

City of Durham Parish Council

Minutes of Planning Committee meeting held via Zoom at 14:00 pm on Friday 19th 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) and Mr John Lowe (member of the public)

1. Welcome and apologies

Apologies were received from Cllr J Elmer

2. To receive any declarations of interest from members

Cllr L Brown declared an interest in applications DM/21/00376/FPA and DM/21/00377/AD 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 5 March 2021

The minutes of the meeting held on 5th March 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.

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). The Committee **approved** the response to 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). The Committee **approved** the responses to these applications.

DM/21/00562/FPA | Change of Use from C3 to C4 (small HMO) | 18 Mavin Street Durham DH1 3AU (19 March). The Committee **approved** the response to this application.

(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. The Chair reminded Members that, when originally submitted on 21 August 2020, this application was to extend the house sideways with only a small flat-roofed extension into the garden. The Chair advised that an amendment

dated 15 February 2021 was for a full-height extension into the garden with a pitched roof, to the same height as the rest of the house.

The Chair reminded Members that the Parish Planning Committee had discussed the original application at its meeting on 13 November 2020 and decided to note it. At that time, the Committee considered that the proposal was probably acceptable in that location and the Parish Council had not received any concerns from the neighbours.

The Chair advised that the Parish Council was unaware of the amended proposal until alerted by neighbours. The Chair advised that the application was the subject of a two week further consultation and was determined three days after that expired.

The Committee **agreed** that the differences between the original and the revised applications were such that the applicant should have been asked to submit a fresh application.

The Committee expressed concern that applicants could minimise scrutiny by submitting a modest proposal then replacing it with something more substantial. It was agreed that a letter should be sent to the Planning Development Manager at DCC, drawing his attention to this issue and to the Parish Council's concerns and to discuss an appropriate solution to this sort of issue. Cllr R Cornwell **agreed** to draft this letter.

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

The Chair advised that a press release condemning the installation of this monopole and further associated equipment had been drafted and approved by Members. That being the case, the Chair advised that the Clerk had had a discussion with both the County Council and the University earlier in the week on this matter and both parties had advised that they were meeting with the telecoms company in order to agree a way forward, with a view to having the monopole and the further equipment installed re-sited to a more appropriate location. As such, the Committee **agreed** that it would be counterproductive to issue a press statement on this matter whilst negotiations between the relevant parties were ongoing. The Committee **agreed** to await a further update from these discussions from both the University and the County Council before deciding on any further action to take.

(d) The Chair advised that Committee that application DM/20/03455/FPA (for a change of use from a dwelling to two flats (use class C3) including internal alterations and fenestration changes) relating to 64 Gilesgate, Durham City, had today been refused by the County Council.

(e) The Committee noted that the applicant for DM/19/03949/FPA (51 Whinney Hill) is now appealing the refusal of this application. It was agreed that a follow-up letter ought to be sent to the Inspectorate detailing why this appeal should be refused. Cllr J Ashby agreed to draft this letter.

(f) The Chair advised the Committee that the University has submitted a letter of support in favour of the extension of the Article 4 Direction, as proposed by DCC.

(g) The Chair advised the Committee that application DM/21/00052/FPA (involving a change of use from Public House (Sui Generis) to a mixed use of

Public House and Retail (E class) (amended title)) had now been approved by the County Council. The Chair advised that this approval included the condition that: "the premises shall not be open to customers outside the hours of 1130 to 2330 on any day of the week". The Chair also advised the reason given for this condition was "in the interests of the amenity of the area in accordance with Policy H13 of City of Durham Local Plan 2004". The Chair reminded Members that the City of Durham Local Plan 2004 Policies had now been superseded by the County Durham Plan. It was **agreed** to note this on this occasion without further action.

6. Issues on Lower Claypath regarding take-away drivers

Cllr J Ashby provided the following report to Members on the issues at lower Claypath in Durham City 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.

End of report

Members considered this report and felt that these issues also took place in other parts of the City too. It was **agreed** that the following recommendations should be put to the March Full Parish Council meeting on these issues:

That the Parish Council agrees to:

- 1) write to the Government supporting the re-instatement of the use of CCTV for parking enforcement;
- 2) task the enhanced neighbourhood warden service for the City Centre with advising drivers in identified 'hotspots' around the Parish that they are committing an offence and asking them to turn off their engines whilst stationary;
- 3) request additional parking warden resources from the County Council;
- 4) contact schools to draw attention to the health issues arising from car engines running while the drivers wait to pick up their children; and
- 5) inform the Member of Parliament of these 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). It was **agreed** to note this application.

DM/21/00544/FPA | rear and side kitchen extension with first floor bathroom | 11 Moor Edge Crossgate Moor Durham DH1 4HT (1 April). It was **agreed** to note this application.

DM/21/00633/FPA | Single storey extension to rear | 12 Kirkwood Drive Nevilles Cross Durham DH1 4FF (29 March). It was **agreed** to note this application.

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

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

DM/21/00678/FPA | Replacement garage and building to side | Crossways Darlington Road Durham DH1 4PH (24 March). It was **agreed** to note this application.

DM/21/00698/FPA | Replacement iron railings to front | 4 Albert Street Durham DH1 4RL (1 April). It was **agreed** to note this application.

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

DM/21/00738/FPA | Replacement single storey rear extension | 34 Hallgarth Street Durham DH1 3AT (31 March). It was **agreed** to note this application.

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

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). It was **agreed** to note these applications.

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

8. Neighbourhood Plan

The Chair advised that a final Referendum version of the Plan had now been approved by all parties and the Notice of Referendum for the Plan would soon be published. The Chair reminded Members that the Referendum would take place on the same date as the local and PCVC elections, i.e. 6th May 2021 and that the Parish Council must remain neutral on the question at the Referendum in all advertising.

The Clerk advised that 50 copies of the Plan would be ordered in the coming days.

9. Traffic Regulation Orders

It was **agreed** to note the following temporary 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

The Chair took the opportunity to thank the Clerk for his work in bringing together the statement of case and proofs of evidence from all of the objecting parties to this application. The Clerk advised that this had now been submitted to both the Inspectorate and to the County Council within the timeframe set.

The Chair reminded Members that the Inspectorate would be hosting a test event on 23rd March 2021, where the Inspector will be going over how the inquiry is to run.

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.

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,

A handwritten signature in blue ink that reads "Roy Cansell,".

**Chair of the City of Durham Parish Council Planning Committee
(1st April 2021)**