

City of Durham Parish Council

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23 September 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 27 September 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 13 September 2019.**
- 4. To receive any public participation comments on the following agenda items.**

5. Matters arising:

to approve the following response (for text of letter see Parish web site):

DM/19/02734/FPA | Installation of illuminated artwork to the South Elevation | Clayport Library 8 Millennium Place Durham DH1 1WA (26 September)

6. Neighbourhood Plan

To note that the Working Party has now completed its work, and

- a. to receive the notes of its final meeting (attached); and
- b. to progress the outstanding items, so that the final text of the Plan may be submitted to the Parish Clerk on 27 September.

7. County Durham Plan

- a. Consideration of the draft replies to the Inspector's Questions (deadlines midday on 4 October for Matters 1-7 and 18 October for Matters 8-14)
- b. Any matters referred from the Parish Council meeting on 26 September

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

- a. Any matters referred by the Parish Council meeting on 26 September
- b. Any other relevant developments

9. Update on progressing the Service Level Agreement with Durham County Council for a Planning Enforcement Officer for Durham City.

10. Planning applications: To consider making representations on the following (the date in parenthesis is the deadline to call the application

to committee):

DM/19/02459/FPA | Change of use from 4 bedroom C4 HMO to 7 bedroom Sui Generis HMO with single storey lean to on existing kitchen and 2 storey extension with pitch roof to rear of property. | 13 Mowbray Street Durham DH1 4BH (17 October)

DM/19/02756/FPA | Change of use from shop (A1) to cafe/restaurant (A3) - Retrospective | 3 Neville Street Durham DH1 4EY (17 October)

DM/19/02811/FPA and **DM/19/02812/AD** | Illuminated and non-illuminated fascia and hanging signs. | 16 The Riverwalk Millburngate Durham DH1 4SL (17 and 10 October respectively)

DM/19/02821/LB | Listed building consent for internal alterations to provide a change in internal layout including en-suite facilities. | 72 - 73 Claypath Durham DH1 1QT (10 October)

DM/19/02853/FPA | The change of use from a dwelling (Use Class C3) to a small house in multiple occupation (Use Class C4). | 27 May Street Durham DH1 4EN (2 October)

DM/19/02860/FPA | Installation of french doors to replace existing window and installation of sun tunnel in roof. | 39 Hallgarth Street Durham DH1 3AT (10 October)

DM/19/02862/FPA | Change of use from 6 bedroom HMO to 7 bedrooms (C4 to Sui Generis) and Loft conversion | 35 Elvet Crescent Durham DH1 3AP (10 October)

DM/19/02864/FPA | Change of use from 5 bedroom HMO to 7 bedrooms (C4 to *Sui Generis*) and two storey side extension | 1 Elvet Crescent Durham DH1 3AP (10 October)

DM/19/02890/LB | To replace window like for like with timber frames | 59 Hallgarth Street Durham DH1 3AY (10 October)

Listed Building Consent for the installation of one eyebolt for the rigging of a steel wire rope catenary across the South Bailey in connection with Lumiere, at the following addresses (all 10 October):

DM/19/02900/LB | 10 South Bailey Durham DH1 3EE

DM/19/02901/LB | St Johns College (Former 3 South Bailey) Durham DH1 3RJ

DM/19/02902/LB | St Johns College (Former No. 6 South Part, South Bailey) Durham DH1 3RJ

DM/19/02903/LB | 3 The College Durham DH1 3EQ

DM/19/02904/LB | St Johns College (Former 1 South Bailey) Durham DH1 3RJ

DM/19/02924/AD | 2 illuminated fascia signs, 1 non illuminated projecting sign, seating barriers and window vinyls (resubmission of DM/18/03723/AD) | Unit 19 Riverwalk Millburngate Durham DH1 4SL (10 October)

DM/19/02945/LB | Internal alterations to convert existing first floor kitchen to bedroom, alterations to first floor bedroom to form bathroom, and alterations to ground floor to form kitchen/dining room. | 45 Claypath Durham DH1 1QS (17 October)

DM/19/03006/FPA | Single storey rear extension to allow the creation of a 6th bedroom to an existing C4 HMO | 63 Gilesgate Durham DH1 1HY (17 October)

11. Dates of future meetings

Thursday 10 October 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

25 October 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 13th September 2019 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.

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

Also present: Parish Clerk Adam Shanley, Professor Brian Whitton, Mr Peter Jackson and Cllr E Ashby (arrived 14:40pm) (all members of the public).

1. Welcome and apologies

Apologies were received from Cllr V Ashfield.

2. To receive any declarations of interest from members.

Cllr L Brown declared an interest in planning application DM/19/02669/VOC

3. To receive and approve as a correct record the minutes of the meeting on 30 August 2019.

The Minutes of the meeting held on 30th August were agreed as a true and accurate record of proceedings.

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

Mr Peter Jackson wished to clarify that his comments made on the consultation on the draft Neighbourhood Plan regarding Observatory Hill were not intended as an objection but rather a proposal to extend the proposed open green space.

Professor Brian Whitton expressed the importance of the area in particular Clay Lane and advised he regarded the area to be an asset of significant value.

5. Matters arising:

to approve the following responses (for text of letters see Parish website):
DM/19/02504/FPA | Demolition of existing dwelling, and construction of 3no. detached new dwellings with associated access, parking and landscaping. | Tower Cottage The Avenue Durham DH1 4EB. The Committee **agreed** the response to this application.

DM/19/02553/FPA | Demolition of former baths & construction of new Business School with associated infrastructure, refurbishment/alterations to Vennel Cottage as cafe (A3 Use), conversion of 42, 50 & 51 Old Elvet to 3no. dwellings (C3 Use) and refurbishment of 47-49 Old Elvet as start-up business incubator associated with Business School & Durham University (D1 Use) | Former Swimming Baths Durham DH1 3DA. The Committee **agreed** the response to this application. Cllr J Ashby advised that this response, which he drafted, was an abbreviated version of information he had received by virtue of being a member of the City of Durham Trust.

DM/19/02554/LB | Internal & external alterations to 42, 50 & 51 Old Elvet associated with conversion to 3no dwellings & to 47-49 Old Elvet associated with conversion to start-up business incubator | 42, 47-49, 50 & 51 Old Elvet Elvet Waterside Durham. The Committee **agreed** the response to this application.

6. Oversight of the work of the Neighbourhood Plan Working Party: progress report

The Chair advised that there would be one final meeting of the Neighbourhood Plan Working Party to finalise the wording of the draft Plan before sending this to the Clerk for passage through the Parish Council. The Chair advised that it is hoped that a final version would be agreed at the October Full Parish Council meeting. The Chair advised that he, Cllr J Ashby and the Clerk had met with Durham School to discuss the representations received to extend the designated green space of Observatory Hill to include land owned by the school. The Chair advised that a formal response from the school on the representations is expected.

Both Mr Peter Jackson and Professor Brian Whitton left the meeting at this stage.

7. To consider recommendations on the ongoing HMO investigation.

Cllr J Ashby advised that Hannah Shepherd had been advised by the legal team at Durham University that the proposals of sharing aggregate data on C4/ sui generis HMO levels were not acceptable. However, Hannah continues to make the case on behalf of the Parish Council for the need for this.

Members **agreed** the following recommendations by the PHD student in her report:

- Use the DU data to highlight the flaws in the DCC data in order to protect the remaining residential areas in Durham City from studentification.
- Explore ways of bringing ideas about the following into C4 objections – character shaped by people not just by buildings, the weakness of C4 property management conditions, the significance of incremental change and transient residents on community cohesion, the value of everyday lived experience, the ineffectiveness of the neighbourhood notification system.
- Continue to improve the evidence base and collaborate with neighbouring Parish Councils on a collective evidence base for the whole of Durham City.
- Work up a narrative and visual image to illustrate the scale of the problem and underpin policymaking.

It was also **agreed** that the proposal of a national conference ought to be considered at a later stage.

Cllr J Ashby also proposed that the Parish Council writes to the Minister of State to make the case for a Government subsidy to Local Authorities and Parish Councils with heavily studentified areas who were losing Council tax revenue as a result. This proposal was seconded by Cllr L Brown and **agreed** unanimously by the Committee.

8. Update on proposals for service level agreement with DCC for an enhanced planning enforcement service.

The Clerk reported that at present the proposal was still under consideration by Durham County Council and he hoped to hear back on this in time for the October Full Council meeting.

9. County Durham Plan

a. Confirmation of arrangements for cooperation with the City of Durham Trust and the Friends of the Durham Green Belt.

It was **agreed** that this arrangement should go forward as a proposal in a report to Full Council in September.

b. Confirmation of the list of appearances at the Examination in Public.

The Chair advised that Cllr J Ashby had circulated the list of hearings the Parish Council would like to appear at. This was unanimously **agreed** by the Committee.

c. Initial discussion about the Inspector's Questions.

Cllr J Elmer made the point that written submissions were as effective as spoken submissions at the Examination in Public though the spoken submissions helped to influence the debate on a particular matter more effectively. Cllr J Ashby advised that the County Council had already made 7 Main Modifications to its draft Plan since its submission.

It was **agreed** that an executive summary of the responses would form a report to go to Full Council in September for formal agreement.

Cllr J Elmer advised that he had been notified that the Woodland Trust's submission had not appeared in the list of submissions to the Plan and they were considering how to approach the Inspector about this.

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

a. Trader reserved parking in Providence Row: report from Highways Committee on 12 September

The Chair advised that he and the Chair of the City of Durham Parish Council had represented the Parish Council at the Highways Committee meeting on 12th September. The proposals had been agreed but with one condition attached that the situation be reviewed in 6 months' time. The proposal of using the Durham Sixth Form Centre as an alternative was quashed as the County Council has no control over this car park. The Chair also reported that Providence Row could also be used by the Market Traders on the third Thursday of each month for the Farmers' Market. It was felt that this was a positive outcome.

b. Enclosure of common land at The Sands

The Chair advised that he had made the point at a meeting with the Director at DCC in charge of the HQ development that the Parish Council viewed the fencing off of the Common Land as unlawful. The Clerk reported that the County Council had advised that the fencing would remain for the duration of the development in the interests of public health and safety. The Clerk reported that the County Council would be reviewing the situation as far as the trees were concerned which separate the coach park from the grass land, hopefully with a view to retaining these trees.

c. De-registration of the Common land at The Sands.

The Chair reported that the Parish Council and the Freeman had met with a Barrister who had agreed to write the submission on behalf of both parties in respect of the de-registration of the Common Land application submitted by the County Council. It was intended to provide a draft response within the next week. The Clerk confirmed that the Parish Council and the Freeman would be sharing the costs equally for this to be carried out.

d. Any other relevant developments

The Chair advised that the County Council had provided the pre-works ecological survey as requested by the Parish Council which illustrated that there is some active nesting taking place in the area and, as a result, the relevant trees would be retained for the time being.

The Clerk advised that DCC has a public engagement plan of providing newsletters to all local residents in the locality of the new HQ development and key stakeholders, including the City of Durham Parish Council. The newsletter would update all on the progress of the new development.

The Chair also reported that DCC had advised that disabled car parking provision had been made at Riverwalk and that DCC were also looking to have the lifts at Walkergate car park fixed as they are currently broken at present.

11. Planning applications: To consider making representations on the following (the date in parenthesis is the deadline to call the application to committee):

DM/19/02589/LB | To repair and replace the roof of the property | 25 Hallgarth Street Durham DH1 3AT (26 September). It was **agreed** to note this application.

DM/19/02669/VOC | Variation of Condition 4 (Opening Hours) pursuant to DM/16/03376/FPA | 17 Hallgarth Street Durham DH1 3AT (26 September). It was **agreed** to note this application.

DM/19/02714/LB | Hand painted signage on masonry above front door to shop (Retrospective) | Abbey Wood Interiors Avenue Corner The Avenue Durham DH1 4ED (3 October). It was **agreed** to note this application.

DM/19/02772/AD | 1 No Fascia Sign (Retrospective) | Avenue Corner The Avenue Durham DH1 4ED (26 September). It was **agreed** to note this application.

DM/19/02716/VOC | Variation of condition no. 3 (Materials) pursuant to DM/19/01465/FPA to vary brick from Wienerberger Facing Brick Blended Red Multi Gilt Stock to Manchester common and door from Crafton Style to Kingston Style. | 32 Lawson Terrace Durham DH1 4EW (26 September). It was **agreed** to note this application.

DM/19/02729/HPN | Prior notification for the erection of a single-storey rear extension upon the existing south facing rear elevation 4.5m from the original dwellinghouse with an eaves height and overall height of 3.4m above ground level | 11 Richardby Crescent Durham DH1 3TY (18 September). It was **agreed** to note this application.

DM/19/02734/FPA | Installation of illuminated artwork to the South Elevation | Clayport Library 8 Millennium Place Durham DH1 1WA (26 September). Cllr E Ashby attended the meeting as a member of the public and advised that she had concerns about the heritage statement with regards this application. There was some confusion on how the sign would read as two different versions were mentioned in the heritage statement. Cllr E Ashby also expressed concern about the impact of the sign on the tower itself and felt the lettering ought to be in lower case and in a different location. Cllr E Ashby advised that the project itself had virtue, but it was necessary to illustrate this through an interpretational panel and, if this were to be the case, Cllr E Ashby questioned where this would be put. It was **agreed** to draft a letter to state that, if the signage were temporary, then the Committee would have no objection. Alternatively, if this were permanent, then the Committee would object on the same grounds as those expressed by Cllr E Ashby. Cllr J Ashby **agreed** to draft the response to this application.

DM/19/02845/FPA | Single storey rear extension | 15 Kirkwood Drive Nevilles Cross Durham DH1 4FF (26 September). It was **agreed** to note this application.

12. Dates of future meetings

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

10 October 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 6: Notes from the final Durham City Neighbourhood Plan Working Party - 17 September 2019, Miners' Hall

1. Welcome and apologies

Present: John Ashby, Pippa Bell, Sue Childs, Roger Cornwell (Chair), Ann Evans, Peter Jackson, John Lowe, David Miller, John Pacey, Matthew Phillips.

Apologies: Angela Tracy.

We were sorry to hear that Angela is unwell and wished her a speedy recovery and return home.

In attendance: Carole Dillon (DCC)
Carole was welcomed to the meeting.

2. Notes of working party meeting on 10 September 2019

- a) **Accuracy:** The notes were agreed and **Sue** will post them on the website.
- b) **Matters arising:** None

3. Basic Conditions Statement

It was **agreed** that this was satisfactory pending any final amendments following the receipt of the final *Sustainability Appraisal* from AECOM. It was currently based on their report dated 2 September 2019.

4. Tying up all loose ends

Pippa and John L had met Carole Dillon and James Cook on 16 September to discuss final details of the Economy and Sustainability policies.

Policy E1: DCC is unhappy that we have not included the Green Belt car park in our plan. **Pippa** will explain this in the supporting text.

Policy E2: It was **agreed** to remove the Providence Row site as it is already under development. The Blagdon Depot site will also be removed from the policy as we cannot allocate it without carrying out the sequential test about flood risk, but it will be mentioned in the text as a possibility for development if the flood risk can be dealt with and Green Belt concerns assuaged. Fowler's Yard will be retained to protect its special characteristics as an arts quarter.

Policy E5 We need to retain the protection against the conversion of visitor accommodation to HMOs.

Policy S2: It was **agreed** that the definition of major residential development sites should be amended so that it applied to 30 rather than 10 dwellings. Also, the wording of criterion a) needed making more precise and **John L** would amend this in consultation with **David**.

Policy T1: "Adverse impacts" need explaining in the supporting text.

Policy T2: It was acknowledged that the final decision about designating the CPZ rests with DCC.

Policy H3: It was **agreed** to retain H3 as it follows logically from H2.

Policy H4: Following discussions with Carole, **Sue** and **Ann**, it was **agreed** they would revise the wording and circulate it to the Working Party and Carole.

Observatory Hill: We are awaiting AECOM's response. John A reported on a very positive meeting with the Head of Durham School. Roger and the Parish Clerk also took part. They explained that the School had the right to submit comments during the Regulation 16 consultation to be conducted by DCC. The School does have development plans but they are not yet specified. It was **agreed** that we should identify three options:

- A: The original LGS proposal in our pre-submission draft 2017;
- B1: The original plus the fields suggested by DCC during the 2017 Regulation 14 consultation;
- B2: The above plus the lane and school fields as suggested by NXCA during the 2019 Regulation 14 consultation.

It was further **agreed** that we needed to ensure that at least option A, or preferably B1 is designated as LGS, even if the examiner thought B2 was too big. **Carole** will obtain from Ged Lawson his reasons for not designating the whole area as of Higher Landscape Value. **John A** will draft a text to send to AECOM on behalf of the Parish Council. All **agreed** to this approach.

[Note: I've just seen the flurry of emails about this (5.15pm on 18 Sept) and hope to goodness I've got these options correct! They are taken from my notes of the meeting.]

Policy D2: **John A** will clarify the reference to Mill Hill Lane and St Aidan's College and the corresponding map.

DEADLINE FOR FINAL TEXTS: The final red/green texts must be submitted to Sue by the end of Thursday 19 September.

Roger will draft a foreword for the Chair of the Parish Council.

Consultation Statement: Any additional information should be submitted to John L as soon as possible: **All**

Following the conclusion of the Working Party, any future communications from **DCC** should be addressed to Roger as Chair of the Parish Council's Planning Committee.

5. Any other business

None

6. Date of Next Meeting

It was **agreed** that this would be the last scheduled meeting of the Working Party and that all future decisions about the final documentation should be taken by the Parish Council's Planning Committee and the full Parish Council. Roger thanked all members of the Working Party for our contributions over the last six years. We would remain available should the Parish Council wish to consult us on any further matters.

npwp notes 17 sept 2019.