

City of Durham Parish Council

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03 June 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 7 June 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 24 May 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. Update on latest position.
- b. Progressing the CrowdJustice fundraising
- c. De-registration of the Common land at The Sands.
- d. Any other relevant developments

6. Matters arising:

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

DM/19/01333/FPA | Change of use from Corral Betting Shop (Sui Generis) to bar (Use Class A4) including alterations to side elevation. | 66 Saddler Street Durham DH1 3NP

DM/19/01348/FPA | Refurbishment of Existing Frames and Sills plus Replacement of Sashes of Existing Timber Windows with the Addition of Double Glazed Units | Edale 22 Crossgate Peth Durham DH1 4PZ

DM/19/01359/LB and **DM/19/01365/AD** | Two hanging banners on the front elevation of the Town Hall. | Town Hall Market Place Durham DH1 3NJ

DM/19/01427/PNT | Prior notification for the installation of a 20m monopole supporting 3no. antennas, 4no. equipment cabinets, 1 no. meter cabinet and ancillary development including 1no. GPS module. | Land To The South Of Stockton Road Graveyard St Oswalds Church Stockton Road Durham

DM/19/01465/FPA | Demolition of existing garden store and erection two-storey extension to rear of dwelling (use class C3). | 32 Lawson Terrace Durham DH1 4EW

- b. to reconsider the below application (discussed at meeting of 24th May 2019)

DM/19/01503/AD | Internally illuminated light box to display information related to St. Cuthbert and The Journey Statue. | The Journey Millennium Place Durham (reconsideration)

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

8. Student HMOs

- a. proposal to carry out investigation of previous HMO applications.
- b. update on discussions with Durham University on HMO locations.
- c. consideration of HMO applications going forward.

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

DM/19/01370/AD | Erection of 1no. non-illuminated fascia sign and 2no. fully retractable projecting awnings. | Newcastle Building Society 25 Elvet Bridge Durham DH1 3AA

DM/19/01412/FPA | Demolition of 3 buildings, sections of wall, tree and scrub clearance in association with archaeological excavation/investigative works | University Nursery Old Elvet Durham DH1 3HN

DM/19/01442/FPA | Installation of an air conditioning unit to the rear (Retrospective) | 81 New Elvet Durham DH1 3AQ

DM/19/01463/AD | Erection of 2no. non-illuminated fascia signs, 1no. window graphic and 1no. non-illuminated projecting hanging sign. | Country Fashions 10 - 11 Silver Street Durham DH1 3RB

DM/19/01531/FPA and **DM/19/01532/LB** | Installation of 2 no. fully retractable projecting awnings to existing shopfront. | 25 Elvet Bridge Durham DH1 3AA

DM/19/01578/FPA and **DM/19/01579/LB** | Construction of passive ventilation system (including lowering of ground level, retaining walls, ventilation stack, staircase and metal railings). | Durham University University College Durham Castle Palace Green Durham DH1 3RW

DM/19/01582/FPA | Extension to existing kitchen to rear of property with internal alterations from 4-bedroom C4 HMO to 5-bedroom C4 HMO. | 18 East Atherton Street Durham DH1 4DG

DM/19/01590/FPA | Erection of storage building for boats. | Old Coal Yard Green Lane Durham DH1 3JU

DM/19/01602/FPA | Construction of temporary construction access to serve Phases 5 (self-build plots) and 6 (walled garden) | Mount Oswald Golf Club South Road Durham DH1 3TQ

DM/19/01612/FPA | Two-Storey Front, Side and Rear Extensions | Fourstones Newcastle Road Crossgate Moor Durham DH1 4HX

DM/19/01635/FPA | Installation of dormer window in roofspace to rear of dwelling. | 6 Albert Street Durham DH1 4RL

DM/19/01640/FPA | Erection of 1.5 storey side elevation with integrated garage and remodelled entrance | Arndor Farnley Hey Road Durham DH1 4EA

DM/19/01666/LB | Listed building consent for the formation of a new internal doorway between family room and dining room. | 55 South Street Durham DH1 4QP

DM/19/01688/AD | Amendments to existing hanging sign | The Holy Grail 57 Crossgate Durham DH1 4PR

DM/19/01699/FPA | First Floor Side and Single-Storey Rear Extension (Re-submission DM/18/02763/FPA) | 14 Aykley Green Durham DH1 4LN

DM/19/01700/FPA | Change of use from Class C3 dwellinghouse to Class C4 House in Multiple Occupation | 3 Juniper Way Durham DH1 4GZ

DM/19/01711/FPA | Demolition of sections of enclosure and provision of access in association with use of a car park and associated works | Durham Sixth Form Centre The Sands Durham DH1 1SG

10. Dates of future meetings

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

5 July 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

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City of Durham Parish Council

Minutes of Planning Committee meeting held at 14:00 pm on Friday 24th May 2019 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.

1. To elect a chair for the Committee for the ensuing year.

The Clerk opened the meeting and asked if there were any nominations for the position of Chair. Cllr L Brown proposed Cllr R Cornwell and this was seconded by Cllr G Holland. Cllr R Cornwell was unanimously elected Chair of the Parish Council Planning Committee.

2. To elect a vice-chair for the Committee for the ensuing year.

The Chair thanked Members for their support and asked if there were any nominations for the role of Vice Chair. Cllr V Ashfield proposed Cllr J Ashby and this was seconded by Cllr G Holland. Cllr J Ashby was unanimously elected Vice-Chair of the Parish Council Planning Committee.

3. Welcome and apologies

Present: Cllr R Cornwell (Chair), Cllr J Ashby (Vice-Chair), Cllr V Ashfield, Cllr L Brown, Cllr J Elmer and Cllr G Holland.

Also present: Parish Clerk Adam Shanley

Apologies: Cllr C Reeves

4. To receive any declarations of interest from members.

None received.

5. To receive and approve as a correct record the minutes of the meeting on 10 May 2019.

The Minutes of the meeting held on 10th May were unanimously agreed as a true and accurate record of proceedings.

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

None received.

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

a. Update on latest position and any matters referred from the Parish Council meeting on 23 May.

The Clerk advised that there were no further updates following the Full Council meeting on 23rd where it was reported that the legal papers had now been filed with the court in London seeking a judicial review of the planning application. Cllr G Holland said that the welfare of the City needed to be emphasized as part of any judicial review.

b. Progressing the CrowdJustice fundraising.

The Clerk reported that almost £9,500 had been raised as part of the CrowdJustice campaign and this would run until such a time of the Parish Council's choosing.

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

It was agreed that Cllr J Ashby would draft a response to Durham County Council's initial invitation for comments on this matter, before going out to formal consultation.

d. Any other relevant developments

The Clerk reported that he had received a copy of the ecologist's report. The meeting expressed concern over the welfare of the otters. The report stipulated that there was

some evidence of otters at this site.

8. Matters arising:

a. Update on matters determined by County Council Planning Committees:

DM/18/03487/VOC: Opening hours for the Odeon Luxe cinema.

Cllr R Cornwell advised that the Parish Council had objected to this application but had lost at Committee. Cllr R Cornwell advised that he would be representing the Parish Council at a Licensing Committee hearing on 4th June in relation to the Odeon Licensing application.

DM/19/00324/AD: Signage on the "Student Castle", Claypath

Cllr R Cornwell advised that this application had also been approved despite the Parish Council's objection to this.

DM/19/00371/FPA – Change of use to student HMO, Corner House, Potters Bank.

Cllr R Cornwell advised that this particular application had received a lot of press coverage. Cllr R Cornwell advised that the Neighbourhood Plan did have a policy not to rely solely on Council tax information. Cllr L Brown advised that there was a need to gather all necessary data on whereabouts of the existing HMOs.

DM/19/00649/FPA - Change of use to student HMO, 51 Whinney Hill.

Cllr R Cornwell advised that this application had been refused.

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

DM/19/01164/FPA | Provide 6-bedroom C4 residential accommodation| 9 And 9A Silver Street Durham DH1 3RB. The letter for this application was unanimously approved by the meeting.

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

The Clerk reported that all the printing had been carried out and everything was up to date on this.

The Chair reported that the consultation was ongoing and encouraged Councillors to go along to the drop-in events.

Cllr J Elmer advised that he felt that the Looking Forward document was excellent and could probably act as a good guide for the Environment Committee. Cllr Ashfield advised that she would like to invite David Miller and Angela Tracey to a future Environment Committee meeting to talk more about this.

It was felt that the Looking Forward document ought to go on to the Parish Council website. Cllr J Ashby advised that this should be the case with one stipulation that the current logo on the document ought to be removed as the Parish Council was now responsible for the Neighbourhood Plan.

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

DM/19/00888/FPA | Change of use from A1 (Retail) to A3 (Restaurant/Cafe) including extension and external alterations comprising new shopfront, entrance doors and internal sub-division | 38 The Riverwalk Millburngate Durham DH1 4SL. It was **agreed** to note this application.

DM/19/01333/FPA | Change of use from Corral Betting Shop (Sui Generis) to bar (Use Class A4) including alterations to side elevation. | 66 Saddler Street Durham DH1 3NP. It was agreed to defer a decision on this application pending further investigation. Cllr L Brown agreed to draft a response ahead of the next Planning Committee meeting.

DM/19/01348/FPA | Refurbishment of Existing Frames and Sills plus Replacement of Sashes of Existing Timber Windows with the Addition of Double Glazed Units | Edale 22 Crossgate Peth Durham DH1 4PZ. It was **agreed** to send a letter of commendation on this application as the Committee felt this was an improvement to the current situation.

DM/19/01359/LB and **DM/19/01365/AD** | Two hanging banners on the front elevation of the Town Hall. | Town Hall Market Place Durham DH1 3NJ. It was **agreed** to object to this application and Cllr J Ashby offered to draft the letter of objection.

DM/19/01397/FPA | Change of use of premises from A3 cafe to a mixed use A1 shop and A4 drinking establishment. Opening hours 10 - 23.00. | 76 North Road Durham DH1 4SQ. It was **agreed** to note this application, however Cllr L Brown felt that this was an example where DCC Licensing and Planning ought to work more closely together.

DM/19/01407/FPA | Alterations to front boundary wall and driveway to include new off-street parking space | 9 Crossgate Peth Durham DH1 4PZ. It was **agreed** to note this application.

DM/19/01414/FPA | Change of use, extension and alteration of windows to the principal elevation of a dwelling (Class C3) to a small House in Multiple Occupation (Class C4). (Amended details resubmission of DM/18/01270/FPA) | 22 Mitchell Street Durham DH1 4DQ. It was **agreed** to note this application.

DM/19/01427/PNT | Prior notification for the installation of a 20m monopole supporting 3no. antennas, 4no. equipment cabinets, 1 no. meter cabinet and ancillary development including 1no. GPS module. | Land To The South Of Stockton Road Graveyard St Oswalds Church Stockton Road Durham. It was **agreed** to object to this application and Cllr J Elmer offered to draft the letter of objection.

DM/19/01465/FPA | Demolition of existing garden store and erection twostorey extension to rear of dwelling (use class C3). | 32 Lawson Terrace Durham DH1 4EW. It was **agreed** to call this application to Committee and Cllr L Brown offered to provide some research into this application.

At this stage of the meeting, Cllr L Brown proposed that Standing Orders on the timing of the meeting be suspended to allow further time to discuss the remaining part of the Agenda. This was seconded by Cllr J Ashby and unanimously agreed by the Committee.

DM/19/01495/FPA | Construction of a Cycleway/Footpath with wider footpath improvements. | Mount Oswald Golf Club (Durham Uni Site) South Road Durham DH1 3TQ. It was **agreed** to note this application.

DM/19/01503/AD | Internally illuminated light box to display information related to St. Cuthbert and The Journey Statue. | The Journey Millennium Place Durham. It was **agreed** to note this application.

11. Dates of future meetings:

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

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

Due to the confidential nature of the following items, in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and the public were excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the LGA 1972 Act and section 1(2) of the Public Bodies (Admission to Meetings) Act 1960. At this point in time the press and the public were asked to leave the room.

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

- a. to consider confidential correspondence and related developments.
- b. Tree felling work: report of Ecologist

The Chair felt that all matters in Item 12 had been dealt with sufficiently under item 7 of the Agenda. There being no further business, the Chair closed the meeting.

Signed,

Roger Cornwell

Chair of Planning Committee

ITEM 8: STUDENT HMOs

ESTABLISHING A PARISH COUNCIL HMO DATABASE; PROPOSAL FOR A FIXED TERM, PART TIME APPOINTMENT

To Consider

1. A proposal to fund a fixed-term consultancy appointment to undertake 2 pieces of research on behalf of the City of Durham Parish Council in order to inform the Parish Council's review of:
 - (i) The Neighbourhood Plan and its proposals concerning HMOs under Policy D3;
 - (ii) The draft County Plan and its proposals concerning HMOs under Policy 16.
2. The purpose of the appointment to test the percentages of HMO properties in an area as derived by the County Council for planning officers to use in applying the Interim Policy on Student Accommodation and incorporated into Policy 16 of the Pre-Submission Draft of the County Durham Local Plan (DCLP). The percentages quoted in planning officers' reports have been challenged from a number of quarters as being significantly deficient, largely for being lower than the reality from local knowledge of residents in the particular area. Such local knowledge is regarded as unreliable by the County Council, which claims that its use of Council Tax data identifying properties that are exempt from Class N Council Tax (the student exemption) is robust and consistent. The purpose of the task is to identify a reliable, repeatable, speedy, and unbiased methodology using available sources to calculate the percentage of HMO properties in an area.
3. This information is needed urgently as an evidence base for assessing representations on Policies D2 and D3 of the Regulation 14 Consultation Draft Durham City Neighbourhood Plan (DCNP), the consultation period for which ends on 28 June. A subsequent task is the compiling of a comprehensive and reliable data base recording the presence of HMOs in Durham City for the Examination in Public into the County Local Plan that is expected later in 2019 or early in 2020.

More details are given in the attached note.

ATTACHED NOTE RE: ITEM 7: ESTABLISHING AN HMO DATABASE; PROPOSAL FOR A FIXED TERM, PART TIME APPOINTMENT

BACKGROUND

The growth of HMOs in Durham City is well-known. Significant areas of City housing are now primarily student-occupied. The overall limited amount of housing in the City means that students are now occupying what would have traditionally been seen as longstanding residential areas, such as Nevilles Cross, and what are being built as new areas for executive and other residential housing such as Sheraton Park and Mount

Oswald. Increasingly the balance between a residential City and a student campus is being blurred.

Despite the (voluntary) wish to the University to house around 50% of its student population in University colleges or licenced PBSAs, the capacity of the latter against the projected growth in numbers will, unless there are means to require students other than 1st year undergraduates to live in such accommodation, result in a net gain in terms of those wishing to live in the private rented sector. From Neighbourhood Plan calculations this will mean a further net loss of at least 300 houses to HMO accommodation. At the same time as a continuing net loss of existing residential housing stock is noted, the recent DSU survey notes that the private rented sector is causing adverse consequences for many students. It also notes that 'there has been 'active pushback' from the University on this while the University is also not prepared to address the pricing differential that makes University accommodation less desirable.

In other words, the University rhetoric about absorption of an increase in students into University-owned/rented colleges is not likely to be matched by economic means to facilitate this. It may therefore be assumed that the University's continued expansion of student numbers will continue to erode the existing housing stock and further degrade existing residential areas by encouraging developers and others to push for purchase and conversion of properties to HMOs. The current capital investment by the University and the potential policy option before government to reduce tuition fees will only exacerbate the medium- to long-term consequences for the City.

APPLYING THE POLICIES ON HMO APPLICATIONS

At present planning applications for HMO accommodation, whether C4 or sui generis, falls under the current interim policy. Among the criteria to manage such applications the DCC relies on Article 4 Directions which removes remove permitted development rights for change of use from C3 to C4 for Durham City. Part 3 of the policy uses a threshold of 10% HMO accommodation within 100 metres which the DCC uses to assess planning applications. The 10% is based on council tax information consisting of those properties with Class N exemption mapped using the council's GIS mapping system.

Part 3 of the policy considers the proportion of Class N student exempt council tax properties within 100 metres of the application site. It is considered that the use of a 100-metre radius from the application site serves to provide an understanding of the potential cumulative impact of the localised concentration of Class N student exempt properties and the impact that the proposed development would have on this concentration.

However, the current means used by the County Council in planning applications according to this policy has, in the recent Corner House, Nevilles Cross, application and Mistletoe Street appeal, shown to be flawed in terms of the County Council's published percentage of student accommodation within 100 metres of both applications. In both cases the decision was not only based on the weaknesses of the policy but the means – Council tax data - by which HMO accommodation within given areas is assessed. As a single source based on council tax exemption records it does not capture all data – owner-occupied houses who rent to students, houses where the owner pays the council tax to avoid registration, etc. – and often lags behind the current position.

In addition, the existing policy contradicts the County Council's own emerging County Plan which proposes:

- (5.139) New student accommodation should not be built at the expense of general housing as the council must address the need for new family and affordable housing. In order to protect the delivery and supply of sites for general housing, proposals for purpose-built student accommodation on sites allocated for general housing, will not be acceptable.
- (5.150) The council's approach is to seek to maintain and create sustainable inclusive and mixed communities in Durham City
- (5.160) the council would like the areas with high concentrations of HMOs to become more mixed.

More generally,

- Houses traditionally suitable as starter homes will not be available within the City because the asking price is artificially high as developers are well aware of the student rental income that can be achieved;
- Residential areas suitable for families and professional couples will be degraded; the impending DCC County Plan notes (5.150) that residents already note that HMOs 'negatively impact upon residential amenity and change the overall character of an area. This is primarily as a result of noise, the general appearance of properties, refuse management and parking issues. Properties becoming unoccupied outside of term times can also have a negative impact upon remaining residents';
- Continued expansion of HMO accommodation and the general expansion of student numbers are affecting retail, sports, entertainment and night economy facilities that will continue to have a detrimental effect on the City for residents and tourists.

THE NEED TO REFORM THE POLICY: INITIAL EVIDENCE

The Parish Council undertook a small exercise concerning application DM/19/00371/FPA (the Corner House Potters Bank, DH1 3PS), a family home in what has been a predominantly residential area proposed to become a 7-student HMO. The applicant, a local developer, argued that HMO occupancy was 0% (Planning Statement); DCC argued it was 8.8% (HMO data report which stated that: the HMO data was derived from a Council Tax data extract on 01/09/2018. This data includes properties that are Halls of Residence and properties where an exemption for Council Tax has been granted on the basis that they are occupied only by students. There were 2,628 records in the extract covering Durham City. This data was then joined to our National Land and Property Gazetteer (NLPG), which is updated weekly. The data join date was 18/09/2018). This would show a minimum HMO presence of 14.7%. The area was walked by a parish councillor and by a resident. Their findings as follows: within an approximate radius of 100 metres there are 45 properties. Of these we identify 10 as student-occupied. This would suggest a rate of 22%.

In such circumstances we would argue that DCC is not providing robust and credible information on which to determine its own stated policies and its intentions as expressed within the emerging County Plan. To address this the Parish Council now has access to a number of sources, including DCC's threshold map and the HMO register, the Neighbourhood Planning Forum's database, and information from the Public Services

Mapping Agreement (confidential to the Parish Council), as well as verification against the University's own data.

If this is undertaken then two outcomes will be achieved:

a more credible and robust map of the City in terms of student HMO presence;

a basis to review and revise the proposed policies in both the Neighbourhood Plan and the County Plan.

APPOINTMENT

Given the timescales noted above, the work is proposed as follows:

Tranche 1

Purpose:

By end June a review of all applications approved by the County Council as student accommodation in the past 2 years (one year prior to the establishment of the City of Durham Parish Council and the year of its presence) to compare the stated percent threshold and the aggregated percent from the additional sources to assess the variance, if any, between the two. This exercise will be used to review the Neighbourhood Plan Policies D2 and D3.

Work:

up to 6 FTE days, to be completed by 28th June at an agreed rate not exceeding £300 a day on an inclusive fee basis (i.e., including tax, NI and expenses).

Activity:

- Assemble the set of test examples of planning applications involving the creation or extension of a Class C4 or Sui Generis House in Multiple Occupation.
- identify the post code areas that most closely represent a 100 metres radius circle around each of these application site
- read off the numbers of properties that the University's latest data base (December 2018) says are student-occupied properties in those post code areas (excluding PBSAs - they will have their own post code, thankfully)
- read off the Ordnance Survey data base the number of residential properties of all kinds in those post code areas.
- calculate 3 as a percentage of 4
- compare with the County Council's percentage in the Planning Officer's report.
- Also record whether the Officer recommended approval or refusal in relation to the Interim Policy
- Also record whether, if it went to Planning Committee, whether the application was approved or refused in relation to the Interim Policy
- Also record, if the refusal went to Appeal, whether the appeal was upheld or dismissed in relation to the Interim Policy
- Repeat for every test case.
- Write a report comparing the County Council's percentages with this test set of percentages, and draw a conclusion.
- Include an appendix with all the detailed test cases.

OUTPUTS

- compile and review all planning applications since 1st June 2017 involving student accommodation to establish the threshold figure used by the County Council in arriving at a decision;
- compare the County Council threshold figure against identified datasets;
- work with Planning Committee members to draft relevant revisions to the Neighbourhood Plan Policies D2 and D3.

Tranche 2

Purpose:

By end October review all datasets to complete a student accommodation map within the Parish Council boundaries and migrate the map into an interactive tool for use by the Parish Council in its statutory role as a consultee on planning applications

Work:

up to 25 FTE days, to be completed by 1st November at an agreed rate not exceeding £300 a day on an inclusive fee basis (i.e., including tax, NI and expenses).

Activity:

review all datasets to develop a street-level student accommodation map;

work with Planning Committee members to draft relevant revisions to the County Plan Policy 16.

PLEASE NOTE: Tranches 1 and 2 are separate pieces of work and will be carried out by separate individuals. Tranche 1 is the most urgent and, if the Committee is minded to agree to this work, the Clerk will need to be instructed to suspend Standing Orders to allow for the Finance to be put in place for this.

DECISIONS REQUIRED	<ol style="list-style-type: none">1. Members are asked to agree the scope of the work needed to be done to establish a Parish Council HMO database as set out in the above report.2. Members are asked to formally agree to this going forward as a proposal to Full Council in June.
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