

# City of Durham Parish Council

## Minutes of Planning Committee meeting held via Zoom at 14:00 pm on Friday 19<sup>th</sup> February 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, Mrs Eileen Gray, Ms Janet George and Mr Graham Hollingworth (members of the public)

### 1. Welcome and apologies

Apologies were received from Cllr J Elmer

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

Cllr J Ashby declared an interest in application DM/21/00104/FPA and took no part in discussions on this application.

Cllr V Ashfield declared an interest in application DM/21/00378/FPA and took no part in discussions on this application.

### 3. To receive and approve as a correct record the minutes of the meeting on 5 February 2021.

The minutes of the meeting held on 5<sup>th</sup> February 2021 were unanimously **agreed** as a true and accurate record of proceedings, subject to an amendment to the reference on application **DM/21/00020/FPA**, where it was actually agreed that the Committee would await a response from the planning officer to a query raised by Cllr L Brown.

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

Ms Janet George advised that she was attending the meeting to hear discussions on application DM/21/00378/FPA.

Mrs Eileen Gray advised that she was attending the meeting to hear discussions on application DM/21/00378/FPA.

Mr John Lowe advised that he was attending the meeting to hear discussions on items 5 to 8 on the Agenda, with a particular interest in hearing discussions on application DM/21/00154/VOC.

Mr Graham Hollingworth advised that he was attending the meeting to hear discussions on item 5b of the Agenda.

### 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. The Committee **approved** the response to this application.

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

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

The Chair updated the Committee on the erection of a monopole mast and associated equipment near St Oswald's graveyard as follows:

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.

The Chair advised that, 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 Chair reminded all present that 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.*

The Chair advised that 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.

The Chair advised that the Parish Council is aware 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.

The Chair advised that 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.

The Committee **agreed** the following course of action:

- to object as an interested party to the pole in response to the Telecommunications Act 1984 Notice
- to also write to Vodafone, Telefonica and Cornerstone on whose behalf Clarke Telecom have done the work saying reputational issues are at stake if they don't do the right thing
- to point out that local residents can do so individually as can the Elvet Residents Association and Friends of St Oswald Cemetery
- to write to DCC asking if they would consider a resubmission by Clarke Telecom on the Palatine Centre site, pointing out that they have a duty to do so and also ask if they will be making an objection in response to the Notice, given that DCC regards the present location as wrong.
- if the reply is affirmative, to then write to Clarke Telecom saying that the honourable thing to do would be to make that application and to share with DCC the cost of the works.
- to keep Durham University informed
- to offer any advice the Elvet Residents Association and/or individuals might wish on making a formal complaint to the County Council
- to begin drafting a press release if still unsuccessful.

**(c)** The Chair advised that the Committee and Mr John Lowe, as Chair of the City of Durham Trust had had a very good meeting with the new Director of Regeneration at DCC.

In particular, the Committee welcomed that the park and ride at Stonebridge would still be going ahead.

Mr John Lowe advised that he was particularly concerned that the Memorandum of Understanding between Durham University and Durham County Council is being forgotten about.

Mr John Lowe also advised that he was concerned that the relevant groups do have a say on the Masterplan for the Sniperley Park development.

Mr John Lowe also advised that he was concerned that the objectives of the Strategic Cycling and Walking Delivery Plan are not forgotten.

**(d)** It was noted that the applicant for 21 Market Place (applications DM/19/02199/FPA and DM/19/02200/LB) is now appealing the refusal. Cllr R Cornwell **agreed** to draft a follow up letter to the Planning Inspectorate on these appeals.

**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). It was **agreed** to note this application.

**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). It was **agreed** to note this application.

**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). It was **agreed** to note this application.

#### **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). It was **agreed** that Cllr L Brown would investigate this application further to see if there are any valid grounds of objection.

**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). It was **agreed** that a comment should be made that the frontage could be improved as part of the scheme. The Clerk **agreed** to draft the response to this application.

**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). It was **agreed** to object to this application and also to call this application in to the Central and East Area Planning Committee for consideration. Cllr J Ashby **agreed** to draft the response to this application.

### **7. Neighbourhood Plan**

The Chair advised that the Neighbourhood Plan seemed to be progressing well and it is hoped that this can still go out to referendum in the coming months.

The Chair advised that he and Sue Childs had a meeting with a number of senior members of DCC's Planning Department in order to progress this. It was **agreed** that Cllr J Ashby should also attend this meeting.

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

The Clerk reminded Members that a date has now been set for the public inquiry into the County Council's application to de-register the former coach park at the Sands as common land. The inquiry is now set to take place on 27th April 2021.

The Clerk advised that the County Council has now served a fully paginated and indexed inquiry bundle containing numerous documents in both an electronic and hard copy format upon all objectors and the Planning Inspectorate.

The Clerk advised that there is now a requirement for all objectors to submit the following documentation by 19th March to the Planning Inspectorate and to the County Council:

- a statement of case (in numbered paragraphs) including, if any, copies of all the documentary evidence relied upon.
- full copies or relevant extracts of any legal authorities on which the Objector intends to rely at the Public Inquiry; and
- signed and dated proofs of evidence of every witness the Objector intends to call at the Public Inquiry, arranged in alphabetical order, containing (in numbered paragraphs) the substance of their evidence.

The Clerk advised that, in preparation for submitting the statements of case and other evidence, the Parish Council, Durham City Freemen, the City of Durham Trust and all other objectors will be meeting on the week commencing 8th March with the Barrister representing those parties at the inquiry and all those wishing to submit evidence on a particular topic have been asked to do this by 3rd March in advance of the meeting.

## 9. Traffic Regulation Orders

Members noted the following TTROs in the Parish:

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, Durham City	New water supply	3 way lights	1 March	5 March	Northumbrian Water

## 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.

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,

*Ray Censell,*

**Chair of the City of Durham Parish Council Planning Committee  
(5<sup>th</sup> March 2021)**