

# City of Durham Parish Council

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15 March 2021

## **Access details for Zoom Planning Committee meeting:**

Join Zoom Meeting  
<https://us02web.zoom.us/j/82651551094>  
Meeting ID: 826 5155 1094

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 March 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 March 2021.**
- 4. To receive any public participation comments on the following agenda items.** Please email the Parish Clerk [parishclerk@cityofdurham-pc.gov.uk](mailto:parishclerk@cityofdurham-pc.gov.uk) to register to speak.
- 5. Matters arising:**
  - (a) To approve responses on the following planning applications:**
    - DM/21/00431/FPA** | Construction of rooftop extension. | Diocesan Board Of Education Carter House Pelaw Leazes Lane Durham DH1 1TB (18 March)
    - DM/21/00486/FPA** and **DM/21/00487/LB** | Demolition of existing outbuilding and utility room and erection of single storey pitched roof extension to rear of existing dwelling with habitable accommodation to roofspace. | 136 Gilesgate Durham DH1 1QQ (18 March)
    - DM/21/00562/FPA** | Change of Use from C3 to C4 (small HMO) | 18 Mavin Street Durham DH1 3AU (19 March)
  - (b) Consideration of the outcome of the following planning application**

**DM/20/02382/FPA** | Demolition of existing garage and erection of part two-storey/part single-storey extension at side and rear. | 3 Springwell Road Durham DH1 4LR

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

Approval of press release, and to consider the latest developments.

**6. Issues on Lower Claypath regarding take-away drivers**

To consider the attached report and recommended decisions

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

**a. To note:**

**DM/21/00330/FPA** | Replace 1no. window opening to form an entrance door | 30-31 High Street Durham DH1 3UL (1 April)

**DM/21/00544/FPA** | rear and side kitchen extension with first floor bathroom | 11 Moor Edge Crossgate Moor Durham DH1 4HT (1 April)

**DM/21/00633/FPA** | Single storey extension to rear | 12 Kirkwood Drive Nevilles Cross Durham DH1 4FF (29 March)

**DM/21/00659/FPA** | Rear utility/ shower room extension and new pitched roof to existing garage | 16 North End Durham DH1 4NJ (31 March)

**DM/21/00666/TPO** | T1. Sycamore prune back from the patio area by 2m and crown thin by 20% | 19 Faraday Court Nevilles Cross Durham DH1 4FG (29 March)

**DM/21/00678/FPA** | Replacement garage and building to side | Crossways Darlington Road Durham DH1 4PH (24 March)

**DM/21/00698/FPA** | Replacement iron railings to front | 4 Albert Street Durham DH1 4RL (1 April)

**DM/21/00701/FPA** | Loft conversion with 2no. dormer windows to rear elevation | 19 Richardby Crescent Durham DH1 3TY (24 March)

**DM/21/00738/FPA** | Replacement single storey rear extension | 34 Hallgarth Street Durham DH1 3AT (31 March)

**b. To consider making representations**

**DM/21/00376/FPA** and **DM/21/00377/AD** | Alterations to existing shop front and installation of external extraction equipment in association with a change of use from Retail to Restaurant | 20-21 Silver Street Durham DH1 3RB (29 March)

**DM/21/00497/FPA** | Dormer window, single storey extension and outbuilding with flue to rear, 3no rooflights and enlarge drive to front | 20 Baliol Square Durham DH1 3QH (29 March)

**DM/21/00685/FPA** and **DM/21/00686/LB** | Proposed internal refurbishments and external works; including the refurbishment and repair of existing rear garden boundary wall, the erection of railings and replacement of rainwater goods, and extension to the existing plant room | 26-27 North Bailey Durham DH1 3EW (29 March)

**DM/21/00736/VOC** | Variation of condition 2 of planning approval DM/20/02491/FPA to change roof light positions and alter internal layouts. | 18 Silver Street Durham DH1 3RB (31 March)

**8. Neighbourhood Plan:** Progress report

**9. Traffic Regulation Orders**

Road number	Location	Description	Traffic management	Start date	End date	Responsibility
A691	Framwellgate Peth, Durham City	New ducting and cabling	Lane closure	24 May	26 May	British Telecom
Unclassified	Framwellgate Waterside, Sidegate, Durham City	New roundabout construction	3 way lights as required	1 March	4 June	Durham County Council
Unclassified	Freemans Place, Durham City	Clear ducts	2 way lights	19 March	23 March	British Telecom

**10. Application to de-register the former coach park at The Sands as common land**

**11. Dates of future meetings**

**Thursday 1 April 2021** - 14.00 to 16.00 hrs – via Zoom.

**Friday 16 April 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 5<sup>th</sup> March 2021.

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

**Also present:** Mr A Shanley (Parish Clerk), Mr John Lowe, Mr Jonathan Lovell, Mrs Linda Lovell, Ms Lynda Delf and Ms Justine Nemmings (members of the public)

### 1. Welcome and apologies

None received.

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

Cllr L Brown declared an interest in application DM/21/00480/FPA and took no part in the discussions on this application.

### 3. To receive and approve as a correct record the minutes of the meeting on 19 February 2021.

The minutes of the meeting held on 19<sup>th</sup> February 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 the discussions on items 5-8 of the Agenda.

Mr Jonathan Lovell advised that he was attending the meeting to hear the discussions on item 5(d) of the Agenda.

Mrs Linda Lovell advised that she was attending the meeting to hear the discussions on item 5(d) of the Agenda.

Ms Lynda Delf advised that she was attending the meeting to hear the discussions on item 5(d) of the Agenda.

Ms Justine Nemmings advised that she was attending the meeting to hear the discussions on the applications relating to 136 Gilesgate.

### 5. Matters arising:

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

**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. The Committee noted that the application has now been amended. Specifically the Committee **agreed** to welcome the fact that the applicant had now committed to investigating exposing the original features of the property. The Committee also **agreed** to welcome the fact that Highways had requested that cycle parking be provided, to encourage Highways to do so for all future relevant applications, however **agreed** that, in this particular case, with the

dwellings being on the first floor of the building and with no available cycle storage to the ground floor, that this requirement should not be applied in this case. The Clerk **agreed** to amend the response to the original application accordingly.

**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. The response to this application was **approved** by the Committee.

**(b) Further consideration of the following planning application**

**DM/20/03811/FPA** | Erection of detached dwelling and garage. | Land To The West Of Western Cottage Whitesmocks Durham DH1 4HN. The Clerk indicated that he had received correspondence from Mrs Yvonne Hall, who is concerned at this development. The Clerk read a statement on behalf of Mrs Hall, highlighting her concerns at this development; specifically that the development would detrimentally impact on her amenity, her hedges and that the development is, in her view, out of keeping with the area. It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response to this application. Cllr L Brown also advised that she had called this application in to the Central and East Area County Planning Committee for consideration as County Councillor for the area.

**(c) To approve the response to the following linked appeals:**

**DM/19/02199/FPA** and **DM/19/02200/FPA** | 21 Market Place Durham DH1 3NJ. The Committee **approved** the response to these appeals. It was noted that the grounds for refusal had been omitted from the County Council's Notice of Refusal for application DM/19/02199/FPA.

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

The Committee again expressed its opposition to the siting of this monopole in this location. The Clerk advised that he had now received a response from the telecoms company to state that this monopole benefited from deemed consent and therefore the company had no plans to relocate this monopole.

The Clerk advised that he had also received correspondence from DCC to state that the Director of Planning is also writing to the telecoms company to try and get the monopole relocated.

The Committee **agreed** that a press release should now be issued on this matter.

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

**a. To note:**

**DM/21/00172/LB** | Listed building consent for internal works to upgrade, replace and renew fire protection materials. | 10A - 10F Church Street Durham (18 March). It was **agreed** to note this application.

**DM/21/00460/FPA** | First floor extension with sky lights and other external alterations | The Old Cottage Whitesmocks Durham DH1 4LL (12 March). It was **agreed** to note this application.

**DM/21/00542/FPA** | Erection of part two-storey/part single-storey extension at rear of dwelling. | 3 Warwick Court Durham DH1 3QA (19 March). It was **agreed** to note this application.

**DM/21/00616/FPA** | Construction of pitched roof to existing garage including change of use to habitable room. | Finchale Fieldhouse Lane Durham DH1 4NB (19 March). It was **agreed** to note this application.

In noting these applications, Cllr L Brown highlighted her concern at the number of garages which are being changed into habitable rooms. Cllr L Brown advised that this will increase on-street parking. Cllr L Brown also highlighted her concerns at the paving over of gardens around the parish. Cllr G Holland expressed his concern that paving over gardens could have an adverse impact on water run-off and is also bad design. Cllr G Holland advised that he felt that there ought to be policies to protect against this.

Cllr J Ashby advised that the agreed proposed SPD on a design guide for Durham City could be a mechanism to tackle this trend.

Cllr L Brown also asked if the Parish Council could write to the relevant planning officers at DCC to highlight these issues. The Committee agreed to write to DCC on these matters. The Clerk **agreed** to draft the letter to DCC.

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

**DM/21/00431/FPA** | Construction of rooftop extension. | Diocesan Board Of Education Carter House Pelaw Leazes Lane Durham DH1 1TB (18 March). It was **agreed** to object to this application. Cllr V Ashfield **agreed** to draft the response to this application.

**DM/21/00480/FPA** | Demolition of existing garage and replacement with new two storey extension to the side, new part two storey / part single storey extension to the rear of the property and dormer window to rear roof slope | 5 Flassburn Road Durham DH1 4LX (15 March). It was **agreed** to note this application.

**DM/21/00486/FPA** and **DM/21/00487/LB** | Demolition of existing outbuilding and utility room and erection of single storey pitched roof extension to rear of existing dwelling with habitable accommodation to roofspace. | 136 Gilesgate Durham DH1 1QQ (18 March). It was **agreed** to object to these applications. Cllr J Ashby **agreed** to draft the response to these applications.

**DM/21/00490/FPA** | Demolition of flat roofed rear extensions and replace with rear two and single storey pitched roof extensions, replace windows, insert rear rooflight and internal alterations to C4 dwelling (Revised and Resubmitted) | 13 Alexandria Crescent Durham DH1 4EE (18 March). It was **agreed** to note this application.

**DM/21/00562/FPA** | Change of Use from C3 to C4 (small HMO) | 18 Mavin Street Durham DH1 3AU (19 March). It was **agreed** to object to this application. Cllr R Cornwell **agreed** to draft the response to this application.


## 7. Neighbourhood Plan

The Chair advised that Ms Sue Childs is currently working through the amendments to the Neighbourhood Plan and would soon be sending a final version to the Clerk for submission to the County Council. The Committee wished to record formally its thanks to Sue for her work in finalising the Plan.

The Clerk reminded Members that printed copies of the Plan would be organised by the Parish Council.

## 8. Traffic Regulation Orders

The Committee **agreed** to note the following TTROs:

A690	Eastbound towards North Road roundabout, Durham	Clear telecom chamber and cabling	Lane closure (9:30am - 3:30pm)	3 May	6 May	Vodafone
A690 	Nevilles Cross Bank, Nevilles Cross	New gas supply	2 way lights (manual control 7:00am - 7:00pm)	7 April	11 April	Northern Gas Networks

## 9. Dates of future meetings

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

**Thursday 1 April** - 14.00 to 16.00 hrs – via Zoom.

Due to the confidential nature of the following items, in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and the public were excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the LGA 1972 Act and section 1(2) of the Public Bodies (Admission to Meetings) Act 1960. At this point in time the press and the public were asked to leave the room.

## 10. Application to de-register the former coach park at The Sands as common land

The Clerk advised that he was working to collate the full bundle of evidence for submission to the Planning Inspectorate on this application. The Clerk also advised that the Parish Council's Barrister would be drafting the Statement of

Case. The Clerk reminded Members that the deadline for submitting this is 19<sup>th</sup> March 2021.

The Clerk and the Chair also **agreed** to carry out a site visit of the replacement land with the Parish Council's Barrister next week.

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  
(19<sup>th</sup> March 2021)**



## **ITEM 6: ISSUES ON LOWER CLAYPATH REGARDING TAKE-AWAY DRIVERS**

1. The St Nicholas Community Forum (SNCF, the residents' association for Claypath, Lower Gilesgate and The Sands) has for many years had to address the problems associated with the emergence of several 'take-away' uses in Lower Claypath.

2. The problems in the past have been a combination of lack of planning permissions, late-night licenses (open to 02.30 hrs) and taxi-drivers waiting for custom from the drinking establishments in Walkergate. Thanks to a joint operation between the County Council and the Police, those problems were tackled and solved.

3. In the past year a new problem has arisen about the takeaway drivers on Lower Claypath. The issue was expressed by SNCF as *"ongoing disregard for highway and pedestrian safety in Lower Claypath, a situation caused by the take-away delivery drivers and members of the public waiting in their cars to collect food. There is double parking, illegal parking, and parking on the new paving outside Student Castle. They are also breaking the law by having vehicle engines running whilst stationary and also using their mobile phones (they are 'in charge' of their vehicle). Some of the take-away drivers smoke whilst using their vehicles (illegal as their cars are technically part of the workplace and it is illegal to smoke in the workplace). It was also wondered if the parking yellow lines had not been reinstated in error."*

4. Those concerns were communicated to the County Council officer who, with others, had been so helpful and pro-active in tackling the previous problems. His response included the following thoughts:

*"Double parking and parking on an area subject to a loading ban is clearly an offence, however the short duration of the activity makes it incredibly difficult to enforce, particularly if this is happening outside of core hours. Ideally we would deploy cameras to enforce parking restrictions in areas such as this, however, Government banned the use of CCTV for parking enforcement in 2015. Nationally, local authorities and the British Parking Association are calling on government to reverse that decision so perhaps the Parish and Forum might like to lend their support for this by contacting Government direct (Grant Schapps).*

*Stationary idling is an offence under section 42 of the Road Traffic Act 1988 and can incur a £20 fixed-penalty fine under the Road Traffic (Vehicle Emissions) Regulations 2002. However, this is only imposed if the driver fails to turn off their engine when asked to do so by a warden. Perhaps the enhanced neighbourhood warden service for the City Centre could be tasked with advising drivers that they are committing an offence and asking them to turn off their engines whilst stationary.*

*Using a mobile phone whilst in charge of a vehicle is a matter for the police.*

*I have copied this response to Public Health colleagues regarding smoking in the work place.*

*With regard to the yellow lines not being re-instated, I had a drive down Claypath last week and couldn't see anything missing. Please could you provide further information on where Forum members believe the problem is."*

5. There are important potential ways forward in those comments, and there are other areas of the Parish that suffer from similar problems. Committee may wish to pursue (a) writing to the Government supporting the re-instatement of the use of CCTV for

parking enforcement, and (b) seeking to task the enhanced neighbourhood warden service for the City Centre with advising drivers that they are committing an offence and asking them to turn off their engines whilst stationary.

<b>DECISIONS REQUIRED</b>	<p>For Members, having considered this report, to decide on the two actions set out in paragraph 5 above, namely:</p> <ol style="list-style-type: none"><li>1) to write to the Government supporting the re-instatement of the use of CCTV for parking enforcement, and</li><li>2) to seek to task the enhanced neighbourhood warden service for the City Centre with advising drivers that they are committing an offence and asking them to turn off their engines whilst stationary.</li></ol>
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