

City of Durham Parish Council

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03 May 2019

Dear Planning Committee Member

In accordance with the Local Government Act 1972 I hereby give you notice that a meeting of the **Planning Committee** will be held **in Office 2, Clayport Library Building at 14:00 on Friday 10 May 2019** 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 26 April 2019.
4. To receive any public participation comments on the following agenda items.
5. **Proposed new County HQ on the Sands** (planning reference DM/18/02369/FPA):
 - a. Progressing the CrowdJustice fundraising
 - b. To consider the Council's response to our pre-action letter and any advice from our solicitors
 - c. Nearly zero buildings: to consider the draft letter (attached)
 - d. Any other relevant developments
6. Matters arising:

to approve the following responses (for text of letters see parish web site):

DM/19/00649/FPA | Change of use from a C4 house in multiple occupation to a 7 bedroom HIMO with a wrap round single and 2 storey extension and external alterations. | 51 Whinney Hill Durham DH1 3BD (revised details)

DM/19/00761/FPA | Two storey rear extension and loft conversion with rooflights for C4 house in multiple occupation (6 bedrooms). | 6 May Street Durham DH1 4EN.

DM/19/00855/FPA | Erection of 1 no. detached bungalow | Land At Flass Bungalow Flass Vale Durham DH1 4BN

DM/19/01084/FPA | Infrastructure works including provision of new footpath

route, highways works including new signalised crossing at the Hollingside Lane and South Road junction, and the creation of a car park of up to 215 spaces at Upper Mountjoy | Land South Of The New Inn Junction Along South Road To Mount Oswald And Hollingside Lane To Upper Mountjoy

DM/19/01156/FPA | External alterations of new windows, door and roof light to rear elevation and internal alterations to an existing sui generis HMO (8 bedrooms). | 53 Hawthorn Terrace Durham DH1 4EQ.

7. Oversight of the work of the Neighbourhood Plan Working Party

8. Planning applications: To consider making representations on the following:

DM/19/00876/FPA | Replace existing septic tank with sewage treatment plant with petrol interceptor and soakaway. | Kepier Farm Kepier Lane Gilesgate Durham DH1 1LB

DM/19/01150/FPA | Rear single-storey extension and external brick chimney | 4 Wilkinson Walk Durham DH1 3U

DM/19/01164/FPA | Provide 6-bedroom C4 residential accommodation with shared living space and small extension to the rear and dormer loft conversion. | 9 And 9A Silver Street Durham DH1 3RB (deferred from 26 April)

DM/19/01275/FPA | Single Storey Rear Extension and Internal Alterations | 19 Faraday Court Nevilles Cross Durham DH1 4FG

DM/19/01287/VOC | Variation of condition 4 (archaeology) of planning permission DM/17/01961/VOC | Site Of Former 17 South Bailey Durham DH1 3EE

DM/19/01334/FPA | Single storey rear extension | 20 Faraday Court Nevilles Cross Durham DH1 4FG

9. Dates of future meetings

24 May 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

7 June 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

[Please insert motion re exclusion of public]

10. Proposed new County HQ on the Sands (planning reference

DM/18/02369/FPA): to consider confidential correspondence and related developments.

And pursuant to the provisions of the above-named act, **I Hereby Summon You** to attend the said meeting.

Adam Shanley

Clerk City of Durham Parish Council

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City of Durham Parish Council

Minutes of Planning Committee meeting held at 14:00 pm on Friday 26th April 2019 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.

1. Welcome and apologies:

Present: Cllrs R Cornwell (Chair), J Ashby, V Ashfield, L Brown, G Holland and C Reeves.
Also present: Parish Clerk Adam Shanley
Apologies: Cllr J Elmer

2. Declarations of interest: Cllr L Brown declared an interest in planning application DM/19/00834/FPA. Cllr G Holland declared an interest in planning application DM/19/01260/FPA (as the applicant) and the Clerk declared an interest in DM/19/01084/FPA.

3. Minutes of the Meeting on 12th April 2019: agreed as a correct record.

4. Public participation

None received.

5. Matters arising

DM/18/03487/VOC | Variation of condition 13 pursuant to planning permission DM/18/00310/VOC so as to extend the opening hours for the D2 cinema use | The Riverwalk Millburngate Durham DH1 4SL (amended proposal). Members agreed that they were content with this response.

DM/19/00761/FPA | Two storey rear extension and loft conversion with rooflights for C4 house in multiple occupation (6 bedrooms). | 6 May Street Durham DH1 4EN. Members agreed to submit an objection to this application.

6. Oversight of the Neighbourhood Plan Working Party

Cllr J Ashby reported that, following the Full Parish Council's decision to approve the draft version of the Neighbourhood Plan, the Working Party is now pushing ahead to have the Plan out to public consultation on 17th May. Cllr J Ashby reported that a number of public drop-in sessions were planned during the consultation period covering the Full Parish Area.

Cllr J Ashby reported that DCC may wish to still propose some amends to the Plan and had been asked to do so during the Regulation 14 consultation.

7. Planning applications

Cllr R Cornwell advised the Committee that any requests for the Parish Council Planning

Committee to call an application in to the Central and East Area Planning Committee and County Planning Committee must be done during the course of the meeting.

DM/19/00649/FPA | Change of use from a C4 house in multiple occupation to a 7-bedroom HMO with a wrap round single and 2 storey extension and external alterations. | 51 Whinney Hill Durham DH1 3BD (revised details). It was **agreed** to maintain the original objection to this application.

DM/19/00834/FPA | Alteration to existing window and balcony to front | Flat 2 Reform Place North Road Durham DH1 4RZ. It was **agreed** to note this application.

DM/19/00855/FPA | Erection of 1 no. detached bungalow | Land At Flass Bungalow Flass Vale Durham DH1 4BN. It was **agreed** to submit an objection to this application owing to it being in greenbelt and its proximity to an historic structure. Cllr G Holland agreed to draft the response and Cllr L Brown advised that she would be calling this to the Central and East Area Planning Committee.

DM/19/00866/FPA | Change of use of a C3 dwelling to be used as either a C3 dwelling, or a small HMO Class C4 | 28 Douglas Gardens Merryoaks Durham DH1 3PU (held over from 29 March). It was **agreed** to note this application.

DM/19/00872/TPO | Works to Oak Tree | 23 Dalton Crescent Nevilles Cross Durham DH1 4FB. It was **agreed** to note this application.

DM/19/00874/FPA | Change of use from shop (use class A1) to cafe (use class A3). | First Floor Owengate House 1 Owengate Durham DH1 3HB. It was **agreed** to note this application.

DM/19/01006/FPA | Change of use from A1 (shop) to D1 (dental practice) | Belle Evening Wear 113 - 114 Gilesgate Durham DH1 1QG. It was **agreed** to note this application.

DM/19/01070/FPA | Replacement of 16no windows. | Durham University Trevelyan College Elvet Hill Road Durham DH1 3LN. It was **agreed** to note this application.

DM/19/01084/FPA | Infrastructure works including provision of new footpath route, highways works including new signalised crossing at the Hollingside Lane and South Road junction, and the creation of a car park of up to 215 spaces at Upper Mountjoy | Land South Of The New Inn Junction Along South Road To Mount Oswald And Hollingside Lane To Upper Mountjoy. It was **agreed** to respond to this application to welcome it in principle but with a number of concerns including accessibility. Cllr L Brown advised that she would call this application in to the Central and East Area Planning Committee and the Clerk was asked to contact Dr Barry Gower and Cllr S Cahill about this application, as representatives on the Access Group, to highlight the issues to them.

DM/19/01113/FPA and **DM/19/01114/LB** | Stone Piers and Cast Iron Railings | Abbey House Palace Green Durham DH1 3RS. It was **agreed** to note this application.

DM/19/01156/FPA | External alterations of new windows, door and roof light to rear elevation and internal alterations to an existing sui generis HMO (8 bedrooms). | 53 Hawthorn Terrace Durham DH1 4EQ. It was **agreed** to object to this application with concern around the bedroom sizes and this being in breach of the Interim Policy on HMOs.

DM/19/01164/FPA | Provide 6-bedroom C4 residential accommodation with shared living space and small extension to the rear and dormer loft conversion. | 9 And 9A Silver Street Durham DH1 3RB. It was **agreed** to defer a decision on this application until further research could be carried out.

DM/19/01185/AD | Hand painted signage directly onto the exposed brick work on the east gable elevation and to the shop front timber fascia on the north front elevation. 5 no fully retractable awnings to provide advertisement to the north and east elevations. | 19-20 Elvet Bridge Durham DH1 3AA. It was **agreed** to note this application.

DM/19/01180/FPA | Single storey extension to side and two storey extension to rear (Resubmission) | 9 North Crescent Durham DH1 4NE. It was **agreed** to note this application.

DM/19/01220/TPO | Various tree works | University Hospital Of North Durham North Road Durham DH1 5TW. It was **agreed** to note this application.

DM/19/01244/AD | Erection and display of 16no non-illuminated signs (Retrospective) | Lovegreen Car Park Frankland Lane Durham DH1 5SZ. It was **agreed** to note this application.

DM/19/01260/FPA | Replace existing roof to the kitchen and extend with a Garden Room | 23 Albert Street Durham DH1 4RL. It was **agreed** to note this application. (Note: discussions on this application were deferred until the end of the meeting and Cllr G Holland left the room prior to any discussion taking place).

8. Proposed new County HQ on the Sands

The Clerk reported that the Barrister on behalf of the Parish Council had now submitted a pre-action letter to the County Council and the Parish Council is awaiting a response to this.

9. Dates of next meeting

10 May 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.
24 May 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

There being no further business, the Chair closed the meeting.

Signed,

Roger Cornwell

Chair of Planning Committee

ITEM 5 (C) NEARLY ZERO BUILDINGS: TO CONSIDER THE DRAFT LETTER

Members are reminded that Janet George raised the following query with the County Council in relation to the proposed new County HQ building on the Sands:

Are Durham County Council required to follow the regulations laid down by the Ministry for Housing, Communities and Local Government, circular letter attached stating 'Where a building is erected, it must be a nearly zero-energy building' For new buildings occupied by public authorities, the coming-into-force date for Regulation 25B is 1 January 2019.

The building proposed in the application DM/18/02369/FPA is clearly not and this was commented upon during the committee meeting.

If Durham County Council must meet this standard this requires further discussion and I imagine final cost.

What will the cost of nearly zero carbon specifications and build - and the extra monies required to build the required flood defences be - and will proper and open consultation occur regarding cost.

If Durham County Council believes it may ignore Government directive what rationale do you have for this.

Does Durham County Council believe it has any moral duty to proactively construct a public building that will meet environmental standards.

The County Council replied as follows:

I can confirm that Durham County Council must meet the new standards for public buildings to be nearly zero energy in accordance with revised building regulations.

The proposed new HQ has been designed to do so, taking a 'fabric first' approach – a good practice approach to minimising energy consumption through appropriate design of the building fabric. The design specifications are expected to meet the new regulations and indeed building regulation approval will not be issued until compliance with Regulation 25b Building Regulations 2010 (as amended) is achieved. There is a wide range of design measures and techniques that have been incorporated into the building so that it meets the new requirements.

The 'fabric first' approach and flood defences are already included in the project costs.

Janet George has asked that the Parish Council take this matter further and it is proposed that the Parish Council responds as follows:

Thank you for your reply to Janet George regarding regulations about energy requirements for public building. Ms George has passed it to the Parish Council for our consideration.

We share with her a range of concerns which we consider your reply has not satisfactorily answered.

1. Reference to "fabric first" only begins to answer the question. The "fabric" only refers to the construction of the building. It does not include reducing the carbon consumption in the daily functioning of the building, for example avoiding carbon-based fuel for heating, cooling,

lighting, office equipment (pcs, copiers, printers,) and food & drink preparation for the cafe & workplace drinks.

Parish Councillors and others asked questions at the presentation last year at Freeman's Quay and at the County Planning Committee meeting on 5 March 2019 about avoiding carbon-based fuel, for example the integration into the design of solar panels, heat pumps, wind and water energy production (including eg an Archimedes Screw).

Does the Council propose to achieve this and if so, how?

2. The Council's plans make no mention as to how it will achieve only carbon neutral vehicles attending the HQ, although County Councillors at the 5th March planning meeting referred to the air quality issues being temporary as in ten years the building would be serviced by electric vehicles.

Are you hoping to achieve this and if so how and by when?

3. The building ought to be built to a recognised environmental standard otherwise there is no way of assuring compliance with an efficiency target. Standards could be either Code for Sustainable Homes (Cosh) or Passivhaus. Have these standards been considered and if so what is your response to the exercise?

These options were not included in the Preferred Options paper which indicates a major failing. The "Preferred Options" could have created a policy requirement for achievement of a recognised environmental design standard.

Are you proposing to rectify this omission?

The Parish Council has adopted the terms of the Climate Emergency, to achieve neutrality by 2030, and we are committed to encouraging all our partners and neighbours to recognise the need for the same level of responsibility.

It seems as though the County Council has inadequately considered issues of carbon neutrality which is disappointing in the context of the 1st May's unanimous vote in Parliament to declare a climate change emergency requiring immediate and urgent action, and the country-wide demonstrations, not least in our own city."

Please can you indicate how the above issues are to be addressed?

DECISION REQUIRED	For Members to agree the proposed response to the County Council on this matter and to instruct the Clerk to contact the County Council with the agreed response on behalf of the Parish Council.
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