

# City of Durham Parish Council

## Minutes of Planning Committee meeting held via Zoom at 14:00 pm on Friday 15<sup>th</sup> May 2020.

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

**Also present:** Parish Clerk Adam Shanley and Mrs Valerie Standen, Mr John Lowe, Dr Malcolm Reed, Mr Mike Costello and Mr John Pacey (members of the public)

### 1. Welcome and apologies

No apologies received.

### 2. To receive any declarations of interest from members

Cllr L Brown declared an interest in applications DM/20/01129/FPA and DM/20/01107/FPA and took no part in the discussions on these applications.

### 3. To receive and approve as a correct record the minutes of the meeting on 1 May 2020.

The minutes of the meeting held on 1<sup>st</sup> May 2020 were unanimously agreed as a true and accurate record of proceedings.

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

The Clerk advised that he had received further written representations from Mr Anthony Richardson and Mrs Denise Hardie regarding the application for 11 Cedar Drive and that both letters had been circulated ahead of the meeting to all Members.

Mrs Valerie Standen advised that she was attending to listen to discussions on application DM/20/01124/FPA and also advised that she was representing Mr Ross Forbes and Mr Alan Mardghum (both of the Durham Miners Association) who had in turn asked her to put forward their objections to application DM/20/01124/FPA to the Parish Council.

Mr John Lowe advised that he was attending to listen to discussions on item 5b of the Agenda and also all applications under item 9 of the Agenda.

Dr Malcolm Reed advised that he was attending to listen to discussions on item 5b of the Agenda.

Mr Mike Costello advised that he was attending to listen to discussions on application DM/20/01124/FPA.

Mr John Pacey advised that he was attending to listen to discussions on item 5b of the Agenda and also on application DM/20/01107/FPA.

### 5. Matters arising:

#### a. To approve responses on the following planning applications:

**DM/20/00841/FPA** | Two storey rear extension to existing 5 bed small HMO (C4) to allow the creation of a 6th bedroom | 13 Flass Street Durham DH1 4BE. The Committee **approved** the response to this application.

**DM/20/00930/FPA** | Single storey rear extension to existing C4 property | 3 Juniper Way Durham DH1 4GZ. The Committee **approved** the response to this application.

**DM/20/00996/FPA** | Change of use from existing 6 bed small HMO (use class C4) to 7 bed large HMO (use class sui-generis) including erection of single-storey extension to rear, new window to gable elevation and rooflights to accommodate a loft conversion. | 35 Hawthorn Terrace Durham DH1 4EL. The Committee **approved** the response to this application.

**DM/20/01008/FPA** | Erection of community centre building with associated bin store and cycle parking | Lowes Barn Recreation Ground Off Park House Road Durham DH1 3QF. The Committee **approved** the response to this application.

**DM/20/01018/FPA** | Change of use from C3 Residential Property to C4 Student HMO for 5 Students | 1 Wearside Drive Durham DH1 1LE. The Committee **approved** the response to this application.

#### **b. Possible upgrade of the A167: latest information**

Cllr L Brown provided an update to the Committee following her meeting with the relevant DCC Highways Officers regarding the improvements to the A167 last Thursday. Cllr Brown advised that it appeared that Highways have been seriously considering implementing the report carried out by AECOM as an alternative to the Western Relief Road. Cllr Brown advised that this is despite the comment in the summing up of page 23 that the traffic modelling results do not demonstrate an overall improvement to current or future traffic issues.

Cllr Brown advised that Highways are considering putting traffic lights on the Sniperley roundabout which would help with pedestrian and cycle routes. Cllr Brown advised that this is being considered despite p21 of the AECOM report ruling this out due to the complexities of the junction and competing traffic flows. Cllr Brown advised that Highways feel that the benefits outweigh the risks to traffic flows and that she and Cllr Scott agreed with this. Cllr Brown advised that she felt that more attention needs to be given to traffic flows on Southfields Way and that she and Cllr Scott hope to see public transport prioritised above cars and possibly an Integrated Transport System with P&R sites being used as hubs. Cllr Brown advised that she had also publicised the AECOM report to residents along the A167 which has resulted in letters of complaint and suggestions to Highways. Cllr Brown advised that she and Cllr Scott have also asked that the good things in the AECOM report be kept i.e. 30mph limit and Toll House Road junction improvements.

Cllr Brown advised that the meeting had concluded with the agreement that Highways are going to write a report which prioritises pedestrians and cyclists rather than drivers.

Mr John Pacey thanked the Parish Council for their work and advised that, as Chair of the Western Relief Road Action Group, it would be useful to have an early indication from the Parish Council as to whether they would be contracting the services of a professional consultant to look into the proposed improvements of the A167.

The Committee felt that more information as to what is being proposed was needed before committing to such a decision.

Dr Malcolm Reed (member of the public and former Director of Transport Scotland) offered his services free of charge to the Parish Council and offered to draft a brief for any transport consultant to look into the issue of the A167. Mr Reed advised that he would be able to make this available to the Parish Council by mid-June. The Chair thanked Dr Reed for his kind offer and it was **agreed** to

allow Dr Reed to draft this brief for the Parish Council and to await further information of definitive proposals on the A167 from DCC.

## 6. Treatment of newly built properties

The Chair reminded Councillors of the recent correspondence regarding the determination of application planning application DM/19/03806/FPA for 7 Weardale Drive (now granted).

The officer's delegated report for this application raised wider matters of policy application and development management which the Parish Council highlighted to the County Council's Planning Department.

The application was granted largely because the percentage of properties benefiting from a class N exemption from Council Tax was below the 10% threshold contained in the Interim Policy of Student Accommodation. This percentage is calculated by looking at all the residential properties within a 100 metre radius of the application, and dividing the number with a Class N Exemption by the total number of properties. The Parish Council's argument that HMOs not occupied by students should also be counted was not accepted. However that is not the point at issue in this paper. The issue is how the total number of properties is calculated. In response to our submission, the County Council Planning Department replied:

*"The council does seek to give consideration to commitments and the consented use of a scheme. For instance, if there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, then these should be considered as part of an application for a change of use to an HMO. The view has been that it is reasonable to assume a development or change of use will come forward in line with its consent. Similarly, if a scheme has permission to come forward as a class C3 dwelling house residential use, then it also reasonable to assume it will come forward on this basis. Internal procedures for ensuring that unimplemented permissions for both HMO and Non HMO C3 uses are taken into consideration are currently being finalised".*

As the procedures are being finalised, the Chair proposed that the Parish Council offer its perspective.

As the calculation is of the percentage of properties where a Class N exemption applies, the Chair reminded Members that some of these could well be in use class C3, if they are flats occupied by one or two students sharing. The Chair also reminded Members that 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.

It was **agreed** that the Parish Council writes to DCC Planning department to request that properties have a designated usage prior to approval. Cllr R Cornwell agreed to draft this letter.

## 7. Attic conversions in student HMOs

The Chair presented a report to the Committee stating the position of the Environmental Health officer on applications involving proposals to convert to HMOs or to extend an existing HMO. This includes the following requirement:

*"All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.14 m (7'0"), **except in the case of existing attic rooms**, which shall have a minimum height of 2.14 m over an*

*area of the floor equal to not less than half of the area of the room, measured on a plane 1.5 m (5'0") above the floor".*

The Chair cited a recent planning application where this matter had recently been highlighted.

The Chair advised that it seemed that the words (highlighted above) are applicable to houses where an attic room existed prior to the coming in of the new regulations in October 2018, and save the landlord from having to carry out work, or stop letting them, in order to comply with the regulations.

Consequently, the Chair reminded Members that the Parish Council had made this point in our objection to the proposals on this specific application and had also done so with at least one other recent application.

The Chair advised that conflicting advice had been received on this matter and proposed a number of options to clarify the position on this. It was agreed that the Parish Council should write directly to the relevant senior officer at DCC to seek clarity on the County Council's position on this matter. The Clerk **agreed** to draft a letter to that end.

## **8. Public access to planning decisions**

The Chair advised that he had been made aware of the Campaign for the Protection of Rural England's campaign for Local Planning Authorities to hold virtual meetings so that new planning applications may be considered at the appropriate Planning Authorities' Planning Committee meetings as opposed to a decision being made by an officer under delegated authority as recently permitted by Government legislation in response to the Covid-19 outbreak.

The Chair asked if Members would agree to writing to DCC to encourage them to hold virtual meetings of their Committees so that decisions may be taken by Councillors. The Chair highlighted that other North East authorities are doing this.

It was **agreed** to write to DCC asking them to hold virtual meetings and not to allow any planning matter be moved from Committee decision to a delegated decision. It was also **agreed** that a copy of the letter should be copied to local Member of Parliament Mary Foy and to the CPRE.

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

### **a. To note:**

**DM/20/01037/FPA** and **DM/20/01038/LB** | External Repairs, Internal Alterations and Replacement Bike Shed with Associated Works | Grads House 22 - 22A North Bailey Durham DH1 3EW (28 May). It was **agreed** to note these applications.

**DM/20/01129/FPA** | Single storey side extension to form garage, WC and utility space and formation of pitched roof over existing bay window and porch | 5 St Monica Grove Crossgate Moor Durham DH1 4AS (27 May). It was **agreed** to note this application.

### **b. To consider making representations**

**DM/20/00873/FPA** | Demolition of the former North East Motorcycles showroom and construction of a three storey building, and construction of a three storey residential building on the land to the rear to create 16 self-contained C3 apartments | North East Motor Cycles Darlington Road Durham DH1 4PE (4 June). It was **agreed** to object to this application. The Clerk **agreed** to draft the response to this application.

**DM/20/00952/TPO** | Felling of trees T458, T471, T472, T504, T513 and T528. Reduction of trees T505, T506, T515 T517 to form 3m high wildlife monoliths. Pruning of trees T485, T486, T487, T488, T489, T491, T495, T497, T501, T510, T526 and T548. | Mount Oswald Golf Club South Road Durham DH1 3TQ (6 May – carried over from 1 May meeting). It was noted that this application had already been determined and it was **agreed** to take no further action.

**DM/20/01111/TPO** | Pruning and removal of various trees as specified. | Land At The West Of Mount Oswald Golf Club South Road Durham DH1 3TQ (1 June). It was **agreed** to note this application.

**DM/20/00978/FPA** | Conversion of store room to bedroom and addition of new window. | 4 Southend South Road Durham DH1 3TG (28 May). It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response to this application.

**DM/20/01068/FPA** | Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4) | 8 High Wood View Durham DH1 3DT (28 May). It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this application.

**DM/20/01094/FPA** | Single storey ground floor extension to existing visual arts building | Arts Block Durham Sixth Form Centre The Sands Durham DH1 1SG (28 May). It was **agreed** to object to this application. Cllr R Cornwell **agreed** to draft the response to this application.

**DM/20/01100/FPA** | Change of use of former Caretakers Lodge to art workspace and gallery space and the erection of a two storey extension to the rear. | Durham Sixth Form Centre The Sands Durham DH1 1SG (28 May). It was **agreed** to support this application. Cllr C Reeves **agreed** to draft the response to this application.

**DM/20/01107/FPA** | Resubmission of DM/20/00387/FPA for the erection of a single House in Multiple Occupation (Use Class C4) | Land To The West Of The White House Newcastle Road Crossgate Moor DH1 4HZ (26 May). It was **agreed** to object to this application. Cllr G Holland **agreed** to draft the response to this application.

**DM/20/01124/FPA** | Retention of use of land for 2 car parking spaces. | Land To South Of Flass Vale House Ainsley Street Durham DH1 4BJ (4 June). It was **agreed** to object to this application. Cllrs L Brown and R Cornwell **agreed** to jointly draft the response to this application.

**c. Further consideration** of application DM/20/00865/FPA (11 Cedar Drive Durham) following correspondence from Northumbrian Water. It was **agreed** to note the additional information on this application and maintain the original objection to this.

**10. Pre-submission consultation** on proposed upgrade to mobile phone base installation at the long stay car park, Durham Railway Station. It was **agreed** to note this pre-application consultation at this stage with no objections.

**11. Dates of future meetings**

**Friday 29 May 2020** - 14.00 to 16.00 hrs – via Zoom.

**Friday 12 June 2020** - 14.00 to 16.00 hrs – via Zoom.

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**