

# City of Durham Parish Council

Office 3 D4.01d Clayport Library  
8 Millennium Place  
Durham  
DH1 1WA

Telephone 07704 525630

15 July 2019

Email: [parishclerk@cityofdurham-pc.gov.uk](mailto:parishclerk@cityofdurham-pc.gov.uk)

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 19 July 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 5 July 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. Response to Freedom of Information Request FOI20198365AS
  - b. Ecologist's report re otters (report attached)
  - c. De-registration of the Common land at The Sands.
  - d. Any other relevant developments
- 6. Planning Budget 2019/20** (report attached)
- 7. Matters arising:**
  - a. to approve the following responses (for text of letters see Parish web site):  
**DM/19/01893/TPO** | Various tree works Land At North End Durham DH1 4LU  
**DM/19/01906/AD** | Flat panel internally illuminated shopfront signs, 1 no projecting sign, 2 internally fixed non illuminated signs and SAV applied internally to existing windows | 16 High Street Durham DH1 3UJ  
**DM/19/01912/FPA** | Erection of a first floor extension to create two storey dwelling and first floor external roof terrace etc | The Bungalow Quarry House Lane Crossgate Moor Durham DH1 4JA  
**DM/19/01935/FPA** and **DM/19/01936/LB** | Conversion of building to permit ground floor Drinking Establishment (A4) and 7no. bed house in multiple occupation (Sui-Generis) including various external alterations | 34 - 35 Saddler Street Durham DH1 3NU

- b. Report on meeting re DM/19/01308/FPA | Change of use and subdivision of 1no A2 unit to 1no sui-generis (distillery) unit and 1no A3 (cafe) unit| 30 High Street Durham DH1 3UL

**8. Oversight of the work of the Neighbourhood Plan Working Party**

**9. Planning applications: To consider making representations on the following:**

**DM/19/01229/FPA** and **DM/19/01423/LB** | Single storey extension to west elevation, internal alterations, replacement of roof covering and guttering | Old Granary Crook Hall Sidegate Durham DH1 5SZ

**DM/19/01418/FPA** | The change of use of a six-bedroom dwelling (Class C3) to a small House in Multiple Occupation (Class C4) or a six-bed dwelling (C3) | 24 Nevilledale Terrace Durham DH1 4QG

**DM/19/01810/FPA** | Part two storey rear extension and part single storey rear extension, raising of ridge height and loft conversion, increasing from 4 to 6 bedrooms. | 22 Blaidwood Drive Durham DH1 3TD

**DM/19/01947/AD** | Retention of vinyl images applied to outside surface of front and side windows | 81 New Elvet Durham DH1 3AQ

**DM/19/01977/AD** | Illuminated and non-illuminated fascia, hanging and menu board signage | Unit R09 The Riverwalk Millburngate Durham DH1 4SL

**DM/19/02062/VOC** | Variation of condition 2 pursuant to DM/19/00371/FPA Minor amendment to approved plans. Adding first floor window to Kitchen/Lounge/Dining for improved lighting | Corner House Potters Bank Durham DH1 3PS

**DM/19/02077/AD** | Erection of 11 illuminated advertisements and 2 non-illuminated advertisements | Millburngate House Framwelgate Waterside Durham DH1 5TL

**DM/19/02144/FPA** | Erection of part 2 storey, part single storey to rear of existing C4 House in Multiple Occupation. | 7 Mavin Street Durham DH1 3AU

**DM/19/02176/FPA** | Erection of 1no. two storey 2-bed dwelling with associated parking (hardstanding) and access, and demolition of existing garage. | Valley House Nevilles Cross Bank Durham DH1 4JN

**DM/19/02184/LB** | Masonry Restoration | Railway Station Station Approach Durham DH1 4RB

**DM/19/02199/FPA** and **DM/19/02200/LB** | Erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage and welfare facilities to ground floor. | 21 Market Place Durham DH1 3NJ

**DM/19/02214/PNC** | Prior Approval - Change of use of B1 office to C3 residential (3 x 1-bedroom studios). | Part Second Floor Bridge House North Road Durham DH1 4PW

**10. Continuing display of pub sign at the Revolution Bar, North Road, Durham DH1 4PW, consent for which was refused on 31 January 2019 (ref DM/18/03618/AD)**

**11. Regulation 7 Direction on Lettings Boards: report on progress, or lack of it.**

**12. Dates of future meetings**

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

16 August 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

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 at 14:00 pm on Friday 5<sup>th</sup> July 2019 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.**

**Present:** Cllr R Cornwell (in the Chair), Cllr J Ashby, Cllr J Elmer, Cllr L Brown, Cllr G Holland and Cllr C Reeves.

**Also present:** Parish Clerk Adam Shanley and Cllr A Doig.

## **1. Welcome and apologies**

Apologies were received from Cllr V Ashfield

## **2. Declarations of interest from members.**

Cllr R Cornwell declared an interest in Item 10 of the Agenda.

## **3. To receive and approve as a correct record the minutes of the meeting on 21 June 2019.**

The minutes of the meeting held on 21 June 2019 were unanimously **agreed** as a true and accurate record of proceedings.

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

None received

## **5. Proposed new County HQ on the Sands (planning reference DM/18/02369/FPA):**

The Chair reminded Members that the Parish Council had not been granted leave to apply for a Judicial Review following a decision by the High Court Judge. The Chair also reminded Members that the Parish Council had unanimously agreed not to pursue a renewal application for judicial review.

The Clerk advised that the ecologist was on site today (5<sup>th</sup> July) to assess whether otter holts were present at the proposed site for the new County Headquarters.

On the issue of the Common Land de-registration, the Chair reported that a Case Officer of the Open Spaces Society had e-mailed to say that he had concerns over the replacement land currently proposed by the County Council. The Clerk reminded members that the Parish Council had submitted the response to the initial invitation for comments on this matter and at present were still waiting to hear back about when this would go out to formal consultation.

On related matters, the Clerk reminded Members that the Parish Council had received notification of a consultation pertaining to market traders permit only parking and a response would be drafted for Full Council

agreement. The Committee expressed concern about the proposals and in particular the distance from the existing Sands car park and the fact that this was only available on a Saturday when in fact the market takes place throughout the week.

## **6. Matters arising:**

a. to approve the following responses (for text of letters see Parish web site):

**DM/19/01308/FPA** | Change of use and subdivision of 1no A2 (financial Institution) unit to 1no sui-generis (distillery) unit and 1no A3 (cafe) unit | 30 High Street Durham DH1 3UL (further correspondence). Cllr J Ashby reported that further clarification had been sought in the Parish Council's response to this consultation and the Committee were yet to hear back from the Agent of the applicant on a suitable meeting date.

**DM/19/01428/AD** | Non-illuminated vertical sign | Dun Holm House 8 The Riverwalk Millburngate Durham DH1 4SL. The Parish Council's response was approved by the Committee.

**DM/19/01673/FPA** and **DM/19/01674/LB** | Demolition of existing extension, erection of two-storey extension, minor internal alterations, like of like replacement of bay window and change of use to a house in multiple occupation (*sui generis*) | 22 Allergate Durham DH1 4ET. The Clerk reported that he had not yet received a copy of this. The Chair advised that he would send this on to the Clerk for submission and publication.

**DM/19/01683/FPA** | The change of use of dwelling (Use Class C3) to a small HMO (Use Class C4) and the erection of a dwelling in small HMO use (Use Class C4) | 36 The Hallgarth Durham DH1 3BJ. The Parish Council's response was approved by the Committee.

**DM/19/01720/FPA** | Erection of two storey side extension to C4 (House in multiple occupation) dwelling. | 77 Whinney Hill Durham DH1 3BG. The Parish Council's response was approved by the Committee.

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

The Chair reported that the consultation on the draft Neighbourhood Plan ended today (5<sup>th</sup> July 2019). The consultation had been extended to allow organisation consultees such as the Cathedral, the University and Historic England sufficient time to respond to the draft Neighbourhood Plan. The Chair reported that both the Cathedral and Historic England had submitted their response to the draft Plan and the University had promised a submission later today.

The Chair reported that a number of public comments had been received during the Regulation 14 consultation and would be gathered and considered following the consultation closing date.

Cllr J Ashby reported that the County Council had also submitted a large number of comments to the draft Plan and a response on behalf of the Parish Council would be drafted in due course.

## **8. Student HMOs**

The Chair reported that the review of historic planning applications being carried out by the Council's selected PHD student was underway and a draft version of the PHD student's findings had been submitted to the Clerk and the Chair and Vice-Chair of the Parish Council Planning Committee. The review had picked up on a number of discrepancies between DCC's data and that of the University.

The Clerk reported that he was yet to hear back from the Information Governance team at the University regarding a meeting date to discuss the possibility of entering into a Service Level Agreement to provide aggregate data on HMO levels within a 100-metre radius.

### **9. Planning applications: To consider making representations on the following:**

**DM/19/01308/FPA** | Change of use and subdivision of 1no A2 (financial Institution) unit to 1no sui-generis (distillery) unit and 1no A3 (cafe) unit

including the installation of 4no. windows to south elevation | 30 High Street Durham DH1 3UL (re-consideration). The Clerk reported that a meeting with the Agent was still being sought to discuss the concerns the Parish Council Planning Committee had in relation to the current application.

**DM/19/01411/FPA** | Two storey extension to rear of the existing C4 accommodation to create additional amenity space and 2no. 1-bed apartments and 1no. 2-bed apartment (C3 housing). | 12 North Road Durham DH1 4SH. It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this.

**DM/19/01526/VOC** | Amendment to opening hours from 12.00 - 23.00 Monday to Sunday. (Amendment to condition 11 on planning permission 4/03/01178/FPA) | Lebaneat 47 North Bailey Durham DH1 3ET. It was **agreed** to note this application.

**DM/19/01686/LB** | Addition of roof cowl to pitched roof | 29 - 30 Old Elvet Durham DH1 3HN. It was **agreed** to note this application.

**DM/19/01893/TPO** | Various tree works. Land At North End Durham DH1 4LU. It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response to this.

**DM/19/01901/FPA** | Rear Dormer Window | 37 Nevilledale Terrace Durham DH1 4QG. It was **agreed** to note this application.

**DM/19/01906/AD** | Flat panel internally illuminated shopfront signs, 1 no projecting sign, 2 internally fixed non illuminated signs and SAV applied internally to existing windows | 16 High Street Durham DH1 3UJ. It was **agreed** to write a letter to DCC Planning department with a recommendation on how the scheme could be improved. Cllr R Cornwell **agreed** to draft the response to this.

**DM/19/01909/FPA** | Change of use of part ground floor and first floor of no. 90 to small HMO (Use Class C4) and single storey extension to no. 89 to provide workshop. | 89-90 Claypath Durham DH1 1RG. It was **agreed** to note this application.

**DM/19/01912/FPA** | Erection of a first-floor extension to create two storey dwelling and first floor external roof terrace, single storey extensions to the front and rear, alterations to the external materials

(render and cladding) and window arrangement, and associated new hardstanding. | The Bungalow Quarry House Lane Crossgate Moor Durham DH1 4JA. It was **agreed** to write a letter requesting that the condition be attached to this application (if minded to approve) that the applicant must undertake to repair the pavement if heavy vehicles involved in this scheme caused any destruction. Cllr R Cornwell **agreed** to draft the response to this.

**DM/19/01935/FPA** and **DM/19/01936/LB** | Conversion of building to permit ground floor Drinking Establishment (A4) and 7no. bed house in multiple occupation (Sui-Generis) including various external alterations (new shopfront, replacement windows, alterations to roof (dormer/raising of roof) and internal and external structural repairs and associated drainage, mechanical and electrical plant to rear yard. | 34 - 35 Saddler Street Durham DH1 3NU. It was **agreed** to write a letter to DCC Planning Department praising the overall scheme but suggesting that the shopfront treatment could be better. Cllr J Ashby **agreed** to draft the response to this.

**DM/19/01937/VOC** | Variation of Condition 3 (approved plans) of DM/15/03734/VOC to allow introduction of roof plant to hub building. | Mount Oswald (Durham Uni Site) South Road Durham DH1 3TQ. It was **agreed** to note this application.

**DM/19/01950/FPA** | Single storey rear extension (resubmission of DM/19/01334/FPA with revised party wall) | 20 Faraday Court Nevilles Cross Durham DH1 4FG. It was **agreed** to note this application.

#### **10. Proposed phone box removal: Church Street Head, Durham, DH1 3DN**

The Committee considered a proposal to have the phone box at Church Street Head removed. The phone box itself is very rarely used and BT were looking to have this removed. It was **agreed** to note this application. Cllr R Cornwell did not take part in discussions on this item.

#### **11. Dates of future meetings**

19 July 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

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

There being no further business, the Chair thanked Members for their attendance and closed the meeting.

Signed,

Chair of the City of Durham Parish Council Planning Committee

## **ITEM 5: REPORT FROM ECOLOGIST ON OTTER ACTIVITY AT THE SANDS**

Members are reminded that the Council approved a recommendation by the Parish Council Planning Committee to carry out an ecological assessment of otter activity at the Sands at its June meeting. This recommendation followed an initial ecological evaluation of the area which first highlighted the presence of Otter by the proposed site of the new County Council Headquarters.

Otter are protected via two key pieces of conservation legislation in the UK. These are the Conservation of Habitats & Species Regulations 2017 (transposed into UK law as The Habitat Regulations) and also under sections 9 and 11 of the Wildlife and Countryside Act 1981. This legislation makes it an offence to:

- Capture, kill, disturb or injure otters (on purpose or by not taking enough care)
- Damage or destroy a breeding or resting place (deliberately or by not taking enough care)
- Obstruct access to their resting or sheltering places (deliberately or by not taking enough care)
- Possess, sell, control or transport live or dead otters, or parts of otters.

The interpretation of these legislative instruments is to a certain degree hierarchical, and is linked to the severity of effect upon the conservation status of otter locally. For example, a direct impact upon a maternal holt location, used by a female and young would have the greatest impact, whereas impacts upon a single otter occasionally moving through an area and being affected by a development (experiencing impact such as noise disturbance for example) would be a far more temporal and low-level impact.

The ecologist has now completed his more in-depth investigation of the area and has advised that very little evidence of otter was found, over and above the evidence found during the initial visit earlier in the year. The survey covered both banks to a distance of approximately 100-130m up and down stream of the development area. The ecologist found a good number of potential resting locations within the banks, particularly on the north side of the river, but only found a single recent otter spraint (droppings). This was in association with the large weir structure just upstream from the development.

The conclusion therefore is that otter are active on this part of the Wear, however the evidence suggests that it form part of a wider foraging range. The weirs upstream potentially acting as an attractant as a gathering point for fish moving up-river to spawn, consequently providing a foraging opportunity to otter. The ecologist has not found any evidence of any active holt or resting locations, although there are features within particularly the north bank which could be used. There was no evidence of any maternal activity

Whilst the evidence does not present any significant barrier to development, the confirmation of otter does mean that the developer will need to give consideration to providing adequate mitigation measures. In this case our ecologist has suggested a precautionary pre-works checking survey. Otter are very mobile, and will take opportunities to establish new resting places regularly. If this pre-works check were to confirm a holt/resting location, then it is likely that the development would require a Natural England Protected Species Licence (EPSL) to proceed. Otherwise work to a method statement would be considered usual best practice when working this close to a watercourse.



Consideration of the effects of lighting into the watercourse should also form part of the assessment of impacts.

To ensure compliance with the net gain requirement of the National Planning Policy Framework (2019) the provision of an artificial otter holt and otter ledge should also be considered.

<b>DECISION REQUIRED</b>	For Members to consider the above report by the Parish Council ecologist and decide on further steps to take in respect of the otter at the Sands.
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## **ITEM 6: PLANNING COMMITTEE BUDGET 2019/20**

Following the decision at the Full Council meeting in June, whereupon Councillors resolved not to seek a renewal apply for a judicial review into the County Council's proposed new HQ site on the Sands, there is a need to reconsider the Planning Committee budget for the present financial year.

At present, once the County Council's fee and the remainder of the costs for Richard Buxton are paid, the Parish Council will have in excess of £45,000 left over in the planning budget.

At the last Parish Council Planning Committee meeting, Councillors briefly discussed and informally settled on £10,000 for the priority relating to the County Council Headquarters at the Sands (in case of any reports needed etc).

In addition to the £45,000, there is also £7,500 in the budget for the HMO investigation (for part 2 only, not including the costs for the first stage of this investigation). It is hoped that the cost for this work can be significantly reduced.

Members of the Planning have also discussed the possibility of entering into some form of Service Level Agreement with the County Council to provide for an enhanced Planning Enforcement service (in a similar model to that of the new Parish Council Neighbourhood Warden).

Such an arrangement could be advantageous to the Parish given the backlog with enforcement issues which have a greater impact on the City of Durham Parish area than other parts of County Durham. If such an arrangement is possible, a dedicated Officer to the City of Durham area could look into tackling unregistered HMOs, investigating breaches in planning conditions, etc. A meeting would need to take place between the Parish Council and the relevant Planning managers at DCC to scope such an arrangement, but a figure of approximately £10,000 may need to be allocated towards this priority.

Members should also be aware that there will likely be additional cost requirements towards the priority of delivering the Neighbourhood Plan.

Any unallocated funding from the Planning Committee budget could be moved to other priorities of the Parish Council, such as with the Environment Committee or the Business Committee.

<b>DECISION REQUIRED</b>	For Members to agree an amended funding allocation towards Planning Committee priorities and put a proposal for this to the Parish Council Finance Committee.
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