

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
8th December 2015

Agenda item 5

Application ref. 15/00724/FUL

10 Sidmouth Avenue, Newcastle

Since the preparation of the agenda report to the item, further correspondence from the Department for Communities and Local Government (DCLG), the applicant, and additional consultation advice from the Conservation Area Working Party have been received.

The correspondence received from the **DCLG** relates to the Article 31 Direction previously made by them under the Town and Country Planning (Development Management Procedure) Order, which directed the Council not to grant planning permission without specific authorisation. The direction was issued to enable the Secretary of State to consider whether he should direct that the application be referred to him for determination.

The Secretary of State has now considered his policy on calling in planning applications and is of the opinion that the application should not be called in and should be determined by the Planning Authority.

The **applicant** has in light of the concerns expressed in representations, formally requested that permitted development rights to change from C3 dwelling houses to C4 houses in multiple occupation be removed by a planning condition should permission be granted. The applicant is of the view that this would provide robust reassurance regarding the continued use of the development as family homes.

In addition to the letter received by the Council it is also understood that in correspondence with the residents association, RAGGS, the applicant has indicated that a S106 Unilateral Undertaking will be entered into which would contain a clause removing such permitted development rights.

The **Conservation Area Working Party** (CAWP) at their meeting on 1st December 2015 re-considered the partial demolition element of the application with the benefit of the Design and Access Statement and full photographic details which were not available when they previously considered the application.

CAWP does not object to removal of the side extension of The Birches, and believes that it may enhance the overall appearance of the main building. It wants to ensure that the reinstatement of the former residence on the gable end is made good and well executed with a good brick match and no evidence of the former extension should be visible.

Your officer's comments

With respect to CAWP's comments appropriate reinstatement of the original rear elevation where the extension is to be demolished should be able to be controlled by condition. An additional condition to do this is now recommended

The General Permitted Development Order in force permits changes of use from C3 dwelling houses (which includes a family residing together as well as up to 6 unrelated individuals living as a single household) to C4 houses in multiple occupation (HMO).

Guidance indicates that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. In this case the Council have already decided that such permitted development rights should be removed over a wider area than the application site through an Article 4 Direction due to concerns about the effects of an over concentration of HMOs in that area. As such the LPA is of the opinion that there are exceptional circumstances to justify removal of such rights,

The Birches, whilst to be used as a single dwelling, is of a size that wouldn't benefit from such permitted development rights. The four proposed detached dwellings could, potentially, be put to a C4 use however. Given that this potential it is considered that the imposition of a condition removing those permitted development rights is justified.

It is noted that the applicant intends to complete a Unilateral Undertaking, such an undertaking has not been received but the latest information is that it will be by the time of the meeting. Officers will provide further advice on the weight to be given to the obligations in that document once it has been received.

In light of the confirmation from the DCLG that the Secretary of State does not wish to call in the application, and the above:

The RECOMMENDATION is amended as follows:

1) Subject to the applicant entering into a planning obligation by 8 February 2016 securing a contribution of £14,715 for public open space improvement, PERMIT subject to the conditions as set out in the main agenda report and additional conditions (a) removing the permitted development rights to change the use of the properties from C3 to C4 and (b) requiring specific details of the reinstatement of the original end gable to be submitted for the Council's approval and thereafter implemented.

2) That should the obligation not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on open space provision; unless he considers it appropriate to extend the period for completion of the obligation.