



City of Durham Parish Council

The City of Durham Parish Council. Office 3, Clayport Library. 8 Millennium Place. Durham. DH1 1WA.

Telephone: 07510 074875

Email: parishclerk@cityofdurham-pc.gov.uk

Date of Summons: 24th April 2023

SUMMONS

To all Members of the City of Durham Parish Council's Planning and Licensing Committee: Councillors E Ashby, V Ashfield, N Brown, A Doig, Cllr G Holland, C Lattin and S Walker.

You are hereby summoned to attend the **Planning and Licensing Committee meeting** to be held **via Zoom at 12:30pm on Friday 28th April 2023** for the purpose of transacting the following Agenda business as shown.

The link to join this meeting is below:

<https://us02web.zoom.us/j/89198325699>

Meeting ID: 891 9832 5699

Members of the public and press are also cordially invited to attend. Members of the public may address Council, Committee or Sub-Committee meetings for up to three minutes, with the agreement of the Chair of the meeting, provided that the statement is related to an item on the agenda. The speaker should approach the Clerk before the meeting commences to request to speak during the meeting.

Members are reminded that the Council has a general duty to consider the following matters in the exercise of any of its functions: Equal Opportunities, Health & Safety, Civility and Respect and Human Rights plus Social, Economic and Environmental matters.

Yours faithfully,

A. Shanley

Mr Adam Shanley
Clerk to the City of Durham Parish Council

AGENDA

- 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 held on 14th April 2023**
- 4. To receive any public participation comments on the following agenda items.** Please email the Parish Clerk parishclerk@cityofdurham-pc.gov.uk to register to speak.

5. Matters arising:

- (a) To agree the draft responses to the following planning and licensing application(s), pre-application(s) and/or appeal(s):**

DM/23/00817/FPA | Conversion of existing dwelling into 2no. 2-bed apartments. Demolition of existing single storey rear extension and conservatory and erection of replacement single storey extension. | 24 Hallgarth Street Durham DH1 3AT

DM/23/00914/FPA | Installation of Lampounette public art lighting feature in association with Lumiere | Land North of Wearside House Riverside Place Durham DH1 1SL

DM/22/03574/FPA | Erection of 4no. C3 dwellings (Revised and Resubmitted) | Land to The Rear Of 63 Crossgate Durham DH1 4PR

Application for the grant of a premises licence by Mr Jatinder Singh Grewal for Bunty's 18A North Road. Durham DH1 4SH.

- (b) To consider the outcome of the following planning and licensing application(s) and/or appeal(s):**

DM/22/01272/FPA | Erection of 2 No. dwellings. | Land to the North East of Blaidwood South Road Durham DH1 3TQ

DM/21/03661/FPA | Demolition of existing property and erection of 3 detached dwelling with associated facilities | 8 Blaidwood Drive Durham DH1 3TD

Application to vary a Premises Licence – Jimmy Allens, 19-21 Elvet Bridge, Durham, DH1 3AA.

- (c) To consider the latest updates to the following planning and licensing application(s) and/or appeal(s):**

DM/22/01650/FPA | Change of use from 6 bed C4 to 9 bed Sui Generis HMO with single storey rear extension (amended) | 1 Larches Road Durham DH1 4NL

DM/23/00436/FPA | Demolition of Existing Dwelling and Construction of 2no. Semi-Detached Dwellings | Goldrill Farnley Hey Road Durham DH1 4EA

DM/20/03238/OUT | Outline application for Purpose Built Student Accommodation comprising up to 850 bedrooms, with all matters reserved. Re-

consultation on older application to allow for update of policy / financial requirements - no amendments submitted. | Land to the North of Mount Oswald South Road Durham DH1 3TQ

6. To consider the following new planning applications in the parish area

a) To note:

DM/23/00988/LB | The replacement of glass lantern above The Black Staircase at Durham Castle. | University College Durham Castle Palace Green Durham DH1 3RW

DM/23/00807/AD | Retention of 2no. non-illuminated signs to front and side | 9 Silver Street Durham DH1 3RB

b) To discuss:

DM/23/00628/AD | Display of various advertisements including 8 no. illuminated signs and 4 no. non-illuminated signs across 12 zones | The Riverwalk Millburngate Durham DH1 4SL

DM/23/00942/TPO | T1 Ash. Crown reduce by 3 metres to 13m above ground level. Reduce limb overhanging No25 Dalton Crescent by 1.5m. Remove limb growing towards No24 Dalton Crescent. Remove major deadwood. T2 Lime. Remove major deadwood. | 24 Dalton Crescent Nevilles Cross Durham DH1 4FB

DM/23/00958/LB | Demolition of existing single storey rear extension and conservatory. Conversion of existing dwelling into 2no. 2-bed apartments including replacement single storey extension. | 24 Hallgarth Street Durham DH1 3AT

DM/23/01015/FPA | Single storey rear extension to terraced dwelling (existing C4 HMO). | 7 Lowes Barn Bank Nevilles Cross Durham DH1 3QJ

DM/23/01031/FPA | Change Use of dwellinghouse (C3) into a small house in multiple occupation (C4) with minor external alterations | Magdalene Heights Gilesgate Durham DH1 1SY

7. Update on the production of a licensing map of Durham City

8. Report on objections to planning application and calls to Committee: DCC Central and East Planning Committee

9. Dates of future meeting(s) of this Committee:

12th May 2023

26th May 2023

9th June 2023

City of Durham Parish Council

Minutes of Planning Committee meeting held via Zoom at 13:00pm on Friday 14th April 2023

Present: Cllr G Holland (in the Chair), Cllr E Ashby, Cllr N Brown, Cllr A Doig, Cllr C Lattin and Cllr S Walker.

Also present: Mr A Shanley (Parish Clerk), Mr Roger Cornwell, Mr John Ashby, Mr John Lowe, Mr Nigel and Mrs Stella van Zwanenberg (members of the public).

1. Welcome and apologies

Apologies were received from Councillor N Brown.

2. To receive any declarations of interest from members

None received.

3. To receive and approve as a correct record the minutes of the meeting held on 31st March 2023

The minutes of the meeting held on 31st March 2023 were unanimously **agreed** as a true and accurate record of proceedings.

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

Mr Roger Cornwell advised that he was attending the meeting with a general interest in all agenda items.

Mr John Ashby advised that he was attending the meeting with a general interest in all agenda items.

Mr John Lowe advised that he was attending the meeting with a general interest in all agenda items.

Mr Nigel and Mrs Stella van Zwanenberg advised that they would be objecting to the application(s) for 24 Hallgarth Street and that they would like to hear discussions on this application.

5. Matters arising:

(a) To agree the draft responses to the following planning and licensing application(s), pre-application(s) and/or appeal(s):

DM/23/00759/VOC | Variation of Condition 3 (opening hours) pursuant to planning permission DM/18/02199/FPA | 25 Elvet Bridge Durham DH1 3AA. The Committee **approved** the response to this application.

DM/23/00729/FPA | Replacement window and front face cladding to dormer on front elevation with uPVC. Conservation velux to front elevation, replacement garage windows, replace window with doors in dining room, and new timber sliding sash window to kitchen in previously bricked up opening. Solar panels to rear

elevation roof slope. | Ivyholme 58 The Avenue Durham DH1 4EB. The Committee **approved** the response to this application.

DM/23/00711/CEU | Application for a Lawful Development Certificate for change of use of C3 Dwellinghouse to C4 HMO prior to the Article 4 Direction coming into force | 3 Alma Terrace Nevilles Cross Bank Durham DH1 4JQ. The Committee **approved** the response to this application.

DM/23/00241/FPA | Change of Use from 6 Bed dwellinghouse to 2no. 2 bed flats. (Amended description 09.02.2023) | 24 Nevilledale Terrace Durham DH1 4QG. The Committee **approved** the response to this application.

(b) To consider the outcome of the following planning and licensing application(s) and/or appeal(s):

DM/22/03247/FPA | Erection of new ancillary student accommodation facilities building built within grass embankment; minor external changes to existing Harding building including re-instatement of historical entrance location and implementation of associated landscaping scheme. | Rushford Court North Road Durham DH1 4RY. The Committee **noted** that this application had now been approved by the County Council. The Clerk advised that he would be checking on the licensing arrangements within the new Hub, given the agreed condition 5 as part of the decision notice on this scheme.

DM/22/03232/FPA | Change of Use from Class E 'Commercial, Business And Services' to a mixed-use comprising uses within use Class E and Sui Generis 'Drinking establishments and venues for live music performances and events' with ancillary facilities, alterations to the external elevations and provision of a roof-top terrace with external seating and associated facilities. | 4 - 6 Silver Street Durham DH1 3RB. The Committee **noted** that this application had now been approved by the County Council despite a number of objection points raised by the Parish Council and others.

Appeal for DM/21/04214/FPA | Two storey extensions to rear and internal alterations | 2 The Avenue Durham DH1 4ED. The Committee **noted** that this application had now also been refused on appeal.

(c) Preparing for the County Council licensing hearing on 17th April 2023 for the following application(s):

Application to vary a Premises Licence – Jimmy Allens, 19-21 Elvet Bridge, Durham, DH1 3AA. The Committee noted that Councillor G Holland would now be representing the Parish Council at this licensing hearing and that the Clerk had already supplied a script for Councillor Holland.

6. To consider the following new planning applications in the parish area

a) To note:

DM/23/00661/FPA | Replacement of existing wooden garage. | Garage North West Of 1 Beech Crest Durham DH1 4QF. It was **agreed** to note this application.

DM/23/00867/TPO | T1. Scots pine - crown thin by 20% and crown reduce/reshape by 3-4m | Cranleigh Bells Folly Potters Bank Durham DH1 3RR. It was **agreed** to note this application.

DM/23/00651/LB | Erection of new metal railings to the front (North Road) elevation. | 27 North Road Durham DH1 4SG. It was **agreed** to note this application.

b) To discuss:

DM/23/00817/FPA | Conversion of existing dwelling into 2no. 2-bed apartments. Demolition of existing single storey rear extension and conservatory and erection of replacement single storey extension. | 24 Hallgarth Street Durham DH1 3AT. It was **agreed** to object to this application and also to call this application in to the Central and East Area County Planning Committee. The Clerk **agreed** to draft the objection letter to this application.

DM/23/00914/FPA | Installation of Lampounette public art lighting feature in association with Lumiere | Land North Of Wearside House Riverside Place Durham DH1 1SL. It was **agreed** to object to this application. The Clerk **agreed** to draft the objection letter to this application but the Committee also **agreed** to ask that a local ecologist might support this objection letter in light of the ecology concerns with this proposal.

DM/23/00436/FPA | Demolition of Existing Dwelling and Construction of 2no. Semi-Detached Dwellings | Goldrill Farnley Hey Road Durham DH1 4EA. It was **agreed** to note this application, subject to the Chair's review of the submitted geological report in support of this application.

DM/22/03574/FPA | Erection of 4no. C3 dwellings (Revised and Resubmitted) | Land to The Rear Of 63 Crossgate Durham DH1 4PR. It was **agreed** to object to this application, supporting the position of the Spatial Planning team. The Clerk **agreed** to draft the objection letter to this application

7. To consider the following new licensing applications in the parish area:

Application for the grant of a premises licence by Mr Jatinder Singh Grewal for Bunty's 18A North Road. Durham DH1 4SH.

It was **agreed** that the Clerk should seek further clarification on the exact address of this premises as this had caused some confusion. The Committee also **agreed** to object to this application under the objective of preventing a public nuisance. Councillor S Walker **agreed** to draft the response to this application.

8. Update on the production of the Conservation Area Management Plan

The Committee noted that the new officer leading on the production of the Conservation Area Management Plan had now changed to Lee Hall. The Committee welcomed this new appointment as Less is an exceptional officer at DCC and wished Rebecca every success in her new role.

9. Update on consultation on the following Supplementary Planning Documents

The Chair thanked all Members for their support in producing excellent responses to the following Supplementary Planning Documents:

- Development viability, affordable housing, and developer contributions Supplementary Planning Document
- County Durham Design Code Supplementary Planning Document
- Housing Needs Supplementary Planning Document
- Trees, Woodland and Hedges Supplementary Planning Document

The Clerk confirmed that all responses to these consultations had now been submitted and the Council awaits further feedback on this.

10. Dates of future meeting(s) of this Committee:

28th April 2023
12th May 2023
26th May 2023

The start time of all future meetings of this Committee was agreed to be 12:30pm going forwards.

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

Signed,

Chair of the City of Durham Parish Council Planning and Licensing Committee
(28th April 2023)

ITEM 8: OBJECTIONS TO PLANNING APPLICATION AND CALLS TO COMMITTEE: DCC CENTRAL AND EAST PLANNING COMMITTEE

1. It has been brought to the attention of the City of Durham Parish Council that there has been concern at DCC about (i) the number of objections to planning applications and requests that the applications are brought before the Central and East Planning Committee by the City of Durham Parish Council Planning and Licencing Committee and (ii) objections to planning applications where the application – invariably involving HMOs – appears to fall within the formal requirements laid out in the County Plan (and especially in relation to Policy 16[3]).
2. The City of Durham Parish Council wishes to make a number of points that may explain its actions and why it considers that its approach is valid, intentional and likely to continue.
3. First, the City of Durham Parish Council receives a disproportionate number of planning applications for the size of the Parish area – and a disproportionate number of those relate to conversion of residential properties to student accommodation. As it is well-known, one of the most controversial issues facing the City of Durham has been that of the growth of student numbers in the private rented sector and persistence of a number of developers who, whether or not any evidence of 'need', push for conversion of more and more residential properties across the Parish area.
4. In particular a growing source of complaint and distress has been the impact on stable, long-established and mixed residential areas with a cohesive mix from families with young children and some students to the elderly and retired. These tend to be the type of "healthy community" which the NPPF and County Plan claim to want to promote. The concerns of permanent residents in such area are entitled to be expressed through their democratically-elected institutions. The number referred to the Central and East Planning Committee is not a disproportionate percent of those considered but, after careful debate by the City of Durham Parish Council Planning and Licencing Committee, those where the Committee is giving voice to those valid concerns as a matter of public discourse which it wishes to have presented to the Central and East Planning Committee.
5. These valid concerns are of public interest to the lectors of the parish area and are fourfold.
 - 5.1 First, HMO conversion and expansion continues in the Parish area – and shows no evidence of diminishing. The expansion now involves residential areas which have not thought that their road or street would be affected. Thus, a number of referred cases are those where the City of Durham Parish Council wishes to reflect the strength of concerns and consider they should be brought to the attention of the Central and East Planning Committee. As democratically elected representatives of their wards, the membership of the Parish Council considers that such concerns should be aired and in terms of

ongoing and emerging issues that the Committee and planning officers may be unaware.

5.2 Second, the Policies in the County Plan are now a number of years old. Like many such policies they do not include means of flexibility and revision, particularly in terms of the dynamics of student accommodation within the Parish area and the consequences of the expansion of student numbers in recent years. The City of Durham Parish Council is aware that some of the concerns on the part of DCC relate to those referred applications come within the remit of the Policies but the City of Durham Parish Council feels that hiding behind the letter of the Policies should not deter the City of Durham Parish Council's objections which are based on the spirit or intention of the Policies. DCC must give consideration to how to update the County Plan to reflect changing circumstances and concerns.

5.3 Third, the interpretation of certain Policies by DCC continues to frustrate both the City of Durham Parish Council and constituents. This particularly applies to the calculation of existing HMOs where DCC uses Council tax exemptions lists. It is clearly demonstrable that a number of student landlords now pay the Council tax to avoid making a planning application or registration. This also applies the actual locus of the 100m radius within the property subject to the planning application.

Together the decisions based on both are contested by constituents. Indeed, 10% radius as the basis for a decision is in itself debatable. 10% should be seen as an approximate tipping point – a measurement for guidance - and not a definitive, rigid criterion because the data used to populate any decision is neither robust nor accurate. This is particularly important when the data appears to be open to interpretation over the number of properties (previous experience, which suggests the use of Council Tax records to estimate the level of HMOs in an area may significantly under-estimate their number) and the placing of the radial point on the property map of the application. Any decision informed by such data should be transparent in terms of the sources used and the verification process. The basis of the calculations should be provided to all parties and the right to challenge the data should be made available.

5.4 Fourth, the piecemeal individual applications fails to take account of an overall view of the Parish area, in terms of County Durham Plan and NPPF intentions to place a primacy on creation of mixed and balanced communities, including affordable family homes. Allowing developers priority over conversion of further available accommodation in the private sector denies families in Durham the opportunities to be part of mixed and balanced communities. Aligned to this concern is the potential degradation of the Conservation Area. Piecemeal applications must be seen within the context of their potential to incrementally and adversely affect the overall character, appearance and special significance of the Conservation Area through Permitted Development Rights, development pressures, proliferation of

student private rented accommodation, rigid adherence to the County Plan's Policies, etc. This is to the overall detriment of the Conservation Area.

6. Overall, the City of Durham Parish Council Planning and Licencing Committee feels justified to continue its approach to planning applications. It is up to DCC to decide if it wishes to take a more coherent and balanced approach to the City of Durham as a place to live for permanent residents and a place that is one of the country's foremost Conservation areas. The City of Durham Parish Council Planning and Licencing Committee also wishes to represent and reflect the views of residents who feel that their amenity is increasingly eroded and degraded – and their views ignored – when faced by a continuing exploitation by property developers. The City of Durham Parish Council Planning and Licencing Committee would invite DCC to review and revise existing Policies to reflect changing circumstances and take a much more robust approach to the protection and preservation of the Conservation Area and the Parish area as a whole.