweighed by the adverse impacts and set out by the Landscape Section and therefore the application was recommended for refusal.

The Chairman thanked the Senior Planning Officer and asked Councillor R Crute, Local Member, to speak in support of the application.

Councillor R Crute noted that he and his fellow Local Member supported the application and noted that there had been no objections from residents or any Council Department other than the Landscape Section. He noted that the objections were in terms of "loss of views" and felt that there were three issues: whether it was a significant loss; whether there was coalescence between Station Town and Hutton Henry; and whether the development was sustainable, with if the latter was the case then the NPPF states that consent should be provided without delay.

In relation to the views, Councillor R Crute noted that many were partially obstructed by a hedge and that the vast majority of those passing the site would be doing so by car. He explained it was not a route frequently used by pedestrians and the lack of any objections from the public was evidence of this.

In respect of the possible coalescence of Station Town and Hutton Henry, Councillor R Crute noted that this was in fact not the case, noting that the development was in fact in-fill development within Station Town, as the property adjoining the site and several beyond that as you moved along the C22 towards Hutton Henry were in fact all within Station Town. He gave the example of the Station Town Parish Hall and Cemetery being further along the C22 towards Hutton Henry than the application site. He reiterated that the development did not represent coalescence, rather was within Station Town.

In terms of the sustainability of the site, Councillor R Crute referred to paragraph 45 of the Officer's report, which set out the case for the site being sustainable with local shops and services nearby and bus stops providing transport links.

Councillor R Crute felt that the application should be approved as: it did not represent a significant loss of views; did not constitute coalescence as all the proposed development was within Station Town; and the application was considered sustainable and the NPPF noted that such development should be given consent with delay. Accordingly, Councillor R Crute urged the Committee to consider granting consent and allow the development to go ahead.

The Chairman thanked Councillor R Crute and asked the Committee for their comments and questions on the application.

Councillor J Clark noted the parts of the NPPF that supported the application and reiterated Councillor R Crute's comments in terms of the site being wholly within Station Town. She noted Part 6 of the NPPF in relation to a strong economy, Part 8 in relation to healthy communities; and Part 12 in terms of achieving well designed places. She added that Station Town had a large proportion of ex-mining stock housing and ex-Local Authority properties and the proposals within the application would help to add to the housing diversity, giving a boarder housing mix. Councillor J Clark added that the Officer's report set out at paragraph 17 of the report, saved Local Plan Policy 1 from the Easington District Local Plan which noted that account would be taken in terms of sustainable development while benefiting the community and local economy. She noted that such development was needed in the area and supported the approval of the application.

Councillor M Davinson noted that he did not agree with Landscape Officers, with his opinion that the current condition of the site was such that it was a blight and that he did agree with Councillor J Clark and seconded her motion for approval.

Councillor J Robinson support the comments of his fellow Committee Members and questioned the statement at paragraph 64 of the report relating to a sum to ameliorate in terms of landscape concerns, and why this was for Castle Eden.

Councillor D Brown noted that having visited the site he felt that it was common sense in his opinion that the application would enhance the area and would not destroy views.

The Chairman asked the Senior Planning Officer and Solicitor – Planning and Development to respond to the points raised by Committee Members.

The Senior Planning Officer noted the commuted sum in relation to Castle Eden Walkway was in relation to ecology impact, not landscape impact. He added that in terms of the site appearance and tidiness, there were separate policies in terms of untidy land and that as such mechanisms were in place there was not a need to redevelop land in order to tidy a side.

The Solicitor – Planning and Development noted the proposal which had been seconded and suggested that this would also include delegated authority to the Planning Officer to provide and appropriate suite of conditions and a relevant Section 106 Legal Agreement as discussed at paragraphs 64 and 66 of the Officer's report relating to ecology and the Heritage Coast Management Plan.

Councillor J Robinson suggested that the delegation be to the Planning Officer in consultation with the Chairman of the Committee. Councillors J Clark and M Davinson agreed.

## **RESOLVED**

That the application be **APPROVED** subject to a suite of conditions and s106 Legal Agreements to be delegated to the Planning Officer, in consultation with the Chairman of the Committee.

### **c DM/18/03366/FPA - 8 The Hallgarth, Durham**

The Planning Officer, Jennifer Jennings, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer, JJ advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for a 2 storey extension at rear of C4 property, including internal alterations and was recommended for approval, subject to conditions.

The Planning Officer explained that there was already an existing permission and use in terms of the property being a HMO and Members were shown proposed elevations and noted similar extensions to nearby properties within the area. She explained that there had been no objections from Northumbrian Water or the Highway Authority to the application. Members noted there were objections raised by the City of Durham Parish Council including in terms of how the application related to the Council's Interim Policy on Student Accommodation, with a representative from the Parish Council being in attendance to address the Committee.

The Planning Officer noted that there had been no objections from internal consultees, however, Spatial Policy had commented in terms of the student density in the area being 36.5 percent, therefore creation of additional bed space would be contrary to the Interim Policy. It was added that it was also noted that consideration needed to be given to an appeal case at Hawthorn Terrace in January 2017 where a similar proposal was allowed, despite being contrary to the Interim Policy.

The Planning Officer noted that in respect of public representations, there had been objections from the City of Durham Trust and from a neighbouring family as summarised within the report.

The Planning Officer, JJ noted that it was felt that as the application did not represent an increase in number of HMOs as the property already operated as a small C4 HMO and therefore did not run contrary to the principles within the Interim Policy as the housing mix would be unaltered. The recent appeal decision was reiterated and Members were asked to note the recommendation for approval.

The Chairman thanked the Planning Officer, JJ and asked Local Member and Committee Member, D Freeman if he wished to speak first in respect of the application.

Councillor D Freeman noted he was a member of the Parish Council, although he was not a member of the Parish Council's Planning Committee and had not been involved in their decision making or objection to the application as submitted.

Councillor D Freeman noted that the report suggested that the application was for "just one more bed" and therefore would have little impact, however, Members noted that month by month there were applications for "just one more bed" and at the last Committee there had been approval for an additional eight beds within the same area, likely to be let to students. Councillor D Freeman noted within the last year there had been a number of such additions, contrary to the Interim Policy, noting this meant not only the creation of additional HMOs, but also to the creation of additional bed spaces, as stated at paragraph 50 of the Officer's report. He added that the Council created the Interim Policy on top of the statutory provisions of the saved City of Durham Local Plan to stop further "studentification". He noted that in this case the report set out that unfortunately the Interim Policy was not able to stop this. Councillor D Freeman noted the reference to the appeal decision relating to Hawthorn Terrace, however, he felt this was not directly applicable as the area was on the other side of the City and the student density in that area was likely greater than 90 percent, with that being around 35 percent in The Hallgarth, demonstrating there was still a mix of housing use within the area. He noted that each appeal should be looked at on its own merits, as should each application and he felt that the information as set out at paragraph 50 of the Officer's report should be sufficient to refuse the application based upon the Interim Policy.

The Chairman thanked Councillor D Freeman and asked Mr John Ashby, representing the City of Durham Parish Council, to speak in objection to the application, having 5 minutes to address the Committee.

Mr J Ashby thanked the Committee for the opportunity to speak and noted he was speaking on behalf of the City of Durham Parish Council to object to the application to extend an existing HMO at 8 The Hallgarth, Durham City.

He noted that the Applicant suggested that an extension to create just one additional bedroom was so marginal as to be acceptable, with an appeal decision being quoted as evidence. Mr J Ashby noted that, as Members would know, a decision of an Appeal Inspector does not create a precedent and that indeed, the awkward fact was that often one decision apparently contradicts another. He added that Appeal decisions do not change a policy and that line of reasoning must therefore be set aside.

Mr J Ashby explained that the County Council's Interim Policy had been upheld in many appeal decisions and it rightly could therefore be given weight. He added that the key question was whether there were any compelling grounds for making an exception in this case.

Members were asked to note the relevant part of the County Council's Interim Policy on Student Accommodation which stated:

*“In order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, applications for ....extensions (to HMOs) that result in additional bed spaces..... 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.”*

Mr J Ashby noted that the application was for an extension of an existing HMO into the back garden and therefore must be assessed under the above those criteria. He added that according to the County Council's Officers the percentage of properties within 100 metres already converted into HMOs was 36.5 percent, way above the 10 percent threshold and the proposal was therefore contrary to the Interim Policy.

He added that he would add that the extensions on nearby properties pre-date the Interim Policy and so do not assist the application being considered.

Mr J Ashby noted that the City of Durham Parish Council believed that the County Council used its expertise and knowledge in its very careful crafting of the wording of the Interim Policy on HMOs, including what it says about extensions to existing HMOs.

He added that if today the Committee agreed that just one additional bedroom was alright, then why not two or three? He asked where would the new line be drawn. Mr J Ashby noted the Committee would in effect be undoing the meticulous work of its own Officers, and of the Cabinet approval given to that wording. He added that this would mean no-one would know where they stood - residents, developers, professional planners, or legal officers. Mr J Ashby noted that, in particular, Elected Members would find themselves having to operate in a fog of uncertainty if the Interim Policy did not mean what it said.

Mr J Ashby noted that furthermore, the Applicant also sought to establish a threshold of around 70 percent of properties already being HMOs as the limit of trying to maintain balanced and sustainable communities. Mr J Ashby noted that that the Applicant was in effect saying that the area was now too far gone to be worth saving as a community - let it all become just students. Mr J Ashby noted that this was a counsel of despair.

Mr J Ashby explained that in turn this brought in the fundamental question of what is a community. He suggested that it was not properties that make a community, it was the people within them and that although an additional property was not proposed, so the housing mix is not altered, additional capacity of an existing HMO was proposed and this meant a further intensification of the student part of the local community.

Mr J Ashby proposed that the Council's Policy on Student Accommodation had to be about buildings but its purpose was to try to maintain balanced communities. He added that the policy clearly set a 10 percent threshold on HMOs, including extensions in areas at risk of becoming unbalanced. He noted that this clarity was important to uphold so that everyone could understand where they stood.

Mr J Ashby noted that accordingly, the Parish Council urged that the application be refused on the grounds that it was an extension to an existing HMO where significantly more than 10 percent of the properties within a 100 metre radius were already HMOs and was therefore contrary to the County Council's Interim Policy on Student Accommodation.

The Chairman thanked Mr J Ashby and asked Members of the Committee for their comments and questions.

Councillor O Temple noted his focus on paragraph 36 of the report, with the percentages as reported by the Council's Spatial Policy Section. He noted he felt it was clear from this paragraph that the application was contrary to the Interim Policy, however, he felt the issue needed to be further unpacked and for further explanation in relation to the appeal decision relating to Hawthorn Terrace being referenced.

The Solicitor – Planning and Development noted that within that appeal decision, the Planning Inspector had given a guide as to how the Interim Policy should be interpreted. He added that when assessing the application against saved Policy H9 relating to HMOs, which was considered to be afforded full weight, and also the Interim Policy on Student Accommodation, saved Policy H9 was part of the statutory development plan and therefore should be given more weight than the Interim Policy.

Councillor O Temple asked in what way the Interim Policy was in conflict with Policy H9. The Solicitor – Planning and Development noted that the saved policy was more permissive, with the Interim Policy being more specific.

Councillor O Temple noted he struggled with the idea that if an area had “gone beyond a point we gave up” and that he felt it would be illogical as the current student density was 3.6 times greater than the threshold set out in the Interim Policy.

The Area Team Leader (Central and East), Sarah Eldridge noted that the specifics in relation to the Hawthorn Terrace appeal were a two storey extension with an additional three bed spaces. She added that the Inspector had noted that the evidence base that had been used had been for the number of properties and referred to new developments. It was noted the Inspector had added that for extensions to existing properties it was the number of people which was the factor, which was not referred to within the evidence base.

Councillor M Davinson noted that, similar to the application considered at the last meeting of the Committee, he felt that while Members may not wish to have more student accommodation in such areas, the advice from Officers and reference to the Inspector's comments on the appeal regarding Hawthorn Terrace suggested that any refusal would likely be overturned at any appeal. He added that while it was frustrating to Members in respect to the Interim Policy and its application in these cases, on the basis of the Officers report and the debate by Members he would propose that the application be approved as set out within the Officer's report.

Councillor D Freeman noted that Officers seemed to suggest that while the Interim Policy stated the application should be refused, Policy H9 deemed the application to be acceptable. He contended that in fact the application was contrary to Policy H9 in that the amenity of permanent residents would be affected and that direct comparison with Hawthorn Terrace was not possible as the two areas were not the same.

*Councillor J Robinson left the meeting at 2.25pm*

The Solicitor – Planning and Development noted that Mr J Ashby had noted that a Planning Inspectorate decision was not binding, however, there was a need to give some regard to such decisions. The Solicitor – Planning and Development noted that it was his opinion that if the application was refused on the reasons suggested so far, and in the context of the steer given by the Inspector's decision on the Hawthorn Terrace appeal, it would be a struggle to defend that decision at appeal.

Councillor J Clark noted she agreed with Councillor M Davinson in that it was an awkward position, however, she seconded that the application be approved as per the Officer's recommendation.

## **RESOLVED**

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