

City of Durham Parish Council

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15 February 2021

Access details for Zoom Planning Committee meeting:

Join Zoom Meeting
<https://us02web.zoom.us/j/84805830164>
Meeting ID: 848 0583 0164

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 19 February 2021 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 5 February 2021.**
- 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/21/00101/FPA** | Proposed Extension and Conversion to 2No Apartments | 9 Station Lane Gilesgate Durham DH1 1LJ
 - DM/21/00154/VOC** | Variation of conditions 22 (Framwelgate Peth access strategy) and 24 (Framwelgate Peth junction design) of DM/18/00896/VOC to remove requirement for signalisation and agree junction design | Milburngate House Millburngate Durham DH1 5TL
 - (b) Erection of a monopole mast and associated equipment near St Oswald's graveyard**

To consider the attached report, and any further action.

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

a. To note:

DM/21/00293/FPA | Reorganisation of internal accommodation, creation of new access to the rear garden via demolition of an existing conservatory, general renovation of the external envelope and replacement of the existing roof lights | 43 Albert Street Durham DH1 4RJ (4 March)

DM/21/00357/AD and **DM/21/00359/LB** | Display of cast iron painted sign on transom, painted sign on door head, projecting sign, 2 x cast Iron window decal, 2 x window decal, cast iron terrace window decal, menu box, 4 x fixed awnings signs and 4 x cast iron icon window decal | Durham Marriott Royal County Hotel Old Elvet Durham DH1 3JN (5 March)

DM/21/00411/FPA | Demolition of existing garage/car port and construction of two storey side extension including associated works to driveway | 7 Larches Road Durham DH1 4NL (5 March)

b. To consider making representations

DM/20/03811/FPA | Erection of detached dwelling and garage. | Land To The West Of Western Cottage Whitesmocks Durham DH1 4HN (8 March)

DM/21/00104/FPA | Change of use of part of first floor into two small houses in multiple occupation (HMO) (use class C4). | 7 - 8 Silver Street Durham DH1 3RB (4 March)

DM/21/00378/FPA | Change of use of the dwelling to 3 flats (use class C3) including erection of extension to rear and side. | 15 Mayorswell Field Durham DH1 1JW (5 March)

7. Neighbourhood Plan: Progress report

8. Update on application to deregister the former coach park at the Sands as common land.

9. Traffic Regulation Orders

Road No.	Location	Description	Traffic Management	Start Date	End Date	Responsibility
Unclassified	Claypath, Durham City	Telecom duct repairs	2/3 way lights (9:30am to 3:30pm)	17 February	19 February	Netomnia
Unclassified	Freemans Place, Durham City	Clear ducts	2 way lights	22 February	24 February	British Telecom
Unclassified	Providence Row,	New water supply	3 way lights	1 March	5 March	Northumbrian Water

Road No.	Location	Description	Traffic Management	Start Date	End Date	Responsibility
	Durham City					

10. Dates of future meetings

Friday 19 February 2021 - 14.00 to 16.00 hrs – via Zoom.

Friday 5 March 2021 - 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 5th February 2021.

Present: Cllr R Cornwell (Chair), Cllr J Ashby, Cllr L Brown, Cllr J Elmer and Cllr G Holland.

Also present: Mr A Shanley (Parish Clerk), Mr John Lowe, Ms Eileen Grimes and Cllr E Ashby (members of the public)

1. Welcome and apologies

Apologies were received from Cllr V Ashfield

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 22 January 2021.

The minutes of the meeting held on 22nd January 2021 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 5-10 of the Agenda.

Ms Eileen Grimes advised that she was attending the meeting to hear discussions on applications DM/21/00154/VOC and DM/21/00155/VOC.

Cllr Esther Ashby advised that she was attending the meeting to hear discussions on items 7b and 8 and advised that she had two questions on the TROs.

5. Matters arising:

(a) To approve responses on the following planning applications:

DM/20/03217/PNC | Convert third floor from B1 use to C3 to provide an additional 8 x 1 bedroom studio apartments | Third Floor Bridge House North Road Durham DH1 4PW. The Committee **approved** the response to this application.

DM/19/03313/FPA | Temporary change of use until end of August 2021 from C3 to C4. | 3 The Bowers Durham DH1 4EH. The Committee **approved** the response to this application, noting that the planning application had now been advertised appropriately.

DM/20/03760/FPA | Partial change of use to create 70 bed Student Accommodation Facility to include the erection of a two storey extension to existing roof and associated access arrangements | First To Third Floors 4 - 6 Silver Street Durham DH1 3RB. The Committee **approved** the response to this application.

(b) Erection of a monopole mast and associated equipment near St Oswald's graveyard

Cllr L Brown advised that she would have appreciated sight of the letter prior to this being submitted to Durham County Council.

The Committee **approved** the letter sent in to the County Council on this and agreed to await a response to this letter. The Clerk advised that he had now received confirmation that a response would be received on Monday 8th February.

(c) Consideration of amendments to application DM/20/03455/FPA

The Committee **agreed** to maintain its objection to this application. The Clerk **agreed** to draft a response to this accordingly.

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

a. To note:

DM/21/00051/FPA | New ground floor & first floor shopfront & entrance installation | 16 - 18 The Riverwalk Millburngate Durham DH1 4SL (18 February). It was **agreed** to note this application.

b. To consider making representations

DM/21/00020/FPA | Erection of outside building for home office in the front garden | 19 St Nicholas Drive Durham DH1 4HH (17 February). It was **agreed** to note this application.

DM/21/00052/FPA | Change of use from Public House (Sui Generis) to a mixed use of Public House and Retail (E class) to allow operations under lockdown restrictions | 57 Crossgate Durham DH1 4PR (19 February). It was **agreed** to note this application.

DM/21/00080/FPA and **DM/21/00129/FPA** | Demolition of existing single-storey extension and replacement with new side extension to existing small HMO (use class C4). | 55 and 57 respectively Orchard Drive Durham DH1 1LA (18 February). It was **agreed** to note these applications.

DM/21/00101/FPA | Proposed Extension and Conversion to 2No Apartments | 9 Station Lane Gilesgate Durham DH1 1LJ (18 February). It was **agreed** to object to this application and to call this application in to the Central and East Area County Planning Committee. Cllr J Ashby **agreed** to draft the response to this application.

DM/21/00126/FPA and **DM/21/00127/LB** | Adaptation to shop front to allow for new double doors entrance and new non-structural stud walls internally | 77 - 78 Saddler Street Durham DH1 3NP (18 February). It was **agreed** to note these applications.

DM/21/00154/VOC | Variation of conditions 22 (Framwelgate Peth access strategy) and 24 (Framwelgate Peth junction design) of DM/18/00896/VOC to remove requirement for signalisation and agree junction design | Milburngate House Millburngate Durham DH1 5TL. It was **agreed** to object to this application

and to call this in to the County Strategic Planning Committee. Cllr J Ashby **agreed** to draft the response to this application.

DM/21/00155/VOC | Variation of conditions 19 (Framwelgate Peth access strategy) and 18 (Framwelgate Peth junction design) of DM/18/02924/FPA to remove requirement for signalisation and agree junction design | Milburngate House Millburngate Durham DH1 5TL. It was **agreed** to object to this application and to call this in to the County Strategic Planning Committee. Cllr J Ashby **agreed** to draft the response to this application.

7. Neighbourhood Plan:

It was noted that the County Council is still carrying out its proofreading of the Neighbourhood Plan and the Chair is currently working through the maps which form part of the Plan.

The Clerk also advised that he had been contacted by a Parish Councillor regarding the referendum and asking whether the Parish Council could launch a "vote yes" campaign in favour of the Plan.

The Clerk advised that this is not possible and the Parish Council must maintain a neutral stance for the referendum, having regard to the 2011 guidelines.

The Committee **approved** the response to the UNESCO World Heritage Cities programme survey and requested the Clerk to sign and submit this.

7. Article 4 for Mount Oswald

The Committee **agreed** to submit the report by the Parish Council's planning consultant in favour of the extension of the Article 4 Direction area to include Mount Oswald, together with a covering letter of support from the Parish Council and an expression of hope that other areas identified in the report to form part of the Article 4 Direction Area could be considered. The Clerk **agreed** to draft this letter.

8. Parish Planning Statistics 2020

The Chair presented planning statistics from 2020 to the Committee as follows:

281 planning applications were validated in 2020. Four were withdrawn before they could be considered and four could not be considered in the early days of Lockdown 1. Consequently...

273 were considered by the Committee.

184 (67.4%) were noted as being either generally acceptable or not raising issues beyond the immediate application site.

15 (5.5%) were supported

4 (1.5%) were commented on but not objected to

70 (25.6%) were objected to. Of these ...

14 (5.1%) were called to Committee. However, not all of these came to Committee as nine were refused under delegated powers.

56 (20.5%) were objected to but not called to Committee. 26 were approved, 9 were refused, 9 were withdrawn and 12 are pending consideration. Parish Councillors made representations to the Central/East Planning Committee on eight occasions to challenge officer recommendations to approve and were successful five times.

9. Traffic Regulation Orders

The Committee considered the latest list of TROs from the County Council's website relevant to the City of Durham Parish area and noted all except the following:

The planned traffic lights at Freeman's Place on 11th February in order to install an electric substation – the Committee asked for further details and plans of this substation.

The closure of Footpath 49 until March 2023 – the Committee understood this to be for the development of Durham University's Business School which is still to be determined – the Committee asked for an update on this footpath closure.

It was agreed that the proposed diversion route for the building of the new bus station will not be popular in Crossgate. Particularly as Neville Street has a 15% gradient (rising from 42.1m to 58.7m in 112m) which will make it impassable in ice and snow – the Committee asked for this diversion to be reviewed.

The Clerk **agreed** to raise all of these points with Durham County Council.

11. Dates of future meetings

Friday 19 February 2021 - 14.00 to 16.00 hrs – via Zoom.

Friday 5 March 2021 - 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 participation and closed the meeting.

Signed,

**Chair of the City of Durham Parish Council Planning Committee
(19th February 2021)**

ITEM 5B: MOBILE PHONE MAST ADJACENT TO ST OSWALD'S GRAVEYARD

This note attempts to summarise what is known about this matter.

A telecoms company that wishes to erect a phone mast has to give notice (prior notification) to the relevant planning authority. The authority then has 56 days within which they can require a full planning application, failing which permission is granted by default.

On 29 April 2019 an application from Clarke Telecom was received at County Hall. This was for a mobile phone mast on Stockton Road adjacent to St Oswald's graveyard. The application made its way to the Planning Department where it was stamped as received on 1 May, and duly publicised.

The Parish Council objected (on 28 May) as did Elvet Residents Association and a number of local residents. On 24 June the planning officer decided that prior approval was required, and refused it. The grounds were that *The development by reason of its siting and appearance, adjacent to the roadside, would be unduly prominent and unacceptably harmful to the character and appearance of the local area which is designated as a Conservation Area. The development is therefore in conflict with policies E6, E22 and U1 of the Durham City Local Plan and Parts 10, 12 and 16 of the NPPF.*

Clarke Telecom then applied (reference DM/20/00139/PNT) on 15 January 2020 for a similar mobile phone mast to be sited on University land to the east of the Palatine Centre. The Parish Planning Committee considered this application on 21 February and agreed to note it. The consensus was that, while this was not ideal, it was a considerable improvement on the previous application. However, this later application was withdrawn on 24 February.

We now know that Clarke Telecom approached the University asking to locate the mast on university land. The University responded asking what payment arrangements they had in mind, but Clarke Telecom did not get back to the University. The University's position is that, in view of their charitable status, it would be a difficult case to successfully make for the university not to charge for the use of land by a private company.

Much of this information has come to light when local residents discovered in late January 2021 that the phone mast was being erected on the site originally proposed in 2019. Parish Councillors made urgent enquiries of the Planning Department, the upshot of which is that the refusal was one day too late, and so the consent was deemed to have been granted.

What might be done?

Durham County Council Planning Department has made a mistake so they should in the first instance put it right. The best solution would be to persuade Clarke Telecom to submit a further application for the relocation of the mast, with the County Council meeting all of the costs. If the Council is not prepared to follow that course of action, or if they are unsuccessful, then the Council's complaints procedure should be followed, with recourse to the Local Government Ombudsman. This would have to be by the affected individuals as the Parish Council cannot go to the Ombudsman, though it can assist individuals to make a complaint.