

## **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 12 November 2019** at **1.00 pm**

#### **Present:**

**Councillor J Clark (Chair)**

#### **Members of the Committee:**

Councillors D Brown, I Cochrane, B Coult, M Davinson, D Freeman, S Iveson, R Manchester, J Shuttleworth, H Bennett (substitute for G Bleasdale) and J Maitland (substitute for A Laing)

#### **Also Present:**

Councillors J Blakey and S Dunn

#### **1 Apologies for Absence**

Apologies for absence were received from Councillors G Bleasdale, K Corrigan, K Hawley, A Laing, J Robinson and P Taylor.

#### **2 Substitute Members**

Councillor H Bennett substituted for Councillor G Bleasdale and Councillor J Maitland substituted for Councillor A Laing.

#### **3 Minutes**

The minutes of the meeting held on 15 October 2019 were confirmed as a correct record by the Committee and signed by the Chair.

#### **4 Declarations of Interest**

There were no declarations The Chair, Councillor J Clark declared a prejudicial interest in item number 5a on the Agenda as a Board Member of the Believe Housing Values Group and confirmed that she would therefore leave the Chamber before the debate and deliberation of that application.

Councillor S Dunn, a Local County Councillor registered to speak, noted for clarity he was also Chair of Coxhoe Parish Council. Councillor D Freeman explained he was a Member of the City of Durham Parish Council, however, was not a member of their Planning Committee and had no input into their comments on the application 5b.

*Councillor J Clark left the meeting at 1.06pm.*

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

The Solicitor – Planning and Development, Neil Carter asked for nominations for Chair for Item 5a.

Councillor J Shuttleworth proposed that Councillor M Davinson be elected Chair, he was seconded by Councillor R Manchester.

### **Resolved:**

That Councillor M Davinson be elected Chair, for consideration of Item 5a.

### **Councillor M Davinson in the Chair**

#### **a DM/19/01781/OUT - Garage and Yard to the rear of 1 to 2 Linden Terrace, Coxhoe**

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.

The application was for outline planning permission for the demolition of existing buildings and the erection of 5 No. dwellings with all matters reserved (amended description) and was recommended for approval.

The Senior Planning Officer referred Members to aerial and site photos, and asked Members to note indicative plans and elevations, demonstrating that five dwellings could be accommodated on the site. He reminded Members the proposals were an outline application, with a reserved matters application at a future date to deal with all design details.

The Senior Planning Officer explained that the application had been brought to Committee at the request of Local Members and there had been 16 letters of objection to the initial application, with an additional three objections upon the amended plans being submitted. It was noted that objections were summarised in the report and included: highways safety, parking and loss of garages; impact upon residential amenity; noise and disturbance and overdevelopment of the site. He explained that a 99-signature petition in objection to the application had been received, originally sent to Believe Housing and subsequently forwarded to the Planning Department. It was noted there were no objections from statutory or internal consultees subject to condition, save Coxhoe Parish Council, who had a representative in attendance to speak.

The Senior Planning Officer reiterated that the application was in outline, however, it was noted that the indicative plan did demonstrate how access and separation distances could be achieved. He explained there was a condition within the application for bungalows along the front of the site, along Linden Grove as bungalows would relate more acceptably to existing bungalows. The Senior Planning Officer explained that the application was considered in terms of the NPPF Paragraph 11 Balance Test, and Officers considered that the negative impacts of the development did not outweigh the benefits and therefore the application was recommended for approval.

The Chair thanked the Senior Planning Officer and asked the Clerk to Coxhoe Parish Council, Claire Llewellyn to speak in objection to the application.

Parish Clerk C Llewellyn thanked the Chair and noted the Parish Council objected to the application as many residents had attended a Parish Council meeting to speak in objection to the application. She added a number of older people living nearby would be disturbed by the proposals and that the strength of feeling was indicated by the 99-signature petition. She noted objections included that the proposals represented overdevelopment of the site and were out of character with the area.

Parish Clerk C Llewellyn explained that the Parish Council and residents also had concerns in terms of traffic and parking issues, felt the proposed townhouses were too close to Linden Terrace and there would be problems with overlooking. She added that should the Committee be minded to approve the application, the Parish Council would ask that, rather than the town houses, there be four bungalows on the same alignment as the original proposal.

Parish Clerk C Llewellyn concluded by noting it was hoped the Committee would reflect on the strength of feelings of local residents, especially considering the impact on elderly residents.

The Chair thanked Parish Clerk C Llewellyn and asked Councillor J Blakey, Local Member to speak in relation to the application.

Councillor J Blakey thanked the Chair and Committee and noted the surprise of residents living very close to the site who had not been informed of the Committee meeting. She added she felt that Local Members should be kept informed and she had great concerns as regards the proposals for development right in the middle of a number of bungalows. Councillor J Blakey noted there was a need for change at the site, but the proposed in-fill development would have a negative impact on residents. She noted that Members, on their site visit, would have noted the route to gain access to the site with a number of speed humps, adding she felt the access and parking provision would not be sufficient and the proposal represented overdevelopment.

Councillor J Blakey noted that she did not object to bungalows, however, the issue was with the lives of people living nearby. She referred to numerous in-fill developments in the area where, when a site has finished, there can be issues of roads and footpaths being left incomplete and unadopted. She added this led to concern and given budget shortfalls she did not think that the Council would be able to complete such works if required. Councillor J Blakey concluded by noting that Members needed to consider the age of the residents in the area and impact the development would have on them, preventing them being able to get out and about during development.

The Chair thanked Councillor J Blakey and asked Councillor S Dunn, Local Member to speak in relation to the application.

Councillor S Dunn thanked the Chair and Committee and noted that paragraph three of the report set out the application was in outline, though for five dwellings, reduced from nine. He added that the indicative layout was referred to at paragraph four, for two bungalows and three, three-storey houses and that had raised concerns.

Councillor S Dunn noted that Paragraph 5 of the NPPF referred to “Delivering a Wide Choice of High Quality Homes”, noting to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed opportunities. He added that in the context of ongoing developments in the area, with 500 homes being developed within 200 metres of the application site there was a plentiful housing supply.

Councillor S Dunn explained paragraph 21 of the report referred to saved Local Plan Policy H3 “New Housing Development within the Villages” which noted windfall development was permitted, if the scheme was appropriate in scale, design location and number of units. He noted that he respectfully suggested that the proposals were not appropriate in that respect.

It was added that Policy H10 “Backland and Tandem Development” was also applicable and Councillor S Dunn noted he felt that the application would adversely affect amenity for existing occupiers and would not be in keeping with the area. He also referred to Policy H13 “Residential Areas – Impact upon Character and Amenity”, adding he felt that the proposed change of use and application would have an adverse impact upon amenity and character of the area.

Councillor S Dunn noted that paragraph 45 of the report set out the public responses and he echoed the comments made, and in respect of paragraph 46 of the report he noted that the proposals represented a significant loss of parking and the three, three-storey properties would overlook neighbouring properties. He added that the 99-signature should be taken into account and reiterated his points regarding Policy H3, relating to paragraph 56 of the report, and noted that as it was known there were 500 houses being developed in the nearby area, then Policy H3 should apply.

Councillor S Dunn explained that in relation to paragraph 60 of the report, he disagreed with Planners in relation to NPPF Paragraph 11(d)(ii) and noted paragraph 63 of the report, relating to Inspectors’ decisions in relation to housing land supply. He reiterated that there were 500 houses being built in the vicinity and therefore local housing need was being met.

Councillor S Dunn noted paragraph 67 of the report referred to Policy H13 and it stated that the policy should be afforded significant weight. He added he agreed and that in his opinion the three-storey dwellings would not add to the quality of the area. He noted that paragraph 68 referred to the application being in outline, with design details to be determined at the reserved matters stage, however as an indicative layout had been provided with three, three-storey he felt that this would then set the principle that such dwellings were permissible. He added that if there was the possibility, he would say refuse the application.

Councillor S Dunn noted paragraph 70 of the report referred to separation distances being slightly less than the minimum requirements, he added that the community would accept this if all the dwellings were bungalows. He added that paragraph 74 of the report referred to no adverse impact on residential amenity, Councillor S Dunn noted that he felt this would be dependent upon what was put forward at the reserved matters stage and therefore he could not agree with the report in this regard.

Councillor S Dunn noted that if the Committee were minded to approve the application he would ask that they amend Condition 5 to include a restriction to the property types such that all were bungalows.

He concluded by noting he felt the benefits of the application as listed at paragraphs 110 to 113 were limited and therefore he would ask that the Committee refuse the application for the reasons he set out.

The Chair thanked Councillor S Dunn and asked if the Senior Planning Officer wished to comment on the points raised by the speakers.

The Senior Planning Officer noted the suggestion from the Local Members that all bungalows at the site would be more acceptable in terms of the local residents who had raised objections. He added that the initial scheme submitted had been revised following feedback and the application before Committee was that revised outline application. He noted that the scale, design and layout would be considered at the reserved matter stage. As regards the weight afforded to saved policies, he noted the recommendations from Officers were set out within the report. The Senior Planning Officer explained that in relation to Policy H3, colleagues from the Spatial Policy Team had considered it to be out of date and therefore the balance test as set out in NPPF Paragraph 11 would come into effect, meaning that if the adverse impacts of a proposal were outweighed by the benefits then the application would be recommended for approval.

The Solicitor – Planning and Development noted in relation to the suggestion to alter Condition 5 to restrict the dwelling type to bungalows only, he reiterated the comments of the Senior Planning Officer, noting the application being considered was in outline. He added details would be set out at the reserved matter stage and also Condition 5 as set out afforded some protection in terms of the scale of any dwellings with elevations onto Linden Grove. He noted that the view from Planning was there was a need to condition in relation to those elevations onto Linden Grove, however, their professional opinion was that this did not extend to a requirement for bungalows for the whole of the site. The Solicitor – Planning and Development noted that on that basis he did not feel an altered condition to require all dwellings to be bungalows would be sustainable if appealed.

The Highways Development Manager, John McGargill noted that in assessing the proposed development he had looked at what was presently at the site, 15 garages, and the number of trips those garages would generate. In reference to comments made by Local Members in terms of generating additional on-street parking he explained that it had been demonstrated that the site could accommodate its own parking within the application area. He added in terms of the quality, standards and maintenance of the existing road and footways that following completion of the development, that the existing assets would be inspected prior to works commencing and should there be issues of the reinstatement not being carried out to an acceptable standard then enforcement action could be taken.

He concluded by noting that as there were no highways safety issues in terms of the number of trips, parking or access there had been no objections to the proposals from the Highways Section.

The Chair thanked the Officers and asked Ms Morag Stephens, Local Resident, to speak in objection to the application.

Ms M Stephens explained she was a neighbour to the application site and noted no public notices on any lampposts in the area and there was very little boost to local housing numbers, especially given the 500 homes being developed nearby, as Councillor S Dunn had mentioned previously. She added that when looking at the application site it was in two parts, two bungalows and three, two-and-a-half storey properties which would be huge. She noted the impact on Cornforth Lane and Linden Terrace in respect of being overlooked and added there would not be that impact should those properties be replaced with bungalows. Ms M Stephens concluded by noting that there would be a negative impact from the three, two-and-a-half storey properties on those nearby and that from Linden Grove there would be a discontinuity when looking up towards those dwellings.

The Chair thanked Ms M Stephens and asked Mr Stuart Wilson, Local Resident, to speak in objection to the application.

Mr S Wilson noted he spoke on behalf of a number of local residents from Linden Grove, many of which were elderly, disabled, dependent upon assisted living or sadly terminally ill. He explained that there was strong objection from local people to the application, as evidenced by the only voice available to local residents, the 99-signature petition. He stressed that every resident of Linden Grove had signed the petition in objection to the application. He added he was not sure when the Highway Development Manager had visited the site, however, he invited him to visit while refuse vehicles were struggling to manoeuvre and when Carers' vehicles were parked while they attended to residents, noting one resident that had two Carers visit her five times a day. He concluded by reiterating the negative impact the application would have on local residents and therefore he urged the Committee to refuse the application.

The Chair thanked Mr S Wilson and asked Officers to respond to the points raised.

The Senior Planning Officer explained that there had been two types of notice in relation to the application, a site notice attached to a nearby lamppost, which Members saw in-situ on their site visit earlier in the day, and Neighbour Notification Letters that had been delivered to those nearby as per policy.

The Highways Development Manager noted the highway at the location was a standard width to allow two vehicles to pass side by side and therefore the usual services such as refuse collection were able to access the area.

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

Councillor J Shuttleworth noted that from the comments from speakers and past experience of Committee Members, bungalows were considered more acceptable. He noted the access did not lend itself to the three storey dwellings, the issues in terms of local concerns as regards adoptable standards and therefore he felt he would not be able to vote in favour of the application.

Councillor J Maitland noted that Policy H3 referred to not granting permission if a proposed development had significant impact upon character and amenity. She noted she felt the application represented a significant impact.

Councillor D Freeman noted that objectors had made it clear there was not opposition to the site being developed, just objection to the specific scheme being considered. He asked that if the Committee were minded to approve the application the reserved matters application would come back to Committee for Members to consider. He also asked as regards the proposed amendment to Condition 5 in terms of all bungalows for the site. The Senior Planning Officer noted that, in general, most reserved matters applications would be considered under delegated authority by Officers unless called-in for consideration by Committee in line with the Council's Constitution.

The Highways Development Manager noted that in respect of the access within the site, this would be a shared private access and would not be adopted by the Authority.

Councillor D Brown noted that he understood the concerns of residents, however, the application was in outline form and the list of benefits as set out outweighed the limited impact as set out by Officers and therefore, he did not feel the Committee could go against the Officer's recommendation and felt that any appeal would likely be successful.

The Solicitor – Planning and Development reiterated that Condition 5 could be altered to propose all the dwellings at the site be bungalows, however, there would need to be a planning justification. He felt that the justification would be limited as there was already one area of the site where the restriction was proposed, with justification as set out within the report. He added that there would need to be demonstration of the condition being necessary for a planning purpose and asked for the Senior Planning Officer for his comments in this respect.

The Senior Planning Officer noted that in assessing the application, the issue of the elevation at Linden Grove had been looked at and bungalows were proposed in order to be in keeping with the existing properties along Linden Grove. He noted that in terms of the southern part of the application site, the properties at Linden Terrace and Cornforth Lane were two storeys, therefore the restriction for bungalows was only justified at the part of the site facing onto Linden Grove.

Councillor R Manchester referred to paragraph 45 which noted “the site was previously reserved for bungalows” and asked for further information. The Senior Planning Officer noted that the planning history for the site and comments from legal as regards any covenants relating to the site had shown no such previous designation for bungalows as asserted by objectors.

Councillor J Maitland noted that given the comments from all sides she felt that the outline application should be approved and proposed the recommendation for approval as set out within the report. She added that she hoped Local Members would monitor the situation and that the details could come back to Committee as required. Councillor S Iveson seconded the proposal.

## **RESOLVED**

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

*Councillor J Clark entered the meeting at 1.55pm*

## **Councillor J Clark in the Chair**

### **b DM/19/02862/FPA - 35 Elvet Crescent, 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 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 6 bedroom House in multiple Occupation (HMO) to 7 bedrooms (C4 to Sui Generis) and loft conversion and was recommended for approval.

The Planning Officer noted that the property was in central Durham with University owned land to the rear used for staff parking, and the property was one of four in a semi-detached block.

She referred Members to elevations and noted that, except for roof lights, there would be no external alterations. She referred the Committee to existing and proposed floorplans, highlighting the change from six to seven bedrooms.

The Planning Officer noted no objections from the Highways Section or Police, with objections having been received from the City of Durham Parish Council and City of Durham Trust. She noted objections included the application being considered contrary to the interim policy on student accommodation and concerns as regards the number of applications to convert family dwellings into HMOs or to increase the size of existing HMOs which did not promote or preserve an inclusive, mixed and balanced community, contrary to NPPF Paragraph 8(b).

The Planning Officer noted that in terms of internal consultees, Design and Conservation noted no objections, subject to heritage style roof lights being used. She added there were no objections from Environmental Health or Ecology in relation to the application. The Planning Officer noted that Spatial Policy had reported that the percentage of HMOs within a 100-metre radius was 67.1 percent. She noted that the HMO Licensing Team had noted the property would need to be licenced under the Housing Act 2004 Part 2, and the applicant had demonstrated the requirements in terms of room sizes.

The Planning Officer noted the application had been called-in by the Local Member, noting the concerns as raised by those in objection and issues in terms of community cohesion.

The Planning Officer noted that saved Local Plan Policy H9 applied to HMOs and student accommodation and therefore NPPF Paragraph 11 was not engaged and policy H9 could be afforded full weight in considering the application.

The Planning Officer noted that the percentage of HMOs within the 100-metre radius as set out in the interim policy would not be increased and therefore the application was not in conflict with the aims of the interim policy in terms of housing mix. The Planning Officer noted the report set out recent appeals decision which gave Members context in this regard.

The Planning Officer noted that when assessing against the relevant policies, Officers felt that the application would not alter the housing mix and taking into account the recent appeal decision, and that the alterations proposed were not significant and would not impact negatively upon the Conservation Area. She concluded by noting the interim policy had less weight than saved Policy H9 and on that basis the application was recommended for approval, subject to the conditions as set out within the report.

The Chair thanked the Planning Officer and asked Parish Councillor, Roger Cornwell, representing the City of Durham Parish Council, to speak in relation to the application.

Parish Councillor, R Cornwell explained the Parish Council urged the Committee to refuse the application because it breached the Interim Policy on Student Accommodation. He noted that the 67.1 percent of student households was well in excess of the 10 percent threshold. He added that it was not so far gone to say that the localised community was too imbalanced to be worth protecting and supporting. He noted one third of the local residents were not students and that a good number of student residents appreciated peace and quiet so that they can get on with their studies.

Parish Councillor, R Cornwell noted his remarks would focus on paragraphs 42 and 43 of the Officer's report, in which she tried to make a case that the community was already too imbalanced. He noted she referred to two recent appeal decisions, in the first of which at 10 High Wood View the percentage of student households was 73 percent, six percentage points higher than the case for the Committee to consider today. Parish Councillor, R Cornwell explained that indeed the appellant has argued that due to the number of empty properties owned by the University the figure there could be as high as 87 percent and therefore one more HMO would not make things much worse.

Parish Councillor, R Cornwell noted the second case might at first glance appear more difficult for those objecting because the percentage was 61.8. He noted that Members had received a briefing at a recent meeting of the Committee and this case was mentioned. He reminded Members that this property was in Peartree Cottages, also in High Wood View, adjacent to St. Oswald's Cemetery and with Oswald's Court on the other side.

Parish Councillor, R Cornwell noted the successful applicant in the second case said in his appeal statement:

*"Oswald Court is an entirely separate and distinct housing area the southern extent of which just happens to be within 100m of the appeal site. This has extremely low levels of student exemption housing (2 percent) and therefore significantly affects the average percentage rating when calculated within the 100 metres radius".*

Parish Councillor, R Cornwell explained the applicant went on to say:

*"When properly considered it can be seen that the seven postcode areas within the distinct housing area of which the appeal site is formed have an average exemption level of over 85 percent".*

Parish Councillor, R Cornwell noted that while the interim policy set a lower threshold it did not set a higher one, instead it states that there may be some cases where localised communities were already so imbalanced that the policy objective of protecting a balance was unlikely to be achieved.

He added the appeal cases showed that when you get concentrations of student HMOs at these high levels you have to treat each case on its merits. Parish Councillor, R Cornwell noted that in the case of the application at Committee, with one third of the households within 100 metres being non-student, the bar had not been crossed. He noted other objectors had elaborated on this point, including in comments received from the City of Durham Trust, with concerns that student accommodation would outnumber local people.

Parish Councillor, R Cornwell noted his final point was that, in a masterpiece of timing, the issue was being discussed on Thursday this week at the County Durham Plan Examination in Public. He added the County Council was proposing a main modification which would set that bar at 90 percent and it was not known whether this would find favour with the Inspector, however, the new County Durham Plan would have a permanent, not an interim, student accommodation policy and all the signs were that it would be stricter. Parish Councillor, R Cornwell noted that if the application was refused and then went to appeal, the case would be judged on the new policies and the Parish Council would suggest any such appeal would be refused. Parish Councillor, R Cornwell concluded by noting that firstly the Committee would have to turn the application down, which the Parish Council urged the Committee to do.

The Chair thanked Parish Councillor, R Cornwell and asked the Planning Officer to respond to the points raised.

The Planning Officer noted that the main points were that the property was an existing six-bedroom HMO and the proposal would not affect the percentage of HMOs within 100 metres. She added that given the information referred to within paragraph 42 of her report relating to the recent appeal decisions it was not possible to refuse an application on increasing the size of an existing HMO by one bed.

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

Councillor J Shuttleworth noted that from the site visit it was clear the housing stock was former "Council Housing" and that the increase of students was creating an imbalance. He noted Council Tax was not payable by students and wondered how much was lost to the Council in cases such as this.

He asked if there were sufficient safeguards in place, especially in terms of the roof space being converted. The Planning Officer noted that the HMO Licensing Section had reported that the application met their guidelines, including in respect of fire safety.

Councillor D Freeman noted he agreed with Councillor J Shuttleworth and explained the City of Durham Parish Council had estimated the County Council lost out on around £6.5 million in terms of students in place of paying residents. He noted paragraph 40 of the report spoke of the interim policy on student accommodation with the policy including additional bed spaces and extensions as being contrary to the policy, not just an increase in the percentage within a 100-metre radius. He added that he said this at each meeting each month. Councillor D Freeman noted he received the weekly planning lists and he saw a gradual “drip-drip”, each week, each month, each year with the city being transformed as a result. He stressed that the appeals that were lost and referred to were not in this particular street and in those cases the percentage of student properties was much higher, with Elvet Crescent having around one third private residential properties. He noted his opinion was that adding more was adding more and the issues as set out in Policy H9 came into play. Councillor D Freeman noted he felt the application was contrary to the interim student policy and there were the issues of increased noise, disturbance, potential of unkempt properties and anti-social behaviour. He added he felt these types of application should be stopped and that they could be refused. He noted the upcoming Inspection in Public for the County Durham Plan and hoped there would be a better position after this.

The Chair noted the property was an existing HMO and asked if Councillor D Freeman was proposing that the application be refused. Councillor D Freeman noted he was proposing refusal. The Chair asked the Principal Planning Officer, Alan Dobie to address the points raised.

The Principal Planning Officer explained that he understood the concerns of the Local Member and the Parish Council and gave reassurance that Officers had fought the case in terms of the interim student policy in terms of both extensions and additional bed spaces. He reiterated that in those cases the Inspector had not agreed. He added that there was consistent argument in terms of cumulative impact and a number of appeals had been fought, again with decisions going against the Council, with costs awarded in one case. The Principal Planning Officer noted that it was in that context that Officers made the very measured recommendation as set out within the report.

The Solicitor – Planning and Development noted that any decision by the Committee would need to be based upon existing policy currently in effect and not in considering what may be decided upon by the Inspector when looking at the County Durham Plan.

The Chair asked if anyone would second the motion for refusal made by Councillor D Freeman. Councillor J Shuttleworth seconded the motion. The Chair asked for refusal reasons. Councillor D Freeman noted as the application was contrary to the interim policy on student accommodation and Policy H9 of the City of Durham Local Plan. The Solicitor – Planning and Development asked if the Member could elaborate as regards the aspects that were contrary to Policy H9. Councillor D Freeman noted the adverse impact on the character of the area and negative impact on the amenity of nearby residents. The Solicitor – Planning and Development noted there was little he could add to that said by the Principal Planning Officer in terms of the strength of any such refusal and the recent appeals decisions.

Upon a vote being taken, the motion was **LOST**. The Chair asked the Committee for any other proposals.

Councillor M Davinson noted he felt paragraph 42 within the report was unhelpful as the property was an existing HMO and therefore a lot of the information was not relevant. He asked as regards more information following from paragraph 41 in order to help Members understand being unable to refuse applications for an extra bed and more information in terms of costs being awarded. He added he agreed with the comments from Parish Councillor, R Cornwell and Councillor D Freeman. The Chair noted it was a broad subject and noted information in general could be circulated to Members. Councillor M Davinson asked if it would be possible to defer the application. The Chair asked the Area Planning Team Leader (Central and East), Sarah Eldridge to provide further advice and information for the Committee.

The Area Planning Team Leader (Central and East) noted appeals decisions in respect of HMO applications including: 6 Waddington Street a change of use; 24 Mistletoe Street, a change of use; 40 Hawthorn Terrace an extension; former Neville's Cross Club, a Purpose Built Student Accommodation (PBSA); Pear Tree Cottage, one HMO; 97 Gilesgate, one HMO; Laburnum Avenue, one HMO; and 10 High Wood View, change of use and the case where costs were awarded as the Inspector noted the application would not give rise to an increase in the concentration and the percentage of HMOs within a 100 metre radius would remain the same.

Councillor M Davinson noted that only one of those applications was for an additional bedroom and he hoped progress following the Examination in Public would help provide more options for the Committee. He noted that no one on the Committee was happy with these types of application, however, given the information within the report, and provided by Officers today he would move approval as per the recommendation. The Chair noted she understood his frustrations and asked if there was a seconder for the motion. Councillor J Maitland seconded the motion for approval.

## **RESOLVED**

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

*Councillors I Cochrane and J Shuttleworth left the meeting at 2.30pm*

## **6 Planning Development Management**

The Committee considered the Planning Development Management Performance Summary for Quarter One/Quarter Two 2019/2020 (for copy see file of Minutes). Members were informed that the report would be submitted to each of the Council's Area Planning Committees and the County Planning Committee.

In discussing the report, the Area Planning Team Leader (Central and East) noted that in terms of performance the Central and East Team performance was above target, noting levels above the national average and of neighbouring Local Authorities. She explained that in terms of appeals against decisions of the Area Planning Committee (Central and East) considered by the Planning Inspectorate, four had been submitted, with two having been upheld. Members were asked to note the high levels of performance in respect of enforcement action.

Councillor M Davinson asked if the recent appeals that had been upheld by the Planning Inspectorate represented a trend. The Area Planning Team Leader (Central and East) noted there did not appear to be a trend, referring to two recent decisions by an Inspector, one being dismissed and one upheld.

### **Resolved:**

That the content of the report be noted.