

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 9 February 2016** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, J Clark, P Conway, M Davinson, K Dearden, S Iveson, J Lethbridge, B Moir, S Morrison (substitute for A Laing) and J Robinson

Also Present:

Councillor Grenville Holland and Councillor Amanda Hopgood

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, D Freeman, C Kay, R Lumsdon and K Shaw.

2 Substitute Members

Councillor S Morrison substituted for Councillor A Laing.

3 Minutes

The Minutes of the meeting held 12 January 2016 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest

There were no Declarations of Interest.

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

a DM/15/03700/FPA - Durham Companions Club, Ainsley Street, Durham, DH1 4BJ

The Senior Planning Officer, Chris Baxter gave a detailed presentation on the report relating to the abovementioned planning application, copies 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 Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting within the Durham (City Centre) Conservation Area. The application was for conversion and extension of former Companions Club to provide building 9 no. residential flats, associated ancillary facilities and parking and was recommended for approval subject to conditions.

The Committee noted that there had been no objections from the internal and statutory consultees, however, there had been objections from local residents, the City of Durham Trust, and a late representation had been received from the local MP, Dr Roberta Blackman-Woods in terms of strengthening conditions to prevent the property being let to students, to give an opportunity for permanent residents to live in the area.

The Senior Planning Officer noted that the application represented redevelopment of a brownfield site, with a neutral impact on the conservation area. It was added that there was an issue of some overbearing at the south side of the site, adjacent to No.5 Mowbray Street, however, there were examples of similar relationships with other buildings in the area and it was felt on balance that the impact on no.5 Mowbray Street did not outweigh the benefits brought by the application. The Senior Planning Officer concluded by noting that Officers from the Highways Section were satisfied that there was sufficient parking and had raised no issues.

The Chairman asked the Local Member for Neville's Cross, Councillor G Holland to speak in relation to the Application.

Councillor G Holland thanked the Chairman and addressed the Committee noting for clarity that developers had consulted with both of the Local Members, himself and Councillor N Martin, as well as the immediate residents before submitting their application. Councillor G Holland explained that in principle they approved of the proposals and did not wish to stand in their way, adding that an unsightly corner of the city centre would benefit from being refreshed. Councillor G Holland noted however that there were a few matters of concern that he wished to raise at Committee. Councillor G Holland asked whether we could be sure that during the proposed construction, residents of Waddington Street, the Bowers, Kings Lodge Hotel and all adjacent the application site would not suffer the same sort of disruption that occurred when a nearby student hostel and Gentoo development were under construction 2 years ago, a nightmare for those that lived locally.

Councillor G Holland referred Members to Condition 6 of the application and noted that the proposed development was classed as C3. Councillor G Holland asked should the emerging Article 4 Directive not be put into effect, what would stop the development becoming a House of Multiple Occupation (HMO) by stealth or by having the condition removed in a few years' time. Councillor G Holland noted that another item on the agenda referred to a proposal for a 2 bedroom property to be converted to a HMO and commented that such conversions and Members' inability to stop them had bedevilled the city for far too long.

Councillor G Holland added that there was local concern as regards the site being over-massed to the detriment of the adjacent properties, especially in Mowbray Street and Waddington Street. It was added that the proximity of the building was also a concern though Councillor G Holland noted that J Levitas, a local resident, was also in attendance to speak and would no doubt discuss that matter in greater detail. Councillor G Holland explained to the Committee that another important issue was that of the communal garden used by residents, and asked whether the garden could be protected or enhanced by the developers, working with residents.

Councillor G Holland reiterated that developments such as this one, although welcome, must not be to the disadvantage of those who already live in the vicinity and enjoy its setting.

Councillor G Holland asked Members to consider an added dimension to the application that of the adjacent Elliot's site. It was noted that the Elliot's site was not for determination by Committee at this meeting; however, Councillor G Holland noted the same developer intended to build further flats on the Elliot's site and he believed that construction would be at the same time as the proposed development for the Durham Companions Club site. Councillor G Holland noted that those Members that had been Councillors at the former City of Durham Council in 2004, including the Chairman of the Committee, would recall an application for the Elliot's site that had looked to develop a large residential building for the use of care of disabled people in the community, with the outline of that proposed building having been included on one of the slides used by the Planning Officer in his presentation. Councillor G Holland noted that in 2004, the City of Durham's planning committee rejected the application for a care facility; however this was subsequently overturned on appeal in 2005. Councillor G Holland noted that after a preliminary examination of the Elliot's site by the developer, the project was abandoned as: the water saturated sands encountered posed a significant problem; and the social care market at that point no longer offered the same opportunities.

Councillor G Holland noted that following the Appeal for the Elliot's site, the developers were given 3 years to begin building works and as they did not, then presumably the permission would have lapsed in 2008. Councillor G Holland added that as a consequence of the financial downturn in 2008 the then Government, and subsequent coalition Government, had allowed some flexibility on these deadlines, however an extension would require an application and Councillor G Holland was not aware of any such application having been made in respect of the Elliot's site.

Councillor G Holland explained that 3 years ago, Nick Boles, the Planning Minister closed the opportunity for such extensions and Councillor G Holland noted he had read the analysis by Eversheds; a similar analysis from BLP – Berwin Leighton Paisner; as well guidance from the Planning Inspectorate and from that information Councillor G Holland judged that the stalled permission for the Elliot's site had long since failed the deadlines and was not extant. Councillor G Holland noted that therefore, he felt that within the application being considered at Committee there was concealed a presumption of an extant permission for a simultaneous development on the Elliot's site, rejected in 2004, albeit reversed in 2005. Councillor G Holland noted that as the Committee was the consenting body, he did not think the two developments should be separated by this device.

Councillor G Holland noted that an additional problem, which was discovered by the original developers, was the water saturated sands that lie at the foot of Flass Vale. Councillor G Holland explained that he thought that Members should be told about the impact of loading these sands with large compressive forces introduced by the proposed, but as yet unconsidered and maybe never to be considered building. Councillor G Holland asked whether adjacent properties would be secured from flooding or permeating water damage, adding that the land in question was tricky and the potential for lateral damage, of which there was a history, must not be shrugged off. Councillor G Holland asked what the relevant engineering geologists' analysis would say and where was such analysis. Councillor G Holland noted that he felt that the right place to consider the Elliot's development was separately at this Committee, and not via the presumption of a supposed extant application from 12 years ago.

Councillor G Holland concluded by noting the recommendation within the report mentioned a s106 legal agreement and he and Councillor N Martin supported the suggestion made by the City of Durham Trust, to restore the narrow ancient Flass Lane with such monies, rather than being consumed in some general community pot.

The Chairman thanked the Local Member and introduced Ms J Levitas, a local resident, to speak in relation application, having 5 minutes to address the Committee.

Ms J Levitas thanked the Chairman and addressed the Committee noting that development of the site itself was welcomed, the developers had consulted with residents as regards their proposals, and the demolition of the dilapidated garage was an appreciated act of good will on the part of the developer. Ms J Levitas noted 3 issues in connection with the application, firstly that the high rear wall of the proposed development would be over 5 metres high and would be far too close to an adjoining property, namely No.5 Mowbray Street. It was added that the Case Officer had stated that there were similar examples elsewhere in Durham; however, Ms J Levitas asked where these examples were within the city. Ms J Levitas added that planning regulations were updated over time and felt that in this case the situation was such, with the loss of light and amenity, that if the application could not be refused then it should at least be amended to incorporate a design that was more suitable.

Ms J Levitas noted the second issue she wished to raise was that of the rear of the building. Ms J Levitas noted that the report cited the National Planning Policy Framework (NPPF) and that the site was within the Durham City Conservation Area. Ms J Levitas explained that she felt that the design was not of the high standard as required by these policies and the use of the adjoining communal garden would be affected, with the proposed rear wall having the appearance “of a prison wall” being blank with no windows. Ms J Levitas noted there had been a promise from the architects as regards a revised drawing for this; however, Ms J Levitas had not had sight of any such revision.

Ms J Levitas explained that this led on to the third issue, that of the shared communal garden. Ms J Levitas noted she felt that as the area would be utilised during the construction, should the proposal be approved, and there would be damage such to effectively trash the garden. Ms J Levitas noted that the developer had stated they would reinstate the garden subsequent to works being completed; however, Ms J Levitas asked whether this would mean the garden would be lost as an amenity for local residents for an extended period, approximately a year. Ms J Levitas noted nothing within the application or planning law that would protect the garden or a requirement to reinstate once works were completed and asked whether there was a reliance on the good will of the developer to undertake such reinstatement. Ms J Levitas noted that over several years she had spent time and money to maintain the communal garden for the benefit of local residents and felt the garden needed to be protected and respected.

Ms J Levitas concluded by reiterating the point made by Councillor G Holland as regards the extant permission for the adjacent site, adding that that particular site had been vacant for around 10-11 years.

The Chairman thanked the Ms J Levitas and introduced Mr D Smith, agent for the applicant, to speak in support of the application, having 5 minutes to address the Committee.

Mr D Smith thanked the Committee and noted that the Planning Officer’s report showed that the submitted application was recommended for approval and was in compliance with planning legislation and policy. Mr D Smith noted that the application was for Class C3, residential properties, adding that all could agree that there was a need for more private homes within the city. Mr D Smith added that there was a condition within the application that prevented a change of use to Class C4, a HMO. Mr D Smith explained that the demands of the local market were for 2 bedroom town houses, in line with the Gentoo development, and there had been amendments to the rear elevation following feedback from residents. Mr D Smith added that as regards the roof line and the site being within a conservation area, Local Members had been consulted and the sympathetic design was in line with other properties as noted by Planning and Conservation Officers. Mr D Smith noted that that the Elliot Yard site was a separate matter and was not required in terms of taking this application forward. Mr D Smith added that he was surprised that this application was at Committee for determination as it was in line with planning policy and concluded by noting the demolition of the garage as a gesture of good will and that the application would bring a brownfield site back into use with 9 C3 residential properties.

The Chairman thanked the Speakers and asked the Senior Planning Officer to address the points made by the Speakers.

The Senior Planning Officer noted the concerns as regards disturbance during the construction period, with Condition 3 setting out the requirement for a Construction Management Plan, and Condition 8 setting out the hours when works could be undertaken, a standard condition for these types of works. It was added that Condition 6 set out the position in terms of no change of use to a HMO, with any proposed change requiring a further planning application. The Senior Planning Officer noted that the Elliot's Yard application was a separate application and that the elevation shown during the presentation included the elevation of the Elliot Yard application, as agreed by the Planning Inspectorate in 2005, for Members' information.

The Solicitor - Planning and Development, Neil Carter noted the suggestion that the developer should make a financial contribution to improvements for Flass Lane and reminded Members that there a number of legal tests which must be satisfied before S106 money could be required in particular, it must be necessary to make the development acceptable. The Solicitor – Planning and Development added that he could see no evidence as regards any impact the development would have on Flass Lane and therefore no connection in this regard. In terms of the communal garden, there was nothing in planning law in terms of protections afforded; however, private law would cover the issue.

The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor P Conway asked what the legal status was as regards the application for the Elliot's Site as from the elevations seen today it appeared as if there would be contiguous run from that site into the former Companions Club site. Councillor P Conway noted the concerns mentioned as regards massing at the rear of the development and asked whether it was possible to modify this design without internal adjustments to the development. Councillor J Robinson noted that the developer had made a promise, at a public meeting, in terms of reinstatement of the communal garden however, asked whether there was any protection for the nearby Grade II listed Redhill's Miners Hall, in terms of the vegetation described in the report as offering shield between the sites.

The Solicitor – Planning and Development noted that while the current position in terms of the Elliot's Site could not be confirmed at this time, the opinion of the Case Officer was that Elliot's site did not impact upon the acceptability of the scheme as set out in the application being considered by the Committee. The Senior Planning Officer noted that in terms of the Redhill's Miners Hall, consultation with the Design and Conservation Officer had noted that it was not felt that the application would have an impact upon Redhill's and that the trees and vegetation fell outside of this application site and therefore would not be affected.

Councillor B Moir noted at Paragraph 64 of the report it stated that the distance at the south east corner of the proposed building would only 5 metres away from No.5 Mowbray Street and asked what the usual recommended separation distance was for a development of this nature. Councillor B Moir also asked to view the other elevations, the north and south faces for comparison. The Senior Planning Officer noted those were not part of the slideshow presentation, however hardcopies were available for Members to view. It was added that due to the nature of the design, the elevations “wrapped around the site” as the walls varied in angle. The Senior Planning Officer added that should there be alterations to the rear elevation this would result in a loss of internal space.

Councillor J Clark explained that during the visit to the site the tranquillity of the communal garden was noted and the overall quality of the garden was very impressive. Councillor J Clark asked whether there could be assurances that the integrity of the site could be preserved in the context of deliveries of materials and works at the site. Councillor J Clark noted that Paragraph 73 of the report stated that as there was less than 10 units being created there was no requirement in terms of contribution towards public art, however within the conditions as set out in the report stated that there would be a contribution via a s106 legal agreement and therefore asked which was correct.

The Senior Planning Officer noted that in terms of a s106 contribution, Paragraph 73 was correct and the addition of this within the recommendation was a typographical error.

Councillor M Davinson asked as regards car parking for an adjacent business, noted that the business had parking provision within their lease that could be affected by construction at this site.

Councillor J Lethbridge noted that he had felt the communal garden was “an oasis of calm” when on site and noted this was to the credit of Ms J Levitas. Councillor J Lethbridge added that this was in stark contrast to some fly-tipped materials behind the wooden frontage of the site and noted therefore development at the site would be welcomed. Councillor J Lethbridge noted three points for consideration; what impact the water saturated sands may have; the need to balance the relatively close distance of the rear elevation to No.5 Mowbray Street against improvement to the site once completed; and due to the close proximity of Flass Vale, could the improvements as described by the City of Durham Trust and Councillor G Holland not be possible.

The Senior Planning Officer explained that of 10 parking pays, 4 were allocated for the nearby business and the Highways Section had been satisfied in this regard with the Construction Management Plan setting out how parking would be dealt with during construction.

Councillor K Dearden noted that as there were less than 10 units there was no requirement in terms of a s106 contribution, however, asked whether in the context of the adjacent Elliot’s site, was there scope to consider the total number of units in order to secure s106 monies.

The Chairman noted it was laudable that Members of the Committee and Local Members would look for ways to secure contributions from developers for our communities; however, the application for consideration by the Committee was separate from the Elliot's site.

Councillor P Conway noted he concurred with the comments of Councillor J Lethbridge and that on balance the application would improve the site, adding that having looked at the whole area in terms of this application including the Elliot's site he felt somewhat uncomfortable in not being able to consider them together.

Councillor J Lethbridge moved that the application be approved; he was seconded by Councillor P Conway.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee and a correction to remove reference to a s106 contribution in terms of public art.

b DM/15/03463/FPA - Oaklea School Clinic, Salters Lane, Wingate

The Planning Officer, Susan Hyde gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for demolition of the existing NHS clinic and erection of 6 new dwellings with parking, boundary enclosures, landscaping and associated work (amended plan) and was recommended for approval subject to conditions.

The Committee noted that the application had been brought to Committee at the request of Councillor L Taylor, Local Member, as regards issues of the open space adjoining the site, with several trees on that area having Tree Preservation Orders (TPOs) in place. It was noted that subsequent to an amended plan being submitted, Councillor L Taylor and Wingate Parish Council had withdrawn their objections to the application. The Planning Officer added that residents' concerns had also included the issue of loss of amenity and parking access. It was noted that the applicant had offered to gift the open space for retention by the Council as amenity land and that therefore the Committee would be mindful to agree, subject to a legal agreement for the transfer of this land. Members also noted an addition condition in terms of no works being undertaken to demolish the existing clinic until a bat mitigation survey had been completed.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor B Moir noted he was delighted in terms of an application with parking provision incorporated in the design, together with the offer to gift the open space to the Local Authority.

Councillor B Moir moved that the application be approved; he was seconded by Councillor G Bleasdale.

RESOLVED

That the application be **MINDED TO BE APPROVED** subject to the conditions detailed in the Officer's report to the Committee, a legal agreement in terms of transfer of the amenity land to the Council, and an addition condition:

No development or demolition shall take place unless in strict accordance with the mitigation detailed in the bat risk report by V Howard.

Reason: To conserve protected species and their habitat in accordance with Policy 18 of the District of Easington Local Plan 2001.

c DM/15/03887/FPA - 17 Wynyard Grove, Gilesgate, Durham, DH1 2QJ

The Planning Officer, Susan Hyde gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for change of use and extension from C3 dwelling to 7 bedroom sui generis student HMO with internal alterations, conversion of loft space, and single storey rear extension and was recommended for approval subject to conditions.

The Committee noted that the application had been brought to Committee at the request of Local Members, Councillor P Conway and Councillor B Moir for the reasons of the size of the expansion of the property and as two other properties in the street had similar applications agreed recently.

Members noted that there had been no objections raised by statutory or internal consultees; however the City of Durham Trust did note that objecting to this application, being the last house on the street not in student use would be "like closing the stable door after the horse had bolted". It was added that Durham Constabulary had noted concerns as regards the impact of HMO in terms of parking and also community cohesion.

The Chairman noted there were no registered Speakers, however, asked if the Local Members, who were Members of the Committee, wished to speak before wider questions and comments on the application.

Councillor B Moir noted he had requested the application be brought to Committee in order to highlight the plight of this side of Durham and the density of students within this postcode area. Councillor B Moir noted the "last in the street" comments of the City of Durham Trust and asked whether the Local Planning Authority was in the business of creating student ghettos, adding that families would likely wish to move to the area if all the properties were not HMO.

Councillor B Moir added that there was a large student development at the site of the former Durham Light Infantry Public House and therefore asked what density of students there was in this postcode. Councillor B Moir noted that if the two sites were separated by an Electoral Division boundary, citing this as a mitigating factor in terms of density would be spurious, adding he felt there was an unacceptable density of student population.

Councillor P Conway noted he agreed with the comments of his fellow Local Member, Councillor B Moir and added that the comments made by Durham Constabulary were very perceptive as he, along with the other Local Members Councillor K Corrigan and Councillor B Moir, had received numerous comments from local residents as regards the issue of displaced parking. Councillor P Conway added that Paragraph 32 of the report noted insensitive rear extensions to other buildings in the area that implied that over time there was negative impact from those applications. Councillor P Conway added that there had been no objections from the Highways Section in terms of parking, citing excellent public transport links and close proximity to the city centre, however, there was impact in terms of the displaced parking as previously mentioned, including on nearby purpose built homes for retired people and in terms of emergency vehicles struggling to negotiate the parked cars in this area. Councillor P Conway noted with the number of bedrooms being proposed in this application and the density of HMO properties at Wynyard Grove and asked whether this was a return to the tenements of 1930s Durham. Councillor P Conway noted the comments of the City of Durham Trust and highlighted that an Article 4 Direction would hopefully soon be enshrined to enable Members to “close the stable door”.

The Chairman noted the strength of feeling from the Local Members on this matter, however, asked should Members wish to recommend refusal in contrast to the professional Officer’s recommendation that this be made in terms of planning policy. The Chairman asked if the Planning Officer could respond to the comments and questions from the Local Members.

The Planning Officer noted that several properties were student properties, however, as they were less than 6 bedrooms, they did not constitute a HMO and should Members be minded to refuse the application, there was a possibility that the application may choose to develop in a similar manner. In terms of the Article 4 Direction, the Planning Officer noted that this would be for public consultation initially; however there would be stipulations in terms of student densities of 10% per postcode. It was added that historically there would be a number of postcodes with 80% - 90% student densities and therefore if some of those remaining residents wished to move out of what had effectively become a student area, was there not a case in terms of protecting the rights of those individuals in being able to do so.

Councillor J Robinson noted that planning applications needed to demonstrate sustainability and given the thousands of student flats within Durham and not enough students to fill them, what community was going to be left without any people to occupy these properties.

Councillor J Robinson noted he was horrified to see an application for 7 bedrooms in what was a 2 bedroom house and asked was there not issues in terms of fire safety having 2 bedrooms contained within the loft space. The Chairman noted the concerns raised and the good intentions in terms of safety; however felt that the safety issues would be an issue for Building Control.

Councillor B Moir proposed that the application be refused on the grounds of Local Plan Policy H9, HMOs and Policy H13, impact on character and local amenity.

The Solicitor – Planning and Development noted that it needed to be clear which aspects of those policies the application was in conflict with. Members were reminded of the possibility of the undertaking a 6 bedroom scheme under existing permitted development rights, and that at any potential appeal of a refusal decision, the additional harm of 7 bedrooms in comparison to the 6, which would be permitted development, would likely be questioned.

Councillor M Davinson recalled cycle parking in lieu of car parking for other student developments and asked whether this was appropriate for this application.

Councillor J Clark noted that reasons to support refusal could include conflict with: NPPF Part 7 – requiring good design as the application did not seem to have any communal space and only 2 bathrooms for 7 people; and NPPF Part 12 – conserving and enhancing the historic environment.

Councillor J Lethbridge noted some sympathy with the Local Members and also with the concerns raised by Councillor J Robinson. Councillor J Lethbridge noted the comments of Durham Constabulary adding that in his experience when the Police felt the need to comment it was worth consideration. Councillor J Lethbridge expressed his concern as regards the disturbing and inexorable advancement of HMOs and added that it was important how Members were able to express their concern that our society, in parts, was being put at risk. Councillor J Lethbridge noted that Members could look to conflict between the application and the policies as stated by Councillors B Moir and J Clark, adding that there was no slight on the Planning Officer, however, he felt Members would be at fault if they did not express their concerns in this regard.

Councillor K Dearden noted she did not believe in the sustainability of the further creation of student HMOs in Durham adding that there must be similar situations in other cities and therefore could there not be scope to bring some pressure in terms of legislative change, and in the context of devolution for the region.

Councillor J Robinson agreed in terms of Councillor J Clark's comments that there was conflict with NPPF Part 7, as he felt the design was not good in terms of fire safety. Councillor B Moir also agreed with Councillor J Clark and therefore cited this as another reason for recommending refusal, adding that in terms of Local Plan Policy H13, it would be the greater impact on the amenity of Gilesgate, not just Wynyard Grove.

Councillor G Bleasdale noted her support of the comments made by the other Committee Members, adding that she believed that there were many student properties that were not occupied or not at full capacity and therefore such additional student properties were not needed.

The Solicitor – Planning and Development noted the reasons as cited by Councillor B Moir in terms of Policies H9, H13 and NPPF Part 7 as being reasonable, however he was not satisfied with the reason of fire safety as that issue was controlled outside of the planning system.

Councillor B Moir moved that the application be refused; he was seconded by Councillor P Conway.

RESOLVED

That the application be **REFUSED** on the following grounds:

The change from a two bedroom C3 dwelling to a sui generis 7 bedroom house in multiple occupation (HMO) is considered to detract from the character and residential amenity of the area and adversely impact on the concentration of HMO properties in this location to the detriment of the available housing stock. In addition the proposal is considered to provide inadequate residential facilities for 7 bedrooms. This is considered to be contrary to Policy H9 and H13 of the City of Durham Local Plan 2004 and Part 7 of the National Planning Framework.

d DM/15/03945/FPA - 67 Front Street, Pity Me, Durham, DH1 5DE

The Senior Planning Officer, Chris Baxter gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for proposed residential development of 6 No. linked dwelling houses and was recommended for approval subject to conditions.

The Committee noted that there had been no objections from the internal and statutory consultees; however, the Parish Council had requested that the application be determined at Committee as they had concerns in respect of over-development, lack of parking and no bin storage.

The Senior Planning Officer noted that a previous application for this site had been refused; however, this application had a redesigned layout incorporating a communal area allowing access to the rear of each property. The Senior Planning Officer concluded by noting that Officers from the Highways Section were satisfied that there was sufficient parking and had raised no issues.

The Chairman noted there were no registered Speakers, however, asked if the Local Member who was in attendance, Councillor A Hopgood wished to speak prior to questions and comments from the Committee Members.

Councillor A Hopgood thanked the Chairman for the opportunity to speak in relation to this application noting she represented her fellow Divisional Members, Councillors M Simmons and M Wilkes as well as the Parish Council in this regard. Councillor A Hopgood noted that there had been a lot of work in order to get the application to this stage and referred to the positive inclusion at Paragraph 50 of the removal of permitted development rights in terms of extension and the issue of HMOs being addressed by restriction of use to Class C3.

Councillor A Hopgood noted however that there was concern in terms of the road on to the site and that while this would be satisfactory once completed, there were issues in terms of practicality and safety during construction, if the area used as a turning circle by vehicles was blocked off this would mean vehicles would need to reverse on to the main road. Councillor A Hopgood noted therefore a condition in order to ensure the area used as a turning circle would not be blocked during construction would help mitigate this potentially dangerous situation. Councillor A Hopgood added that it was felt that it would be beneficial to have some assurance in writing that the trees, which were in a healthy condition at this time, would not be negatively affected by the development and be retained as part of this development.

The Chairman asked if the Senior Planning Officer could respond to the comments and questions from the Local Member.

The Senior Planning Officer noted that the Tree Officer had cited no concerns in terms of this application and that TPOs were in place.

The Principal Engineer, Highways - Development Management, A Glenwright noted that the developer would not be able to block off the public highway and if the developer were to submit an application to Neighbourhood Services for a Temporary Road Closure then this would only be looked at favourably should issues of health and safety and freedom of movement of nearby residents had been addressed satisfactorily. It was reiterated that the developer would need to have the proper paperwork in place prior to any temporary closure. Councillor A Hopgood explained that the concern in terms of blocking the area used as a turning circle as there did not appear to be any other location for the storage of materials at the site, especially given the tiered nature of the rear gardens, adding could materials not be brought in as required. The Principal Engineer, Highway Development Management noted that it may be advantageous in this case to have a Construction Management Plan in order to address these concerns. Councillor M Davinson asked whether such a plan could also include times at which construction was permitted to take place. The Senior Planning Officer noted that, should Members wish a condition in terms of a Construction Management Plan could be added, similar to that set out in the application considered earlier by the Committee, and include times when works would be permitted.

Councillor M Davinson noted that a condition for construction hours would reduce impact on neighbouring properties.

Councillor B Moir moved that the application be approved subject to additional conditions in terms of a Construction Management Plan and construction hours; he was seconded by Councillor J Clark.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee and two additional conditions:

No development shall take place until a construction management plan, which identifies delivery operations, has been submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to accord with policy T1 of the City of Durham Local Plan.

No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.