

City of Durham Parish Council

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20 January 2020

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 24 January 2020** 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 10 January 2020**
- 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/19/03806/FPA | Change of use of dwelling (Use Class C3) to small House in Multiple Occupation (Use Class C4) | 7 Wearside Drive Durham DH1 1LE
DM/19/03929/FPA | Retention of External Extract Equipment | 17 Hallgarth Street Durham DH1 3AT
DM/19/03943/LB | Demolition of existing brick built rear extension and timber framed conservatory. Construction of contemporary accessible living extension and stand-alone workshop. | 173 Gilesgate Durham DH1 1QH
 - b. To note that planning application **DM/19/03684/FPA** | To demolish and rebuild existing single-storey extensions to the rear of existing C4 HMO and alterations to fenestration | 16 Boyd Street Durham DH1 3DP was determined before a response had been possible.
 - c. To consider the outcomes of the following matters considered by the Central/East Planning Committee of the County Council:
DM/19/03459/FPA and **DM/19/03494/FPA** – 17 and 18 Providence Row, Durham, DH1 1RS. The committee refused these applications
DM/19/03408/FPA - 29 Lawson Terrace, Durham, DH1 4EW: The committee refused this application.
DM/19/03409/AD – Revolution Bar, North Road, Durham, DH1 4PW: the committee approved this application.
- 6. County Durham Plan:** To consider the implications of Inspector's Note 18 and whether to attend the further hearing on 6 February.

- 7. Neighbourhood Plan Consultation: verbal update re consultation and appointment of Examiner.**
- 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. Any matters referred by the Parish Council Meeting of 23 January.**
- 10. To consider making representations on the following planning applications (the date in brackets is the deadline to call to committee):**
 - DM/19/03587/FPA** and **DM/19/03588/LB** | Erection of sandstone wall under 1m high with wrought iron railings above and seating area | Leazes Cottage Leazes Place Durham DH1 1RE (6 February)
 - DM/19/03707/FPA** | Dormer windows to front and rear elevations of existing larger HMO (sui generis use). | 1 Laburnum Avenue Durham DH1 4HA (6 February)
 - DM/19/03748/FPA** | Change of use from C3 dwelling to a B1 office use | Second Floor Apartment 58-59 Saddler Street Durham DH1 3NU (6 February)
 - DM/19/03753/FPA** | Change of use from 4no. C3 residential buildings to 4no. B1 office buildings. | 1-4 Green Lane Durham DH1 3JU (6 February)
 - DM/19/03836/FPA** | Change of use from betting shop (sui generis) to restaurant (use class A3) including extraction to side elevation. | Ground Floor 66 Saddler Street Durham DH1 3NP (6 February)
 - DM/19/03914/FPA** | Change of use of dwelling to two flats including erection of first floor extension to side. | 15 Mayorswell Field Durham DH1 1JW (7 February)
 - DM/19/03926/VOC** | Variation of Condition 3 (approved plans) of DM/19/01937/VOC comprising changes to layout of Phase 2B. | Mount Oswald (Phase 2B) Durham (30 January)
 - DM/19/03933/FPA** | Change of use from Class C3 dwellinghouse to Class C4 house in multiple occupation | 24 May Street Durham DH1 4EN (6 February)
 - DM/19/03949/FPA** | Change of use from HMO (Use Class C4) to large HMO (sui generis) with two storey rear extension, rooflights and associated external alterations | 55 Hawthorn Terrace Durham DH1 4EQ (6 February)
 - DM/19/03967/FPA** | Change of use of first floors from retail including a loft conversion in to residential accommodation providing 5 no. HMO studio apartments | 9 And 9A Silver Street Durham DH1 3RB (4 February)
 - DM/19/03968/FPA** | Extension and conversion of the multi-level decked car park to form 8no. 2-bed apartments. | William Robson House Claypath Durham DH1 1SA (6 February)
 - DM/20/00059/FPA** | The installation of stainless-steel flue to rear (retrospective) | The Bridge 39 - 40 North Road Durham DH1 4SE (6 February)

DM/20/00070/LB | Listed building consent to alter existing window and door openings to rear elevation and internal alterations. | 195 Gilesgate Durham DH1 1QN (5 February)

DM/20/00072/TPO | Crown lift, reduction and pruning of 1 no. Beech tree (T2); pruning and reduction of 1 no. Beech tree (T3). | Finney Court Finney Terrace Durham DH1 1RX (4 February 2020)

DM/20/00079/LB | Alteration to construct timber stud partition separation wall to room 203 Divinity House to form 2 no. offices | Divinity House Palace Green Durham DH1 3RL (13 February or later)

DM/20/00085/CEU | Alterations to increase large HMO house from 9 bedroom to 12-bedroom large HMO. Works include internal alterations, new windows and new external rear door. Replace conservatory glazed roof with traditional slate pitched roof. Build up conservatory walls. | 6 Southend South Road Durham DH1 3TG (4 February or later)

- 11. Discussion on possible ground rules for this committee** (report attached)
- 12. Consideration of report on planning policy in relation to lighting** (report attached)
- 13. Possible survey of Mount Oswald residents** – Councillors are asked to consider a survey of the residents of the new Mount Oswald developments to gather data on where they have moved from, where they work, etc.
- 14. Dates of future meetings**

7 February 2020 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

21 February 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 10th January 2020 in Office 2, Clayport library building, 8 Millennium PI, DH1 1WA.

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

Also present: Parish Clerk Adam Shanley, Mrs Gillian Thompson (Member of the public) and Cllr Esther Ashby (Member of the public)

1. Welcome and apologies

Apologies were received from Cllrs J Elmer and G Holland

2. To receive any declarations of interest from members

Cllr R Cornwell declared an interest in application DM/19/02853/FPA and Cllr L Brown declared an interest in application DM/19/03885/FPA.

3. To receive and approve as a correct record the minutes of the meeting on 6 December 2019.

The Minutes of the meeting held on 6th December 2019 were unanimously agreed as a true and accurate record of proceedings.

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

Mrs Gillian Thompson attended to discuss application DM/19/03408/FPA. Mrs Thompson advised that she was the applicant for this planning application and she was aware of the Parish Council's objection. Mrs Thompson advised that she and her mother hoped that the Parish Council could reconsider their objection and advised that she intended to be good quality local student landlord. The Chair advised that the application would be considered at the Central and East Planning Committee on Tuesday 14th January and Mrs Thompson would most likely have a decision on this application at this meeting. The Chair noted that the officer recommendation was to approve the application. It was **agreed** that the Parish Council should maintain its objection.

Mrs Thompson left the meeting.

Cllr E Ashby advised that she was attending the meeting as she was aware of a number of new applications which included illuminated signage and felt the Parish Council's Planning and Environment Committees ought to look into tackling issues around light pollution. It was agreed that the Clerk should investigate lighting policy and the County Council's lighting strategy further and produce a report for consideration at both Committees of the Parish Council.

5. Matters arising:

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

DM/19/03313/FPA | Temporary change of use until end of June 2020 from C3 to C4 | 3 The Bowers Durham DH1 4EH. The response to this application was **agreed** by the Committee.

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. The response

to this application was **agreed** by the Committee.

DM/19/03677/FPA | Replacement of welsh slate roof tiles with Marley composite roof tiles (retrospective) | 20 - 21 Church Street Head Durham DH1 3DN. The response to this application was **agreed** by the Committee.

6. County Durham Plan: re the Inspector's action points published on 17 December

The Chair advised that he as Chair of the Parish Council Planning Committee, the Clerk and the Chair of the Parish Council had all considered the action points from the Inspector and had agreed that no further action was needed on these at present.

Cllr J Ashby advised that the County Council had until today (10th January 2020) in order to respond to the questions from the Inspector and the responses would be made public. Cllr J Ashby advised that he was expecting to see further concessions to the 60 pages or so made already following the Inspectors responses. Cllr J Ashby advised that he felt that this was a good indication of the robustness of the Inspector and the representations made on the Local Plan.

7. Neighbourhood Plan Consultation: verbal update re consultation

The Chair reminded Members that the Neighbourhood Plan Regulation 16 consultation commenced on Monday 6th January and would run for a period of six weeks.

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

The Chair advised that there were no further updates on the creation of the community engagement group, however advised that he had been invited to a meeting of the St Nicholas Community Forum which included representatives from Kier and Durham County Council.

The Clerk also advised that he had received a response to the Parish Council letter of complaint following publication of the latest Kier newsletter to residents which was felt to be inadequate in information.

Cllr J Ashby advised that he felt that the Parish Council should be consulted and have their say on what form Kier's proposed community project should take.

9. Consideration of response from DCC to latest comments by Freeman and City of Durham Parish Council

The Clerk advised that a paper with recommendations would need to go to Full Council for approval following receipt of the latest rebuttal from DCC on their application to de-register the common land. The Clerk advised that the Freeman have requested to be kept updated on what decision the Parish Council may come to on this matter.

10. Verbal update from Finance Committee held on 7 January

The Clerk reported that the Parish Council Planning Committee budget agreed at the Finance Committee was £4,300 – this included £2,000 towards professional support in responding to planning application, £1,800 towards the planning enforcement service level agreement and £500 towards printing costs for the Neighbourhood Plan.

11. Planning applications:

- a. To consider action re the following appeals:

DM/19/02669/VOC | Variation of Condition 4 (Opening Hours) pursuant to DM/16/03376/FPA | 17 Hallgarth Street Durham DH1 3AT – expiry date

13 January 2020. It was **agreed** to submit further information on this appeal and maintain the original objection.

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 – expiry date 24 January 2020. It was **agreed** to submit further information on this appeal and maintain the original objection.

DM/19/01673/FPA | Demolition of existing extension, erection of two-storey extension, minor internal alterations, like for like replacement of bay window and change of use to a house in multiple occupation (sui generis). | 22 Allergate Durham DH1 4ET Appeal lodged but as yet no starting date. It was **agreed** to defer a decision on this appeal until further details of the grounds of appeal be published.

b. To confirm urgent action taken re the following Planning Applications:

DM/19/03159/FPA | Change of Use of A3 (Restaurant) to Restaurant (Use Class A3) and Bar (Use Class A4) and external alterations to create a new shopfront | Units 35A-C The Riverwalk Millburngate Durham DH1 4SL (3 January). The response to this application was **agreed** by the Committee.

DM/19/03160/AD | Various signage to the front and gable elevations of the building | Units 35A-C The Riverwalk Millburngate Durham DH1 4SL (3 January). The response to this application was **agreed** by the Committee.

c. To consider the following Planning Applications

DM/19/03408/FPA | Change of use from single dwelling house C3 with 2 bedrooms to HMO C4 with 4 bedrooms | 29 Lawson Terrace Durham DH1 4EW (Further supporting information received since we considered this application and made an objection). It was **agreed** to maintain the objection to this application.

DM/19/03431/LB | Listed Building Consent for the installation of sensor light to front elevation and retention of light to rear elevation. | 10C Church Street Durham DH1 3DQ (2 January). It was **agreed** to note this application.

DM/19/03684/FPA | To demolish and rebuild existing single-storey extensions to the rear of existing C4 HMO and alterations to fenestration | 16 Boyd Street Durham DH1 3DP (9 January). It was **agreed** to object to this application. Cllrs V Ashfield and L Brown **agreed** to work together on drafting a response to this.

DM/19/03705/AD | 1 illuminated v shaped totem sign and 3 non-illuminated panel signs | 43, 44 And 25 The Riverwalk Millburngate Durham DH1 4SL (3 January). It was **agreed** to note this application.

DM/19/03712/FPA | Retention of Material Change of Use from Detached Outbuilding to First Floor Residential Apartment | Spring Cottage Clay Lane Durham DH1 4QL (9 January). It was **agreed** to note this application, however Cllr L Brown advised that she would submit conditions on this application as a County Councillor.

DM/19/03728/FPA and **DM/19/03729/LB** | Replacement Fenestration and Internal Alterations | Soanes House Burn Hall Durham DH1 3SS (2 January). It was **agreed** to note this application.

DM/19/03757/FPA | Single storey rear extension and two storey side extension. | 1 Warwick Court Durham DH1 3QA (8 January). It was **agreed** to note this application.

DM/19/03774/CPO | Dormer window to rear roof slope with additional window in side elevation and 3 no. Roof lights to the front | 12 Baliol Square Durham DH1 3QH. It was **agreed** to note this application.

DM/19/03787/FPA | Ground Floor Extension, Reception and Associated Internal Alterations | Brooks House 94 Whinney Hill Durham DH1 3BQ (23 January). It was **agreed** to note this application.

DM/19/03795/FPA | Single-Storey Front, Side and Two-Storey Rear Extensions | 6 Orchard Drive Durham DH1 1LA (23 January). It was **agreed** to note this application.

DM/19/03806/FPA | Change of use of dwelling (Use Class C3) to small House in Multiple Occupation (Use Class C4) | 7 Wearside Drive Durham DH1 1LE (9 January). It was **agreed** to object to this application subject to further investigation. Cllr J Ashby **agreed** to draft the response to this. The Clerk also **agreed** to make planning enforcement aware of potential unregistered HMOs in this area and the Clerk also **agreed** to seek legal advice on the covenants on properties in this area.

DM/19/03833/LB | Upgrading of internal fire detection systems | 5 The College Durham DH1 3EQ (9 January 2020). It was **agreed** to note this application.

DM/19/03834/LB | Upgrading of Existing Fire Detection System | 47 - 51 Old Elvet Durham DH1 3HN (23 January). It was **agreed** to note this application.

DM/19/03837/AD | Display of illuminated fascia sign, window vinyls and illuminated menu board to front elevation. | Ground Floor 66 Saddler Street Durham DH1 3NP (6 January). It was **agreed** that the Clerk should write to the planning department to highlight a potential fault in the validation of this application and to also request that any granting of this application should only be in relation to the display of illuminated signage, which the Committee **agreed** to note.

DM/19/03885/FPA | Erection of replacement green house and pergola | 1 Riverside Lodge Burn Hall Durham DH1 3SS (13 January). It was **agreed** to note this application.

DM/19/03929/FPA | Retention of External Extract Equipment | 17 Hallgarth Street Durham DH1 3AT (10 January). It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this application.

DM/19/03943/LB | Demolition of existing brick built rear extension and timber framed conservatory. Construction of contemporary accessible living extension and stand-alone workshop. | 173 Gilesgate Durham DH1 1QH (24 January or later). It was **agreed** to commend this application. Cllr R Cornwell **agreed** to draft the response to this application.

12. To decide Parish representation and approach to matters being considered at the meeting of the Area Planning Committee (Central and East) - Tuesday 14 January 2020 1.00 pm:

DM/19/03459/FPA and **DM/19/03494/FPA** – 17 and 18 Providence Row, Durham, DH1 1RS. It was **agreed** that Cllr G Holland should represent the Parish Council for both these planning applications. It was also agreed that these (originally separate) applications should be considered together as per the County Council's request. It was agreed however as part of this that the Clerk should request more time for presentation to Committee if needed.

DM/19/03408/FPA - 29 Lawson Terrace, Durham, DH1 4EW: Change of use from single dwelling house C3 with 2 bedrooms to HMO C4 with 4 bedrooms. It was **agreed** that Cllr R Cornwell should represent the Parish Council at the Planning Committee on this application.

DM/19/03409/AD - North Road, Durham, DH1 4PW: Advertisement consent for the display of 2 No. Externally Illuminated Hanging Signs and 1 No. Internally Illuminated Fascia Sign Revolution Bar (Formerly Bishop Langley). It was **agreed** that Cllr R Cornwell should represent the Parish Council at the Planning Committee on this application.

13. Dates of future meetings

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

7 February 2020 - 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 11: Possible ground rules for the Planning Committee

The Parish Clerk has enquired whether the Planning Committee might assume responsibility for considering Traffic Regulation Orders, which do not currently fall under the remit of any Parish Committee. If this is to happen, it can only be done if the way the Committee works is changed. There are other issues that should be considered too:

- Need every Planning application be considered by the committee, or can some be noted without taking up committee time? If the latter, what criteria should apply?
- Ditto for TROs, if the committee is to assume responsibility.
- What criteria should apply in deciding whether to comment on an application?
- What criteria should apply in deciding whether to call an application to Committee?
- What criteria should apply before deciding to support an application?
- What approach should be taken for TROs?
- Who should agree these ground rules, the Planning Committee or the Parish Council?

There are of course other matters that are considered by the Planning Committee, for example the new County HQ, the Neighbourhood Plan, and Common Land but these have been assigned to our committee by the Parish Council and the terms of reference are implicit.

These then are suggested answers to the above questions:

Which planning applications should be considered by the committee?

It is suggested that the Committee Chair should draw up two lists: (a) applications to be considered by the Committee and (b) applications to note. These would be circulated prior to publication of the agenda, and any Committee member can require that an application be promoted from list (b) to list (a). List (b) would still appear in the agenda but the applications would be dealt with *en bloc*.

Applications in list (b) would be those where there was no impact on the public realm. They would include those where neighbours might be expected to object. Applications outside the conservation areas would be more likely to be placed in list (b) than those inside it. Minor applications with a beneficial impact on the public realm would also be on list (b) unless it was felt they might be supported.

Which applications should be commented on?

Applications which are contrary to the Development Plan, i.e. the saved policies of the City of Durham Local Plan or in the longer term the County Durham Plan and the City of Durham Neighbourhood Plan, should be objected to providing they impact on the public realm. All applications which result in the loss of a family home (C3) or an increase in the density of student residents should be objected to. Proposals for new university colleges will be judged on their architectural merits alone.

When should an application be called to Committee?

Any application which has a major adverse impact (which may need further definition) will be called to Committee. This includes applications where it is thought likely that the application will be refused – these are matters where the parish committee feels it should not be left to chance. It might be advisable to inform the County planners of this approach. Applications where it is felt that reference to the Committee would be unlikely to result in a refusal will not be referred.

Specific examples where an application should be called to Committee are:

- Where there would be a significant adverse impact on the World Heritage Site or its setting.
- Applications which are contrary to the Interim Policy on Student Accommodation, or the successors Policy 16 of the County Durham Plan and Policies D2 and D3 of the Neighbourhood Plan when they carry weight. (Note: if these policies are renumbered as a result of the Examinations this paper will need to be revised.)
- However, if there is a *relevant* appeal decision that makes it likely that the application will be approved then it will not be called to Committee. *Relevant* means the decision is for the same type of development, so for example a decision on enlarging an existing C4 property to add more rooms would not be relevant to an application for a conversion from C3 to C4. Some research will be needed to identify these relevant appeal decisions.

When should a planning application be supported?

Applications which make a noticeable improvement to the public realm, or where the applicant is proposing a quality solution rather than looking for the cheapest (an example would be replacing timber windows with timber not uPVC) should be positively supported.

Traffic Regulation Orders

A typical Traffic Regulation Order would follow the below procedure:

- Request from local County Councillor/ Parish Council/ Resident
- Will be investigated and initial proposals created
- This will go to statutory consultees – County Councillor/ Parish Council/ Emergency services etc for 21 Days (legal process)
- Amendments may be made from comments received and will go back out for 21 days consultation this can happen a number of times
- Directly affected frontages will then be consulted with a plan and cover letter – residents/ businesses that are in close proximity to the proposals for 21 days (none legal process)
- Amendments may be made from comments received and will go back out for 21 days consultation this can happen a number of times
- It will then go to the Formal Consultation where the proposals will be advertised online, on site and in the local press for 21 days (legal process)
- Amendments may be made from comments received and will go back out for 21 days consultation this can happen a number of times
- If there are no objections after this time the scheme will be sealed by the legal dept and works ordered which can be from 6-10 weeks lead time
- If there are objections during the consultation it will then go to a Highways Committee meeting where elected members make a decision considering all objections – Committee meetings usually run once every 2 months so this can add delay to the introduction of the TRO
- Once it has passed committee the works will be ordered which can be from 6-10 weeks lead time.

It is proposed that a separate set of guidelines be developed to assist the Clerk and the Chair of Planning in responding under the procedures for emergency

action. These same guidelines would apply where it is possible for the committee to consider the matter.

These guidelines might be to maximise the access that residents had to their homes, and businesses to their premises. This would include minimising the occasions when stall-holders are unable to trade in the Market Place. The other issue would be smarter diversions: sometimes these appear to be unnecessarily lengthy.

Who should agree these Ground Rules?

It is suggested that this paper should be discussed at the Parish Planning Committee on January 24, then revised in the light of comments made and agreed at the next meeting on February 7, so it can be placed on the agenda of the full Parish Council in February and agreed there. Should the Parish Council approve additional powers for the Planning Committee to consider new Traffic Regulation Orders (TROs), this will need to be reflected in the Committee's Terms of Reference.

DECISIONS REQUIRED	<ol style="list-style-type: none">1) Councillors are asked to consider any amendments they wish to make to the Ground Rules as set out in the above report.2) Councillors are asked to agree to the Planning Committee seeking powers to consider and respond to new Traffic Regulation Orders consultations on behalf of the full Parish Council
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ITEM 12: BRIEFING NOTE TO PARISH COUNCIL PLANNING COMMITTEE ON PLANNING POLICIES RELATING TO LIGHTING.

At the Parish Council Planning Committee on 10th January 2020, Councillors will recall that the issue of planning policies relating to lighting was discussed and it was agreed that the Clerk should draft a briefing paper to Councillors to assist in consideration of new planning applications.

The Parish Council has noted a growing number of applications involving the installation of illuminated signage and concern has been expressed about light pollution and the cumulative impact of this on neighbouring residential properties, local wildlife and the World Heritage Site.

Policy clarification has therefore been requested and is set out below:

The National Planning Policy Framework (NPPF)

National Planning Policy Framework section 180c states, ***"planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should...limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation"***.

Draft County Durham Local Plan

Policy 32 (Amenity and Pollution) of the draft County Durham Local Plan states, ***"Development which does not minimise light pollution and demonstrate that the lighting proposed is the minimum necessary for functional or security purposes will not be permitted"***.

"5.343 Light pollution is artificial light that illuminates areas that are not intended to be lit. The intrusion of overly bright or poorly directed lights can cause glare, wasted energy, have impacts on nature conservation, and affect people's right to enjoy their property. It can also severely affect our view of the night sky. Light pollution may also damage the perception of a heritage asset in its setting, especially if the asset is experienced at night or is floodlit. The NPPF is clear that planning policies should limit the impact from light pollution on local amenity, intrinsically dark landscapes, and nature conservation, primarily through promoting and requiring good quality design".

"5.344 Development proposals with the potential to result in unacceptable levels of light pollution, either individually or cumulatively with other proposals, should be accompanied by an assessment of the likely impact to show that the lighting scheme is the minimum necessary for functional or security purposes and that it minimises potential pollution from glare and spillage. Particular attention will be paid to areas where tranquillity and dark skies are valued and may also be sensitive to light pollution, such as the World Heritage Site, North Pennines Area of Outstanding Natural Beauty, open countryside, within the setting of heritage assets close to sensitive uses or to areas or features important for nature conservation".

Draft Neighbourhood Plan for Durham City

Policy H2: The Conservation Areas of the emerging Neighbourhood Plan for Durham City states, ***"Development proposals within or affecting the setting of the***

Durham City Conservation Area should sustain and enhance its special interest and significance as identified within the Conservation Area Appraisals. Development proposals within and affecting the Durham City Conservation Area should take into account, and meet where relevant, the following requirements, by having...lighting appropriate to the vernacular, context and setting"

Policy G1: Protecting and Enhancing Green Infrastructure also states, ***"New lighting proposals must be ecologically friendly in siting, design and intensity and extent of emissions and not cause significant harm to existing dark corridors"***. Policy G1, Section 4.91 states, ***"darkness is important to wildlife and to the special setting of the World Heritage Site and the Durham City Conservation area, and provides health benefits to people of relaxation, tranquillity and appreciation of the night sky. Though an urban area, this Neighbourhood Plan considers that parts of Our Neighbourhood should be treated as Zone E1 or E2 for the provision of lighting (Durham County Council, Neighbourhood Services, 2014; Durham County Council, Regeneration and Local Services, 2016), e.g. the World Heritage Site, along the riverbanks and along the traditional footpaths criss-crossing Our Neighbourhood. This would entail either restricting lighting, or providing minimal intensity lighting with a full horizontal cut off. Darkness contributes to the Outstanding Universal Value of the World Heritage Site (Durham World Heritage Site, 2017, p.62)"***

Environmental Health Framework

Councils must look into complaints about artificial light from premises if the light could be classed as a 'statutory nuisance' (covered by the Environmental Protection Act 1990).

For the artificial light to count as a statutory nuisance it must do one of the following:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- injure health or be likely to injure health

If they agree that a statutory nuisance is happening, has happened or will happen in the future, councils must serve an abatement notice. This requires whoever's responsible to stop or restrict the light. The notice will usually be served on the person responsible but can also be served on the owner or occupier of the premises.

Natural light is not covered by statutory nuisance laws.

What can cause artificial light nuisances

The following can cause an artificial light nuisance if they're not maintained or used properly:

security lights (domestic and commercial)
sports facilities (like floodlit football pitches)
decorative lighting of buildings or landscapes
laser shows and light art

Artificial light not covered by statutory nuisance laws

Statutory nuisance laws don't apply to artificial light from:

airports

harbours

railway premises

tramway premises

bus stations

public transport operating centres

goods vehicle operating centres
lighthouses
prisons
defence premises like army bases
premises occupied by visiting armed forces
street lights

Business, trade, industrial and sports club premises: special rules

If a business, trade, industrial or sports club premises is served with an abatement notice and they've used the best practicable means to stop or reduce the light nuisance, they may be able to use this as one of the following:

- grounds for appeal against the abatement notice
- a defence, if prosecuted for not complying with the abatement notice

How artificial light nuisances are assessed

When looking into complaints about potential light nuisances, councils can assess one or more of the following:

- whether it interferes with the use of a property
- whether it may affect health
- how it's likely to affect the average person (unusual sensitivities aren't included)
- how often it happens
- how long it lasts
- when it happens
- whether it's in the town or country

NB: There are no set levels for light to be considered a statutory nuisance.