

City of Durham Parish Council

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2 March 2020

Dear Planning Committee Member,

In accordance with the Local Government Act 1972 I hereby give you notice that a meeting of the **Planning Committee** will be held in **Office 2, Clayport Library Building at 14:00** on **Friday 6 March 2020** to transact the following business:

- 1. Welcome and apologies**
- 2. To receive any declarations of interest from members.**
- 3. To receive and approve as a correct record the minutes of the meeting on 21 February 2020.**
- 4. To receive any public participation comments on the following agenda items.**
- 5. Matters arising:** to approve responses on the following planning applications (for text see Parish website):
DM/20/00262/FPA | Erection of part two-storey/part single-storey extension at rear of existing small HMO (use class C4). | 75 Whinney Hill Durham DH1 3BG
DM/19/03159/FPA and DM/19/03160/AD - The Curious Mr Fox, Units 35A-C The Riverwalk Millburngate Durham DH1 4SL
- 6. Resisting conversions of family homes to student accommodation**
 - a. Extending the area covered by the Article 4 Direction to the remainder of the Parish: progress report.
 - b. Further advice on estates covenants.
- 7. County Durham Plan:** To note the Inspector's Note 21 and the County Council's response, and consider what further steps may be necessary.
- 8. Neighbourhood Plan Consultation:** Consideration of the responses to the Regulation 16 Consultation and communications from the Independent Examiner.
- 9. New County HQ on the Sands (planning reference DM/18/02369/FPA)**
- 10. To consider these planning applications** (the date in brackets is the deadline to call to committee):
 - a. To note the following**
DM/20/00083/TPO | Remove deceased branch from 1 no. Maple tree | 15 Faraday Court Nevilles Cross Durham DH1 4FG (16 March)
DM/20/00240/CEU | Certificate of lawfulness application for an existing use for the change of use of C3 Dwellinghouse to large HMO (Sui generis) | First And Second Floor Flat 89A Claypath Durham DH1 1RG (11 March)

DM/20/00378/FPA | Two-Storey Side and Rear Extensions plus Single-Storey Rear Extension | 3 The Grove North End Durham DH1 4LU (17 March)

DM/20/00472/TPO | Fell 1 no. Ash (T1) and remove 1 stem to 1 no. Cherry (T2) | St Cuthberts Hospice Park House Road Durham DH1 3QF (20 March)

b. To consider making representations on the following

DM/20/00102/FPA and **DM/20/00185/LB** | Change of use from retail to C4 HMO with 4 bedroom units | 44 Saddler Street Durham DH1 3NU (19 March)

DM/20/00165/FPA | Proposed retention of 2 no. timber dugouts erected to the north west of the existing artificial turf pitch. | Durham School Quarryheads Lane Durham DH1 4SZ (6 March)

DM/20/00341/AD | Display of 1 no. advertisement board for the Three Tuns Student Accommodation development. | 10 New Elvet Durham DH1 3AQ (18 March)

DM/20/00387/FPA | Erection of two detached Houses in Multiple Occupation (Use Class C4) | Land To The West Of The White House Newcastle Road Crossgate Moor Durham DH1 4HZ (18 March)

DM/20/00431/FPA | Conversion of garage/workshop to 2 bedroom cottage | 67 Hallgarth Street Durham DH1 3AY (18 March)

DM/20/00525/FPA and **DM/20/00526/LB** | Replacement of existing single patio door and side windows with double patio doors in existing opening and internal alterations to ground floor layout. | Bede Rest Beech Crest Durham DH1 4QF (20 March)

DM/20/00536/FPA | Single storey rear extension with first floor terrace above | Deynhouse Deyncourt Durham DH1 3QB (19 March)

c. To consider whether any further action is necessary following the refusal of the appeal for 24 Nevilledale Terrace Durham DH1 4QG (reference DM/19/01418/FPA)

11. Review of Looking Forwards document to assist in the formation of the Parish Council Strategy 2020/21.

12. To consider making representations on the following Traffic Regulation Order consultation:

Durham City South West, Parking and Waiting Restrictions Order 2013, Amendment Order No 1 Order 2020 – report included.

13. Dates of future meetings

20 March 2020 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

Thursday 2 April 2020 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

And, pursuant to the provisions of the above-named Act, I Hereby Summon You to attend the said meeting.

Adam Shanley
Clerk to the City of Durham Parish Council

City of Durham Parish Council

Minutes of Planning Committee meeting held at 14:00 pm on Friday 21st February 2020 in Office 2, Clayport library building, 8 Millennium PI, DH1 1WA.

Present: Cllr R Cornwell (in the Chair), Cllr J Ashby, Cllr V Ashfield, Cllr L Brown, Cllr G Holland and Cllr C Reeves

Also present: Parish Clerk Adam Shanley and Cllrs E Ashby (as a member of the public) and A Doig (as a Trustee of the Neville's Cross Community Association)

1. Welcome and apologies

Apologies were received from Cllr J Elmer.

2. To receive any declarations of interest from members.

Cllr L Brown declared an interest in discussions on planning application DM/20/00066/FPA.

3. To receive and approve as a correct record the minutes of the meeting on 7 February 2020.

The Minutes of the meeting held on 7th February 2020 were unanimously agreed as a true and accurate record of proceedings.

4. To receive any public participation comments on the following agenda items.

Cllr E Ashby advised that she was attending the meeting to hear discussions on applications DM/20/00066/FPA, DM/19/03159/FPA and DM/19/03160/AD.

Cllr A Doig advised that he was hear to provide feedback on application DM/20/00066/FPA.

5. Matters arising:

- a.** to approve the following responses (for text of letters see Parish web site):
 - DM/19/03967/FPA** | Change of use of first floors from retail to 5 no. HMO studio apartments | 9 And 9A Silver Street Durham DH1 3RB (follow-up letter). The response to this application was **agreed** by the Committee.
 - DM/20/00191/FPA** | Two story rear extension and a change of use from a C3 family house to a C4 HMO. | 34 The Hallgarth Durham DH1 3BJ. The response to this application was **agreed** by the Committee.
 - DM/20/00235/FPA** | Change of Use from existing 6 bed small HMO (use class C4) to 8 bed large HMO (sui-generis) | 35 Hawthorn Terrace Durham DH1 4EL. The response to this application was **agreed** by the Committee.
- b.** Further update on application **DM/19/03806/FPA** | Change of use of dwelling (Use Class C3) to small House in Multiple Occupation (Use Class C4) | 7 Wearside Drive Durham DH1 1LE. The Committee noted that the application had now been granted by the officer. The Chair advised that Cllr J Ashby had circulated the officer's report ahead of the meeting and this raised a number of wider issues regarding how the interim policy is implemented and the data used in determining this application. It was **agreed** that Cllr J Ashby should formulate an agreed updated response on this application and that this should be sent to the case officer and senior planning officers at Durham County Council.

- c. Update on **DM/20/00066/FPA** | Erection of community centre building with associated bin store and cycle parking | Lowes Barn Recreation Ground Park House Road Durham DH1 3QF (11 February). Cllr A Doig advised that this application will now be withdrawn and a new application under the name of the Chair of the Nevilles Cross Community Association would be submitted. Cllr A Doig advised that the original application submitted in the name of the Parish Council as the applicant was an error.

Cllr E Ashby advised that she felt that the application ought not to have been validated in the first instance by the planning department as the section relating to the ownership of the land in question had not been completed.

It was **agreed** that the Planning Committee await a new application for this scheme. The Chair reminded Members that at the Parish Council planning committee meeting on 7th February when this application was originally considered, the Committee had agreed that it is minded to support the application.

6. Resisting conversions of family homes to student accommodation

The Chair reminded Councillors that the issue of restrictive covenants had been discussed at a recent Parish Council Planning Committee and that the query was raised as to whether such covenants are both enforceable and of material planning grounds to refuse a change of use application. The advice received is that restrictive covenants are rules preventing certain things from being done on the land. If imposed correctly they constitute a personal contractual relationship between two people i.e. the original vendor and the purchaser. The Parish Council should instead investigate extending the article 4 direction to cover the other parts of the Parish.

Cllr L Brown advised that she was already looking into this with officers at the County Council in her role as a County Councillor.

The Chair also advised that he had been made aware of estates covenants which may be enforceable by neighbouring properties.

It was **agreed** that the Clerk should seek further legal advice on the matter of the identification and enforceability of estates covenants.

It was also **agreed** that representatives of the Parish Council discuss with DCC the current position and the steps necessary to extend Article 4 coverage as outlined in the above report. The results of these discussions will be reported to the Parish Council Planning Committee to decide what further action should be taken, including possibly commissioning a planning consultant to assist with the preparation of the evidence base.

7. County Durham Plan

The Committee noted Durham County Council's response to the Inspector's Note 20 (12.02.20).

Cllr J Ashby advised that the next steps would involve the Inspector providing the County Council with a schedule of major modifications to the County Plan. These must be published and the modifications from the County Council must be consulted on for six weeks. The Inspector will most likely be producing his report in May 2020, with the Plan hopefully being adopted at the end of 2020.

8. Update on Neighbourhood Plan

The Clerk advised that the County Council had agreed with the Parish Council's selection of Mr Tony Burton as the Independent Examiner for the Neighbourhood Plan.

The Clerk also reported that the County Council will be providing the Parish Council with the Regulation 16 consultation responses when the full package is submitted to the Examiner.

9. New County HQ on the Sands (planning reference DM/18/02369/FPA)

The Clerk reported that the Parish Council will be notified as to the date and location of the stakeholder engagement meeting with Kier and DCC next week (w/c 24th February 2020).

10. Update on the de-registration of the common land application

The Chair reminded Members that a meeting had taken place between representatives of both the Freemen and the Parish Council and the barrister acting on both parties' behalf on the matter of the de-registration of the common land application. The Chair advised that a copy of the barrister's follow up letter to the Planning Inspectorate had now been circulated and would be discussed at Full Council on Thursday 27th February 2020.

11. To consider these planning applications (the date in brackets is the deadline to call to committee):

a. To note the following

DM/20/00111/PND | Prior notification for the demolition of a block of five outhouses. | 44 Claypath Durham DH1 1QS (comments not invited). It was **agreed** to note this application.

DM/20/00165/FPA | Proposed retention of 2 no. timber dugouts erected to the north west of the existing artificial turf pitch. | Durham School Quarryheads Lane Durham DH1 4SZ (6 March). It was **agreed** to note this application.

DM/20/00197/FPA | New shopfront | 9 The Riverwalk Millburngate Durham DH1 4SL (5 March). It was **agreed** to note this application.

DM/20/00208/AD | 2x fascia signs fixed to the facades of the building and 1x double-sided monolith sign (Mathematical Sciences and Computer Science Building) | Land To The West Of Durham University Mountjoy Research Centre Stockton Road Durham DH1 3UP (25 February). It was **agreed** to note this application.

DM/20/00236/AD | 1 No Non-Illuminated Banner Sign | Covered Market Market Place Durham DH1 3NJ (26 February). It was **agreed** to note this application.

DM/20/00257/CPO | Single storey rear extension. | 12 Chevallier Court Durham DH1 3RF (Not available). It was **agreed** to note this application.

DM/20/00272/AD | Display of 1 no. internally illuminated fascia sign, 1 no. fascia sign and 2 no. menu cases (retrospective). | 13 - 14 North Road (Babylon night club) Durham DH1 4SH (28 February). It was **agreed** to note this application.

DM/20/00330/LB | Replacement of existing roof timbers, relocation and resizing of existing roof opening with new access hatch into roof attic space | Durham University Palace Green Library Palace Green Durham DH1 3RN (2 March or later). It was **agreed** to note this application.

- b. To consider making representations on the following**
DM/20/00139/PNT | Prior notification for the installation of a 20m monopole supporting 3 no. antennas, 4 no. equipment cabinets and 1 no. meter cabinet and ancillary development including 1 no. GPS module. | Land To The East Of The Palatine Centre Stockton Road Durham DH1 3LE (20 February). It was **agreed** to note this application.
DM/20/00262/FPA | Erection of part two-storey/part single-storey extension at rear of existing small HMO (use class C4). | 75 Whinney Hill Durham DH1 3BG (5 March). It was **agreed** to object to this application and it was also **agreed** to call this application to the Central and East Planning Committee should the case officer be minded to approve this application on the grounds that the application is in breach of the interim policy on student accommodation (recently reinforced by DCC). It was **agreed** that Cllr J Ashby would draft the response to this application.
- c. Reconsideration: DM/19/03159/FPA and DM/19/03160/AD** - The Curious Mr Fox, Units 35A-C The Riverwalk Millburngate Durham DH1 4SL. The Committee considered the revised applications and it was **agreed** to maintain the objection to DM/19/03159/FPA and to withdraw the objection to DM/19/03160/AD. It was **agreed** that Cllr R Cornwell should draft the follow up response to DM/19/03159/FPA and that the Clerk should draft the follow up response to DM/19/03160/AD. It was also **agreed** that the Clerk should request that planning enforcement look into this as it was reported that work had already commenced on this premises.

12. Dates of future meetings

6 March 2020 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

20 March 2020 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

2 April 2020 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

There being no further business, the Chair thanked Members for their attendance and closed the meeting.

Signed

Chair of the City of Durham Parish Council Planning Committee

ITEM 12: DURHAM CITY SOUTH WEST, PARKING AND WAITING RESTRICTIONS ORDER 2013, AMENDMENT ORDER NO 1 ORDER 2020

The County Council proposes to make an Order under Sections 1, 2, 4, 32 & 35 and Part IV of Sch. 9 of the Road Traffic Regulation Act 1984, as amended, the effect of which will be to:

1. Introduce No Waiting At Any Time restrictions on:

- the north side of Faraday Court adjacent to the side of No. 45 Faraday Court for 34m
- both sides of Clay Lane and the junction with Faraday Court for 24m
- north east side of the A167 from a point adjacent to the rear of No.12 Dalton Crescent and into
- the junction of Dalton Crescent for 64m
- the north side of Potters Bank into the junction of Westhouse Ave for 20m either side of the junction
- Palatine View both side for its entire length (Summerville) for 62m
- the south east side of A177 from a point adjacent to Southend House in a southerly direction for 57m
- both sides of A177 from a point adjacent to No.6 Southend in a southerly direction for 721m
- the north west side of A177 opposite money slack layby for 36m
- both sides of A177 from the south end of money slack layby in a southerly direction for 589m
- both sides of Howland's Park and Ride access road from the junction with the A177 in a generally southerly direction for 338m
- both sides of The Drive, Mount Oswald from the junction with the A177 for its entire length.

2. Introduce residential permit holders parking only Mon-Sat 8am-6pm on:

- North west side of Durham Viaduct for 60m
- Chevallier Court, Durham for its entire length.