

City of Durham Parish Council

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2 December 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 6 December 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 22 November 2019.**
- 4. To receive any public participation comments on the following agenda items.**
- 5. Matters arising:**
 - a. to approve the following responses (for text of letters see Parish web site):
DM/19/02553/FPA | Former Swimming Baths And Nos 42, 47-49, 50 And 51 Old Elvet, Elvet Waterside Durham, DH1 3DA
DM/19/03227/FPA | 3 Juniper Way Durham DH1 4GZ
DM/19/03447/FPA | 89-90 Claypath Durham DH1 1RG
DM/19/03459/FPA | 17 Providence Row Durham DH1 1RS
DM/19/03494/FPA | 18 Providence Row Durham DH1 1RS
DM/19/03525/LB and **DM/19/03531/AD** | The John Duck Ale House 91A Claypath Durham DH1 1RG
 - b. to approve the draft press release on timber-framed windows (report to follow).
 - c. notification of Committee date for **DM/19/03257/FPA** re: 32 Whinney Hill, Durham DH1 3BE.
- 6. County Durham Plan:** Verbal update on week 4 of the Examination in Public, matters 12 (Environment), 13 (Minerals and Waste) and 14 (*Other Issues*)
- 7. Neighbourhood Plan Consultation Dates:** Councillors are asked to agree preferred date for start of the Regulation 16 consultation.
- 8. Proposed new County HQ on the Sands (planning reference DM/18/02369/FPA):**
 - a. Stakeholder engagement and community involvement
 - b. Any relevant developments
- 9. Deregistration of common land: Any relevant developments**

10. Feedback from the Planning Training on 26 November

11. Selective licensing scheme for County Durham (report included)

12. Additional budget items arising from *Looking Forward* (see attached paper)

13. Planning applications:

DM/19/03313/FPA | Temporary change of use until end of June 2020 from C3 to C4 | 3 The Bowers Durham DH1 4EH (19 December)

DM/19/03508/FPA | Change of use from existing six bedroom HMO (C4) to eight bedroom HMO (*sui generis*) including dormer loft conversion and other associated internal alterations | 18 The Avenue Durham DH1 4ED (18 December)

DM/19/03552/FPA | Change of Use to Magicians Entertainment Place (D2) | The Magic Corner 19 And A Half Old Elvet Durham DH1 3HL (19 December)

DM/19/03660/VOC | Variation of condition No.2 pursuant to planning application DM/18/00291/FPA in relation to the approved brick type. | Rear Of 24 The Avenue Durham DH1 4ED (17 December)

DM/19/03670/TCA | Fell 2no. Oak trees | North End Allotments Larches Road North End Durham DH1 4LZ (No expiry date; this is on land owned by the Parish Council)

DM/19/03677/FPA | Replacement of welsh slate roof tiles with Marley composite roof tiles (retrospective) | 20 - 21 Church Street Head Durham DH1 3DN (19 December)

DM/19/03721/FPA | Demolition of redundant garages and creation of parking spaces including erection of fencing/bollards. | Garages At Hallgarth Street Durham City (20 December)

14. Request to purchase North Sidegate Woodland (report included)

15. Arrangements during the Christmas recess, to include

- a. Submission of representations
- b. Meeting deadlines for calling applications to Committee

16. Dates of future meetings

10 January 2020 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

24 January 2020 - 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 22nd November 2019 in Office 2, Clayport library building, 8 Millennium PI, DH1 1WA.

Present: Cllr R Cornwell (in the Chair), Cllr J Ashby, Cllr V Ashfield, Cllr L Brown and Cllr C Reeves

Also present: Parish Clerk Adam Shanley and Cllr E Ashby (attending as a member of St Nicholas Community Forum (SNCF))

1. Welcome and apologies

Apologies were received from Cllr J Elmer and G Holland

2. To receive any declarations of interest from members.

Cllr J Ashby declared an interest in planning applications DM/19/03587/FPA and DM/19/03588/LB.

Cllr L Brown declared an interest in planning application DM/19/03525/LB

3. To receive and approve as a correct record the minutes of the meeting on 8 November 2019.

The Minutes of the meeting held on 8th November 2019 were unanimously agreed as a true and accurate record of proceedings.

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

Cllr E Ashby advised that she was attending the meeting as a member of SNCF and wished to hear discussions on planning application DM/19/03525/LB.

5. Matters arising:

DM/19/03170/CEU | 11 Mayorswell Close Durham DH1 1JU (further letter). This letter was **approved** by the Committee.

DM/19/03309/FPA | 16 Mistletoe Street Durham DH1 4EP. This letter was **approved** by the Committee.

DM/19/03408/FPA and **DM/19/03438/FPA** | 29 Lawson Terrace Durham DH1 4EW. These two letters were **approved** by the Committee.

DM/19/03409/AD | The Bishop Langley North Road Durham DH1 4PW. This letter was **approved** by the Committee.

The Chair advised that the applicant for 24 Nevilledale Terrace was appealing the decision to refuse the application and it was necessary for the Committee to decide how to respond to the notice of appeal. It was **agreed** that the original objection be maintained.

The Chair also thanked Cllr C Reeves for her work on the press release on wooden window frames. The Chair advised that he had received feedback that the press release should include more background information and a quote from the Chair of the Parish Council Planning Committee. The Clerk **agreed** to work with Cllr C Reeves to provide an alternative press release.

The Clerk reminded Councillors that the planning training organised through CDALC was due to take place on 26th November and was oversubscribed throughout the County. Cllr J Ashby **agreed** to withdraw from the training to provide a space for

another Councillor. The Clerk and the Chair of the Parish Council Planning Committee had also withdrawn from the training session.

The Clerk reported that he had recently met with Hannah Shepherd from Durham University to progress the proposed SLA with the University to provide the Parish Council with the aggregate data of student housing within a 100 metre radius of any new application sites involving a C4 or sui generis property use. The Clerk reported that the Information Governance team still had concerns about the SLA. It was **agreed** that the Clerk should write to Professor Corbridge, Pro Vice Chancellor and Warden of Durham University to request that he assist in progressing the SLA.

6. County Durham Plan

The Chair provided a verbal update on week 2 of the Examination in Public. The Chair advised that the Inspector has a clear line on greenbelt as far as strategic allocations at Durham City were concerned. The Chair advised that he felt that DCC ought to have prepared better for the EiP.

The Chair advised that the issue of the relief roads had been discussed as part of Matter 6 of the EiP (Transport proposals for Durham City) and further clarity was needed particularly on the boundary of Sherburn Road.

The Chair advised that the issues of Durham University, PBSAs and HMOs had been discussed as part of Matter 7 of the EiP. The Chair advised that this part of the EiP had been poorly attended outside the Parish Council and members of local residents' groups. The Chair advised that the University had remained silent during the EiP when the matter of HMOs was discussed.

The Chair advised that there were no further questions or action points from the Inspector. However, the Chair did draw the Committee's attention to a main modification proposed to the World Heritage Site, in so much that both sides of the riverbank were now proposed to be included in the Site. The Inspector felt that the policy ought to reflect this.

The Chair advised that the coalition was working very well. The coalition did not have a place to speak during weeks 3 and 4 of the EiP. However, Cllr J Ashby advised that he would attend the discussions on Matter 8 of the EiP in case the Inspector wished to hear from a member of the coalition. The Chair advised that although the Coalition are only listed at Matter 14 (*Other Issues*), he would still attend weeks 3 and 4 of the EiP out of interest.

7. Consideration of Planning Committee budget for 2020-21

It was **agreed** that £6,000 should be allocated towards a potential public enquiry into the de-registration of common land next year.

It was also **agreed** that £500 should be allocated towards any printing costs for the delivery of the Neighbourhood Plan.

It was also **agreed** that £1,800 should be allocated towards February and March 2021 for the SLA for the enhanced planning enforcement service.

It was also **agreed** that £2,000 should be allocated towards any potential professional services needed in responding to any particular complex planning applications.

Cllr J Ashby advised that he would be reviewing the agreed 'Looking Forward' document to see if other commitments required an allocated budget and would report back at the next Planning Committee meeting.

8. Section 106 monies available for the City of Durham Parish area

The Clerk advised that the City of Durham Parish area currently had a lot of section 106 money to spend. It was **agreed** that the Parish Council's Environment Committee should look to progress any projects for the Parish with this funding being available.

9. Proposed new County HQ on the Sands (planning reference DM/18/02369/FPA): Any relevant developments

The Clerk advised that he had received some complaints regarding the advertising boards which had been erected with the fencing around the former Sands car park. The Clerk advised that members of the public were questioning the accuracy of some of the statements on these boards. The Chair also advised that he felt the County Council ought to have applied for planning permission for the reinforced fencing and advertising. It was **agreed** that the Clerk should speak with the local residents' group about this.

The Chair also advised that he had raised the issue of some faulty lighting outside Freeman's Quay Leisure centre with Andrew Megginson of DCC.

10. Deregistration of common land:

Members **agreed** to endorse the joint response submitted by the Parish Council and the Freemen on the de-registration of the common land.

11. Planning applications:

DM/19/02553/FPA | Demolition of former baths & construction of new Business School etc | Former Swimming Baths and Nos 42, 47-49, 50 And 51 Old Elvet, Elvet Waterside Durham, DH1 3DA (22 November). The revised response to this application was **agreed** by the Committee and the Clerk advised that he would submit this.

DM/19/03076/FPA | Change of use of ancillary retail storage (use class A1) to gym (use class D2) and external alterations | 43, 44 And 25 The Riverwalk Millburngate Durham DH1 4SL. It was **agreed** to note this application.

DM/19/03227/FPA | Two storey rear extension to existing C4 property | 3 Juniper Way Durham DH1 4GZ. It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this application.

DM/19/03337/FPA | Replacement of shopfront | Woven 40 The Riverwalk Millburngate Durham DH1 4SL. It was **agreed** to note this application.

DM/19/03447/FPA | Change of use of part ground floor and first floor of no. 90 to small HMO (Use Class C4) including two-storey extension to rear, single storey extension to no. 89 to provide workshop and change of use of land to rear to residential curtilage. | 89-90 Claypath Durham DH1 1RG. It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this application.

DM/19/03459/FPA | Demolition of existing rear extension and erection of part single-storey/part two-storey extension at rear of dwelling and installation of dormer windows in roofspace also to rear to an existing small HMO (use class C4). | 17 Providence Row Durham DH1 1RS. It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this application.

DM/19/03494/FPA | Demolition of existing rear extension and erection of two-storey extension at rear of dwelling and installation of dormer windows in roofspace also to rear to an existing small HMO (use class C4). | 18 Providence Row Durham DH1 1RS. It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this application.

DM/19/03525/LB | To paint shop front green, to install temporary flower wall installation and up-lighting to the top two stories, to replace existing timber beading beneath window with glazing and to install 1 no. Fascia signage with new logo in gold lettering, 1 no. hanging sign with updated logo and gold leaf lettering to left hand exterior window | The John Duck Ale House 91A Claypath Durham DH1 1RG. It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response to this application. **DM/19/03587/FPA** and **DM/19/03588/LB** | erection of sandstone wall under 1m high with wrought iron railings above | Leazes Cottage Leazes Place Durham DH1 1RE. It was **agreed** to note this application.

12. Dates of future meetings

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

As the Parish Council goes into its Christmas recess on 12th December, it was **agreed** that the next meeting of the Parish Council Planning Committee (after the Christmas holidays) should be the 10th January 2020 at 14:00pm. The Chair advised that he and the Clerk would keep an eye on any new applications coming in and would request that the County Councillors call in any controversial applications over the holidays if needed.

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 11: SELECTIVE LICENSING SCHEME FOR COUNTY DURHAM

Background

1. Selective licensing is a discretionary scheme for local authorities and covers privately rented properties. The Housing Act 2004 allows local housing authorities to designate areas for Selective Licensing to support the improvement of privately rented properties, providing certain conditions are met.
2. In areas designated, landlords must apply for a licence if they want to rent out a property, this includes landlords who rely on lettings agents to manage their properties on their behalf. This means the council can check whether they are a "fit or proper person" to be a landlord or letting agent, as well as making other stipulations concerning management of the property and appropriate safety measures. The stipulations are listed in the licence conditions and the conditions are at the discretion of the local authority.

County Durham

3. On 17 October 2018 Durham County Council's Cabinet approved in principle to detailed preparatory work being undertaken with the intention of submitting an application to the Secretary of State for Communities and Local Government for a county-wide selective licensing designation. This work includes the preparation of a business case for funding.
4. In seeking to progress a selective licensing designation, the County Council is required to take reasonable steps to consult persons who are likely to be affected and consider any representations made in accordance with the consultation. Consultation should include local residents, including tenants, landlords and where appropriate, their managing agents and other members of the community who live or operate businesses or provide services within the proposed designation.
5. The scale of the scheme is considerable - it is estimated that there are some 60,000 privately rented properties in County Durham that would need to be inspected. Prioritisation of specific areas will be necessary. An obvious priority is Durham City because of the intensity of privately rented HMOs in the city and the long-standing need to tackle unsatisfactory properties, landlords and tenants. The current voluntary licensing scheme covers 780 properties in the city, only about 9% of the total number of privately rented properties in the city.

RECOMMENDATION

6. It is **recommended** that the Parish Council:
 - (a) expresses support for the County Council's intention to seek a Selective Licensing Scheme covering the whole County;
 - (b) advises that Durham City should be treated as a priority area for inspection; and
 - (c) requests that the Parish Council be included in consultations on the emerging application and business plan.

ITEM 14: REQUEST TO PURCHASE NORTH SIDEGATE WOODLAND

A request has been received to purchase North Sidegate Woodland, Durham, edged red on the below plan. The applicant wishes to maintain the site as a woodland and to coppice the trees.

Unless the Parish Council considers there to be overriding operational reasons for the land to be retained, in which case we will need to provide the relevant details, Durham County Council is intending to arrange for a report to be submitted for delegated approval recommending that the land be sold on terms to be agreed.

Should the Parish Council have any objection to this, we will need to provide our comments by Monday 30th December 2019.

Councillors are asked to consider their response to this request.

