

**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber - County Hall, Durham** on **Tuesday 12 February 2019 at 1.00 pm**

**Present:**

**Councillor A Laing (Chairman)**

**Members of the Committee:**

Councillors D Brown, J Clark, I Cochrane, K Corrigan, M Davinson, D Freeman, P Jopling, A Laing (Vice-Chairman), H Smith (substitute for S Iveson) and O Temple

**Also Present:**

Councillor M Wilkes

**1 Apologies for Absence**

Apologies for absence were received from Councillors S Iveson and J Robinson.

**2 Substitute Members**

Councillor H Smith substituted for Councillor S Iveson.

**3 Minutes of the meeting held 15 January 2019**

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

**4 Declarations of Interest**

There were no Declarations of Interest submitted.

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

The Chairman noted that Item 5b, the application relating to 51 Whinney Hill, Durham, had been withdrawn.

**a DM/18/03308/FPA - 35 Front Street, Framwellgate Moor, Durham, DH1 5EE**

The Planning Officer, Susan Hyde, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer advised that Members of the Committee had visited the site previously and were familiar with the location and setting. The application was for change of use from hairdressing training centre to 8 bed house in multiple occupation (*sui generis*) (amended plan) and was recommended for approval, subject to conditions.

The Planning Officer noted that the application had been deferred by the Committee at its meeting on 15 January 2019, in order for issues relating to parking to be considered by the Applicant. It was noted the application now included four car parking spaces to the rear of the property, within the garden, with access to be gained through the existing garage. The Committee were referred to site plans and additional aerial photographs, noting the relationship with the nearby New College Durham site and shops and services within Framwellgate Moor centre.

The Committee noted no changes to the elevations of the property, and the proposed internal layout retained the garage together with internal alterations to accommodate the eight bedrooms. It was added that the Licensing Section had confirmed compliance in terms of headroom for the second floor.

Members were reminded that the only access to the rear garden was via the property, on foot through the property, and for vehicles via the single width garage, there was no access from the rear, Alexandra Close. Councillors were asked to note that the land to the immediate front of the property was adopted highway. Members were reminded of the adjoining social club to one side, and residential property to the other side.

Members were informed there had been no objections from Highways as regards the amended plan and parking arrangements, as the property was in a sustainable location, with amenities and transport links and that the additional parking had not been requested by the Highways Section. The Committee noted that there had been no objections from Environmental Health, subject to conditions including noise insulation. Councillors noted that the House in Multiple Occupation (HMO) Officer had noted the application met the required standards for HMO licensing.

The Planning Officer noted no further responses from the public to the amended plan, with three objections from nearby residents from Front Street and Alexandra Close to the initial application. She explained those initial objections were summarised within the report and related to: students occupying the property; increase noise and disturbance; the rear garden not being utilised for parking as per the previous planning consent; and the impact on parking. The Committee noted that Local Members Councillors A Hopgood and M Wilkes had made further representations as regards the width of the garage, accessibility and bin storage.

The Planning Officer reminded the Committee that as the land to the front of the property was adopted highway, the only location for bin storage would be to the rear of the property.

The Planning Officer noted that the application was considered acceptable in terms of being within a sustainable location, and reiterated that the previous uses of the property had been residential dwelling and hairdressing training centre, it had not previously been used as a retail unit. It was added that in terms of the sustainable location the parking provision proposed was in addition to the previous application and that the previous provision had been considered acceptable in highways terms.

The Chairman thanked the Planning Officer and asked Councillor M Wilkes, Local Member, to speak in objection to the application.

Councillor M Wilkes thanked the Committee for the opportunity to speak in relation to the application. He noted that he and his fellow Local Member, Councillor A Hopgood still had concerns as regards the application. He explained that Councillor A Hopgood had requested the Committee return to the site in order to observe a vehicle drive through the garage to gain access to the rear. He noted that this request was rejected. Councillor M Wilkes noted that the proposed parking arrangements were similar to the extant permission, yet the arrangement had not been taken up and no one had parked to the rear of the property for 20 years. He added that neither the Committee nor Local Members had seen if a vehicle could negotiate the narrow garage to access the rear of the property.

Councillor M Wilkes noted that the Council's Policy 2018 was for a garage of 3m in width, with the garage within the application being 2.25m, with a likely internal width of around 2.05m. He added he was not convinced as regards the ability to manoeuvre vehicles in the rear garden, given an approximate 10m strip for this purpose. He added that a lack of measurements on the amended plans did not help in understanding the issues with the proposed parking arrangements. Councillor M Wilkes noted that, accordingly, he was not sure if there was sufficient room in order for people to be able to get in or out of a vehicle parked in the rear garden. He added that even if the sizes were at minimum Council standards, he did not feel that the Committee could make a valid decision without dimensions set out clearly and that it would be almost certain that the proposed parking provision would not be used.

Councillor M Wilkes noted that in addition he felt that there would be safety issues in terms of being able to access the garage from the heavily used main road, with potential occupants having to open the garage doors for each and every journey. He added that he still felt that the application was in breach of saved Local Plan Policies T1 and H9, relating to parking and sub-division of properties that would adversely affect the amenity of nearby residents.

Councillor M Wilkes noted that should Members be minded to approve the application, he felt that a condition should be in place to have the garage doors interlinked to facilitate access to and from the busy main road.

He concluded by noting that given the lack of details in terms of measurements and lack of space to the rear for manoeuvring of vehicles that he could not see how the development as proposed could get past intelligent people such as those comprising the Planning Committee and asked that the application be refused.

The Chairman thanked Councillor M Wilkes and asked Officers to respond to the points raised.

The Highways Development Manager, John McGargill noted that a number of issues had been raised at the previous Committee meeting, and he reiterated that there was the extant permission in terms of the parking arrangements for the hairdressing training centre that had not been put into effect. He added that Officers could not restrict the number of vehicles relating to a property. The Highways Development Manager noted that he had measured the width of the garage, being 2.35m and explained that popular vehicle models, such as a Nissan SUV, were around 2m wide, with a Ford Fiesta being 1.8m wide. He noted that while it could feel uncomfortable for a driver to negotiate, it was still possible to drive through the garage to access the rear garden.

In terms of manoeuvring, the Highways Development Manager noted that the proposed area available at the rear garden was 10m, with an example given that in supermarket car parks, the space available was around 6m, less than as proposed within this application. He added that the Council's policy in terms of a 3m width was for new garages from January 2019 onwards, the existing garage pre-dating this. The Highways Development Manager concluded by noting that the applicant had volunteered the additional parking to the rear, adding that the Highways Section had been satisfied with the application as previously submitted given the sustainable location and the provision of parking in the area.

The Planning Officer noted she did not have any additional comments in terms of the parking arrangements further to the Highways Development Manager, other than to note the plans provided were to scale and that the Applicant had sought advice from the Highways Section when drawing up the proposed scheme. She reminded Members that the only access to the rear garden was via the garage, with no access from Alexandra Close. She noted that the garage doors would be as existing, with no scope for conditioning differently, standard garage doors. The Planning Officer noted that as a proposed HMO with 8 bedrooms it was more likely that any vehicles would be smaller in nature, and reiterated that the location was highly sustainable in terms of transport and amenities.

The Chairman thanked the Officers and asked Members of the Committee for their comments and questions.

Councillor O Temple noted that he had proposed deferral of the application at the last meeting of the Committee in order to look to address the parking concerns that had been raised.

He noted that the potential solutions discussed at that meeting had been in terms of parking within the rear garden and the Applicant had reflected within their amended application all of the points raised by the Committee previously, parking to the rear, access through the garage and electronic garage doors. He noted that he had parked for many years in a similarly sized garage with a standard door and, while narrow, it was possible to use.

Councillor O Temple noted that as the Applicant had conformed to the requests of the Committee he proposed that the application be approved as set out within the Officer's report. He was seconded by Councillor J Clark.

**RESOLVED**

That the application be **APPROVED** subject to the conditions as detailed in the Officer's report.

**b DM/18/03552/FPA - 51 Whinney Hill, Durham, DH1 3BD**

The item had been withdrawn.