

City of Durham Parish Council

Office 3 D4.01d Clayport Library
8 Millennium Place
Durham
DH1 1WA
Telephone 07704 525630
Email: parishclerk@cityofdurham-pc.gov.uk

20 July 2020

Access details for Zoom Planning Committee meeting:

Join Zoom Meeting

<https://us02web.zoom.us/j/83637600507>

Meeting ID: 836 3760 0507

Dear Planning Committee Member,

In accordance with both the Local Government Act 1972 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of local authority and Police and Crime Panel meetings) (England and Wales) Regulations 2020, I hereby give you notice that a meeting of the **Planning Committee** will be held in **via Zoom** on **Friday 24 July 2020 at 2pm** 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 10 July 2020.**
- 4. To receive any public participation comments on the following agenda items. Please email the Parish Clerk parishclerk@cityofdurham-pc.gov.uk to register to speak.**
- 5. Matters arising:**
 - a. To approve responses on the following planning applications:**

DM/20/01571/FPA | Erection of a single storey extension at rear, internal alterations and enlargement of window also to rear of an existing HMO (use class C4). | 60 Whinney Hill Durham DH1 3BD

DM/20/01655/FPA | Change of use from two-bedroom apartment (Use Class C3) to small House in Multiple Occupation (Use Class C4) | 28 Clements Wharf Back Silver Street Durham DH1 3RP

DM/20/01718/FPA | Temporary change of use of part circulation/amenity space to allow outdoor seating areas (until 30th September 2021) | The Riverwalk Millburngate Durham DH1 4SL

b. To approve the representation on the following appeal:

DM/19/03949/FPA | Change of use from HMO (Use Class C4) to large HMO (sui generis) with two storey rear extension, rooflights and associated external alterations | 55 Hawthorn Terrace Durham DH1 4EQ (30 July)

c. To approve decision not to contest the Officer's recommendation for these applications scheduled for the Central/East Planning Committee on 21 July:

DM/19/03753/FPA - 1-4 Green Lane, Durham, DH1 3JU

DM/20/00340/FPA - 1A - 1F Victoria Terrace, Durham, DH1 4RW

6. Closure of New Elvet Bridge:

a. Verbal report on further discussions with Durham County Council over mitigation measures, and to consider possible further actions.

b. Any matters arising from the first week of the bridge closure.

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

a. To note:

DM/20/01412/FPA | Formation of new door opening from classroom and access stairs to playground | St Oswalds Church Of England Infant And Nursery School Church Street Durham DH1 3DQ (6 August)

DM/20/01825/FPA | Erection of single storey rear extension, single storey side extension, alterations to front window & door. | St Oswalds Church Institute Church Street Durham DH1 3DQ (7 August)

DM/20/01858/TPO | Prune back from house to create 4m clearance to 2 no. Beech (T1 + T2) and prune back from adjacent tree to create 3m gap to 1 no. Sycamore (T3) | 1 Buford Court Albert Street Durham DH1 4TL (4 August)

DM/20/01859/TPO | Remove overhanging limb back to main stem, crown reduce height by 2-3m and prune back from adjacent lime tree by 2-3m to 1 no. Sycamore (T1) | 18 Faraday Court Nevilles Cross Durham DH1 4FG (5 August)

b. To consider making representations

DM/20/01347/FPA | Change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) | 24 May Street Durham DH1 4EN (6 August)

DM/20/01581/FPA | Change of use from shop with ancillary cafe to restaurant (A3 use class) | 19 North Road Durham DH1 4SG (4 August)

DM/20/01606/FPA | Change of use of open space to beer garden including shelving, stools, parasol and metal barriers. | Ebony Unit 8 Freemans Place Durham DH1 1SQ (6 August)

DM/20/01815/FPA | Erection of part two-storey/part single-storey extensions at side and rear of dwelling. | 4 Orchard Drive Durham DH1 1LA (6 August)

DM/20/01846/FPA | Hybrid planning application: detailed planning application for an office block (Class B1) ... and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses | Land At Aykley Heads Durham DH1 5UQ (7 August)

c. To consider making a further representation regarding this application where an appeal has been lodged:

DM/20/01018/FPA | Change of use from C3 Residential Property to C4 Student HMO for 5 Students | 1 Wearside Drive Durham DH1 1LE

8. Main Modifications to the County Durham Plan:

To approve the submissions made on behalf of the Parish Council.

9. Neighbourhood Plan

To note the receipt of the Final Report from the Independent Examiner, and consider next steps.

10. Traffic Regulation Orders

Consideration of Durham South East parking restrictions consultation – report included.

11. Dates of future meetings

Friday 7 August 2020 - 14.00 to 16.00 hrs – via Zoom.

Friday 21 August 2020 - 14.00 to 16.00 hrs – via Zoom.

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 via Zoom at 14:00 pm on Friday 10th July 2020.

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

Also present: Parish Clerk Adam Shanley and Mr John Lowe (member of the public)

1. Welcome and apologies

Apologies were received from Cllr L Brown

2. To receive any declarations of interest from members.

None received.

3. To receive and approve as a correct record the minutes of the meeting on 26 June 2020.

The minutes of the meeting held on 26th June 2020 were unanimously **agreed** as a true and accurate record of proceedings.

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

Mr John Lowe advised that he was attending the meeting to hear discussions on items 7, 8 and 9 of the Agenda.

The Clerk also reported that he had received correspondence from the applicant of planning application **DM/20/01532/FPA** to ask if the Parish Council would consider supporting this application.

5. Matters arising:

a. To approve responses on the following planning applications:

DM/20/01447/AD | To paint The Angel lettering onto front elevation and to re-paint lettering on existing hanging sign Existing hanging sign re-written with "The Angel" | The Angel Inn 53 Crossgate Durham DH1 4PR. The Committee **approved** the response to this application.

DM/20/01487/FPA | Erection of first floor extension above existing single storey extension to rear of existing small HMO (use class C4). | 7 Neville Street Durham DH1 4EY. It was **agreed** to defer a decision on the response to this application as further amends were needed.

b. To approve the decision to make no representation on the following:

DM/20/01423/FPA | The development consists of a two storey extension and a change of use from a 2 storey family house to 2 Flats. | 34 The Hallgarth Durham DH1 3BJ. It was **agreed** that no representation should be made on this planning application.

6. Closure of New Elvet Bridge

The Committee considered the responses from DCC to a number of issues raised in correspondence by the Parish Council regarding the closure of New Elvet Bridge. The Committee welcomed the County Council's decision not to apply the no right turns at The Avenue and Hawthorne Terrace.

The Committee felt that the explanations provided for each concern raised with DCC appeared to be reasonable, however the overall impact of each element of the closure and its associated mitigation measures meant a 14-mile diversion route in one case; something which the Committee felt was unacceptable.

Cllr G Holland proposed that a press release be sent out about this.

It was **agreed** that the Clerk should seek a meeting with DCC officers and representatives of the Parish Council before any press release is sent out.

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

a. To note:

DM/20/01102/TPO | Pruning six trees | University Health Centre Parsons Field Old Elvet Durham DH1 3JX (16 July). It was **agreed** to note this application.

DM/20/01477/FPA | Removal of the external entrance steps, lowering of the entrance area floor level and lowering of external ATM to create inclusive access. | 19 Market Place Durham DH1 3NL (23 July). It was **agreed** to note this application.

DM/20/01495/FPA | Single storey extension to side and rear creating a wrap-around, insertion of rooflights within existing rear extension and demolition of detached garage | 34 Fieldhouse Lane Durham DH1 4LT (20 July). It was **agreed** to note this application.

DM/20/01558/FPA | Replacement of existing sewage treatment plant with new sewage treatment plant. | Sewage Treatment Plant North Of Burn Hall Durham DH1 3SS (23 July). It was **agreed** to note this application.

DM/20/01559/FPA | Two storey and single storey extension to rear, insertion of first floor windows to gable and internal alterations. | Kenilworth Newcastle Road Crossgate Moor Durham DH1 4HZ (21 July). It was **agreed** to note this application.

DM/20/01568/LB | The like for like replacement of sash windows to rear and to change glazing to skin acoustic glass double glazed units (retrospective) | 199 Gilesgate Durham DH1 1QN (23 July). It was **agreed** to note this application.

DM/20/01725/LB | Single storey extension to existing rear lean-to extension, to provide WC facilities, and formation of canopy roof over existing rear entrance | 50 Crossgate Durham DH1 4PS (30 July). It was **agreed** to note this application.

b. To consider making representations

DM/20/01532/FPA | Change of use from Bed and Breakfast to dwelling for use as a holiday let. | Boutique Bed And Breakfast Woodland Barn Darlington Road Durham DH1 3ST (23 July). It was **agreed** to note this application.

DM/20/01571/FPA | Erection of a single storey extension at rear, internal alterations and enlargement of window also to rear of an existing HMO (use class C4). | 60 Whinney Hill Durham DH1 3BD (23 July). It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this application.

DM/20/01655/FPA | Change of use from two-bedroom apartment (Use Class C3) to small House in Multiple Occupation (Use Class C4) | 28 Clements Wharf Back Silver Street Durham DH1 3RP (30 July). It was **agreed** to object to this application. The Clerk **agreed** to draft the response to this application.

DM/20/01718/FPA | Temporary change of use of part circulation/amenity space to allow outdoor seating areas (until 30th September 2021) | The Riverwalk Millburngate Durham DH1 4SL (27 July). It was **agreed** to note this application, subject to further information being provided to show that the seating area followed Covid-19 social distancing regulations. Cllr R Cornwell **agreed** to draft a letter in response to this application.

c. To consider making a further representation on the following appeal:

DM/19/03949/FPA | Change of use from HMO (Use Class C4) to large HMO (sui generis) with two storey rear extension, rooflights and associated external alterations | 55 Hawthorn Terrace Durham DH1 4EQ (30 July). It was **agreed** that the Parish Council should make a further representation on this appeal. Cllr J Ashby **agreed** to draft this letter.

8. Main Modifications to the County Durham Plan:

To consider responses to the following main modifications – schedule attached.

MM	Policy etc affected	Decision on Main Modification response
24	Policy 3, criterion c	The Committee approved the response to this Main Modification.
50	Policy 5, criteria k, l	The Committee approved the response to this Main Modification.
96	Policy 16.3, criterion h	The Committee agreed that there ought to be no upper limit on the % of HMOs within a 100 metre radius of an application site and anything over the prescribed 10% ought therefore to be unacceptable. It was agreed that the response to this Main Modification should reflect this.
98	Policy 16, para 5.153	The Committee approved the response to this Main Modification.

109	Policy 23	The Committee approved the response to this Main Modification.
110	Policy 23, paras 5.224 to 5.246	The Committee approved the response to this Main Modification.
111	Policy 23 monitoring	The Committee approved the response to this Main Modification.
124	Policy 28, para 5.287	The Committee agreed to object to this proposed Main Modification. The Clerk agreed to draft the response to this reflecting this decision.
127	Policy 30	The Committee approved the response to this Main Modification.
134	Policy 30, para 320 and new footnote	The Committee approved the response to this Main Modification.
136	Policy 31	The Committee approved the response to this Main Modification.
149	Policy 46, para 5.483	The Committee approved the response to this Main Modification.
173	Appendix A	The Committee approved the response to this Main Modification.

9. Neighbourhood Plan

The Committee **approved** the responses on the draft report as sent to the Examiner. It was also **agreed** that a further note should be sent to the Examiner regarding the outstanding issue relating to Policy E3 and Proposals Map 6. Cllr J Ashby **agreed** to draft the further note to the Examiner.

10. Dates of future meetings

Friday 24 July 2020 - 14.00 to 16.00 hrs – via Zoom. Cllr J Elmer offered his apologies for this meeting.

Friday 7 August 2020 - 14.00 to 16.00 hrs – via Zoom. The Chair and the Clerk advised that they may be unable to attend this meeting and it was therefore **agreed** that this meeting may be rescheduled closer to the time.

There being no further business, the Chair thanked Members of the Committee and members of the public for their input and attendance and closed the meeting.

Signed,

Chair of the City of Durham Parish Council Planning Committee

ITEM 8: DURHAM COUNTY LOCAL PLAN PROPOSED MAIN MODIFICATIONS

RESPONSES ON BEHALF OF THE CITY OF DURHAM PARISH COUNCIL

MAIN MODIFICATION	COMMENTS BY THE CITY OF DURHAM PARISH COUNCIL
MM8	The City of Durham Parish Council welcomes the windfall allowance being increased from 80 to 100 as this more accurately reflects past rates and reasonable expectations.
MM18	The City of Durham Parish Council supports this Main Modification. It is essential that any non-Class B uses, while providing for the immediate needs of the people who work at the site, does not attract others on to the site to the detriment of the nearby town centres. In addition, by restricting uses to those necessary, more land will be available for the Class B uses and it will not be necessary to seek further land beyond the site.
MM19	The City of Durham Parish Council supports Main Modification 19. With 453 listed buildings in the Parish, including of course the Durham Castle and Cathedral World Heritage Site, and many more non-designated heritage assets, the potential impact of development is of paramount importance to the Parish Council. We therefore welcome the use of heritage impact assessments to guide the determination of planning applications where appropriate.
MM20	The City of Durham Parish Council supports this Main Modification, which builds on MM18. It is essential that any non-Class B uses, while providing for the immediate needs of the people who work at the site, does not attract others on to the site to the detriment of the nearby town centres. We note a transcription error: <i>In come instances</i> should be <i>In some instances</i> , as it is in the Plan itself.
MM23	The City of Durham Parish Council supports the intention to ensure that Policy 3 is effective in securing the provision of a readily recognisable and permanent Green Belt boundary to the Aykley Heads site. It would be consistent and logical to have the same provisions in the other two cases of removal of land from the Green Belt, namely Sniperley Park and Sherburn Road, but the Parish Council recognises that these sites are in adjacent Parish Council jurisdictions.
MM24	The City of Durham Parish Council supports MM24, which is in accordance with comments we made earlier in the Examination.
MM25	The City of Durham Parish Council supports Main Modification 25. The protection of the Durham Castle and Cathedral World Heritage Site is of paramount importance to the Parish Council. We therefore welcome the heightened protection that this main modification gives, by the addition of the word <i>special</i> to the original text.
MM27	The City of Durham Parish Council welcomes this Main Modification, in particular its acceptance that major investors and prestige businesses are not exempt from measures to promote walking, cycling and public transport use and strictly limit the provision of car parking spaces.
MM29	The City of Durham Parish Council supports Main Modification 29. The protection of the Durham Castle and Cathedral World Heritage Site is of paramount importance to the Parish Council. We therefore welcome the heightened protection that this main modification gives, elaborating as it

	does on the wording of Policy 3. These are, rightly, very high tests and they are needed to protect this unique asset.
MM30	<p>The City of Durham Parish Council welcomes the proposed Modification to Paragraph 4.58. The County Council should incorporate into paragraph 4.58 as modified the reasoning in the Inspector's Action Point 12 as follows <i>in bold italics</i>:</p> <p>4.58 Aykley Heads' location in close proximity to the city's railway and bus stations and on key bus routes, including those used for the Park and Ride, provides excellent access to public transport. New walking and cycle routes will connect the site to surrounding housing, Wharton Park, the railway station and the city centre. In order to ensure that the traffic associated with the new businesses does not have unacceptable impacts on the existing road network <i>lead to an increase in traffic on the local road network</i> we will endeavour to reduce parking provision to the absolute minimum required to serve the proposed development and as a maximum will limit the number of spaces to no more than the current provision of 1,281 spaces.</p>
MM31	<p>The City of Durham Parish Council greatly welcomes this Modification as it now aligns the supporting text with the capacity of the site designated in Policy 3 and removes the implied intention of the County Council in future to extend the Aykley Heads Strategic Employment Site into the Green Belt.</p> <p>The reference in the Foreword to 6,000 jobs on this site needs to be changed to 4,000 jobs; this needs to be effected by the Council by inclusion in its proposed Minor Modification.</p>
MM47	<p>The City of Durham Parish Council supports Main Modification 47, which relates to the development at Sniperley Park. The protection of the Durham Castle and Cathedral World Heritage Site is of paramount importance to the Parish Council. We therefore welcome the rewriting of Policy 5 to change the neutral wording to a recognition of the unique value of the WHS which requires special protection.</p>
MM50	<p>The City of Durham Parish Council greatly welcomes the removal of the proposed relief roads, but we strongly disagree with the approach now proposed, that of various un-integrated measures aimed at increasing overall car traffic flow. Instead, it is vital that actions and projects are designed to deliver the long term objectives of a holistic Transport Masterplan for Durham City.</p> <p>The existing Durham City Sustainable Transport Delivery Plan has many welcome components but is positioned as being dependent on the proposed Northern Relief Road that has now been deleted from the County Durham Local Plan. Reference within MM50 to the Durham City Sustainable Transport Delivery Plan therefore needs to be deleted.</p> <p>MM50 is in any case deficient as it has lost the text identifying Section 106 as the source for the required contribution to the implementation of the Durham City Sustainable Transport Delivery Plan. Section 106 contributions to the implementation of a Transport Masterplan for Durham City should be required from the developers of Sniperley Park if that scheme is retained in the County Plan.</p> <p>We do not agree that the Sniperley Masterplan proposed in Policy 5 should go beyond the Sniperley roundabout; it should not attempt to</p>

	<p>include capacity improvements along the A167 corridor from Neville's Cross to Sniperley as this is merely one element of addressing a truly sustainable transport masterplan.</p> <p>We therefore support the deletion of proposed criterion l and propose a revised main modification to criterion k, as follows:</p> <p><u>k. To ensure that there are no unacceptable impacts on highway safety or severe residual cumulative impacts on the wider road network (in terms of capacity and congestion), full details of all necessary on- and off-site highway works and improvements, together with a timetable for their implementation, shall be agreed with the Council as part of the comprehensive masterplan and any future planning applications for the Sniperley Park site. These works and improvements shall include, but not be limited to: upgrade and realign Trout's Lane and Potterhouse Lane from the A691 to Pity Me Roundabout, improving access into the site and forming part of the Northern Relief Road, with</u></p> <ul style="list-style-type: none"> • <u>a new roundabout provided at the junction of Trout's Lane, Potterhouse Lane and on the B6532; and forming the northern boundary of the development.</u> • <u>a new link between the B6532 and the A167 park and ride roundabout.</u>
MM52	<p>The City of Durham Parish Council supports Main Modification 52, which relates to the proposed 'sustainable urban extension' at Sherburn Road. The protection of the Durham Castle and Cathedral World Heritage Site is of paramount importance to the Parish Council. There are views to and from the WHS from the road leading to Old Durham. We therefore welcome the rewriting of Policy 59(o) to add the desirable aim of totally avoiding any adverse impacts on the inner setting of the World Heritage Site</p>
MM89	<p>The City of Durham Parish Council welcomes this Modification to introduce a new paragraph specifying that 66% of dwellings should be built to M4 (2) accessible and adaptable standard. Whether the paragraph fits best at 5.107 will become clear in compiling the final County Durham Local Plan document.</p>
MM93	<p>The City of Durham Parish Council strongly supports this Modification which restores the approach adopted in the Interim Policy on Student Accommodation. This main modification would ensure consideration is given to the amount of student accommodation within the vicinity of an application site and therefore ensures the policy considers the impacts of an extension on the residential amenity of nearby properties and the character of the area.</p>
MM95	<p>The City of Durham Parish Council supports this Modification which restores the approach adopted in the Interim Policy on Student Accommodation. This main modification would ensure consideration is given to the amount of student accommodation within the vicinity of an application site and therefore ensures the policy considers the impacts of an extension on the residential amenity of nearby properties and the character of the area. However, this support should not be construed as support for MM96.</p>
MM96	<p>The City of Durham Parish Council and City of Durham Trust both agree on the importance of stopping the loss of family homes in the City. We</p>

have consulted each other extensively on the most appropriate wording and have agreed this common representation.

We appreciate that Durham County Council is proposing to set a very high bar before any consideration can be given to making exceptions to Policy 16.3. This is a welcome initiative to address the problems arising from a number of specific Appeal decisions that turned on the lack of definition of a threshold for exceptions in Submitted Policy 16.3.

The Parish Council and the Trust note that the County Council is not proposing any Main Modifications to Paragraph 5.160. As it stands Paragraph 5.160 makes the case for there occasionally being circumstances where an exception could be made to the main terms of Policy 16.3. The Parish Council and the Trust believe that, fundamentally, Paragraph 5.160 sets out the correct approach of acknowledging possible circumstances where an exception to policy could be justified. By their very nature, exceptions really ought not to be embedded into a policy. Our strong preference, therefore, is that the exceptions part of Modified Policy 16.3 i.e. the text beginning "However..." and ending in "area" is removed altogether.

This is on the grounds that MM96 as drafted could allow landlords and developers to push through to 100%. Further, they will push for 'just one more' if the threshold of 90% hasn't quite been reached. The proposed figure of 90% could be eroded downwards to 80% or 70% on exactly the arguments put forward in Main Modification 96. The Parish Council's and the Trust's primary position is that MM96 should be struck out (which makes MM95 unnecessary). However, if that course of action is not taken, then the Parish Council and the Trust would wish to see some amendments under MM96 that firm up the considerations that need to be applied. Our reading of MM96, in the context of what was originally proposed, is that revised criterion (h) only comes into play when the concentration exceeds 90%, and in that case further criteria also have to be met. The intention is surely that there is no automatic right to create or extend an HMO once the percentage exceeds 90%; applications will only be considered at that point for an exception to be made if they meet specified conditions. This may not be as clear when the revised text is read on its own so we consider that the following text would clarify this part of the policy without changing what is intended:

"However, new build Houses in Multiple Occupation, extensions that result in specified or potential additional bedrooms or a change of use to a House in Multiple Occupation would not be resisted in the following circumstance: only be entertained if the applicant can satisfy all of the following:

(h) Where that all the foregoing criteria (d) to (g) are met and where:

(i) an area already has such a high concentration in excess of 90% of council tax exempt properties (Class N),

(ii) that and this is having an unreasonable impact on current occupiers,

(iii) and that the conversion of remaining C3 dwellings will not cause further detrimental harm to the residential amenity of surrounding occupants; or

(i) Where an existing high proportion of residential properties within the 100 metres are exempt from council tax charges (Class N), on the basis that commercial uses are predominant within the 100 metre area.

The exemption set out at criterion (h) will not be engaged in these cases unless it can be shown that it would be engaged without the presence of the PBSA within 100 metres."

This revised wording, along with supporting text as suggested below, would make the policy clearly written and unambiguous, so it would be evident how a decision maker should react to development proposals, as required by the NPPF paragraph 16(c).

However, we don't find criterion (i) clear and unambiguous; in fact we don't understand it. We feel a decision-maker could have a similar difficulty, and consequently the criterion fails the requirement in NPPF paragraph 16(d) that policies should be clearly written and unambiguous. If criterion (i) is to be retained / revised in some form, the phrase high proportion should be replaced by in excess of 90%.

The Parish Council and the Trust consider that further guidance is needed in supporting text to deal with the way PBSAs can have a very high number of Class N exemptions in a single place. The Appendix [at the end of this document for technical reasons] gives some examples of how this can result in surrounding properties being in an area with more than 90% council tax exempt properties, but this may not cause the unreasonable impact that the policy describes. The suggested supporting text is in a new paragraph 5.160(e) below.

"5.160(a) The council would like the areas with high concentrations of HMOs to become more mixed. However, there may be some cases where localised communities are already so imbalanced that the policy objective of protecting a balance is unlikely to be achieved. In these cases owners of Class C3 dwellings may find difficulty in finding a purchaser for continued Class C3 use and may therefore wish to change to Class C4/HMO use. In considering whether to make an exception in such cases the council will have regard to:

- **whether the proportion of existing Class N council tax exempt properties within 100 metres of the application site is in excess of 90% and their impact upon the character of the area in terms of whether such a concentration might be likely to affect adversely the amenity of normal family life; or**
- **there is documented evidence of unsuccessful active marketing of the property as a Class C3 dwelling, with at least one recognised estate agent at local market levels, over a continuous period of at least 12 months; or**
- **other circumstances where the applicant can provide evidence which confirms that the policy restriction is causing severe personal hardship.**

5.160(b) The threshold for considering exceptions is set at percentages in excess of 90% with conditions to ensure that

remaining residents are protected. Even if the percentage of properties within 100 metres exceeds 90% a number of non-HMO residential properties remain and, as such, there is merit in seeking to retain C3 properties in the area for long term council tax paying residents, who provide greater social investment in the area helping to create, strong, vibrant and healthy communities as required by the NPPF. There is always potential for improvement to and a re-balancing of the housing mix, but this can only be realised through stringent protection of those remaining C3 properties in the area from being lost to HMO development. Accordingly, there is no automatic right to create or extend an HMO once the percentage exceeds 90%; applications will only be considered at that point for an exception to be made if they meet the specified conditions.

5.160(c) Residential amenity is a crucial consideration in relation to HMOs. Such accommodation is heavily associated with typically younger tenants, higher density occupation and activities that are less structured than that of typical families and working individuals. This creates noise and disturbance that impacts on the quality of life of neighbouring residents. Furthermore, planning conditions cannot address other identified problems of unoccupied properties out of term time, or negative impacts on community spirit amongst remaining permanent residents, particularly given the transience of the student population.

5.160(d) It is unreasonable to assume that these impacts are not felt by permanent residents when the percentage of HMOs in an area is over 90%. Indeed, routinely dismissing areas where even just 1 in 10 dwellings are occupied by full time residents would be a disservice to these residents and would have a negative transformative effect across Durham City, where some pockets of community still remain established, despite being in the minority, but would become particularly vulnerable to continued erosion of their community through ongoing loss of C3 homes. Hence it is essential that protections by way of criteria are applied when exceptions to the 10% threshold in Policy 16.3 are being considered.

5.160(e) The individual student flats and studio apartments in PBSAs are usually registered as separate properties for council tax purposes, and this results in a very large number, sometimes many hundreds, of students claiming Class N exemption from council tax in the same location. This will distort the percentage of exemptions in other properties within 100 metres of the PBSA, and sometimes take it over 90%. The exemption set out at criterion (h) will not be engaged in these cases unless it can be shown that it would be engaged without the presence of the PBSA within 100 metres.”

MM97

The City of Durham Parish Council strongly supports these new paragraphs explaining very clearly why HMO extensions need to be considered as part of Policy 16.3.

<p>MM98</p>	<p>The City of Parish Council considers that properties that have not yet been occupied should also be excluded from the calculation when assessing the percentage of student exempt properties, for two reasons:</p> <ul style="list-style-type: none"> • As the two examples given below show, it can be many months if not years before a permission is implemented. • Until a property is actually occupied, in most cases it cannot be inferred whether the first occupants will be students or not. <p>We suggest that the point at which a property enters the calculation would be when it becomes liable for Council Tax, having been occupied.</p> <p>Two recent planning applications illustrate the issues:</p> <p>DM/20/01018/FPA: The Charles Church development at The Sands, now called Edmunds Vale, lies within 100 metres of this application for 1 Wearside Drive. There are 35 dwellings here, of which 22 are still listed as being for sale. When added to the 35 long-standing dwellings also within 100 metres of 1 Wearside Drive, the percentage of student exemptions falls below 10% even taking into account two recent permissions not yet implemented.</p> <p>DM/20/00911/FPA: Somewhat surprisingly the percentage of student exemptions within 100 metres of this conversion of the upper storeys of 9/9a Silver Street was only 75%. The reason appears to be that the studio flats above the old Post Office, almost opposite, have not yet been occupied. They are advertised as student lets. The consequence is that we could argue that the exemption where almost all properties on the area are occupied by students does not apply.</p> <p>It should be remembered that the calculation is of the percentage of properties where a Class N exemption applies. Some of these could well be in Use Class C3, if they are flats occupied by one or two students sharing. There have been a number of cases recently where developers, refused permission for an HMO or a group of HMOs, have brought forward plans for the same site comprising studio flats with essentially the same number of bedrooms as the unsuccessful application. These include a number of permissions granted well over a year ago, for example Holly Street and 24 The Avenue.</p>
<p>MM103</p>	<p>The City of Durham Parish Council supports these consequential deletions of text supporting Policy 21 that Main Modification 102 deletes.</p>
<p>MM106</p>	<p>The Parish Council generally supports Main Modification 106, but feels that the second bullet point needs to be made tougher for these reasons:</p> <ol style="list-style-type: none"> 1. Pavement parking does not only cause harm to amenity. For wheelchair users, and parents and carers with buggies and pushchairs, it can be an obstruction causing them to divert into the road in order to progress, with an obvious extra danger. 2. In cases where the bullet point says that parking should be avoided, physical means, e.g bollards, should be used to prevent pavement parking, and double-yellow lines and the resourcing of enforcement measures should be used to discourage on-street parking.

	<p>We have seen the wording proposed by the City of Durham Trust and support it. To it we would add the following in order to address our point (2):</p> <p style="text-align: center;"><u>Where practical, physical means should be used to prevent pavement parking.</u></p> <p>The Parish Council supports the intention to develop a Parking and Accessibility Supplementary Planning Document and would welcome the opportunity to contribute suggestions at an early stage in its development.</p>
MM109	The City of Durham Parish Council strongly supports this main modification, which implements the changes necessary consequent on the removal of the Northern and Western Relief Roads from the Plan.
MM110	The City of Durham Parish Council warmly welcomes MM110 for deleting virtually all of the texts about the Western and Northern Relief Roads. However, paragraph 5.238 should also be deleted as it is describing issues in terms that sought to justify the building of the Western and Northern Relief Roads. Instead, reference under the heading A167 Congestion could be to acknowledge the need for the Sniperley Park Masterplan to address issues in that location and that congestion issues on the A167 will be included along with traffic and transport issues in a comprehensive Transport Masterplan for Durham City.
MM111	The City of Durham Parish Council supports the proposed deletions of indicators and targets that related to the two relief roads that are now deleted. Proposed Target 5 is supported. Indicator 5 should be modified simply to state: <u>5. Level of traffic in Durham City.</u>
MM124	The City of Durham Parish Council very much regrets the wording of this Main Modification and feels that the proposed phrase "where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation" may actually be viewed as an invitation by developers to demonstrate that high speed broadband is not possible. Of course, in certain areas the provision of high speed broadband is not always possible but this should only be viewed as an exceptional circumstance. It is essential that the County Council requires all new developments to be served by a high speed broadband connection and that evidence in exceptional cases where this is not possible must be clearly demonstrated to the County Council to show that this is the case.
MM127	<p>The City of Durham Parish Council considers that the delay proposed in this MM should be changed from one year to six months. This is for two reasons.</p> <p>First, the Nationally Described Space Standards were published on 27 March 2015 and amended on 19 May 2016. Many local authorities have already implemented them, and the Council's Residential Internal Space Standards evidence base clearly articulates the need for applying NDSS in County Durham. These standards therefore should not have come as a surprise, certainly not to mass market volume builders.</p> <p>Secondly, the delay caused by the coronavirus pandemic has increased the time between the publication of the main modifications and the eventual adoption of the Plan but planning for new building will have been able to continue. This delay should be discounted against the one year originally proposed in the main modification.</p>

MM134	<p>The City of Durham Parish Council considers that the delay proposed in this MM should be changed from one year to six months. This is for two reasons.</p> <p>First, the Nationally Described Space Standards were published on 27 March 2015 and amended on 19 May 2016. Many local authorities have already implemented them, and the Council's Residential Internal Space Standards evidence base clearly articulates the need for applying NDSS in County Durham. These standards therefore should not have come as a surprise, certainly not to mass market volume builders.</p> <p>Secondly, the delay caused by the coronavirus pandemic has increased the time between the publication of the main modifications and the eventual adoption of the Plan but planning for new building will have been able to continue. This delay should be discounted against the one year originally proposed in the main modification.</p>
MM135	<p>The City of Durham Parish Council suggests that Policy 31 as modified with the words "will be carefully considered" might give an impression that some proposals are not carefully considered. We suggest that the phrase "planning applications for A5 uses will <u>be carefully considered</u>" should be replaced with "planning applications for A5 uses will <u>be assessed against these criteria.</u>"</p>
MM136	<p>The City of Durham Parish Council supports this main modification, which clarifies which colleges would be covered by this policy, an issue raised by the Parish Council during the consultation.</p>
MM147	<p>The City of Durham Parish Council fully supports Main Modification 147, because we agree that the loss of hedges, or loss or damage to trees of high landscape, heritage, amenity or biodiversity value should be retained in every possible circumstance.</p>
MM149	<p>The City of Durham Parish Council raised the issue of the enlargement of the WHS during the consultation, and is pleased this main modification has come forward and naturally supports it.</p>
MM178	<p>The Parish Council supports this Main Modification, but feels that an extra entry is needed in the glossary for the term <i>Blue Infrastructure</i>. Somebody reading the Plan and coming across this term might turn to the Glossary to find out what it means, and might well not notice that this is included in the definition of <i>Green Infrastructure</i>. It needs its own definition.</p> <p>The wording in the entry for <i>Green Infrastructure</i> is fine, and we agree it should say that this encompasses Blue Infrastructure.</p>

Main Modification 96: Appendix

The developers of purpose built student accommodation (PBSA) register each unit in their developments with the Valuation Office Agency (VOA) as an individual dwelling and this leads to a very large number of properties that when occupied by students are exempt from Council Tax.

This is compounded because the PBSA location is recorded by the Ordnance Survey as a single point, and this location is used in the Council's GIS system. Consequently the number of exempt properties in a PBSA can swamp the surrounding area and take it over the 90% figure. The examples below illustrate this point. The property details are obtained via a search on the VOA website, see <http://cti.voa.gov.uk/cti/InitS.asp?lcn=0>

Duresme Court

Grid reference: 426141.94, 542012.14

Number of properties: 273, all band B

Other properties within 100m: George Street, Cross Valley Court, Ward Court, Monument Court

Neville House, Sheraton Park

Grid reference: 426383.00, 541675.00

Number of properties: 65, bands A-D

Other properties within 100m: Kirkwood Drive, Ellam Drive, Dalton Crescent, Clay Lane

Sheraton House, Sheraton Park

Grid reference: 426403.00, 541588.00

Number of properties: 39, bands A-D

Other properties within 100m: Kirkwood Drive, Ellam Drive, Dalton Crescent

New Kepier Court

Grid Reference: 427875.61, 542847.84

Number of Properties: 127, bands B-D

Other properties within 100m: Wear View, Kepier Terrace, Mayorswell Close, Hillcrest

The first three are shown on the map on the following page.

As an illustration of what can happen, there are eight properties in Cross Valley Court, a small development just to the north of Duresme Court. Six of them are within 100 metres of the centre point of Duresme Court, and much closer to its northern block. These six are within 100 metres of between 18 and 25 other properties which would mean that the total number of properties will be between 291 and 298 and if all the studios in Duresme Court are Class N exempted, the percentages will be in the range of 91.6% and 93.8%, even if all the other properties do not have students living in them.

100m round Duresme Court, Neville House and Sheraton House



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ITEM 10: TRAFFIC REGULATIONS ORDERS – DURHAM SOUTH EAST PARKING RESTRICTIONS

The County Council has contacted the Parish Council regarding proposals for parking restrictions in the Durham South East area at three locations. These are New Elvet, The Hallgarth Area and Hallgarth View.

A summary of these proposals is set out below and maps are also attached. The Parish Council has been consulted and is invited to make any comments on these proposals by 4th August 2020.

Hallgarth View

Proposed extension to existing 'No Waiting At Any Time' parking restrictions (Double Yellow Lines) on the north side of Hallgarth view, extending around the turning head.

There has been a request to introduce restrictions at the proposed above location in order to reduce obstructive parking within the cul-de-sac. This is due to excessive parking in the area which has led to near misses and accesses being blocked by parked vehicles. There is alternative parking in the area.

The Hallgarth Area, Whinney Hill

A new layby for the proposed restriction of 'Permit Holders Only (B Zone) or Pay and display between the hours of 8am and 6pm'. This location is opposite the rear of the prison, just off from The Hallgarth.

There has been a request to offer more parking facilities within the area. This will create four new parking bays.

New Elvet (Outside of shops)

A new layby for the proposed restriction of 'Permit Holders Only (C Zone) or Pay and display between the hours of 8am and 6pm' including the addition of a 'Loading Only' restriction in place of the current 'Blue Badge Holders Only – 3 hours no return within 1 hour'. This location is next to a row of shops on New Elvet.

There has been a request from the shop owners to include a loading only bay outside of the shops in order to make it easier for them to load and unload without having to occupy the parking spaces of the same layby. There is alternative disabled parking within this area.

Within this, the bays will be re-configured to run parallel with the kerb line. This was requested from the police in order to improve road safety in the area as the vehicles will no longer protrude onto the highway which will lead to improved visibility and space for moving traffic, working to improve traffic flow as well. This would however, see a reduction in parking bays from eight to six.