

**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 10 December 2013 at 1.00 pm**

**Present:**

**Councillor P Taylor (Chairman)**

**Members of the Committee:**

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson, D Freeman, C Kay, C Marshall, B Moir and R Todd

**1 Apologies for Absence**

Apologies for absence were received from Councillors K Dearden, S Iveson, A Laing and J Lethbridge.

**2 Substitute Members**

Councillor C Marshall substituted for Councillor K Dearden and Councillor R Todd substituted for Councillor A Laing.

**3 Minutes of the Meeting held on 12 November 2013**

The Minutes of the meeting held on 12 November 2013 were confirmed as a correct record and signed by the Chairman.

**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 4/13/00766/FPA - 14 Sidegate, Durham, DH1 5SY**

The Committee considered a report of the Planning Officer regarding an application for the erection of 2 dwellings, amended plans received 7 October 2013, at 14 Sidegate, Durham City (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting.

Mr Ian Hutchinson, local resident, addressed the Committee to object to the application on the grounds of parking provision, bin storage and the houses being used for multi-occupancy.

Referring to parking provision, Mr Hutchinson informed the Committee that there was currently no adequate parking on the road for Sidegate, and that during the last University year of the five houses on Sidegate which had been let to students, three had cars, which parked at the end of the road. The area of land where it was proposed to build the two houses had also been used for car parking, and should the development proceed, this would further reduce the availability of car parking in the area.

Mr Hutchinson informed the Committee that the original application for the site had been for 5 bedroomed properties, but this had now been reduced to 3 bedroomed properties, which would result in an additional 4 extra bins needing to be stored at the terrace, which gave rise to fears around health and safety. Again, the area of land where it was proposed to build the two houses had also been used for some bin storage and this would no longer be possible should the development proceed.

Finally, Mr Hutchinson informed the Committee that there was local concern around the number of sub-divided dwellings already on the street, with only 4 of the 9 houses in the street being owner occupied, the others being let to students. There was concern that the proposed two houses would also become student lets, which would result in 7 of the 11 houses in the street being non-owner occupied. Letters of objection to the proposal had been received from 9 local residents in a street which currently only contained 9 houses, and this provided an example of the strength of feeling in the street.

The Principal Planning Officer addressed some issues raised by Mr Hutchinson. Referring to car parking provision, it was for Members of the Committee, who had previously visited the site, to assess whether the views of officers were correct. Previously there had been two dwellings constructed on the site, which was in private ownership, and therefore was not a site allocated or approved for bin storage. The Principal Planning Officer informed the Committee that the reference in the report to the emerging County Durham Plan policy on houses in multiple occupation and student accommodation had been included for illustrative purposes only and that the pre-submission Plan could only be given limited weight as the draft policy may be subject to change.

Councillor Kay informed the Committee that he knew the applicants agent, Neil Naylor, as a former neighbour up until a year ago. Neil Carter, Planning and Development Solicitor advised that this was a personal interest only and that Councillor Kay could therefore take part in the debate and decision on the application.

Mr Neil Naylor, agent for the applicant, addressed the Committee. The application was not a speculative development as the applicant currently owned two houses in the street and aimed to produce a high quality development which respected the conservation area. The applicant currently owned the gable at 17 Sidegate, which

was currently used for bin storage, and would improve this area which could accommodate the extra bins produced from the proposal. There were car parks available near to the proposed development as well as at the end of the terrace. Mr Naylor informed the Committee that the applicant was intending to produce a good quality development which could perhaps attract a premium rent and may therefore not be appropriate for the student market.

Councillor C Marshall requested clarification on the weighting Members should give to the emerging County Durham Plan. The Principal Planning Officer replied that policy officers for this application had advised that weight should not be given to Policy 32 of the emerging Plan as this had been subject to some comment during consultation and may be subject to amendment.

Councillor A Bell informed the Committee that although the HMO issue was a pertinent one in Durham City, there was no certainty that the proposed development would be used for this purpose. The application should be decided on the facts before Committee, and this was a sustainable development on a site which had previously been developed. He moved approval of the application.

Councillor Conway, while accepting that the objection under Local Plan Policy H13 had been addressed in the report, asked about the objection under Local Plan Policy H9 which was not addressed in the report. The Principal Planning Officer replied that Policy H9 referred to the conversion of existing buildings to HMO's and did not refer to new builds, and was therefore not relevant to this application.

Councillor Conway referred to paragraph 60 of the report regarding HMO's and asked whether any condition could be attached to the permission which would require a further application to be made should applicant wish to use the houses as HMO's. The Principal Planning Officer replied that this would be possible, although adequate reasons for attaching such a condition would be needed. The Planning and Development Solicitor added that central Government guidance was that such conditions should only be imposed in exceptional circumstances. Councillor Conway replied that this was only guidance and that it was for the Committee to make its own judgement on the guidance.

Councillor Freeman informed the Committee that Councillor Marshall had raised a valid point about the emerging County Durham Plan and the weighting which should be given to it. The policy on HMOs in the emerging Plan had been implemented because of the problem of HMO's in Durham City centre, which was significantly worse now than when the City of Durham Local Plan was produced in 2004. If the application was to be considered in the context of the emerging Plan then it could be refused on the grounds that the street consisted of 9 houses, 4 of which were student accommodation and there was a strong possibility that the application properties would also be used for student accommodation purposes, or a condition imposed as suggested by Councillor Conway, should approval be granted. Additionally, although there was permit parking in the area, there were insufficient spaces to park vehicles within the vicinity of the properties. Councillor Freeman moved that the application be refused.

Councillor Kay informed the Committee that he shared Councillor Marshall's view regarding the emerging County Durham Plan, and that this was currently a grey area. However, this application was an opportunity to improve the streetscape of the area. He asked whether, if the application was approved, the applicant would need to submit a further application to change use to an HMO, as this would be a variation of consent. The Principal Planning Officer replied that under current legislation, a dwelling house could be converted to an HMO for up to 6 people without the need for planning permission or consent.

Councillor Todd asked, if the application was to be refused and taken to appeal, whether the Inspector would consider the appeal under the Policies of the emerging County Durham Plan or the Policies of the existing City of Durham Local Plan. The Principal Planning Officer replied that any appeal would be considered under the existing City of Durham Local Plan.

Councillor Conway, while agreeing that the application was an improvement to the streetscape and visual amenity, moved that a condition be added to the permission which would require a further application to be made should applicant wish to use the houses as HMO's, on the grounds of parking and amenity. Councillor Kay seconded imposition of such a condition.

Upon a vote being taken the amendment was lost.

Moved by Councillor A Bell, seconded by Councillor B Moir and

**Resolved:**

That the application be approved, subject to the conditions outlined in the report.

**5b CE/13/00918/FPA - Former ITEC site, Neville Road, Peterlee**

The Chairman informed the Committee that this application had been withdrawn from the agenda.