

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in the Council Chamber, County Hall, Durham on **Tuesday 10 June 2014 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson, G Holland (substitute for D Freeman), C Kay and A Laing

1 Apologies for Absence

Apologies for absence were received from Councillors D Freeman, S Iveson, B Moir and J Robinson.

2 Substitute Members

Councillor G Holland substituted for Councillor D Freeman.

3 Minutes of the Meeting held on 13 May 2014

The minutes of the meeting held on 13 May 2014 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest, if any

There were no declarations of interest.

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

5a DM//14/00041/FPA – Former Council Offices, Seaside Lane, Easington, County Durham, SR8 3TN

The Committee considered the report of the Senior Planning Officer regarding an application for 80 dwellings with associated infrastructure, landscaping and car parking at the former Council Offices, Seaside Lane, Easington, County Durham, SR8 3TN (for copy see file of minutes). Members had visited the site the previous day and were familiar with the location and setting.

The Area Team Leader gave a detailed presentation on the application. Members were advised that since preparation of the report, officers in the Education

department had confirmed that there were sufficient places at Easington Colliery Primary School and Easington Academy to accommodate the additional pupils likely to be produced from the development.

Further to a query from Councillor Laing, the Area Team Leader explained that the housing density figures in the County Durham Plan was a standard density across all sites. When individual sites came forward they were then looked at in closer detail, as such a higher housing density could be applied. For the Planning Authority to object to a higher housing density, it would need to demonstrate that the development would prejudice the delivery of the County Durham Plan.

In response to a query from Councillor A Bell the Area Team Leader advised that the Planning Authority would usually negotiate with a developer in relation to when a S106 agreement would be delivered. There were various triggers as to when would be appropriate, however assurance was given that a S106 provision would never be left until a development was completed.

Seconded by Councillor Bleasdale, Councillor Laing moved approval of the application.

Resolved: That the application be **APPROVED** subject to the conditions outlined within the report.

5b DM/14/00264/FPA – Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ

The Committee considered the report of the Senior Planning Officer regarding an application for the redevelopment of Nevilles Cross Social Club to provide student accommodation at Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ (for copy see file of minutes).

Members had visited the site the previous day and were familiar with the location.

The Area Team Leader gave a detailed presentation on the application which included photographs of the site. Members were advised that since preparation of the report a petition of 51 signatures had been received in objection to the proposals. In addition 2 further letters had been received stating their disappointment with the committee report and its content.

Councillor N Martin, local Member, addressed the Committee. He advised that while he accepted that the site did require sustainable redevelopment, the application before Members would not be sustainable in the long run.

Members were advised that the periphery of the City already had a high population of students and in the direct locality of the application site, 20% of George Street was occupied by students, with many more in the nearby St Johns Road. The current application would serve to treble the number of students in the area.

Councillor Martin suggested that the application went against Policy 32 of the emerging Local Plan which placed a 10% limit on HMO's in any one postcode area.

Although the applicant asserted that the property would be for post graduates only, Councillor Martin highlighted that there was no evidence that such accommodation was sustained anywhere else in the City. He believed that in time, the property would be let to undergraduates in order for the developer to generate an income.

Members were advised that there were currently some 400 untaken student beds across the City for the forthcoming academic year and he believed that landlords would not hold properties for the possibility of accommodating post graduate students.

Councillor Martin expressed concerns that the applicant had not supplied a management statement. The proposal was to manage the development as three separate dwellings, yet Councillor Martin felt this was unrealistic and was something which the applicant had no previous experience of managing. In referring to the applicants statement, Councillor Martin highlighted that to say CCTV and warden control may be included, was not acceptable. Should the application be approved without Members having the opportunity to view a management plan, the developer would be at liberty to change the way they proposed to manage the scheme. Councillor Martin felt that the Committee should be able to accurately judge how the scheme would work before making a decision. He further suggested that the final management plan could be so weak that the police may regularly be called to the development to maintain order.

Councillor Martin felt that the separation distance of 5.1m between the development and the adjacent Crossview House, was too close. The Committee advised that approximately 6 years earlier the upper storey of the site had been a music school which then went through a change of use without planning permission. Bedrooms had been established and as such the recommended separation distance was not being satisfied.

In relation to the habitability of the corridors, Councillor Martin advised that residents in the new development would be using the corridor at all times, day and night, which would therefore impact on the privacy of the neighbouring accommodation.

Members were advised that the applicant had not been forthcoming with a S106 proposal yet the impact of the development on the surrounding area would be immense. Councillor Martin advised that the roads surrounding the application site were in very poor condition, however the applicant had not offered to improve them.

In relation to parking, Councillor Martin queried the comparative evidence from Sheffield University which had been used to calculate the parking spaces which would be required at the site.

Members were advised that the applicant had already commenced with work to the site without any consultation with or regard for, neighbouring residents.

Councillor Martin advised that although the site was previously a social club, its members had steadily decreased over time and it had not been greatly used. He

therefore felt that it was not acceptable to compare the impact which the social club had on the local area with the impact that students would have.

In concluding, Councillor Martin called for the application to be refused on the following grounds:-

- That it contradicted saved policy H16
- That it conflicted with Policy 32 of the emerging local plan
- That changes to the existing plan conflicted with recommended separation distances
- That the absence of a management plan undermined the sustainability criteria of the NPPF
- That the applicant was making no contribution to the infrastructure of the surrounding area and that the proposed development failed to enhance the surrounding area

Mr A Doig, representing George Street and St Johns Road Residents and the Crossgate Community Partnership, addressed the Committee, speaking in objection to the application. Members were advised that he spoke on behalf of groups who represented a long established residential community within a conservation area. Mr Doig advised that the community within that area was a typical reflection of the community type referred to in paragraph 50 of the NPPF, an area which already had a mix of students.

Members were advised that as all rooms within the proposed development would hold double beds, then 66 more students would be brought to the area, altering the student/residential balance to 55/45, thus contravening part 58 of the NPPF.

Mr Doig advised that the scale of development was unacceptable and the absence of a statement of community involvement also contravened planning policy. From a residents point of view Mr Doig suggested that the planning report was not balanced, failed to provide an opportunity for residents to provide contradictory evidence and was biased.

Members were advised that the applicant had already had 3 months in which to bring forward a management plan and that accommodation for next year was already being advertised, Mr Doig therefore doubted that any management plan would be submitted.

Mr Doig believed the application failed to meet the development needs of the area and that it was contrary to Policy 32 of the emerging local plan. Furthermore he advised that the development undermined several parts of the NPPF in that it would undermine the quality of life for the local population and would do nothing to enhance the local area.

The Area Team Leader responded to the points raised as follows:-

- Management Plan - It was suggested that should Members be minded to approve the application, a condition could be added to the permission requiring that a management plan was submitted, the contents of which would

need to be discussed and agreed with officers. Between the developer and officers, decisions would therefore be made as to what would be appropriate within a management plan and the Planning Authority in turn, would liaise with Environmental Health.

- Window Distance – The corridor window which had been inserted approximately 6 years earlier, was lawful
- Policy 32 – Members were reminded that while Policy 32 was included in the emerging local plan, it should be given limited weight at the present time
- Statement of Community Involvement – Members were advised that a statement of community involvement was not a requirement and the Planning Authority was not able to insist on one from an applicant
- Development Need – Members were advised that an applicant was not required to demonstrate that there was need for a development within any given area.

The Solicitor took the opportunity to address several issues with the Committee as follows:-

- Attention was drawn to condition 8 as detailed within the report. Members were advised that this condition required the future submission of a management plan before any development was commenced. The Solicitor advised that there was nothing within that condition which couldn't be enforced or which was too imprecise and the condition was perfectly lawful.
- S106 – The Solicitor clarified the circumstances when a Planning Authority could demand S106 works/contributions from a developer and advised that in this particular case, a S106 Obligation was not considered necessary to make the development acceptable.
- Balanced Report – Further to the assertion from Mr Doig that the officers report was unbalanced in that those opposing the application had not been adequately represented within it, the Solicitor highlighted that there were clear sections within the report which set out the views of objecting parties
- Policy 32 – Members were reminded that Policy 32 was an emerging policy and as such any weight given to it at the present time must be limited. He confirmed that whilst the main thrust of Policy 32 was for changes of use from class C3, and the development site did not class as a C3 property, there was a part of Policy 32 which could be applied to new build properties such as the current proposal.

Mr G Hodgson, agent for the applicant, addressed the Committee. Mr Hodgson provided Members with an overview of the plans for the development.

The application had received positive comments from the Design and Conservation Officer, it accorded with both local and national planning policy and highways policy and no objections had been made by any of the statutory consultees.

Mr Hodgson acknowledged the objections and concerns raised by local residents, but advised the Committee that all the objections raised had been tested against planning policy.

Members were advised that the applicant had attempted to engage with the local residents group while the initial maintenance work was being undertaken to the site, however all attempts had been rejected.

Mr Hodgson assured Members that the development would be facilitated by a fully staffed management team as was the case elsewhere in the city.

Councillor G Holland stated that there were already more student properties within the city than were needed, with approximately 83 beds unoccupied in the city centre according to information from letting agents. In addition to those vacancies there were already several further student accommodation schemes that were in the process of being delivered.

Should the current application be approved, Councillor Holland suggested that the local area in the vicinity of the site would then be home to some 800 residents and other developments would add another 1000 people into the area.

Councillor Holland suggested that the University was not in control of all the student accommodation across the city and as such the city was becoming undermined by developers with an uncontrolled approach. While he acknowledged that the site should be developed, Councillor Holland would prefer to see a sensitive redevelopment and he felt the current proposal would add nothing to the local area.

Members were advised that an experienced former senior planning officer had commented on the application. That officer had noted a lack of HMO Policy and as such found that the application contravened several sections of the NPPF. In addition, that former officer had cited further issues with the application including a failure by the applicant to engage with the public, issues with the parking plans and several highways issues.

Councillor Holland advised that on the site visit the previous day he had noted the new fenestration which directly overlooked the neighbouring property and he suggested this was a contravention of Policy H9.

Councillor Holland expressed concerns about the assertion from the applicant that the accommodation would be exclusively post graduate, he felt there was no evidence to prove that would be the case. He found that overall, the application failed part 123 and part 157 tests of the NPPF, contradicted Policy 32 of the emerging local plan and contravened saved policies H9 and H16.

In response to a query from Councillor Conway, the Area Team Leader clarified that the rooms would accommodate double beds.

Councillor Conway expressed concerns regarding the absence of a management plan. He understood the applicant was already a student landlord and so should have had a management plan at his disposal to submit with the application. Furthermore Councillor Conway was concerned that when a management was submitted, it would not be available for Members to comment on.

While accepting that the site was in need of regeneration, Councillor Conway recalled that the site had once been a thriving social club, however that was now a thing of the past and there had been no noise or disruption from the property for some years.

Councillor Conway felt that the application highlighted issues with the Council's development plan through to 2030 given that the University had only provided student population projections to 2020. He felt that the Committee could not be expected to forward plan student accommodation without those projections and suggested that in order to do so there would need to be realistic and transparent discussions as to the future students in the city, otherwise the situation would occur where there would be discord between residents and students. As such Councillor Conway felt that the application should be refused.

Councillor Kay noted that on one hand the sustainability test was the main reason for the objections to the application and that the proposals were deemed not to be sustainable due to lack of demand within the city for student accommodation. However he also noted that objections were also being put forward on the grounds that if more students were accommodated then the city would become overrun. Councillor Kay acknowledged that should the proposal become a successful student let there would be a high volume of students in that one area of the city. In response to a query, the Highways Officer advised Councillor Kay that in relation to transport links to the University, the site was within a very sustainable location.

For the benefit of the Committee the Area Team Leader advised that in order to alleviate concerns regarding the corridor windows, should Members be minded to approve the application, a condition could be imposed to require obscured glazing in those windows.

In response to the comments from Councillor Conway regarding the management plan, the Area Team Leader clarified that while the applicant was a student landlord elsewhere in the city, his other schemes were on smaller scales and so management plans for those schemes would not apply to the current application.

Mr G Hodgson advised that until that day a management plan had not been requested from the applicant. Members were also advised that the applicant had a large scheme at North Road and he had already embarked on discussions with a management company.

Seconded by Councillor Bell, Councillor Holland moved that the application be refused.

In response to a query from Councillor J Clark, Mr G Hodgson clarified that times detailed within condition 6 of the report could be changed so that work on site would start later than 7:30am.

Upon a vote being taken it was:-

Resolved: That the application be **Refused** for the following reasons:-

- The absence of a management plan
- The application contravened emerging policy 32 albeit this was an emerging policy that could be afforded limited weight.
- The application did not meet the requirements of saved policies H9 & H16
- The application contravened paragraphs 14 / 17 / 56 / 58 / 123 / 158 of the NPPF

5c DM/14/00352/FPA – Grange Farm, Old Cassop

The Committee considered the report of the Senior Planning Officer regarding an application for a private dwelling house at Grange Farm, Old Cassop (for copy see file of minutes).

Members had visited the site the previous day and were familiar with the location.

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members were advised that the local residents group, Save Old Cassop Conservation Area (SOCCA), had submitted a list of suggested conditions which they would wish to see imposed on the application should permission be granted. Several of the conditions would not be viable and others were already covered by the conditions detailed within the report.

Ms S Walker, local resident, addressed the Committee to speak in objection to the application. Ms Walker advised that she was representing SOCCA, who wished to see the application opposed in its entirety.

The main concerns related to road safety and were concerns which were shared by local Members Councillors M Williams and J Blakey.

Members were advised that the revised parking area for the proposed development, would cut across a pasture which in the last few months had been used for grazing horses, donkeys and sheep. Ms Walker highlighted that the developers had already eroded the pasture by extending the garden to the rear of Grange Farm onto the field, without any application for change of use. Members were advised that Grange Farm had also been significantly extended to include an additional 2 storey house or business premises, for which no planning application had been submitted. Ms Walker advised that those works had been extensive and had materially affected the visual impact on the hamlet as well as the pasture land to the rear of the farm. Approximately 4 mature trees had also been uprooted and destroyed despite Old Cassop being a conservation area.

Ms Walker referred to a query of ownership of the land on which the developers previously wished to remove trees and make it a car park area to service the proposed property. Members were advised that whilst that land was unregistered, generations of residents had been happy for it to remain so. There was no query of ownership, however the developers were attempting to take land that they clearly did not own.

In referring to paragraph 4 of the officers report, Ms Walker advised that the reference to the proposal being an “infill plot” was disputed. Ms Walker referred to a previous planning application for a property in the hamlet which had been refused by the local authority and dismissed on appeal. That proposed development had been a much smaller site, not visible from the road and not on pasture land. Ms Walker suggested that the current application had a much greater impact on the conservation area, community and upon the open aspect of the hamlet’s street scene.

Members were advised that the occupier of the property adjacent to the application site had been faced with many issues and had been forced to amend her application and plans just for a small sun room, which again was much less invasive and risk filled than the current plans.

MS Walker advised that SOCCA felt there had been a lack of regard for Highways reports regarding access to the hamlet. Members were advised that passing places were already barely adequate for the volume of traffic from residents, vehicles from 2 working farms and then all the oil and sewerage tankers servicing the hamlet. There was no mains gas to Old Cassop, as such all residents had to have fuel delivered by a tanker.

Although the officers report suggested that the addition of a single dwelling house would not result in increased pressure on the highway, Ms Walker advised that in reality, the Committee were actually considering 2 additional properties. From that, the impact on the highway was not to be underestimated.

Members were advised that it was already a logistical nightmare for the existing farmers to take deliveries from heavy vehicles and drivers unfamiliar with the hamlet often caused a total blockage as they were unable to manoeuvre on the steep winding bank. Ms Walker advised that several vehicles had to be retrieved from the drainage ditches in the past.

Ms Walker advised that during the refurbishment of Grange Farm, 3 contractor vans had blocked the road leading to the junction with Quarrington Hill and over the course of the recent weekend, the road had been treacherous due to rainfall and flooding.

Members were advised that Old Cassop formed part of the Cassop Vale walk and it led to the bridle path which meant that numerous cyclists, walkers and riders passed through the hamlet. Ms Walker suggested that increased traffic would hamper that and present a clear increased risk to all the regular non-resident road users.

Ms Walker referred to paragraphs 20 and 21 of the City of Durham Local Plan, which referred to the affect on trees and hedgerows. Members were advised that the application did not have an updated tree report and the existing plan still earmarked shrubs and trees in the land which did not belong to the developer. Furthermore, Ms Walker highlighted that there was no mention of the two trees which were currently situated on the land where the dwelling was to be built. SOCCA hoped those trees would not be destroyed.

Ms Walker referred to paragraph 22 Policy E22 which specifically dealt with conservation areas. Members were advised that it was the residents view that filling in the open land would have a detrimental and irrevocable effect on Old Cassop.

In relation to paragraph 15 of the officers report, Ms Walker refuted the comment of the applicant that the community of Old Cassop was stagnant.

Councillor M Williams, local Member, addressed the Committee. He advised that although the developer had contacted him direct several times, he could not support the application on the grounds of highway safety. Members were advised that there had been a number of road traffic accidents in and around Old Cassop and Councillor Williams, in calling for the application to be refused, quoted Policy 34 which referred to the detrimental effect of traffic.

The Senior Planning Officer responded to the points raised as follows:-

- Extension to existing farm – Members were advised that there had been extension work to the existing farm building which was currently the subject of an enforcement case;
- Ownership dispute – It was confirmed that the access point to the development was unregistered land and as such the plans had been revised accordingly;
- Previous appeal decision – Members were advised that the 2006 application elsewhere in the hamlet which Ms Walker had referred to, had been refused because it was not deemed to be infill. However the current application before Committee was infill and the Design and Conservation Officer was satisfied with the proposed scheme;
- Highways – The Highways Officer acknowledged that the approach on the single track road was very narrow and required the use of informal passing places. Furthermore it was acknowledged that the A181 junction was uncomfortable to use however while there had been an accident in that area, it was not associated with turning from the junction. It was reported that there had been only 1 road traffic incident in that area during the past 5 years. The Highways Officer reiterated that on balance, the additional 8 trips per day which would be generated because of the application, did not give cause for concern.

Councillor Kay acknowledged the comments of the Highways Officer, however was uncomfortable with the road being only single track and that it was used by farm vehicles and tankers. In response to a query from the Committee, Ms Walker advised that each dwelling in Old Cassop would require 1-2 visits per annum by a sewerage tanker and 1 visits per annum by an oil tanker.

The Senior Planning Officer clarified that the original application had been for 13 dwellings however that had been withdrawn by the applicant.

Councillor Laing highlighted that during the site visit the previous day, the site visit bus had been required to change position 3 times because of traffic needing to pass by.

Seconded by Councillor Laing, Councillor Kay moved that the application be refused.

Upon a vote being taken it was:-

Resolved: That the application be **Refused** on the basis that it contradicted saved policies E7, E22, H13, T1 and T8.

5d DM/14/00516/FPA – 51 The Avenue, Durham, DH1 4EB

Councillor Kay left the room and was not present for this item of business.

The Committee considered the report of the Planning Officer regarding an application for a change of use to HMO (Sui Generis) at 51 The Avenue, Durham, DH1 4EB (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Members were advised that since the publication of the report various late objections had been received, including a letter of objection from the City of Durham Trust.

A summary of those late objections was provided as follows:-

- “Studentification” of the immediate area and because the application was contrary to emerging policy 32 and Local Plan policy H9.
- There had been no taking into account of cumulative impact of student occupation in the wider area in light of other permissions that had been granted.
- A wall had been demolished to create parking spaces.
- Additional burdens would be placed on policing and rubbish collections service.
- 9 people were too many people to live in the property, it would be very cramped in.
- There were inadequate facilities within the property and one bedroom was deemed to be too small.
- It was felt that the Council needed to adopt a policy seeking the restriction of the spread of student property within the city.
- There was an over supply of student housing within the city.
- The application should be refused to show that the council was putting the wider interests of residents above the interests of student landlords.
- Disagreement had been put forward in relation to the applicants statement.
- One objector stated that there was significant objection in the area regarding the site and they were concerned about the impact the works to the front garden had on the character of the area. There was no right to drive across the pavement to access parking spaces on the site.
- One objector wished it to be put on record that not all residents of The Avenue were anti students.

Councillor N Martin, local Member, addressed the Committee. Members were advised that there was much local concern regarding the application site. Councillor Martin highlighted that one room within the property was 9m², which he believed to be below the usual standard.

Members were advised that the property had previously been a family residence for many years, he therefore disputed the reference in paragraph 31 of the report which only suggested that the property may have been a C3 class family residence prior to its sale.

In referring to paragraph 15 of the report, Councillor Martin suggested that Policy 32 was not considered strong enough to support the application.

Councillor Martin suggested that NPPF part 50 should have been considered relevant, which focused on mixes of future trends. He suggested that while the NPPF was quite specific about balanced communities, this was not addressed in the planning application. Members were advised that of the 70 houses in The Avenue, 33 were now student accommodation and he therefore felt that unless a stop was put to further student lets, then the broad and balanced community as stated in the NPPF, would be undermined.

Ms A Evans, local resident, addressed the Committee to speak in objection to the application. Despite the applicant suggesting that Ms Evans was a lone objector, she confirmed to Members that she was actually one of many.

Ms Evans highlighted that while the report referenced various relevant policies, they all had in common respect for local communities. Ms Evans would therefore have expected that an application for 9 persons to share a property in The Avenue, would have been recommended for refusal.

Members were advised that no. 51 was not the only HMO in The Avenue and as such it was part of a cumulative impact.

Ms Evans advised that the rear of the property had been so neglected that it was now impossible to gain access, as such the refuse bins were being stored at the front of the property. Furthermore the 2 garages at the rear had also been neglected and were therefore not being used for parking.

Ms Evans felt that should the application be approved, the mix of the local community would become unbalanced as the student population would be in the majority. She advised that the application contravened the NPPF parts 7 and 12 as the property was not sustainable as well as contradicting saved policies H9 and H13, as the property would be empty for several months of the year. Members were advised that emerging planning policy recommended a 10% cap on student accommodation in any one postcode area.

Councillor G Holland advised that the applicant had recently applied for retrospective planning permission at the property which was subsequently refused by the Committee. Furthermore he advised that although the Committee had required the

applicant to amend the damage he had done to the front of the property that had been disregarded.

Members were advised that the loss of legitimate parking spaces at the site would have incurred a financial loss for the Council and Councillor Holland suggested that should the application be approved, the County's planning system would be weakened. Balanced communities had to be respected, however Councillor Holland felt the application did not do that.

Councillor Holland advised that the 10% postcode cap on student beds had already been exceeded in the area, he found various poor design features with the application such as one bathroom between 7 residents and he believed the application contravened saved policies H9, H13 and Q9.

The Principal Planning Officer responded to the points raised as follows:-

- Exterior Wall – Members were advised that since the Committee had required the applicant to repair the front wall back to its original form, the applicant had produced extensive case law which cast some doubt over the situation. However following a thorough investigation, it was now apparent that the Planning Authority had acted accordingly, as such it was intended that an enforcement notice would be served;
- Mixed community – The report indicated that the property was currently a 6 bed HMO and that there would be no significant additional impact by adding 3 more rooms. There was no real difference and this had been considered in the context of the entire street;
- Policy 32 – Members were advised that as Policy 32 was only emerging policy, limited weight should be given to it.

Councillor Bleasdale moved approval of the application.

Seconded by Councillor Holland, Councillor Bell moved refusal of the application.

Upon a vote being taken it was:-

Resolved: That the application be **Refused** on the basis that it contradicted saved policies H9, H12a, H13, Q9, E6, E22 and the NPPF Part 50.

Councillor Kay rejoined the meeting.

5e DM/14/01010/FPA – 57 Ocean View, Blackhall Rocks, Durham,

The Committee considered the report of the Planning Officer regarding an application for the demolition of a rear extension, erection of a rear two storey and single storey extension and a single storey front extension (resubmission) at 57 Ocean View, Blackhall Rocks, Durham (for copy see file of minutes).

Members had visited the site the previous day and were familiar with the location.

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor L Pounder, local Member, addressed the Committee. Councillor Pounder advised that both local Members supported the application for various reasons.

The porch extension was considered acceptable by planning officers and having visited the site, Councillor Pounder felt the proposals were not out of scale or character with the surrounding area. The proposals would have no serious adverse effect and so accorded with local plan policy 35 and did not compromise road safety or parking, thus complying with local plan policy 73. There had been no objections from any consultees or any neighbours.

Members were advised that the rear of the property was not visible from the road and so the rear extension would not have any adverse impact and the proposed extensions were smaller in footprint than a similar extension which had been approved at a nearby property.

Mr Collinson, applicant, addressed the Committee and reiterated the reasons for the application as set out within his statement detailed in the officers report.

The Principal Planning Officer advised that the case was put forward by officers to refuse the application and was detailed within the report.

Seconded by Councillor Holland, Councillor Laing moved approval of the application on the basis that the application satisfied saved policies 35 and 73 and that there had been no objections from the applicants neighbours. Councillor Holland commented that having seen on the site visit a similar but larger extension to a neighbouring property, he could not object to the application.

Councillor Clark found the design proposals to be very sensitive in that there would be very few windows, thus causing no adverse impact to neighbours.

The Principal Planning Officer suggested that should Members be minded to vote approval of the application, that standard conditions should be drafted by officers regarding commencement of works within 3 years, that development should accord with existing plans and materials to be used should be specified.

Upon a vote being taken it was:-

Resolved:- That the application be approved subject to conditions to be drafted by officers relating to materials, commencement of work and working to existing plans.

Standing Orders were suspended at this juncture to allow the meeting to continue past 3 hours.

5f DM/14/01021/FPA – 68 Whinney Hill, Durham, DH1 3BD

The Committee considered the report of the Planning Officer regarding an application for a single storey rear and side extension at 68 Whinney Hill, Durham, DH1 3BD (for copy see file of minutes).

Members had visited the site the previous day and were familiar with the location.

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr Hayton, local resident, addressed the Committee to speak in objection to the application. In delivering a presentation to the Committee, Mr Hayton advised of various parts of the report which he believed to be incorrect, in particular that the application contravened saved policy H9. Members were presented with a map of Whinney Hill which detailed those properties which were occupied by students and those which were not. Of the 104 properties in Whinney Hill, Members were advised that 63 were student accommodation, with a population balance of 57 permanent residents compared to 330 students. Figures were also provided for Hallgarth and Green Lane in order to indicate the increasing numbers of students in those areas.

Mr Hayton advised that 10 former privately occupied properties had been converted to student accommodation, introducing 50 more students to the area. Members were shown photographs of evidencing the environmental impact which students had in the area.

Members were advised that 2 local residents had ended up leaving the area as they could no longer live in such close proximity to high numbers of students.

Mr Hayton called into question the planning system as he highlighted that in the event that the application was refused, the planning officers indicated that the development work could still go ahead.

The Principal Planning Officer clarified for Members that the issue of the property being a HMO was not for consideration, Members were only dealing with the proposed extension. In referring to paragraphs 37 and 38 of the report, Members were advised that permitted development rights applied and as such the application did not contravene policy H9.

Councillor G Holland spoke of the recurring issues with the rising student population across the City and believed the current application, if approved, would create an overload of students in Whinney Hill. Councillor Holland felt that long term stability and balance was needed in the area and if long term residents continued to be driven out of their homes, there would come a day when the city would end up being vacant for 6 months of the year.

Councillor Holland suggested that the application contravened the NPPF Part 50 as well as exceeding the 10% cap on student beds in a postcode area.

The Chairman reiterated that the HMO issue was not for Members consideration.

Councillor Kay queried why the application had been brought before the Committee for consideration if Members were unable to object to the change of use. The Principal Planning Officer clarified that the Planning Authority had to abide to the law and he referred Members to Paragraph 6 of the report which set out why the application had been brought before Committee.

In referring to the presentation which had been delivered by Mr Hayton, Councillor Conway queried the permitted development rights, in particular why the Committee were prohibited from commenting on the HMO aspects of the application despite there being a clear contravention of policies H9 and H13. The Principal Planning Officer explained permitted development which the government granted consents for. Members were advised that such rights covered certain changes of use, the most recent being C3 to C4. Members were therefore advised that unless an Article 4 direction was used, then permitted development rights applied. In response to a further query from Councillor Conway, the Solicitor clarified that Article 4 was not a matter for the Committee but that officers could be asked to take on board the concerns of the Committee.

Seconded by Councillor Bleasdale, Councillor Kay moved approval of the application.

Resolved:- That the application be approved subject to the conditions outlined within the report.

5g DM/14/01023/FPA – Former Cinema, The Avenue, Coxhoe, Durham, DH6 4AA

The Committee considered the report of the Senior Planning Officer regarding an application for the partial demolition of a former cinema and the erection of 5 no. dwellings with associated works (resubmitted) at the Former Cinema, The Avenue, Coxhoe, Durham, DH6 4AA (for copy see file of minutes).

Members had visited the site the previous day and were familiar with the location.

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor M Williams, local Member, addressed the Committee. He advised that local Members had not requested that the application come before the Committee because they objected to the application, but only because they had concerns regarding road safety. Local Members had asked for the developer to look at re-routing the traffic at the junction adjacent to the application site in order to improve road safety in that area. Local Members would also like to see a few less dwellings developed at the site rather than the 5 detailed within the application.

Mr G Hodgson, agent for the applicant, addressed the Committee. Mr Hodgson provided Members with an overview of the plans for the development.

Members were advised that permission had previously been granted for the same development at that site some years earlier, however had not been progressed because of the change in the economic climate.

Mr Hodgson advised that from the developers point of view 5 dwellings was necessary to make the development economically viable. The developer was committed to seeing the development through and felt it would be a welcome addition to the area.

Members were advised that other than the Highways Authority, no other statutory consultee had objected to the application. In relation to the concerns expressed by highways, Mr Hodgson advised that while the applicant acknowledged the issues raised, he felt that the advantages of the new development outweighed those concerns.

The Highways Officer addressed the Committee and reiterated the reasons set out in the report as to why the application was considered to be detrimental to highway safety.

Councillor Davinson moved approval of the application, noting that an additional 5 dwellings would only generate approximately 40 additional journeys per day from local dwellings.

In referring to the transport issues detailed in the report, Councillor Holland noted that there were already numerous cars using the back street behind the site which were already subject to the highway dangers which had been alluded to. As there were no reports of any highway incidents involving any of those vehicles, Councillor Holland felt that the extra vehicles from 5 more properties would not cause extra problems. He also stated that former cinema building appeared to be very dangerous in its current state and was very much in need of regeneration.

Councillor Kay seconded the motion of approval from Councillor Davinson, noting that the same application had been approved some years earlier and so the development could have already been completed had it not been for the economic downturn.

Councillor Clark echoed Councillor Holland in relation to the dilapidated condition of the former cinema building and she sought assurance from the applicants agent that the development would be completed this time should the application be approved. Mr Hodgson clarified that the applicant would be looking to commence development within 3 years, indeed work had already commenced but was stopped in order to get planning permission.

Councillor Laing queried whether the applicant could be instructed to demolish the building with immediate effect because of the dangers it posed. The Principal Planning Officer advised that the planning department would liaise with Building Control and Environmental Health which would have appropriate powers to require demolition took place.

The Principal Planning Officer suggested that should Members be minded to move approval of the application, that conditions should be drafted by officers regarding specifics such as materials, coal mining assessment, boundary enclosures, work hours, ecology, highway signage and commencement of works.

Upon a vote being taken it was:-

Resolved:- That the application be approved subject to conditions to be drafted by officers relating to materials, coal mining assessment, boundary enclosures, work hours, ecology, highway signage and commencement of works.