



# City of Durham Parish Council

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Date of Summons: 23<sup>rd</sup> October 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 27<sup>th</sup> October 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/85376773827>

Meeting ID: 853 7677 3827

*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 13<sup>th</sup> October 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. Discussion with Durham Students Union on the current HMO/ PBSA situation in Durham City** – to include the report from the latest meeting of Durham University’s Housing Group.
- 6. Matters arising:**
  - (a) To consider the outcomes of the following planning and licensing application(s) in the parish area:**

**DM/23/01777/FPA** | Change of use of from hot food takeaway and bar on the ground and first floors to a large House in Multiple Occupation (HMO) (sui generis), including alterations to the west elevation and removal of two flues on the east elevation. | 29 - 33 Neville Street Durham DH1 4EY
  - (b) To consider the latest updates on the following planning and licensing application(s)/ appeal(s) in the parish area:**

Application for the review of a premises licence by the City of Durham Parish Council for Ye Olde Elm Tree. 12 Crossgate. Durham. DH1 4PS.

**DM/22/03712/OUT** | Demolition of existing buildings adjacent to B6532 and outline planning permission (all matters reserved except for access) for a maximum of 1,550 residential dwellings (Use Class C3), a local centre (Use Classes E and F2), public house (Use Class Sui Generis) and primary school (Use Class F1), compensatory improvements to the Green Belt, associated infrastructure and landscaping (resubmission). | Land At Sniperley Park Pity Me DH1 5DZ
- 7. To consider the following new licensing application(s) in the parish area:**

Coarse Restaurant Limited	Coarse Restaurant Reform Place North Road Durham DH1 4RZ	<b>Application for the grant of a premises licence</b> Sale of alcohol (on the premises) Monday to Thursday 5.00pm to 10.30pm, Friday to Sunday 5.00pm to 11.00pm, New Year's Eve until midnight	16 November 2023
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**8. To consider the following new planning applications in the parish area**

**a) To note:**

**DM/23/03000/LB** | Dismantle and rebuild section of the boundary wall utilising original stone and replacement of coping stones | Hollingside House Hollingside Lane Durham DH1 3TL

**DM/23/02926/LB** | Investigation of Norman Gallery Floor structure through the implementation of 6 trial holes | Norman Gallery University College Durham Castle Palace Green Durham

**DM/23/02879/FPA** | Construction of porch to front and changes to existing fenestration and driveway/garden alterations in associated with conversion of existing semi-detached properties into a single dwelling (Use Class C3) which can be carried out under permitted development. | 15 And 16 Neville Square Durham DH1 3PY

**DM/23/02409/LB** | Replacement of 3no. windows in like-for-like style to the front elevation, and replacement of 2no. windows to the rear | 128 Gilesgate Durham DH1 1QG

**DM/23/02836/AD** | Installation of 9 no. freestanding external wayfinding signs around the site of Durham Cathedral. | Durham Cathedral The College Durham DH1 3EH

**DM/23/03060/LB** | Repairs to shop front due to water damage | 36 Saddler Street Durham DH1 3NU

**DM/23/03056/FPA** | Alteration, refurbishment and extension of existing radio pharmaceutical facilities within the medical physics department building. | University Hospital Of North Durham North Road Durham DH1 5TW

**DM/23/03084/TPO** | T1 Sycamore - prune back from property by approximately 2m T2 Ash - prune back from property by approximately 2m T3 Ash - prune back from property by approximately 2m | 7 Potters Close Nevilles Cross Durham DH1 3UB

**DM/23/03103/TPO** | T1 Beech - Remove the lowest branch with the split back to the fork | Almet Barn 3 Almoners Barn Durham DH1 3TZ

**b) To discuss:**

**DM/23/02963/TPO** | 1. Horse Chestnut - Prune to clear the overhead cable and BT pole by 1.5m 2. Sycamore - Prune to clear the overhead cable and BT pole by 1.5m and crown clean/deadwood 3. Sycamore - Crown clean and deadwood 4. Lime - Crown clean/deadwood and remove the epicormic growth from the main stem to a height of 3m 5. Sycamore - Crown clean and deadwood 7. Laburnum - Fell as close to current ground level as practical 8. Birch - Sever the ivy at the base and remove 1m from ground level 14. Beech - Prune to clear the overhead cable by 1.5m and crown clean/deadwood | Grey Lodge Whitesmocks Durham DH1 4LH

**DM/23/02989/AD** | Display of 8 no. internally illuminated fascia signs and 3 no. non-illuminated hanging signs | Units 40 To 41 The Riverwalk Millburngate Durham DH1 4SL

**DM/23/02892/FPA** | Detached two storey replacement dwelling with partial basement, and erection of a detached 1.5 storey garage/annexe and associated site works. | 1 Almoners Barn Durham DH1 3TZ

**DM/23/02958/AD** | Internally illuminated fascia sign Sign over entrance door to flats above (less than 1.2sqm) | 84 Claypath Durham DH1 1RG

**DM/23/02988/FPA** | The material change of use of a dwellinghouse (Use Class C3) to a small House in Multiple Occupation (Use Class C4) | 10 Mavin Street Durham DH1 3AU

**9. To consider the proposed protocol for site visits for new planning/ licensing applications in the parish area – report attached.**

**10. Durham City - On Street Tariff and Parking Restriction Changes – report included.**

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

10<sup>th</sup> November 2023

24<sup>th</sup> November 2023

8<sup>th</sup> December 2023

# City of Durham Parish Council

## **Minutes of the Planning and Licensing Committee meeting held via Zoom at 12:00pm on Friday 13<sup>th</sup> October 2023**

**Present:** Cllr G Holland (in the Chair), Cllr A Doig, Cllr V Ashfield, Cllr C Lattin and Cllr R Ormerod.

**Also present:** Mr A Shanley (Parish Clerk), Mr Roger Cornwell and Mr John Lowe (members of the public) and Mr Steven Major (Staven Major Ltd).

### **1. Welcome and apologies**

Apologies were received from Councillors E Ashby and S Walker. The Chair accepted that Councillor V Ashfield be permitted to substitute for Councillor S Walker for the purposes of this meeting and thanked Councillor V Ashfield for attending.

### **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 29<sup>th</sup> September 2023**

The minutes of the meeting held on 29<sup>th</sup> September 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 Lowe advised that he was attending the meeting with a general interest in all agenda items.

### **5. Pre-application discussion with Steven Major regarding a planning proposal for 10-11 Silver Street**

The Chair welcomed Mr Steven Major to the meeting. Steven began by thanking the Committee for their time today. Steven advised that, on behalf of his client Saddler Property and Land, he is in the process of preparing a planning application to convert the upper floors of 10-11 Silver Street to provide a 6-bed and a 3-bed HMO.

Steven advised that the works are proposed to include a second-floor extension to the modern intervention at no.11 facing Silver Street and presented plans for this. Steven advised that the rear of the property is also going to be developed as it is in a very bad state of repair.

Steven advised that the buildings were unlisted but that they were non-designated heritage assets (NDHAs).

Councillor V Ashfield asked if a dormer for 11 Silver Street is being introduced to the roof level. Steven confirmed that there would not be.

Councillor C Lattin asked where the rear entry and exit would be for both properties. Steven advised that there is no rear entry or exit for either property but that the fire escape for both would be to Moatside Lane.

Councillor C Lattin also asked where the bins for both properties would be. Steven advised that both properties would have internal bin store areas and the waste will be collected and taken away by a management company.

Councillor C Lattin also asked if cycle storage is possible for both properties. Steven advised that this is not possible for either property.

The Clerk asked if this would support a retail use to the downstairs and if so, whether there is a retailer lined up for the unit to the ground floor. Steven advised that it is proposed that a café - with a military theme for families of veterans, etc. to use – goes into this unit. Steven advised that negotiations were still ongoing with the army on this.

Roger asked if there were plans to repair the walls to the rear of the property. Steven confirmed that the walls would indeed be repaired as part of the development.

The Clerk asked if the new painting/ rendering of the properties could be done simultaneously to ensure that there is no mis-match between the colours of the adjoining buildings. Steven confirmed that this is what it is being proposed.

The Clerk also expressed concerns that the proposed windows to the first and second floor for number 11 were very overlooked from the side windows from number 12 and vice-versa. Steven advised that he understood those concerns and that he was looking at ways to ensure that privacy for both properties can be retained in some way.

There being no further questions, the Chair thanked Steven for his presentation and at that point Steven left the meeting.

## **6. Matters arising:**

### **(c) To consider the outcomes of the following planning and licensing application(s) in the parish area:**

**DM/23/01442/FPA** | Change of use of dwellinghouse (Use Class C3) to HMO (Use Class C4) | 33 St Bedes Close Crossgate Moor Durham DH1 4AA. The Committee **noted** that this application had now been refused and thanked Councillor S Walker for representing the Parish Council at this hearing.

### **(d) To consider the latest updates on the following planning and licensing application(s)/ appeal(s) in the parish area:**

**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. The Committee **agreed** to submit a representation to the Inspectorate on this appeal, urging that this appeal be dismissed. The Clerk **agreed** to draft this letter.

**7. To consider the following new licensing application(s) in the parish area:**

**Application for the review of a premises licence by the City of Durham Parish Council for Ye Olde Elm Tree. 12 Crossgate. Durham. DH1 4PS.** The Clerk advised that he had now served notice on the premises in relation to the review application by the Parish Council. The Clerk also advised that he is seeking a mediation meeting with the premises ahead of the licensing hearing at County Hall. The Committee thanked the Clerk for actioning this on their behalf.

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

**c) To note:**

**DM/23/02573/LB** | Internal alterations to lower ground and ground floor, signage to front, 1no window and 2no extractor fans to rear | 12 Elvet Bridge Durham DH1 3AA. It was **agreed** to note this application.

**DM/23/02808/FPA** | Change of use from a flat to dining space for restaurant use. | Coarse Restaurant Reform Place North Road Durham DH1 4RZ. It was **agreed** to note this application.

**DM/23/02819/LB** | Removal of 3no. existing signs and installation of 3no. new aluminium sign mounted to 12-15 The College. | 12 The College Durham DH1 3EQ. It was **agreed** to note this application.

**DM/23/02820/LB** | Installation of 1no. new aluminium sign mounted to existing wall of 16 The College. Wall repointing and 5 no. stone repairs prior to work. | 16 The College Durham DH1 3EQ. It was **agreed** to note this application.

**DM/23/02822/LB** | Removal of 4no. existing signs mounted to existing walls. Installation of 3no. new aluminium signs mounted to existing sandstone wall of Chapter Clerk's Office | The Cathedral Office The College Durham DH1 3EQ. It was **agreed** to note this application.

**DM/23/02823/LB** | Installation of 1no. new aluminium sign mounted to existing garden wall of Durham Light Infantry Garden | Durham Cathedral The College Durham DH1 3EH. It was **agreed** to note this application.

**DM/23/02824/LB** | Removal of 1no. existing sign mounted to existing gate and installation of 1no. new aluminium sign to gate of Bailey Garden (Sign 14) | Bailey Gardens South Bailey Durham DH1 3EE. It was **agreed** to note this application.

**DM/23/02825/LB** | Removal of 5 no. existing mounted signs to the wall attached to 8 The College. Installation of 5 no. new signs mounted to existing wall. | 8 The College Durham DH1 3EQ. It was **agreed** to note this application.

**DM/23/02826/LB** | Removal of 2no. existing signs mounted to existing sandstone columns | 1 The College Durham DH1 3EQ. It was **agreed** to note this application.

**DM/23/02829/LB** | Removal of 1no. existing noticeboard mounted to existing wall. Stonework repairs to be carried out on wall prior to fitting of signs. Installation of 2no. new aluminium signs mounted to the wall of the gatehouse. | Porters Lodge The College Durham DH1 3EQ. It was **agreed** to note this application.

**DM/23/02841/PA** | Prior approval for loading bay (20m x 5m), allowing for safe movement of timber (additional information required has been provided pursuant to DM/23/02027/PNR) | 2 Burn Hall Durham DH1 3SR. It was **agreed** to note this application.

**DM/23/02821/LB** | Removal of 2no. existing mounted signs and 1no. freestanding sign. Installation of 2no. new aluminium sign mounted to existing wall of The Deanery. | The Deanery The College Durham DH1 3EQ. It was **agreed** to note this application.

**d) To discuss:**

No applications were discussed under this item.

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

27<sup>th</sup> October 2023  
10<sup>th</sup> November 2023  
24<sup>th</sup> November 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**  
**(27<sup>th</sup> October 2023)**



## **ITEM 9: PROTOCOL FOR SITE VISITS FOR NEW PLANNING AND LICENSING APPLICATIONS IN THE PARISH AREA**

The City of Durham Parish Council has created a Planning and Licensing Committee, which will consider and make representations on new planning and licensing applications for sites in the City of Durham parish area, or which will have a significant impact on the parish. The Committee has delegated authority to respond to new applications on behalf of the Parish Council as a corporate body.

Although the City of Durham Parish Council is not the decision-maker on new planning and licensing applications, it has an important duty to discharge in representing its residents in assessing new applications. In the case of new planning applications, the Parish Council is a statutory consultee on planning matters which occur in our area.

The final decision on all new planning and licensing applications rests with Durham County Council as both the Local Planning Authority and Licensing Authority.

### **Introduction**

1. Site visits by the Planning and Licensing Committee can be helpful in reaching a decision on issues where site circumstances are fundamental to the decision.
2. Members will have access to any application which is to be considered by the Planning and Licensing Committee and can discuss this with the Clerk prior to the meeting.
3. Where site visits are considered appropriate, Committee site visits should:
  - focus precisely on the observation of site factors which are relevant to the consideration of the application;
  - not be an opportunity for lobbying, public address, submission of new information etc;
  - not be used purely as an opportunity to defer consideration (if there is a good reason to defer consideration of an application, this should be done openly at the Committee meeting);
  - always involve the Clerk or another appropriate officer of the Parish Council;
  - be carefully conducted so that Members cannot be accused of bias to any of the parties involved
  - not go ahead if it is known in advance that a Member or Clerk/ Officer will be attending unaccompanied.
4. A site visit should only be arranged where a proposal is contentious or particularly complex and where the potential impact of the proposed development is a crucial factor which the Committee may find it difficult to visualise or assess from the plans and photographs made available on the Council's planning portal<sup>1</sup> and other supporting material. The purpose of a Committee site visit should only be to gain further information on a specific issue(s) or to assist Members in gaining a better understanding of the proposal.

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<sup>1</sup> [Simple Search \(durham.gov.uk\)](https://www.durham.gov.uk/simple-search)

5. Where a proposal is clearly contrary to national or Development Plan policy it should be refused for reasons of principle unless material considerations indicate otherwise. A site visit will not normally be appropriate in the absence of any overriding clear and convincing material considerations, except if necessary to decide whether particular local circumstances warrant the inclusion of additional reasons for refusal.

6. No minutes will be taken of the site visit and no recommendation will be made back to the Committee, as the purpose of the site visit is simply to assist in the decision-making process. Members of the Committee should endeavour to attend site visits to ensure they are fully apprised of all the relevant information prior to considering the application concerned but if all Members cannot attend this will not be a reason to defer a decision on how to respond to the application.

### **Pre-Committee Site Visits**

7. For major/particularly contentious applications, a site visit may be recommended by the Clerk or any Member in advance of a decision on how to respond to the application. In such cases, the Clerk or Member should make a recommendation to the Chair of the Committee (in the cycle before the meeting at which it is intended to consider the application or earlier) that a site visit be undertaken prior to considering the application.

8. If the consultation timeframe allows for a decision to be deferred to the next meeting, any Member may propose that a site visit be undertaken at the relevant Committee meeting. Where there has been no pre-Committee site visit, the Committee may decide that a Member site visit is required in respect of a specific planning/ licensing application or enforcement matter.

9. In all circumstances, the Clerk or Members must state their reasons for recommending a site visit. The reasons for the decision (either way) will be clearly recorded in the minutes of the meeting.

10. A site visit cannot be requested by the applicant/agent or member of the public.

### **Organisation of Committee Site Visits**

11. The organisation of the site visit will fall to the Clerk or relevant officer of the Parish Council. The Clerk/ Officer will send relevant communications inviting the following bodies to the site visits:

- all Members of the Committee
- the Ward Members
- The applicant/agent

12. Other third parties will not be invited to attend a site visit. However, there may be exceptional circumstances where the Chair of the Committee does allow for third parties to attend the site visit. If this does occur then the third parties will be expected to make their own transport arrangements for the visit.

13. No opportunity for speaking will be afforded to any party other than Members of the Committee who attend the site visit unless specifically requested by the

Committee Chair in order to answer questions of fact. This will be pointed out by the Chair at the beginning of the site visit.

14. The Clerk or relevant officer of the Parish Council must always attend a site visit.

### **Format of Committee Site Visits**

15. For major applications, the Clerk or relevant officer of the Parish Council should prepare a briefing note for Members providing a description of the proposal, a brief summary of any consultee and public responses and identifying the key issues raised by the proposal. This should be circulated in advance of the site visit wherever possible.

16. On assembling at the site at the time specified, the Committee Chair will open the meeting and advise those present of the purpose of the site visit in line with this protocol and of the procedure to be followed, so that all are aware that it is a fact-finding exercise only and that no decision will be taken until the relevant Committee meeting.

17. Members should stay close together and should not engage in discussion individually or in small groups with others who may be present. Any request for Members to express a view or offer of hospitality should be politely declined.

18. The Clerk or relevant officer of the Parish Council will describe the development and point out/explain the issue(s) which Members have come to view, making use of relevant plans when appropriate.

19. Members should address any questions of clarification through the Chair.

### **Committee meeting following the site visit**

20. All members of the Committee, including any who were not able to attend the site visit, are entitled to participate in the discussion and vote when it is reported back to Committee.

### **Appeal site visits**

21. If a planning decision is appealed, the Planning Inspector (appointed by the Secretary of State) will undertake a site visit. For smaller sites, or ones where the site is viewable from public vantage points, the Inspector may make an unaccompanied visit. Where that is not possible, the Inspector will make an accompanied visit with representatives from each side present, as well as any third parties who may have requested to be present.

22. The site visit will follow a similar procedure to the Committee site visit, with the Inspector able to ask for clarification from either party. Sometimes, if the appeal is being determined by way of a Public Inquiry, or a Hearing, the Inspector may leave the Inquiry or Hearing 'open' for the duration of the site visit, and will allow representations to be heard from both parties on site.

23. In all cases, the Inspector will decide the time and date of the site visit, and will set out on what basis the visit will proceed.

<b>DECISION REQUIRED</b>	For Members to approve the proposed protocol for site visits for new planning/ licensing applications in the parish area, as set out above.
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