



# City of Durham Parish Council

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

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Date of Summons: 5<sup>th</sup> June 2023

## SUMMONS

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

You are hereby summoned to attend the **Planning and Licensing Committee meeting** to be held **via Zoom at 12:00pm on Friday 9<sup>th</sup> June 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/82544195131>

Meeting ID: 825 4419 5131

*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**

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## **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 26<sup>th</sup> May 2023**
- 4. To receive any public participation comments on the following agenda items.** Please email the Parish Clerk [parishclerk@cityofdurham-pc.gov.uk](mailto: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/23/01167/FPA** | Change of use from dwellinghouse (Use Class C3) to small House in Multiple Occupation (Use Class C4) with alterations to existing bay window | 5 Lyndhurst Drive Crossgate Moor Durham DH1 4AE

**DM/23/01353/FPA** | Renovation of property to include replacement of conservatory with a single storey rear extension, re-roofing of single storey off-shoot and associated internal works. | 24 Hallgarth Street Durham DH1 3AT

**DM/23/01354/LB** | Renovation of property to include replacement of conservatory with a single storey rear extension, re-roofing of single storey off-shoot and associated internal works. | 24 Hallgarth Street Durham DH1 3AT
  - (b) To consider the outcome of the following planning and licensing application(s) and/or appeal(s):**

**DM/23/00333/PNT** | Prior notification for installation of 15m slim-line monopole, supporting 6 no. antennas, with 3 no. equipment cabinets and ancillary development thereto including 1 no. GPS module. | Land North Of St Godrics Church Millburngate Durham DH1 4RD

**DM/22/01981/RM** | Reserved matters application for 470 dwellings (appearance, landscaping, layout and scale) pursuant to DM/20/03558/OUT. | Land To The East Of Regents Court Sherburn Road Durham
  - (c) To consider the latest amendment(s) to the following planning and licensing application(s) and/or appeal(s):**

**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

**DM/21/02697/FPA** | Addition of conservatory and terrace to serve the restaurant and bar | Farnley Tower The Avenue Durham DH1 4DX

**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

**(d) Preparing for the licensing hearing on 20<sup>th</sup> June 2023 on the following licensing application(s):**

Application to vary a premises licence by Happiness 2 at 17 North Road, Durham. DH1 4SH.

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

St Johns College	St Johns College 3 South Bailey Durham DH1 3RU	<b>Application to vary a club premises certificate</b>  To vary the layout of the licensable area of the premises. This includes adding new areas, removing and changing areas of the premises to which the club premises certificate relates.  To remove conditions from the operating schedule of the club premises certificate as they are no longer appropriate and to add conditions for the promotion of the licensing objectives.  There will be no changes to the existing club premises certificate in respect of licensable activities and times.	21 June 2023
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**7. To consider the following new planning applications in the parish area**

**a) To note:**

**DM/23/01427/LB** | Installation of new IT Network internally | The Chorister School The College Durham DH1 3EL

**DM/23/01428/LB** | Replacement of existing boiler room window | The Chorister School The College Durham DH1 3EL

**DM/23/01511/LB** | Retention of internal alterations and alterations to roof vent tile locations | 26-27 North Bailey Durham DH1 3EW

**DM/23/01445/TPO** | We would like to carry out the removal of the Ash tree in question. The job will be carried out by myself (Thomas) and another climbing Arborist. We will climb and rig the tree to ground level causing as little impact to the surrounding area due to the sensitive site. All timber and arisings being removed from the site. | Durham Miners Association Miners Hall Flass Street Durham DH1 4BE

**DM/23/01422/TPO** | Removal of 5 trees and crown lifting to 5m of 5 trees | The Reeds Houghall Durham DH1 3SQ

**DM/23/01504/PND** | Prior notification for the demolition of 2no buildings | 1 And 2 The Reeds Houghall Durham DH1 3SQ

**DM/23/01284/LB** | Replacement dormer window to 2nd floor to front and repair vertical sliding window to rear side elevation | 52 South Street Durham DH1 4QP

**DM/23/01357/FPA** | Replacement of all timber framed casement, dormer, oriel and bay windows with heritage style timber effect uPVC windows. Replace all Velux windows with replacement windows to match existing. Redecoration of fascias, soffits and all external joinery to grey to match colour of new windows. Replacement of atrium skylight. | Orchard House New Elvet Durham DH1 3DB

**DM/23/01390/AD** | Addition to existing signage at first floor level of main elevation to reflect the renaming of the building in honour of Sir Thomas Allen and replacement of sign board in existing projecting bracket sign. | Assembly Rooms 40 North Bailey Durham DH1 3ET

**DM/23/01117/TPO** | 3x Sycamore and 1x Oak - remove overhanging branches by 4m, and pruning back to growth points 1x Scotch Pine - fell due to poor crown shape and structure. Replant with 1x Oak 1x Willow Oak - crown reduction and reshape by 30% | 16 Chevallier Court Durham DH1 3RF

**b) To discuss:**

**DM/23/01077/FPA** | Proposed development of 26 holiday lodges, security office and associated recreational hub with access, parking and landscaping. | Land To The North Of Industrial Estate Frankland Lane Durham DH1 5TA

**DM/23/01455/FPA** | Conversion of ground floor garage/store to create an additional bedroom with en suite | 7A Dalton Crescent Nevilles Cross Durham DH1 4FB

**DM/23/01186/AD** | 1no internally illuminated fascia sign and 1no hanging sign | 5 New Elvet Durham DH1 3AQ

**DM/23/01329/FPA** | Rear extension to form a covered external terrace for restaurant (Use Class E), a 3-bed HMO (Use Class C4) and basement storage

with alterations to the adjoining external staircase | 30 - 31 Silver Street  
Durham DH1 3RD

**DM/23/01298/FPA** | Change of use from dwelling (C3) to HMO (C4) with  
rear bin and cycle store | 15 St Aidans Crescent Crossgate Moor Durham DH1  
4AP

- 8. Durham South-West 2023 Traffic Regulation Order Amendment**
- 9. Report on objections to planning application and calls to Committee:  
DCC Central and East Planning Committee**
- 10. Report by the Chair on protecting family homes in the City** – report  
included.
- 11. Consideration of Durham County Council's Public Rights of Way  
improvement plan consultation**
- 12. Consideration of Durham County Council's Supplementary Planning  
Documents consultation on the following documents:**
  - Draft Solar Energy Supplementary Planning Document (SPD)
  - Parking and Accessibility Supplementary Planning Document (SPD)
- 13. Dates of future meeting(s) of this Committee:**

23<sup>rd</sup> June 2023

7<sup>th</sup> July 2023

21<sup>st</sup> July 2023

# City of Durham Parish Council

## Minutes of Planning Committee meeting held via Zoom at 12:00pm on Friday 26<sup>th</sup> May 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 David Miller (members of the public) and Mr Ricky Cohen, Ms Hannah Shepherd and Professor Simon Forrest (Durham University).

### 1. Welcome and apologies

None received.

### 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 12<sup>th</sup> May 2023

The minutes of the meeting held on 12<sup>th</sup> May 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 David Miller highlighted the ongoing consultation by Durham County Council on improvements to its Public Rights of Way (PROW) network and his interest in this matter. David advised that the Council is currently developing its fourth Rights of Way Improvement Plan. The Plan sets out how DCC will invest in its PROW network of footpaths, bridleways, and byways, by enhancing the existing green network for the benefit of those who use the PROW network.

David advised that there is much to admire about the proposals but there were also some matters on which he would like the Parish Council to comment if possible.

David advised that he was working with the City of Durham Trust and producing a response to this consultation. The Committee **agreed** to take an active role in responding to this consultation and **agreed** to consider this as an Agenda item at the next meeting.

### 5. Matters arising:

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

**DM/23/00993/FPA** | Loft conversion including a glass dormer window in centre of roof, with 3x conservation velux windows. Convert and extend the existing garage to a 1.5 storey garden room, with 2x dormer windows | 90 Gilesgate Durham DH1 1HY. The Committee **approved** the response to this application.

**DM/23/01155/LB** | Single storey rear extension, replacement roof including 2no. rooflights to rear, conversion of loft to habitable room incorporating structural alterations and new staircase | 4 Leazes Place Durham DH1 1RE. The Committee **approved** the response to this application.

**DM/23/01161/FPA** | Installation of baby memorial, new handrails, and renewal of footpaths | St Cuthberts Church North Road Durham DH1 4NH. The Committee **approved** the response to this application.

**DM/23/01237/FPA** | Change of use from five bed dwellinghouse to seven bed HMO (sui generis). | 41 Fieldhouse Lane Durham DH1 4LT. The Committee **approved** the response to this application.

Application to vary a premises licence by WLHPLUS Limited for Happiness 2 Restaurant and Karaoke Bar (currently Studio), Ground, first and second floor, 17 North Road, Durham DH1 4SH. The Committee **approved** the response to this application.

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

Application for the grant of a premises licence by Mr Jatinder Singh Grewal for Bunty's 18A North Road. Durham DH1 4SH. The Committee **noted** that this application had now been approved, in spite of the Parish Council's objection points. The Committee thanked Councillor S Walker for representing the Parish Council at this hearing.

**6. Discussion with Ricky Cohen regarding upcoming licensing applications for i) Rushford Court and ii) Brooks House**

The Chair welcomed Ricky Cohen, Simon Forrest and Hannah Shepherd to the meeting to discuss future plans for Rushford Court and Brooks House.

Ricky advised that the University would soon be submitting a Club Premises Certificate application for Rushford Court.

Ricky also advised that the University would also be submitting a minor variation application to the existing licence for Brooks House.

Simon advised that the University attaches great importance to the feedback from the Parish Council on how each of its college bars operate. Simon also stressed the importance of the college bar spaces for the wider student/ resident experience.

Ricky highlighted that the Rushford Court application would be in line with the framework hours as set out in the Council's Statement of Licensing Policy 2019-24.

Ricky advised that the reason for the minor variation application for Brooks House is because the University has recently built an Annex (the Tom Percival Annex) to this building and is keen to extend licensable activities to include this Annex.

Mr Roger Cornwell asked if only the internal area of the new Rushford Court hub would have a licence. Ricky confirmed this would be the case but highlighted that the hub will have an outside terraced area where alcohol could be consumed but obviously this is not a licensable activity.

The Clerk also highlighted that Condition 5 of the planning approval for the Rushford Court extension specifically limits the hours of operation in order to protect residential amenity. The Clerk asked if the licensing application would reflect these hours. Ricky advised that it is the University's hope to have the hub open until 2am on some evenings. The Committee expressed the hope that the hours could reflect those granted under the planning approval in April 2023.

Councillors E Ashby and C Lattin raised a concern about exit noise from Rushford Court arising from students leaving for the commercial night time economy. Ricky advised that part of the reason the University is seeking a Club Premises Certificate is so that they can have more control over who is able to attend the hub within Rushford Court.

There being no further queries, Ricky, Simon and Hannah thanked the Committee for their time and left the meeting.

## **7. To consider the following new planning applications in the parish area**

### **c) To note:**

**DM/23/01110/FPA** | Conversion of an existing House in Multiple Occupation into a religious study centre, to include a specialist theological library, office space, storage and meeting rooms. | 72 - 73 Claypath Durham DH1 1QT. It was **agreed** that further clarification was needed on a number of points relating to this application and the Clerk agreed to look into this.

**DM/23/01111/LB** | Conversion of an existing House in Multiple Occupation into a religious study centre, to include a specialist theological library, office space, storage and meeting rooms. | 72 - 73 Claypath Durham DH1 1QT. It was **agreed** that further clarification was needed on a number of points relating to this application and the Clerk agreed to look into this.

**DM/23/01207/FPA** | Removal of 2no existing lantern style skylights and re-instatement of flat roof with lime mortar render repair to external walls | 29 - 30 Old Elvet Durham DH1 3HN. It was **agreed** to note this application.

**DM/23/01208/LB** | Removal of 2no existing lantern style skylights and re-instatement of flat roof with lime mortar render repair to external walls | 29 - 30 Old Elvet Durham DH1 3HN. It was **agreed** to note this application.

**DM/23/01233/TPO** | Pine (T1) - fell as close to ground level as practical | 10 The Bowers Durham DH1 4EH. It was **agreed** to note this application.



**DM/23/01265/FPA** | Installation of 26No Lighting Bollards | Durham University Van Mildert College Mill Hill Lane Durham DH1 3LH. It was **agreed** to note this application.

**DM/23/01266/FPA** | Installation of 10no replacement and new additional lamp posts | St Aidans College Windmill Hill Durham DH1 3LJ. It was **agreed** to note this application.

**d) To discuss:**

**DM/23/01141/FPA** | Erection of a detached two storey replacement dwelling with partial basement and associated site works. | 1 Almoners Barn Durham DH1 3TZ. It was **agreed** to note this application.

**DM/23/01167/FPA** | Change of use from dwellinghouse (Use Class C3) to small House in Multiple Occupation (Use Class C4) with alterations to existing bay window | 5 Lyndhurst Drive Crossgate Moor Durham DH1 4AE. It was **agreed** to object to this application and also call the application in to the Central and East Area County Planning Committee should officers be minded to approve the application. Councillor N Brown and the Clerk **agreed** to draft the response to this application.

**DM/23/01353/FPA** | Renovation of property to include replacement of conservatory with a single storey rear extension, re-roofing of single storey off-shoot and associated internal works. | 24 Hallgarth Street Durham DH1 3AT. It was **agreed** to object to this application and also call the application in to the Central and East Area County Planning Committee should officers be minded to approve the application. The Clerk **agreed** to draft the response to this application.

**DM/23/01354/LB** | Renovation of property to include replacement of conservatory with a single storey rear extension, re-roofing of single storey off-shoot and associated internal works. | 24 Hallgarth Street Durham DH1 3AT. It was **agreed** to object to this application and also call the application in to the Central and East Area County Planning Committee should officers be minded to approve the application. The Clerk **agreed** to draft the response to this application.

**8. To consider the pre-application letter regarding new telecommunications equipment on South Road, Durham City.**

It was **agreed** to note this pre-application letter without further comment.

**9. Report on Landlord licensing progress for the City of Durham parish area**

Mr John Ashby presented a report to Committee following the most recent meeting of the Durham University Housing Working Group.

John advised that he and Roger Cornwell attend this meeting on behalf of the Parish Council and local residents and commended the work of this group as one

which seems to be getting to grips with student housing issues of quantity, quality, landlord standards and letting agents' practices.

John advised that he felt that this group is the best chance yet of achieving a self-financing landlord licensing scheme in Durham, albeit voluntary not compulsory.

John advised that Hannah Shepherd and Zoe Lewin had jointly produced an exceptional database of where each student property is located in the City.

John advised that he and Roger would continue to engage positively with this group - due to meet next on 28<sup>th</sup> June – and he would keep the Parish Council updated on the progress the group makes on these important issues.

The Committee thanked John and Roger for their continued work and efforts on this Group.

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

Prior to this item being discussed, Councillor A Doig left the meeting and the Clerk reported that it was his understanding that Councillor A Doig had further amendments he wished to make to this report. It was **agreed** to defer a decision on the next stages of this report until the next meeting.

**11. Dates of future meeting(s) of this Committee:**

9th June 2023

26<sup>th</sup> June 2023

7<sup>th</sup> July 2023

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  
(9<sup>th</sup> June 2023)**

## **ITEM 10: PROTECTING OUR FAMILY HOMES**

In Durham City, family homes must be given a far higher priority than the provision of HMOs designed only to sustain University numbers and enhance the profits of landlords. Those seeking to protect family homes have relied too heavily on the interpretation of CDP Policy 16 and tacitly assumed that because other policies could be subject to arbitrary interpretation, they therefore carried less weight. That perception must be countered.

Because Policy 16 is not the only constraint on such developments. There are other policies designed to protect both the setting of our neighbourhoods and the welfare of its residents, and the integrity and relevance of those policies must not be minimised.

Instead, by combining a range of policies (NPPF, CDP and CDNP) into a self-sustaining bundle (a golden thread), the messages that they clearly carry can be strengthened and add material weight to the planning process in order to protect family homes in Durham City both for the welfare of its resident families as well as its economy.

Through planning dereliction, to a significant extent studentification has already effectively destroyed the city centre. A once lively family-oriented area with affordable artisan houses and an active residential economy has step-by-step been forfeit to the demands of an ambitious university and ambitious landlords. The economy of the city has responded to the extent that it now offers little than a range of cheap entertainment venues for the new occupants.

However, there is no benefit whatever if we now allow this studentification to flow outwards into the residential areas that lie outside the city centre. Families need housing too and indeed choose the periphery of the city because of the opportunities that it offers. Unfortunately, in seeking this housing, families now face the significant financial resources of the landlords who, greedy for yet more properties and profit, can always outbid them.

In an attempt to arrest this trend and strengthen the planning arguments that can be ranged against it, extracts from the Parish Council notes used of the meeting on Tuesday May 9<sup>th</sup> 2023, when permission was refused for an extended HMO at 1 Larches Road, are taken as a starting point. The notes below identified 5 strategic issues that may help in future.

### **THE FIVE STRATEGIC ISSUES**

These outline strategic issues may prove useful in facing planning issues in the future. However, they need further research and comment. Although suggested contributors to this discussion have been pencilled in below, recipients of this short report are encouraged to contribute comments to any of these topics and submit them to the Parish Clerk, Adam Shanley.

**Strategic Issue 1: Policy 16.** John Ashby, Alan Doig, Carole Lattin, John Lowe, Susan Walker

In planning terms, the extension of this property apparently survives the restrictions imposed by CDP Policy 16 whose intention was to prevent our city from becoming no more than a student dormitory for Durham University. It is a policy that is being

bypassed by the landlords and this must be challenged by comparing the true HMOs with those that are formally registered at County Hall and, if necessary, by revising Policy 16.

**Strategic Issue 2: Site Visits.** Liz Brown

County Planning Committee members no longer make the once obligatory site visit prior to their meetings at County Hall. These would have enabled members to see first-hand the concerns of the residents and have these explained to them.

**Strategic Issue 3: Statutory Nuisance.** Nicola Brown, Adam Shanley

The detailed record of neighbour concerns made it clear that this proposed development would have an unacceptable impact both on their neighbourhood and on their lives.

Even the officer admitted in her report that *"the change of use proposed will lead to a significant intensification of residential use. This will increase the likelihood of general noise ..... which may impact on neighbouring residential use"*.

Yet, the officer then set this concern aside as *"unlikely to cause a statutory nuisance"*, which begs the question, does this mean that the other policies that were discussed carried no weight unless it can be shown as being certain to be a statutory nuisance that can be proved?

**Strategic Issue 4: The Golden Thread.** John Ashby, Roger Cornwell, Grenville Holland

The golden thread of these other policies requires that any development **must:**  
*"always add to the overall quality of the area",*  
*"sustain and make a positive contribution to the character and distinctiveness of the area"*  
bring *"equity and benefit to the local community"*  
respect *"the privacy of occupiers of neighbouring properties."*

The phrasing, the words and indeed the spirit of these policies must not be set aside because a statutory nuisance cannot be proved. Simply concluding in the officer's report that it won't do that much damage and that residents will just have to get used to the added problems it creates in their community, does not accord with these policies and is no longer acceptable.

Therefore, we need to identify and define the golden thread, or even several golden threads. Taking the NPPF as the starting point trace the common links with other statutory planning policies in the CDP and CDNP

**Strategic Issue 5: Equal Weight and Integrity of Policies.** Esther Ashby, Victoria Ashfield

We need to confirm that our planning policies, so recently endorsed and approved, actually mean what they say they mean, that they carry equal weight, are robust and are policies that set the standard both now and in the future.

**Councillor Grenville Holland**