

# City of Durham Parish Council

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Dear Councillor,

## **In accordance with the Local Government Act 1972**

I hereby give you notice that a **MEETING** of the **CITY OF DURHAM PARISH COUNCIL** will be held in the **LANTERN ROOM, DURHAM TOWN HALL, MARKET PLACE, DURHAM, DH1 3NJ** on **THURSDAY 26 SEPTEMBER 2019 AT 19:00** to transact the following business: -

- 1. TO RECEIVE AND APPROVE (OR NOT) APOLOGIES OF ABSENCE FROM TODAY'S MEETING**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS.**
- 3. PRESENTATION BY ADAM DEATHE ON THE WORK OF THE DURHAM BUSINESS IMPROVEMENT DISTRICT (BID).**
- 4. PUBLIC PARTICIPATION.**
- 5. APPROVAL OF THE DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 25<sup>TH</sup> JULY**
- 6. COMMITTEE UPDATES**
  - **Planning Committee minutes from meetings held on 5 July, 19 July, 16 August and 30 August**
    - Update on Durham County Council Headquarters move
    - De-registration of the Common Land at the Sands
    - HMO investigation project
    - Update on the County Durham Plan
    - Update on the City of Durham Neighbourhood Plan
  - **Environment Committee minutes from meetings held on 16 July**
    - Recommendation to carry out tree planting at the Sands
    - Recommendation to fund Terracycle schemes in the local Primary schools based in the City of Durham Parish area
    - Recommendation to fund environment training for teachers in all schools based in the City of Durham Parish area
  - **Licensing Committee minutes from meeting s held on 12 July**
    - DCC consultation on cumulative impact policy
- 7. CHAIR'S UPDATE**

The Chair will provide a verbal update on matters arising since the Full Parish Council meeting on 25 July.

**8. LONG TERM EMPTY PROPERTY COUNCIL TAX PREMIUM CONSULTATION**

**9. EXTERNAL AUDIT REPORT FOR 2018/19**

**10. REPORT ON REMEMBRANCE SUNDAY PLANNING**

**11. PROPOSED PROJECT ON THE WORKS OF DR FENWICK LAWSON**

**12. SOCIAL MEDIA PRESENCE FOR CITY OF DURHAM PARISH COUNCIL**

- Proposal to commence an official Facebook page for the Parish Council
- City of Durham Parish Council social media policy

**13. PROPOSAL ON A CITY OF DURHAM PARISH COUNCIL NEWSLETTER**

**14. REPORTS FROM REPRESENTATIVES ON LOCAL ORGANISATIONS**

- Report on the meeting of Durham University Residents Forum held on 16 September 2019

**15. MOTION BY CLLR R ORMEROD ON ENVIRONMENTAL IMPACT OF DCC PLANNING POLICIES**

**16. UPDATE FOLLOWING A MEETING BETWEEN DURHAM COUNTY COUNCIL AND THE CITY OF DURHAM PARISH COUNCIL**

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

**17. REGISTERING AN ASSET OF COMMUNITY VALUE**

**And** pursuant to the provisions of the above-named act, **I Hereby Summon You** to attend the said meeting.

Adam Shanley  
Clerk City of Durham Parish Council

## **CITY OF DURHAM PARISH COUNCIL**

**Minutes of the Meeting of the City of Durham Full Parish Council held on Thursday 25<sup>th</sup> July 2019 at 19:00 in the Main Hall of Durham Town Hall, Market Place, Durham. DH1 3NJ.**

**Present:** Councillors A Doig (Chair), E Ashby, J Ashby, L Brown, S Cahill, R Cornwell, D Freeman, G Holland, R Ormerod, C Reeves and M Ross.

**Also present:** Parish Clerk Adam Shanley, Anna Lawson, Hannah Shepherd and Laura Logan (Durham University) and Audrey Christie (County Durham Association of Local Councils).

### **18. TO RECEIVE AND APPROVE (OR NOT) APOLOGIES OF ABSENCE FROM TODAY'S MEETING**

Apologies were received from Cllrs Scott, Atkinson, Ashfield and Elmer.

### **19. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS.**

Both Councillors L Brown and D Freeman declared an interest in item 17 on the Agenda.

### **20. PRESENTATION BY ANNA LAWSON ON THE WORK OF DR FENWICK LAWSON**

The Chair welcomed Anna Lawson to the meeting. The Chair advised that Anna was attending in order to discuss the works of her father Dr Fenwick Lawson. Anna began by thanking Members of the Parish Council for the opportunity to talk to them today about her father's work.

Anna provided a brief history of how her father's background and it was that he became a sculptor. Anna advised that it was thanks to the people of Durham that her father was able to go to college and train and as a result her father has a real affection for Durham, as do her entire family.

Anna talked about a number of the sculptures her father has worked on over many years, with two now housed in the Vatican City and others based in Durham. Anna advised that Durham University would be given a number of her father's pieces and would be exhibiting these.

Anna also provided details of a project the Trust dedicated to her father is currently working on – a plaque to provide details of the well-known sculpture in Durham City – "The Journey". Anna advised that she was keen to renew the plaque currently on the side of the library wall further to the right as the current plaque is in the camera shot from the side of the sculpture. Anna advised that she had been in discussions with the Trust about different design types for a new plaque which illustrated the Journey of St Cuthbert and was also designed to be sympathetic to the colour and design of the sculpture itself. Anna also advised that she hoped that the plaque would be designed with wheelchair users in mind too so that the information is accessible to all.

Anna advised that she was keen to promote the work of her father and any help which the Parish Council may wish to provide in that regard would be greatly appreciated.

The Chair thanked Anna for her presentation and opened the floor for questions. Cllr E Ashby asked how the plaque was being funded. Anna advised that this would be funded through the Trust which had a significant amount of funds for this project. Cllr J Ashby advised that we should all be proud to have someone such as Dr Lawson in Durham and asked whether a document had ever been created to highlight his work. Anna advised that she had a lot of information about her father's work over the years and had begun to draft a trail for the works in Durham.

The Chair thanked Anna for her time and for coming to speak with the Parish Council. At this point, Anna again thanked the Parish Council and left the meeting.

## **21. PUBLIC PARTICIPATION**

The Chair welcomed all members of the public who in turn introduced themselves to Councillors. No representations were received on any of the Agenda items under discussion at this meeting.

## **22. APPROVAL OF THE DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 27<sup>TH</sup> JUNE**

The Minutes of the meeting held on 27<sup>th</sup> June were agreed as a true and accurate record of proceedings.

## **23. COMMITTEE UPDATES**

### **Planning Committee**

Cllr R Cornwell presented the minutes from the meeting held on the 21 June and invited any questions from Members. No questions were raised by Members.

Cllr R Cornwell then provided a verbal update on the Durham County Council Headquarters move. Cllr R Cornwell advised that the coach park land was still common land and reminded Councillors that the Parish Council had submitted an objection to the invitation for initial comments to the County Council when they proposed the land's de-registration and offered a suggested alternative plot of land as its replacement as common land. Cllr R Cornwell also advised that the Open Spaces Society and the Freeman had also submitted an objection to the initial proposals. Cllr R Cornwell advised that at present we are still waiting to hear when the formal consultation on this would begin.

Cllr R Cornwell also expressed concern that a date in August is being suggested as the closure date for the Sands car park. Cllr R Cornwell advised that this would mean this happening before the multi-storey car park is built and an alternative option for the Market Traders is in place.

Cllr R Cornwell also provided an update on the Parish Council's ongoing HMO investigation project. Cllr R Cornwell advised that the Parish Council's chosen researcher had now completed their investigation and the report is in front of Councillors this evening. Cllr R Cornwell advised that what the report illustrated was that percentages on HMO levels provided by the County Council is accurate in certain areas but not in others. It was **agreed** that this report should be considered at a future Planning Committee meeting and a formal recommendation on next steps be provided to Full Council in September.

Cllr R Cornwell also updated the meeting that the Parish Council had now heard back from the Programme Officer in relation to the Examination in Public for the County

Durham Local Plan and needed to submit by 9<sup>th</sup> August a list of the hearings the Parish Council may wish to speak at.

Cllr R Cornwell also advised that he had been made aware that not every individual or organisation who had responded to the consultation on the Plan had heard from the Programme Officer. The Clerk advised that he would highlight this to the Programme Officer.

### **Environment Committee**

In the absence of both the Chair and the Vice-Chair of the Environment Committee, the Clerk presented the minutes from the meeting held on the 18<sup>th</sup> June and invited any questions from Members. No questions were raised by Members.

### **Licensing Committee**

Cllr L Brown presented the minutes from the meeting held on 28 June and invited any questions from Members. No questions were raised by Members. Cllr L Brown also updated the meeting that the Committee had noted the application submitted by the Holy Grail, with the proviso that the Clerk write to the Licensing team stressing that numbers in the premises should be limited to a maximum of 50 patrons and that Challenge 25 be rigorously enforced by the premises' staff.

## **24. CHAIR'S UPDATE**

The Chair provided a verbal update on matters arising since the Full Parish Council meeting on 27 June.

The Chair advised that the funds had been paid to the majority of organisations to whom the Parish Council had agreed to provide grant funding. The Chair advised that photos had been taken with a number of the organisations and a press release would soon be following.

The Chair also reported that a consultation on Vision 2035 is currently underway and, in view of the timescales to respond to this, Members should contact the Clerk with their views on this so he could formulate a response on behalf of the Parish Council. Cllr L Brown advised that she felt that this consultation had not been adequately advertised by the County Council.

The Clerk also reported that the Chair of the Parish Council Cllr E Scott had requested that he arrange an anti-social behaviour conference and invite all of the key stakeholders to this. This would be arranged for the end of October and all Parish Councillors would be involved in this. The intention of the Conference is to develop a multi-agency approach to tackling anti-social behaviour in Durham City.

## **25. PROPOSAL TO BECOME A SPONSOR OF DURHAM LUMIERE 2019**

The Chair reported that Artichoke (the company which organises Durham Lumiere) had invited the City of Durham Parish Council to become an Installation sponsor of Lumiere Durham 2019. The request being for the financing of the Fusion Walkergate art piece at a cost of £3,000.

Cllr E Ashby advised that she would welcome a proposal for a future Lumiere event but was not in favour of providing sponsorship to the event this year.

Cllr G Holland also remarked that he felt that the funds would be better spent going towards the Remembrance Sunday event.

Cllr S Cahill advised that he felt that the current proposal left no scope to develop the Parish Council's own identity to the event.

It was unanimously **agreed** not to become a sponsor of Durham Lumiere 2019.

## **26. UPDATE ON REMEMBRANCE SUNDAY PLANNING**

Cllr G Holland reminded Members that, at the last Full Council meeting, the City of Durham Parish Council agreed to take over civic ownership of the Remembrance Sunday event in Durham City.

Cllr G Holland reported that the Parish Clerk is seeking permission from the University for the temporary occupation of Palace Green and from the City Centre Manager for the temporary occupation of the Marketplace. Both are aware of the event taking place this year as usual and this is a formality. The Clerk is also checking with the City Centre Manager on how the event will impact on preparations for Lumiere Durham 2019 and whether any planning around these preparations needs to take place.

The Clerk reported that the event will now be covered by the Parish Council's own public liability insurance at an additional charge to the Parish Council of £130 and that he is organising a Risk Assessment in addition to the Police's own security assessment (SECO assessment) for the event.

The Clerk reported that he is also organising traffic management support for this as well as arranging the Hostile Vehicles Mitigation (HVM) measures. Dave Lewin, DCC Highways officer has already confirmed that the Parish Council could organise this through the County Council as they have a preferred supplier for this.

The Clerk also reported that he would be letting local traders in the affected area know about the plans for the event.

Cllr G Holland reported that the order of service within the Cathedral would be managed entirely by the Clergy of the Cathedral and the Parish Council would not have any involvement with this but the seating of the Parish Councillors will be arranged with the Cathedral.

Councillor Grenville Holland also reported that he had also been supporting Arthur Lockyear with the sponsorship of the event and has been in contact with all the local banks and it was hoped that they will be able to sponsor the 4 bands at £300 each.

## **27. DCC MARKET TRADER PERMIT ONLY PARKING CONSULTATION**

The Chair advised that the Parish Council had been invited to respond to a consultation by Durham County Council for the introduction of reserved restricted bays for 'Market Permit Holders Only Saturday 6am-10am'. This is proposed to take effect on the closure of The Sands car park, which is where the current Market vehicles park.

The Chair reminded members that the Market Traders will not be able to access the multi-storey car parks due to their height restrictions and will require a location to park during Market trading days.

The Chair reported that the proposed area for parking is on Providence Row by the Sands Flats. The traders will be issued with a Permit which will explain that they still require to pay and display. The 10 restricted bays will not be accessible during the Saturday morning timings to non – market traders who do not possess a valid permit.

The Clerk reminded Councillors that the Parish Council did object to the proposals on 26<sup>th</sup> April this year when an initial invitation for comments was made by the County Council. The grounds for objection related to the fact that the proposed parking is only to be in operation on a Saturday when the market takes place throughout the week, the proposed new parking permit area is 100m further from the market than the current one and the potential loss of residential parking. The Clerk advised that no amendments to the scheme have been put forward in relation to any of these matters.

Cllr E Ashby advised that she felt that the Order was unsatisfactory and that longer-term solutions such as the use of the Durham Sixth Form Centre car park should be explored.

Cllr R Cornwell felt that the Parish Council's original objection should be re-submitted as the concerns originally identified still existed.

It was **agreed** that the Parish Council's original objection be re-submitted with the additional comment that longer-term solutions ought to be explored.

The Clerk agreed to draft this response and circulate for approval.

## **28. RESPONSE TO DURHAM HISTORY CENTRE CONSULTATION**

The Chair reported that the Parish Council had been invited to make comments on the consultation relating to the proposed new history centre at Mount Oswald Manor House.

The Chair reminded Councillors that plans to create a new history centre were approved by the County Council in January 2019 following consultation and, as a result, it is proposed that Durham History Centre will bring into one central location the story of the history and heritage of the county, as told through historic records, photographs and objects. The proposals will bring Mount Oswald Manor House back into use, adding an extension to the existing building. It will also be the new home for the Durham Register Office offering enhanced facilities for weddings and civil ceremonies in a historic setting.

The Clerk advised that he had requested Councillors views on the proposals ahead of the meeting and the following feedback had been submitted:

### **Design of the building**

Members felt that the plans will bring the Mount Oswald Manor House back into a good public use.

Members felt that the design of the extension is very good because from the front it will be semi-transparent and completely different to the Mount Oswald heritage building and therefore minimise any detraction that would be caused by a more solid extension structure.

Members felt that parking in particular would be a big problem at the new centre, especially as the new centre only has two dedicated spaces for disabled car parking, this does not make the centre very accessible to all visitors.

Members would also like to know that the new building will meet a green-standard on carbon emissions.

### **The principle of the plans**

Members felt that the plans to provide an enhanced facility for weddings and civil ceremonies should be applauded

Members also felt that the plans to include the DLI/military collection in the new centre ought to be applauded.

Members felt that the principle of moving the Local History Collection from its present town centre location is not good because it makes it significantly less accessible, especially as the opening hours are going to be reduced at the new location.

Cllr J Ashby also advised that this was not only a place to register marriages but also deaths and he felt that the issues around accessibility of the site may add further difficulties to those who are potentially grieving and this should also be a factor considered.

It was **agreed** that the Clerk should respond on behalf of the Parish Council with all of the points raised by Members.

## **29. PARISH COUNCIL RISK REGISTER**

The Clerk reminded Members that one of the action points arising from the Annual Internal Audit 2018/19 was the establishment of a risk register for the Parish Council. The Clerk provided copy of a summary of the key risks to the Parish Council achieving successfully its priorities and service objectives. The Clerk advised that the impact of each risk has been classified as either high, medium or low. At the same time, the report also illustrates how likely a risk is to occur and this again is classified as high, medium and low categories. The Clerk advised that it is hoped that these assessments will enable the Parish Council to decide which risks it should pay most attention to when considering what measures to take to manage the risks.

Cllr L Brown thanked the Clerk for such an in-depth piece of work.

It was unanimously **agreed** to adopt the Risk Register for the Parish Council and to review this as appropriate.

## **30. DURHAM UNIVERSITY MASTERPLAN**

Cllr J Ashby reported that the Parish Council had kindly been invited by Durham University's Director of Estates to receive an update on the University's Masterplan. Cllr J Ashby advised that the meeting took place on 4 July 2019 and he and Cllr R Cornwell together with the Clerk attended on behalf of the Parish Council as well as Sue Childs and John Lowe from the Parish Council's Neighbourhood Plan Working Party. The University was represented by David Loudon and Matthew Wright of the Estates Department and by Faith Folley of DPP Consulting.

Cllr J Ashby reported that the meeting had illustrated that the University is committed to fulfilling the scale and pace of growth set out in its Masterplan. A number of concerns had been raised at a consultation event on the Masterplan and in particular the feeling that the City was already imbalanced with over 17,000 students and only 7,000 permanent residents. Cllr J Ashby advised that the Parish Council ought to make representations to the University to request that they provide a full impact assessment of the totality of the Strategy Masterplan and its positive and negative impacts on the host city and County.

It was **agreed** that the Parish Council should request that Durham University provides a full economic, social and environmental impact assessment of the Strategy Masterplan 2016/17 to 2026/27

## **31. SECTION 106 CONSULTATION – DURHAM SIXTH FORM CENTRE**

Councillors were asked to give their views on the application for the proposed use of Section 106 monies by Durham Sixth Form Centre. The intent of the funds is to improve the outdoor space for the Sixth Form Centre.

Cllr D Freeman advised that he had no objection to the proposals in principle, however he felt that, as Durham Sixth Form Centre catered for other parts of the County, that he would be making representation that the funds for the project be taken from other pots of Section 106 funds and not just those from the Elvet and Gilesgate division.

It was **agreed** to note the application.

### **32. ASSET OF COMMUNITY VALUE NOMINATION – FORMER R.W.D MOTOR BODY REPAIRERS BUILDING**

The Clerk reported that he had received correspondence from the County Council, who had received a nomination from the Friends of Flass Vale to have the Former RWD Motor Body Repairers listed as an Asset of Community Value under the Community Right to Bid legislation brought in under the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

The Clerk advised that the County Council has to decide whether or not to list the asset by the 2nd September 2019. The decision as to whether the nominated assets are of community value being taken by the Head of Planning and Assets.

Members considered the proposal and felt that the building itself was not an asset of community value as the building itself had been left derelict.

It was **agreed** to note the application.

### **33. REPORTS FROM REPRESENTATIVES ON LOCAL ORGANISATIONS**

Cllr L Brown provided a report following a recent meeting of the Durham Access for All Group as follows:

*Vane Tempest Hall have consulted regarding a new lift to improve access and the Oriental Museum has improved its disabled access. There is a new disabled toilet on the Riverwalk but the signage isn't brilliant and it doesn't have a radar key. Apparently local shopkeepers will be keeping an eye on it but members are unsure what will happen after hours.*

*Since the Access for All map of Durham was published there have been many changes so there is talk about redrawing it (This map is handed out to tourists at the Sands coach park so is obviously quite important). There was also talk about having the map available elsewhere but apparently DCC won't allow it to be given out at the information point or in Town Hall. Cllr Corrigan is investigating this.*

*History Centre. Parking will be very poor – only two disabled spaces plus a long walk from the park and ride and no bus stop in close proximity.*

*A discussion took place about disabled access to Lumiere and wondered if it would be possible to arrange a showing for those with mobility and learning difficulties who suffer in crowds. It was suggested maybe something could be arranged around the try out night, which is generally the day before the opening night*

*Representation has been put into the Neighbourhood Plan Consultation from the group regarding shared footpath/cycling routes which are generally seen as a bad thing*

*Finally, the Access Group want to raise their profile. Cllr Liz Brown suggested that the Parish/County Councillors might be willing to put notices on their notice boards in the Durham City Area.*

It was **agreed** that the Parish Council should request that Artichoke make provision for those with mobility issues or the disabled for the Durham Lumiere event this year.

#### **34. PROPOSAL TO PROMOTE THE WORK OF DR FENWICK LAWSON**

Members considered ideas on what to do in order to promote the work of Dr Fenwick Lawson. It was **agreed** that the Parish Council should write to the Lord-Lieutenant of County Durham to highlight Dr Lawson's many works. It was also **agreed** that the Clerk should further investigate a brochure for visitors of Durham to make them aware of the many works of Dr Lawson in Durham.

#### **35. MOTION BY COUNCILLOR R ORMEROD ON TAXIS AT CROSSGATE**

Councillor Ormerod reported that he has received a number of complaints from Crossgate residents regarding the impact of taxis operating within the area. A number of issues have been raised mainly relating to the noise of the taxis and damage caused to the cobbled street. Cllr R Ormerod felt that residents of the area had suffered enough and therefore proposed the following motion to the Parish Council:

***"This council recognises the problems caused to residents of Crossgate by taxis using the loading bay outside Santander bank on North Road as a taxi-rank. The Parish Council therefore resolves to make representations to the Chief Executive of Durham County Council and the Police & Crime Commissioner requesting that they work together and develop a multi-agency approach to resolving the problem."***

The motion was unanimously **agreed** by Members and the Clerk advised that he would write to both Terry Collins and Ron Hogg requesting a joint meeting.

#### **36. EQUALITY AND DIVERSITY POLICY**

Members unanimously agreed to adopt the following as the City of Durham Parish Council's equality and diversity policy:

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### **CITY OF DURHAM PARISH COUNCIL EQUALITY AND DIVERSITY POLICY**

#### **Commitment to Equality and Diversity**

The City of Durham Parish Council is committed to achieving equality of opportunity and valuing diversity in all aspects of its work. The Parish Council aims to provide services and activities which are accessible to as many people as possible whilst recognising the diversity of local need.

The Parish Council will work to tackle direct and indirect discrimination, to promote social inclusion and to actively encourage greater participation of under-represented groups. This also includes fostering good relationships between different individuals and groups within the parish.

#### **Purpose**

The purpose of this policy is to ensure that the City of Durham Parish Council complies with current legislation and with its own commitment to promote diversity and equality and to tackle discrimination in all its activities and services.

#### **Scope**

This policy applies to council decision-making, services and activities (including participation in the democratic processes) community consultation and engagement, procurement and employment. (This list is not exhaustive).

## **Legal Position**

The Equality Act 2010 makes it unlawful to discriminate against an individual on the grounds of the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Through the Public Sector Equality Duty, the Act also requires public bodies including parish councils to have due regard to the need to

- eliminate unlawful discrimination, harassment, victimisation and any other conducted prohibited by the Equality Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it.

## **Policy**

- 1) The City of Durham Parish Council opposes all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimisation or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010. The Council is committed to the promotion and delivery of equal opportunities in the work place and in the delivery of services and all other activities undertaken by the Council.
- 2) The City of Durham Parish Council will publish and promote its equality policy so that all councillors, employees, contractors, service users and members of the public are aware of its commitment to equality.
- 3) The City of Durham Parish Council will strive for equality of access to all its services and activities and will consider the equality policy when commissioning, designing, delivering or evaluating services.
- 4) The City of Durham Parish Council will challenge any discrimination it recognises within the Parish Council and the wider community. It is the responsibility of each individual member of council and the Parish Clerk to challenge discrimination when it is encountered.
- 5) The City of Durham Parish Council is an equal opportunities employer. This means that decisions concerning recruitment, promotion, dismissal or any other aspect of employment will be based on the needs of the council and not any assumptions based on sex, race, age, disability, gender reassignment, sexual

orientation, married or civil partnership status, pregnancy or maternity, religion or belief.

- 6) The City of Durham Parish Council will apply equality principles to work undertaken for the council by external contractors or with partners. Decisions to make grant funding and/or to support other organisations and events or work in partnership with any third party will be informed by the equality policy and practice of the organisations concerned.
  - 7) The City of Durham Parish Council will acknowledge and, where possible, celebrate the diversity within the parish and will support the development of communities and assist them in challenging discrimination.
  - 8) The City of Durham Parish Council will raise awareness and build capacity within the council about the equality considerations by including equality and diversity training in its training plans for staff and members.
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Cllr R Cornwell advised that he hoped that this would be something which Members lived by each day as Councillors.

The Clerk remarked that the City of Durham Parish Council is one of the most diverse Councils he had sat on, both in terms of the age range and the number of women on the Council; which he advised the Parish Council should celebrate.

There being on further business, the Chair thanked everyone for their attendance and closed the meeting.

Signed,

Chair of City of Durham Parish Council  
26<sup>th</sup> September 2019

## City of Durham Parish Council

### **Minutes of Planning Committee meeting held at 14:00 pm on Friday 5<sup>th</sup> July 2019 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.**

**Present:** Cllr R Cornwell (in the Chair), Cllr J Ashby, Cllr J Elmer, Cllr L Brown, Cllr G Holland and Cllr C Reeves.

**Also present:** Parish Clerk Adam Shanley and Cllr A Doig.

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

Apologies were received from Cllr V Ashfield

#### **2. Declarations of interest from members.**

Cllr R Cornwell declared an interest in Item 10 of the Agenda.

#### **3. To receive and approve as a correct record the minutes of the meeting on 21 June 2019.**

The minutes of the meeting held on 21 June 2019 were unanimously **agreed** as a true and accurate record of proceedings.

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

None received

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

The Chair reminded Members that the Parish Council had not been granted leave to apply for a Judicial Review following a decision by the High Court Judge. The Chair also reminded Members that the Parish Council had unanimously agreed not to pursue a renewal application for judicial review.

The Clerk advised that the ecologist was on site today (5<sup>th</sup> July) to assess whether otter holts were present at the proposed site for the new County Headquarters.

On the issue of the Common Land de-registration, the Chair reported that a Case Officer of the Open Spaces Society had e-mailed to say that he had concerns over the replacement land currently proposed by the County Council. The Clerk reminded members that the Parish Council had submitted the response to the initial invitation for comments on this matter and at present were still waiting to hear back about when this would go out to formal consultation.

On related matters, the Clerk reminded Members that the Parish Council had received notification of a consultation pertaining to market traders permit only parking and a response would be drafted for Full Council agreement. The Committee expressed concern about the proposals and in particular the distance

from the existing Sands car park and the fact that this was only available on a Saturday when in fact the market takes place throughout the week.

## **6. Matters arising:**

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

**DM/19/01308/FPA** | Change of use and subdivision of 1no A2 (financial Institution) unit to 1no sui-generis (distillery) unit and 1no A3 (cafe) unit | 30 High Street Durham DH1 3UL (further correspondence). Cllr J Ashby reported that further clarification had been sought in the Parish Council's response to this consultation and the Committee were yet to hear back from the Agent of the applicant on a suitable meeting date.

**DM/19/01428/AD** | Non-illuminated vertical sign | Dun Holm House 8 The Riverwalk Millburngate Durham DH1 4SL. The Parish Council's response was approved by the Committee.

**DM/19/01673/FPA** and **DM/19/01674/LB** | Demolition of existing extension, erection of two-storey extension, minor internal alterations, like of like replacement of bay window and change of use to a house in multiple occupation (*sui generis*) | 22 Allergate Durham DH1 4ET. The Clerk reported that he had not yet received a copy of this. The Chair advised that he would send this on to the Clerk for submission and publication.

**DM/19/01683/FPA** | The change of use of dwelling (Use Class C3) to a small HMO (Use Class C4) and the erection of a dwelling in small HMO use (Use Class C4) | 36 The Hallgarth Durham DH1 3BJ. The Parish Council's response was approved by the Committee.

**DM/19/01720/FPA** | Erection of two storey side extension to C4 (House in multiple occupation) dwelling. | 77 Whinney Hill Durham DH1 3BG. The Parish Council's response was approved by the Committee.

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

The Chair reported that the consultation on the draft Neighbourhood Plan ended today (5<sup>th</sup> July 2019). The consultation had been extended to allow organisation consultees such as the Cathedral, the University and Historic England sufficient time to respond to the draft Neighbourhood Plan. The Chair reported that both the Cathedral and Historic England had submitted their response to the draft Plan and the University had promised a submission later today.

The Chair reported that a number of public comments had been received during the Regulation 14 consultation and would be gathered and considered following the consultation closing date.

Cllr J Ashby reported that the County Council had also submitted a large number of comments to the draft Plan and a response on behalf of the Parish Council would be drafted in due course.

## **8. Student HMOs**

The Chair reported that the review of historic planning applications being carried out by the Council's selected PHD student was underway and a draft version of the PHD

student's findings had been submitted to the Clerk and the Chair and Vice-Chair of the Parish Council Planning Committee. The review had picked up on a number of discrepancies between DCC's data and that of the University.

The Clerk reported that he was yet to hear back from the Information Governance team at the University regarding a meeting date to discuss the possibility of entering into a Service Level Agreement to provide aggregate data on HMO levels within a 100-metre radius.

## **9. Planning applications: To consider making representations on the following:**

**DM/19/01308/FPA** | Change of use and subdivision of 1no A2 (financial Institution) unit to 1no sui-generis (distillery) unit and 1no A3 (cafe) unit

including the installation of 4no. windows to south elevation | 30 High Street Durham DH1 3UL (re-consideration). The Clerk reported that a meeting with the Agent was still being sought to discuss the concerns the Parish Council Planning Committee had in relation to the current application.

**DM/19/01411/FPA** | Two storey extension to rear of the existing C4 accommodation to create additional amenity space and 2no. 1-bed apartments and 1no. 2-bed apartment (C3 housing). | 12 North Road Durham DH1 4SH. It was **agreed** to object to this application. Cllr J Ashby **agreed** to draft the response to this.

**DM/19/01526/VOC** | Amendment to opening hours from 12.00 - 23.00 Monday to Sunday. (Amendment to condition 11 on planning permission 4/03/01178/FPA) | Lebaneat 47 North Bailey Durham DH1 3ET. It was **agreed** to note this application.

**DM/19/01686/LB** | Addition of roof cowl to pitched roof | 29 - 30 Old Elvet Durham DH1 3HN. It was **agreed** to note this application.

**DM/19/01893/TPO** | Various tree works. Land At North End Durham DH1 4LU. It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response to this.

**DM/19/01901/FPA** | Rear Dormer Window | 37 Nevilledale Terrace Durham DH1 4QG. It was **agreed** to note this application.

**DM/19/01906/AD** | Flat panel internally illuminated shopfront signs, 1 no projecting sign, 2 internally fixed non illuminated signs and SAV applied internally to existing windows | 16 High Street Durham DH1 3UJ. It was **agreed** to write a letter to DCC Planning department with a recommendation on how the scheme could be improved. Cllr R Cornwell **agreed** to draft the response to this.

**DM/19/01909/FPA** | Change of use of part ground floor and first floor of no. 90 to small HMO (Use Class C4) and single storey extension to no. 89 to provide workshop. | 89-90 Claypath Durham DH1 1RG. It was **agreed** to note this application.

**DM/19/01912/FPA** | Erection of a first-floor extension to create two storey dwelling and first floor external roof terrace, single storey extensions to the front and rear, alterations to the external materials (render and cladding) and window

arrangement, and associated new hardstanding. | The Bungalow Quarry House Lane Crossgate Moor Durham DH1 4JA. It was **agreed** to write a letter requesting that the condition be attached to this application (if minded to approve) that the applicant must undertake to repair the pavement if heavy vehicles involved in this scheme caused any destruction. Cllr R Cornwell **agreed** to draft the response to this.

**DM/19/01935/FPA** and **DM/19/01936/LB** | Conversion of building to permit ground floor Drinking Establishment (A4) and 7no. bed house in multiple occupation (Sui-Generis) including various external alterations (new shopfront, replacement windows, alterations to roof (dormer/raising of roof) and internal and external structural repairs and associated drainage, mechanical and electrical plant to rear yard. | 34 - 35 Saddler Street Durham DH1 3NU. It was **agreed** to write a letter to DCC Planning Department praising the overall scheme but suggesting that the shopfront treatment could be better. Cllr J Ashby **agreed** to draft the response to this.

**DM/19/01937/VOC** | Variation of Condition 3 (approved plans) of DM/15/03734/VOC to allow introduction of roof plant to hub building. | Mount Oswald (Durham Uni Site) South Road Durham DH1 3TQ. It was **agreed** to note this application.

**DM/19/01950/FPA** | Single storey rear extension (resubmission of DM/19/01334/FPA with revised party wall) | 20 Faraday Court Nevilles Cross Durham DH1 4FG. It was **agreed** to note this application.

#### **10. Proposed phone box removal: Church Street Head, Durham, DH1 3DN**

The Committee considered a proposal to have the phone box at Church Street Head removed. The phone box itself is very rarely used and BT were looking to have this removed. It was **agreed** to note this application. Cllr R Cornwell did not take part in discussions on this item.

#### **11. Dates of future meetings**

19 July 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

2 August 2019 - 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

## City of Durham Parish Council

**Minutes of Planning Committee meeting held at 14:00 pm on Friday 19<sup>th</sup> July 2019 in Office 2, Clayport library building, 8 Millennium PI, DH1 1WA.**

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

**Also present:** Parish Clerk Adam Shanley and 1 member of the public.

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

Apologies were received from Cllrs J Ashby, J Elmer, G Holland and C Reeves

### **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 on 5 July 2019.**

The Minutes of the meeting held on 5<sup>th</sup> July were accepted as a true and accurate record of proceedings.

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

Mr Doug Scott advised that he was in attendance to discuss planning application DM/19/01418/FPA.

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

#### **a. Response to Freedom of Information Request FOI20198365AS**

Members considered the response from the County Council in relation to FOI20198365AS, which provided information on the five options considered for the siting of the new County Headquarters. The Chair expressed a desire to have the response put out in the public domain. This was agreed by the Committee.

#### **b. Ecologist's report re otters**

The Clerk reported that the ecologist had now completed his investigation of the Sands area as instructed by the Parish Council. The Clerk reported that the Parish Council ecologist had found very little evidence of otter, over and above the evidence found during the initial visit earlier in the year. The survey covered both banks to a distance of approximately 100-130m up and down stream of the development area. The ecologist found a good number of potential resting locations within the banks, particularly on the north side of the river, but only found a single recent otter spriant (droppings). This was in association with the large weir structure just upstream from the development.

The Clerk reported that the ecologist's conclusion therefore is that otters are active on this part of the Wear, however the evidence suggests that it form part of a wider foraging range. The weirs upstream potentially acting as an attractant as a gathering point for fish moving upriver to spawn, consequently providing a foraging

opportunity to otter. The ecologist has not found any evidence of any active holt or resting locations, although there are features within particularly the north bank which could be used. The Clerk also advised that there was no evidence of any maternal activity.

Whilst the evidence does not present any significant barrier to development, the confirmation of otter does mean that the developer will need to give consideration to providing adequate mitigation measures. In this case our ecologist has suggested a precautionary pre-works checking survey. Otter are very mobile, and will take opportunities to establish new resting places regularly. If this pre-works check were to confirm a holt/resting location, then it is likely that the development would require a Natural England Protected Species Licence (EPSL) to proceed. Otherwise work to a method statement would be considered usual best practice when working this close to a watercourse.

The ecologist has also recommended that consideration of the effects of lighting into the watercourse should also form part of the assessment of impacts and, to ensure compliance with the net gain requirement of the National Planning Policy Framework (2019), the provision of an artificial otter holt and otter ledge should also be considered.

It was **agreed** that the Clerk should write to the County Council requesting that the necessary pre-works assessment be carried out ahead of any works at the Sands in order to mitigate against any potential adverse impact on the otters.

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

No updates on this particular item relating to the proposed County Headquarters at the Sands. The Clerk reported that the Parish Council were still awaiting a date for the consultation to begin on the proposed de-registration of the Common land at the Sands.

#### **d. Any other relevant developments**

Members considered the proposals to introduce Market Trader Permit Holder only parking at Providence Row. Cllr V Ashfield expressed concern about the increased distance to walk for the traders from the Sands to Providence Row. Members also expressed concern at the parking only being available on a Saturday when other market events take place during the week. The Clerk advised Members that there was an item on the Full Council Agenda for the Councillors to formally agree their response to the consultation.

### **6. Planning Budget 2019/20**

The Clerk reported that, following the decision at the Full Council meeting in June, whereupon Councillors resolved not to seek a renewal apply for a judicial review into the County Council's proposed new HQ site on the Sands, there is a need to reconsider the Planning Committee budget for the present financial year. The Clerk advised that, at present, once the County Council's fee and the remainder of the costs for Richard Buxton are paid, the Parish Council will have in excess of £45,000 left over in the planning budget.

Members **agreed** that £10,000 ought to be allocated towards the priority of the planning committee relating to the County Council Headquarters at the Sands.

Members also **agreed** that match funding hopefully alongside the four County Councillors on the Parish Council could be put towards entering into a Service Level Agreement with the County Council for a dedicated Planning Enforcement Officer. Members agreed that £4,000-£5,000 from the Parish Council could be put towards this.

The remainder of this fund could go towards the priorities of the Environment Committee and the Business Committee.

## **7. Matters arising:**

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

**DM/19/01893/TPO** | Various tree works Land At North End Durham DH1 4LU. The response to this application was **approved** by the Committee.

**DM/19/01906/AD** | Flat panel internally illuminated shopfront signs, 1 no projecting sign, 2 internally fixed non illuminated signs and SAV applied internally to existing windows | 16 High Street Durham DH1 3UJ. The response to this application was **approved** by the Committee, who were pleased to note that our recommendations had been adopted.

**DM/19/01912/FPA** | Erection of a first-floor extension to create two-storey dwelling and first floor external roof terrace etc | The Bungalow Quarry House Lane Crossgate Moor Durham DH1 4JA. The response to this application was **approved** by the Committee.

**DM/19/01935/FPA** and **DM/19/01936/LB** | Conversion of building to permit ground floor Drinking Establishment (A4) and 7no. bed house in multiple occupation (Sui-Generis) including various external alterations | 34 - 35 Saddler Street Durham DH1 3NU. The response to this application was **approved** by the Committee.

### **b. Report on meeting re DM/19/01308/FPA | Change of use and subdivision of 1no A2 unit to 1no sui-generis (distillery) unit and 1no A3 (cafe) unit| 30 High Street Durham DH1 3UL.**

The Chair advised that he and Cllrs J and E Ashby had met with the applicant, his architect, and the Shopping Centre manager. The Chair reported that they had been satisfied of the outcome of the meeting and the points raised in the original application response by the Parish Council. The Chair advised that he would be drafting a letter requesting that they be made a condition of the application being granted and, if so, the Committee would remove its objection. This was **agreed** by the Committee. The Chair also reported that the proposed distillery on Riverside would not be happening. Cllr L Brown as Chair of the Parish Council Licensing Committee advised that she would look into the Riverside premises license.

## **8. Oversight of the work of the Neighbourhood Plan Working Party**

The Chair advised that the responses to the Regulation 14 consultation were being collated and considered by the Working Party.

The Clerk asked whether a letter had been submitted to DCC in response to their representation to the draft Plan. The Chair reported that Cllr J Ashby would be drafting this.

The Clerk also requested that the Chair of the Planning Committee ask about the budgetary requirements needed going forward for the delivery of the Neighbourhood Plan.

**9. Planning applications: To consider making representations on the following:**

**DM/19/01229/FPA** and **DM/19/01423/LB** | Single storey extension to west elevation, internal alterations, replacement of roof covering and guttering | Old Granary Crook Hall Sidegate Durham DH1 5SZ. It was **agreed** to note this application.

**DM/19/01418/FPA** | The change of use of a six-bedroom dwelling (Class C3) to a small House in Multiple Occupation (Class C4) or a six-bed dwelling (C3) | 24 Nevilledale Terrace Durham DH1 4QG. Mr Doug Scott (member of the public) attended the meeting to discuss this application. He advised that he and other neighbours would be objecting to this application. This property had been used as an unauthorised HMO in the past, which led to enforcement action. The Committee considered this application and it was **agreed** to object to this application. Cllr R Cornwell **agreed** to draft the letter of objection.

Mr Doug Scott left the meeting at this stage.

**DM/19/01810/FPA** | Part two storey rear extension and part single storey rear extension, raising of ridge height and loft conversion, increasing from 4 to 6 bedrooms. | 22 Blaidwood Drive Durham DH1 3TD. It was **agreed** to defer consideration of this application until the next Planning Committee meeting.

**DM/19/01947/AD** | Retention of vinyl images applied to outside surface of front and side windows | 81 New Elvet Durham DH1 3AQ. It was **agreed** to note this application.

**DM/19/01977/AD** | Illuminated and non-illuminated fascia, hanging and menu board signage | Unit R09 The Riverwalk Millburngate Durham DH1 4SL. It was **agreed** to note this application.

**DM/19/02062/VOC** | Variation of condition 2 pursuant to DM/19/00371/FPA Minor amendment to approved plans. Adding first floor window to Kitchen/Lounge/Dining for improved lighting | Corner House Potters Bank Durham DH1 3PS. It was **agreed** to note this application.

**DM/19/02077/AD** | Erection of 11 illuminated advertisements and 2 non-illuminated advertisements | Millburngate House Framwelgate Waterside Durham DH1 5TL. It was **agreed** to note this application.

**DM/19/02144/FPA** | Erection of part 2 storey, part single storey to rear of existing C4 House in Multiple Occupation. | 7 Mavin Street Durham DH1 3AU. It was **agreed** to object to this application. The Chair advised that he would be asking Cllr J Ashby to draft the letter of objection on this one on behalf of the Parish Council.

**DM/19/02176/FPA** | Erection of 1no. two storey 2-bed dwelling with associated parking (hardstanding) and access, and demolition of existing garage. | Valley House Nevilles Cross Bank Durham DH1 4JN. It was **agreed** to note this application.

**DM/19/02184/LB** | Masonry Restoration | Railway Station Station Approach Durham DH1 4RB. It was **agreed** to send a letter of commendation on this planning application. Cllr L Brown **agreed** to draft the letter of commendation.

**DM/19/02199/FPA** and **DM/19/02200/LB** | Erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage and welfare facilities to ground floor. | 21 Market Place Durham DH1 3NJ. It was **agreed** to defer consideration of this planning application until the design and access statement is provided. The Clerk **agreed** to request this from the planning department at the County Council.

**DM/19/02214/PNC** | Prior Approval - Change of use of B1 office to C3 residential (3 x 1-bedroom studios). | Part Second Floor Bridge House North Road Durham DH1 4PW. It was **agreed** to note this application.

**10. Continuing display of pub sign at the Revolution Bar, North Road, Durham DH1 4PW, consent for which was refused on 31 January 2019 (ref DM/18/03618/AD).** It was agreed that a letter be submitted to enforcement at the County Council requesting the removal of this sign. Cllr R Cornwell agreed to draft this letter.

**11. Regulation 7 Direction on Lettings Boards: report on progress, or lack of it.**

It was agreed to draft a letter to Neil Carter, Solicitor at Durham County Council over the continued display of lettings boards in the Conservation Area in Durham despite the Regulation 7 Direction. Cllr R Cornwell agreed to draft the letter on this.

**12. Dates of future meetings**

It was agreed to cancel the scheduled meeting on 2 August due to the absence of the Clerk and the Chair. The Chair and Vice Chair are to keep new applications under review and to ask the relevant County Councillor to call to Committee any that they jointly judged merited this course of action.

16 August 2019 - 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

## City of Durham Parish Council

### **Minutes of Planning Committee meeting held at 14:00 pm on Friday 16<sup>th</sup> August 2019 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.**

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

**Also present:** Parish Clerk Adam Shanley, Hannah Shepherd and Laura Logan (Durham University), Kate Harvey (Artichoke), Cllr E Ashby, James Harrison (Sunderland Echo and Shields Gazette) and 1 member of the public.

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

Apologies were received from Cllr C Reeves

#### **2. To receive any declarations of interest from members.**

Cllr R Cornwell declared an interest in planning application DM/19/02375/PNT and took no part in the discussion on this application.

#### **3. To receive and approve as a correct record the minutes of the meeting on 19 July 2019.**

The Minutes of the meeting held on 19<sup>th</sup> July 2019 were agreed as a true and accurate record of proceedings.

#### **4. To receive any public participation**

Kate Harvey from Artichoke spoke to the Committee about an application which Artichoke would soon be submitting to have illuminated signage on the side of the Clayport Library building saying "Only you can write the next page". The intent is not only to be the legacy piece from the 2019 Lumiere event but is also to act as a source of inspiration to those who see it. Kate advised that Artichoke had been working with the poet Anna Jane Walker and female prisoners to create the idea for the sign and remarked that this tied in nicely with the sign being on the side of the library and highlighted Durham as a centre for heritage, reading and a place of learning. Kate advised that the application was not yet submitted but she wished to come to the meeting today to discuss the idea with the Parish Council Planning Committee.

Cllr J Elmer and V Ashfield advised that they felt the signage may not resonate well with residents of Durham at this particular time as a large, controversial planning application had been passed and residents felt that were not in position to write the next page on this.

Cllr J Ashby commented that previous Lumiere installations around the City such as at The Miners' Hall had been very inspiring and he considered that the proposal for Clayport library was the appropriate location.

Cllr L Brown remarked that she felt that the Lumiere heritage pieces were slightly too riverside centric and should be spread across Durham City.

The Chair thanked Kate for attending the meeting and for her time speaking with the Planning Committee. At this point, Kate left the meeting.

The member of the public present advised that he may wish to speak when the Committee came to consider application DM/19/02375/ PNT.

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

**a. Closure of the car and coach parks on The Sands**

In his opening remarks, the Chair condemned the actions of the County Council in closing off the Common land to members of the public.

The Clerk reported that preparation works had started on the new County HQ building and the car and coach parks have been fenced off since Monday 12<sup>th</sup> August. A number of trees have already been felled. The Clerk reported that the Chair of the City of Durham Parish Council had released a video on behalf of the Parish Council about the unexpected closure of the coach park along with other matters and this had attracted a significant number of views and press coverage. The Parish Council wrote to the County Council about the closure of the coach park and had requested that the fencing be removed immediately. The response from the County Council is that the coach park has been closed for public health and safety reasons.

Cllr J Elmer advised that he felt that the footpath currently fenced off ought to be registered as a public Right of Way.

Cllr G Holland advised that he felt that the Parish Council ought to seek legal advice on the closure of the car and coach park.

Cllr J Ashby proposed that, once the felling of the trees around the coach park had been completed, the Parish Council request that the fencing be removed around the coach park.

It was **agreed** that the Clerk should arrange for a meeting between the Parish Council and the Freeman to take place at the earliest possible opportunity to discuss this further with them.

**b. De-registration of the Common land at The Sands.**

The Chair reported that the land currently fenced off is still registered as common land, meaning that residents have the Right to roam on this land. The formal consultation on the de-registration of this land as common land has yet to commence.

**c. Any other relevant developments**

The Clerk reported that he had received a response from DCC on the requested pre-works ecological surveys of the site to state that this was carried out on 9<sup>th</sup> August. The Parish Council has requested a full copy of this report.

**6. Matters arising:**

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

**DM/19/01418/FPA** | The change of use of a six-bedroom dwelling (Class C3) to a small House in Multiple Occupation (Class C4) or a six-bed dwelling (C3) | 24 Nevilledale Terrace Durham DH1 4QG. Members approved the response to this application.

**DM/19/02144/FPA** | Erection of part 2 storey, part single storey

to rear of existing C4 House in Multiple Occupation. | 7 Mavin Street Durham DH1 3AU. Members approved the response to this application.

**DM/19/02184/LB** | Masonry Restoration | Railway Station Station Approach Durham DH1 4RB. Members approved the response to this application.

**b. Update on meeting with Stephen Reed to discuss potential SLA with DCC for a planning enforcement officer for the Parish Council.**

The Clerk advised that he, Cllr R Cornwell and Cllr L Brown had met with Stephen Reed and Sarah Eldridge to discuss the possibility of entering into a Service level Agreement with DCC for one year to have a Planning Enforcement Officer specifically for the City of Durham Parish Area. The likely cost of this would be around £10,000 but it is hoped that the four County Councillors could fund half of this and the Parish Council the other half. At present, Stephen Reed is looking into this as a possibility and the Parish Council is awaiting an outcome on this.

**7. Progressing the HMO investigation (verbal update from Chair).**

**a. Correspondence from Bill Free Homes**

The Chair reported that he had received correspondence from the owner of Bill Free Homes to state that he is willing to share the data on student accommodation with the Parish Council and requesting that the Parish Council put him in touch with their researcher who carried out the investigation on HMO levels. On the latter point, the Chair advised that he had responded to state this would not be possible as the researcher had now completed her assignment on behalf of the Parish Council and was now currently away on holiday, however it was hoped that the Parish Council may still be able to access the data proposed to be shared from Bill Free Homes.

Cllr J Ashby advised that the owner of Bill Free Homes had recently completed his Masters and it may be an idea to request a copy of his thesis. It was agreed that the Clerk should request this as well as providing the owner of Bill Free Homes with a copy of the report commissioned by the Parish Council.

**b. Progressing phase 2 of HMO investigation – SLA with Durham University.**

The Chair welcomed Hannah Shepherd and invited her to speak on this matter.

Hannah advised that she was aware of a number of meetings having taken place regarding this issue and she had received the request from the Parish Council regarding the sharing of data on student accommodation locations. Hannah advised that, at present, that request is sat with the legal team of Durham University who are considering the data protection issues of sharing such data with the Parish Council. Hannah advised that she was still awaiting a response from Legal on this but would update the Parish Council as soon as possible. Hannah also advised that the data was very much dependent on students completing the forms accurately, advising that there have been known to be issues with this in the past.

Hannah advised that this was something the Community Engagement Task Force had been looking into and in particular she wished to commend Cllr J Ashby for his amazing work and knowledge on this subject.

Hannah also recommended that the report from the research, commissioned by the Parish Council be shared with the new Sabbatical Officers of the Students Union (DSU). Hannah advised that housing is a massive issue for the DSU and Durham University and it would be good to share this with the new Officers who have taken up post recently.

The Clerk advised that the Parish Council wish to access the aggregate data only of student HMOs within a 100-metre radius of new C4/ Sui Generis HMO planning application which the Planning Committee considers. It is hoped that the Parish Council may be able to enter into a Service Level Agreement with the University to have a point of contact within the University to be able to provide this data.

Cllr J Ashby commended Hannah Shepherd for her brilliant work and remarked how useful it is to have an internal contact within the University making the case for this and other issues the Parish Council and local residents bring up.

## **8. Oversight of the work of the Neighbourhood Plan Working Party**

### **a. Correspondence with the County Council**

The Chair reported that the Parish Council had received a response back from Stuart Timmiss following the letter sent about the feedback DCC had provided on the draft Neighbourhood Plan. The Chair reported that Mr Timmiss was not in agreement with a number of the matters raised in the letter from the Parish Council and it was therefore agreed that a meeting should be arranged at the earliest convenience between the Parish Council and Mr Timmiss.

Cllr J Ashby advised that this matter was time-sensitive and a meeting needed to take place with Mr Timmiss before the end of September.

The Chair advised that he would be referring Mr Timmiss' letter to the Neighbourhood Plan Working Party for their consideration a report would come back to the Planning Committee meeting on 30<sup>th</sup> August to discuss this further.

### **b. Progress report**

The Chair advised that the Working Party had received hundreds of responses to the Regulation 14 Consultation on the draft Neighbourhood Plan. At present, the Working Party is working through these responses. Two-thirds of the comments had been very supportive and encouraging. The Chair reported that the timetable may have slipped by a week or so, however it is still hoped that a version of the Plan would come to the Planning Committee meeting on 4<sup>th</sup> October, with a final draft of the plan and all other documents going to Full Council on 24<sup>th</sup> October for approval.

## **9. County Durham Plan**

### **a. To approve the schedule of appearances submitted to the Programme Officer**

The Chair reported that the schedule of appearances had been circulated and, following agreement, had been submitted to the Programme Officer.

### **b. Preparations for the Examination in Public**

The Chair advised that it is necessary to agree who would be speaking at which hearing and to co-ordinate the responses to each area.

Cllr J Ashby advised that the Examiner had submitted a number of questions to the County Council, and will issue questions to objectors in early September, each of which the respondent(s) have up to a maximum of 3,000 words to respond with.

The Committee remarked that the site for the Examination in Public was not ideal as it is not easily accessible.

**10. Planning applications: To consider making representations on the following (the date in parenthesis is the deadline to call the application to committee):**

**DM/19/01749/AD** and **DM/19/02372/LB** | To erect external hanging swing sign at first floor level on front elevation | 6 Old Elvet Durham DH1 3HL (22 August for DM/19/02372/LB). It was **agreed** to note this application.

**DM/19/01810/FPA** | Part two storey rear extension and part single storey rear extension, raising of ridge height and loft conversion, increasing from 4 to 6 bedrooms. | 22 Blaidwood Drive Durham DH1 3TD (held over from previous meeting) (24 July). It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response on this.

**DM/19/02048/FPA** | Retention of fence surrounding beer garden to rear. | The City 84 New Elvet Durham DH1 3AQ (29 August). It was **agreed** to note this application.

**DM/19/02153/FPA** | Replacement of iron railing of two storey balcony to front with 1.1m glazed balustrade | Rokeby Villa 1 Percy Terrace Durham DH1 4DY (22 August). It was **agreed** to note this application.

**DM/19/02157/FPA** | Internal refurbishment of MRI department, installation of external mechanical plant including air handling unit, air conditioning unit, heat pumps and erection of external support platform. | University Hospital Of North Durham North Road Durham DH1 5TW (22 August). It was **agreed** to note this application.

**DM/19/02199/FPA** and **DM/19/02200/LB** | Erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office, storage and welfare facilities to ground floor. | 21 Market Place Durham DH1 3NJ (held over from previous meeting pending provision of Design & Access Statement) (15 August). It was **agreed** to object to this application. Cllr R Cornwell **agreed** to draft the response on this.

**DM/19/02244/LB** | Repair and reinstate historic pump. Listed Building Consent was granted to dismantle the pump under application DM/14/00739/LB | College Green The College Durham (15 August). It was **agreed** to commend this application. Cllr J Ashby **agreed** to draft the response on this.

**DM/19/02253/LB** | Listed Building Consent for replacement of 2 no. cast iron soil pipes to south elevation | 7 The College Durham DH1 3EQ (5 September). It was **agreed** to note this application.

**DM/19/02255/FPA** | Single storey rear extension and dormer window to side roofslope | 8 Whitesmocks Avenue Durham DH1 4HP (16 August). It was **agreed** to note this application.

**DM/19/02258/FPA** | Two storey extension and single storey extension with balcony above and detached carport to front, single storey extensions to side and rear, and alterations to ground levels including retaining walls, boundary fencing and entrance steps. | 51 Wearside Drive Durham DH1 1LE (22 August). It was **agreed** to note this application.

**DM/19/02276/FPA** | Erection of two storey and single storey extensions to front | 6 Valeside Durham DH1 4RF (22 August). It was **agreed** to note this application.

**DM/19/02285/FPA** | Installation of a solid ashlar stone bollard and extended stone paving at the front entrance. | Learning Resource Centre Site Of Former 17 South Bailey Durham DH1 3EE (29 August). It was **agreed** to note this application.

**DM/19/02287/FPA** | Part single part two storey rear extension | 3 Rhodes Terrace Nevilles Cross Durham DH1 4JW (8 August). It was **agreed** to note this application.

**DM/19/02292/LB** | To fit a door and frame to the archway at the back of the tinderbox coffee shop. | Hotel Indigo Durham Old Shire Hall 9 Old Elvet Durham DH1 3HP (5 September). It was **agreed** to note this application.

**DM/19/02307/FPA** | Basement conversion and small in-fill extension to porch (Re-submission DM/18/01670/FPA) | 3 Moor Edge Crossgate Moor Durham DH1 4HT (12 August). It was **agreed** to note this application.

**DM/19/02325/RM** | Application for reserved matters relating to appearance, landscaping, layout and scale for 6 dwellings (Plots 30-35, part of Phase 4 for 54 dwellings in total) pursuant to planning permission DM/15/03555/VOC. | Mount Oswald South Road Durham DH1 3TQ (29 August). It was **agreed** to note this application.

**DM/19/02375/ PNT** | Prior notification for the installation of a 17.5m high HEL Phase 5 streetworks tower on D9-4 root foundation and associated works. | Land At Darlington Road Durham DH1 4PE (27 August). It was **agreed** to object to this application. Adam Shanley (Clerk) **agreed** to draft the response on this.

**DM/19/02426/LB** | To replace the door frame and 3 windows within the front elevation | 68 Gilesgate Durham DH1 1HY (5 September). It was **agreed** to note this application.

**DM/19/02440/FPA** | Change of use from office building (B1 and A2) to Large House in Multiple Occupation (Sui-Generis) with shared facilities. | 4 Old Elvet Durham DH1 3HL (28 August). It was **agreed** to note this application.

**DM/19/02451/LB** | Listed Building Consent for the demolition of rear chimney and re-construct to a lower height | Hall Of Residence St Cuthberts Society 8 - 9 South Bailey Durham DH1 3EE (5 September). It was **agreed** to note this application.

**DM/19/02471/LB** | Re-Laying Slate Roof, Repair and Re-Pointing of External Stone Walls. Internal Works include Repairing of Water Damaged Plaster, Stabilising a Spiral Stair (Re-Submission DM/19/01023/LB) | Bishop Cosins Library Palace Green Library Palace Green Durham DH1 3RN (29 August). It was **agreed** to note this application.

**DM/19/02472/LB** | Pointing and Repair to Parapet Roof and 6No Windows (Re-submission DM/19/01032/LB) | Exchequer Building Palace Green Library Palace Green Durham DH1 3RN (5 September). It was **agreed** to note this application.

**DM/19/02473/LB** | Re-application of Waterproofing System to Flat Roof and Internal Plaster Repairs (Re-submission DM/19/01035/LB) | Durham University Palace Green Library Palace Green Durham DH1 3RN (5 September). It was **agreed** to note this application.

**DM/19/02487/AD** | To replace existing paper advertising unit with double sided

digital advertising unit forming an integral part to a bus shelter | Bus Stop Newcastle Road Crossgate Moor DH1 4HX (28 August). It was **agreed** to note this application. **DM/19/02537/FPA** | Single storey rear extension and a total of four dormer windows; two to rear and two to front roofslope | 9 Crossgate Peth Durham DH1 4PZ (5 September). It was **agreed** to object to this application. Cllr L Brown **agreed** to draft the response to this.

**11. Request to purchase land adjacent 80-90 Claypath (report included).**

It was **agreed** that the Clerk would write to DCC to confirm that the Committee had no objection to this request to purchase.

**12. Dates of future meetings**

30 August 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

13 September 2019 - 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

## City of Durham Parish Council

### Minutes of Planning Committee meeting held at 14:00 pm on Friday 30<sup>th</sup> August 2019 in Office 2, Clayport library building, 8 Millennium PI, DH1 1WA.

**Present:** Cllr R Cornwell (in the Chair), Cllr J Ashby, Cllr V Ashfield, Cllr L Brown, Cllr G Holland and Cllr C Reeves (arrived 14:11pm)

**Also present:** Parish Clerk Adam Shanley, Mr John Pacey and Mr Peter Jackson (both members of the public)

#### 1. Welcome and apologies

Apologies were received from Cllr J Elmer

#### 2. To receive any declarations of interest from members.

Cllrs J Ashby and V Ashfield declared an interest in planning application DM/19/00678/FPA.

Cllr L Brown declared an interest in all applications relating to the University Business School, DM/19/02673/FPA and DM/19/02504/FPA

Cllr R Cornwell declared an interest in application DM/19/02504/FPA and took no part in the discussions on this item. The Vice Chair also chaired discussion on this planning application at the Chair's request.

#### 3. To receive and approve as a correct record the minutes of the meeting on 16 August 2019.

The Minutes of the meeting held on 16<sup>th</sup> August 2019 were accepted as a true and accurate record of proceedings.

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

Mr John Pacey and Mr Peter Jackson both advised that they were in attendance to discuss item 6 on the Agenda and were happy to wait until this item came under discussion to give their remarks.

Mr John Pacey also advised that he had an interest in item 12 on the Agenda and queried why this was in closed session. The Clerk advised that this was due to commercial sensitivity and any decisions arising from discussions on this item would be minuted.

#### 5. Matters arising:

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

**DM/19/01810/FPA** | Part two storey rear extension and part single storey rear extension, raising of ridge height and loft conversion, increasing from 4 to 6 bedrooms. | 22 Blaidwood Drive Durham DH1 3TD. Members unanimously **agreed** this letter.

**DM/19/02199/FPA** and **DM/19/02200/LB** | Erection of part two storey, part single storey extension to rear to form 1no. self-contained 5-bed house in multiple occupation (C4) to 1st and 2nd Floor and additional retail office,

storage and welfare facilities to ground floor. | 21 Market Place Durham DH1 3NJ. Members unanimously **agreed** this letter.

**DM/19/02244/LB** | Repair and reinstate historic pump. Listed Building Consent was granted to dismantle the pump under application DM/14/00739/LB | College Green The College Durham. Members unanimously **agreed** this letter.

**DM/19/02375/PNT** | Prior notification for the installation of a 17.5m high HEL Phase 5 streetworks tower on D9-4 root foundation and associated works. | Land At Darlington Road Durham DH1 4PE. Members unanimously **agreed** this letter and Cllr L Brown advised that she had called this application to the Central and East County Planning Committee.

**DM/19/02537/FPA** | Single storey rear extension and a total of four dormer windows; two to rear and two to front roofslope | 9 Crossgate Peth Durham DH1 4PZ. Members unanimously **agreed** this letter.

Cllr R Cornwell also advised that the Committee had received a notification of the amendment to the scheme in relation to application 19/01411/FPA. The Committee **agreed** that the alteration to the scheme did not address the original concerns expressed by the Committee and therefore it was **agreed** that the Clerk should respond stating that the original objection to the scheme still stood.

## **6. Oversight of the work of the Neighbourhood Plan Working Party progress report**

Cllr R Cornwell advised that the Working Party had been working on, and had largely completed, a review of the comments made during the Regulation 14 consultation stage. Cllr R Cornwell advised that a list of action points, as circulated ahead of the meeting today had been put together by the Working Party. Cllr R Cornwell advised that most of these had been resolved and agreed by the Working Party, and would form part of the package to be presented to the Full Parish Council via the Planning Committee.

Cllr R Cornwell advised that the designation of land at Observatory Hill had however drawn two sets of objections and it is necessary for the Planning Committee to consider these together with the views of the Working Party.

Cllr R Cornwell advised that objections had been received from Durham University and Durham Cathedral, who own land to the south and east of Potters Bank. Cllr R Cornwell also advised that the Cathedral are also objecting to the inclusion of the Chorister School Playing Field near the roundabout at the foot of Potters Bank. Cllr R Cornwell advised that the inclusion of this land was suggested by Durham County Council and confirmed by the consultants AECOM who carried out the sustainability appraisal on behalf of the Neighbourhood Plan Working Party. Cllr R Cornwell advised that the view of the Working Party is that this land ought not to be deleted from the designated area. Members considered this and unanimously **agreed** that the land as designated in the draft Plan ought to remain the same.

Cllr R Cornwell also reported that objections had been received from the Neville's Cross Residents' Association and two local residents in relation to the playing fields of Durham School as far north as Clay Lane – the objection being that the draft Neighbourhood Plan omits this from the Local Green Space. At this point, the Chair invited Mr Peter Jackson to speak on this matter. Mr Jackson advised that green lane

is an important green corridor, it has a special local significance and he felt that this land ought to be included in the green land designated area.

The Chair reported that a majority of the Working Party did not agree with this view. Cllr J Ashby advised that this matter had been put to AECOM for consideration and a response would hopefully be received next week on this. It was **agreed** to defer consideration of this matter until the next Planning Committee meeting where the response from AECOM could be considered fully.

The Clerk also reported that a meeting had been arranged with Stuart Timmiss, Director of Planning at Durham County Council following receipt of the County Council's feedback on the draft Plan.

## **7. County Durham Plan**

### **a. Preparations for the Examination in Public**

The Chair reminded Members that the Parish Council had responded to indicate which elements of the County Durham Plan the Council wishes to be represented at. The Chair also advised that a meeting had taken place between the City of Durham Parish Council, the City of Durham Trust and the Friends of the Durham Green Belt and an offer had been put to the Programme Officer that these three organisations combine into a single entity - the Durham Coalition - for all Matters/Issues where there are more than 20 potential participants. This had come about following a request by the Inspector to limit the number of hearings where the views of the organisations were the same. The Chair advised that the organisations were of the same view on almost every aspect of the County Durham Plan.

The Chair also reported that it had become apparent that a number of those who had responded to the consultation on the pre-submission draft of the Plan had not received e-mail notification by the Programme Officer of the schedule for the Examination in Public. The Chair advised that his professional background is in computing and he had expressed the view to the County Council that this may be due to the change in e-mail servers used by the County Council. Cllr L Brown **agreed** to contact the Head of IT at Durham County Council about this and it was also **agreed** that the Clerk should also write a formal letter to the Programme Officer, copied to PINS, to express this view.

## **8. County Council consultation on Long Term Empty Property Council Tax**

Members considered the current consultation by Durham County Council to raise the tax premium on long term empty properties to 200%.

It was **agreed** that a recommendation should go before Full Council to express support for the proposals.

## **9. Progressing the HMO investigations**

Members considered the report by the PHD student on HMO levels relating to historical C4/ sui generis HMO applications in the City of Durham Parish area. Cllr J Ashby advised that he felt that this was a very good and balanced piece of work and felt that the Parish Council ought to write formally to the PHD student to thank her for her work on this.

The Clerk reported that a meeting was soon to be organised between representatives of the Parish Council and the University and in particular their legal team to try and

set up a Service Level Agreement (SLA) between both organisations, such that the University may be able to provide the aggregate data on HMO levels on all new C4/ sui generis HMO applications in the City of Durham Parish area. At present, the legal team at Durham University were considering the data protection implications of sharing this data. The Clerk advised that he hoped to be able to arrange this meeting as soon as possible.

It was **agreed** that recommendations on next steps to progress this work should be brought to the next Planning Committee meeting.

#### **10. Planning applications:**

- a. Response to appeal against refusal of 36 The Hallgarth (reference DM/19/01683/FPA)  
It was **agreed** that we had nothing to add to our previous comments, which would be forwarded to the Inspector.
- b. To consider noting the following applications to upgrade paper advertising panels with digital advertising panels at the following bus stops:  
**DM/19/02488/AD** | Opposite Palatine Centre Stockton Road (4 September). It was **agreed to note** this application.  
**DM/19/02489/AD** | Opposite Old Dryburn Way Durham DH1 5SE (4 September). It was **agreed to note** this application.
- c. To consider making representations on the following (the date in parenthesis is the deadline to call the application to committee):  
**DM/19/00678/FPA** | Conversion of storage facility back to Christian church | Cemetery Chapel St Nicholas Graveyard Providence Row Durham DH1 1RS (10 September). It was **agreed to note** this application.  
**DM/19/01948/AD** | Non-illuminated fascia sign (retrospective) | 28 The Riverwalk Millburngate Durham DH1 4SL (6 September). It was **agreed to note** this application.  
**DM/19/02365/AD** | 5No Non-Illuminated Image Panels | 1 Freemans Quay Freemans Place Durham DH1 1SW (9 September). It was **agreed to note** this application.  
**DM/19/02467/AD** | Erection and Display of 2no illuminated fascia signs, 2no illuminated hanging signs, 2no illuminated menu cases and 1no Folded aluminium panel | The Slug And Lettuce Unit 7 Freemans Place Durham DH1 1SQ (4 September). It was **agreed to note** this application.  
**DM/19/02504/FPA** | Demolition of existing dwelling, and construction of 3no. detached new dwellings with associated access, parking and landscaping. | Tower Cottage The Avenue Durham DH1 4EB (12 September). It was **agreed to object** to this application. Cllr G Holland **agreed** to draft the response to this application.  
**DM/19/02533/AD** | Illuminated and non-illuminated Riverwalk centre directional and car parking related fascia and hanging advertisements | The Riverwalk Millburngate Durham DH1 4SL (6 September). It was **agreed to note** this application.  
**DM/19/02553/FPA** | Demolition of former baths & construction of new Business School with associated infrastructure, refurbishment/alterations to Vennel Cottage as cafe (A3 Use), conversion of 42, 50 & 51 Old Elvet to 3no. dwellings (C3 Use) and refurbishment of 47-49 Old Elvet as start-up business incubator associated with Business School & Durham University (D1

Use) | Former Swimming Baths Durham DH1 3DA (5 September). It was **agreed to object** to this application. Cllr J Ashby **agreed** to draft the response to this application.

**DM/19/02554/LB** | Internal & external alterations to 42, 50 & 51 Old Elvet associated with conversion to 3no dwellings & to 47-49 Old Elvet associated with conversion to start-up business incubator | 42, 47-49, 50 & 51 Old Elvet Elvet Waterside Durham (5 September). Members felt that these ought to have been separate applications. It was **agreed to support** this listed building application and to add that, had a corresponding separate planning application been forthcoming, this would have been supported too. Cllr R Cornwell **agreed** to draft the response to this application.

**DM/19/02578/LB** | To replace roof like for like with Welsh slate | 25 Crossgate Durham DH1 4PS (6 September). It was **agreed to note** this application.

**DM/19/02586/LB** | The Demolition and Removal of 2no Non-Period Chimneys | St Cuthberts Society 12 South Bailey Durham DH1 3EE (11 September). It was **agreed to note** this application.

**DM/19/02609/LB** | Dismantling & Re-Build of Existing North Gable Chimney Stack | St Cuthberts Society 12 South Bailey Durham DH1 3EE (11 September). It was **agreed to note** this application.

**DM/19/02644/LB** | Listed Building Consent for Internal works including the removal of a minor partition and reinstating with associated doorways and internal ramped access. | 42 Old Elvet Durham DH1 3JF (11 September). It was **agreed to note** this application.

**DM/19/02672/FPA** | First floor extension above garage to front | 60 Archery Rise Durham DH1 4LA (11 September). It was **agreed to note** this application.

**DM/19/02673/FPA** | Enclosed Decking Area to Existing Single-Storey Rear Extension | 74 Hastings Avenue Durham DH1 3QQ (10 September). It was **agreed to note** this application.

## **11. Dates of future meetings**

13 September 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

27 September 2019 - 14.00 to 16.00 hrs – Office 2, Clayport Library Building.

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

Mr John Pacey and Mr Peter Jackson left the meeting at this stage. Cllr L Brown proposed that Standing Orders be suspended to allow the meeting to continue past

16:00pm, this was seconded by Cllr J Ashby and unanimously **agreed** by the Committee.

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

- a. Closure of the car and coach parks on The Sands

It was **agreed** that the Parish Council should seek a meeting with Lorraine O'Donnell to request that the fencing be removed and the trees on the boundary between the coach park and the Sands be preserved.

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

The Clerk reminded Members that there was a need to respond to the application by the County Council on the de-registration of the Common Land by the 24<sup>th</sup> September.

The Clerk advised that both he and Cllr R Cornwell had met with the Freeman and had discussed the possibility of requesting a Barrister to respond on both organisation's behalf to the application.

Cllr L Brown proposed that the Parish Council, in conjunction with the Freeman, should seek urgently the services of the Barrister and suspend Standing orders in order to do this given the timescales to respond to the application. This being on the basis that both organisations share the costs of this. This proposal was seconded by Cllr J Ashby and unanimously **agreed** by the Committee.

- c. Trader reserved parking in Providence Row

The Clerk advised that he had been provided with a provisional date of 12th September for a meeting of DCC's Highways Committee where the Order for the introduction of Market Traders Permit Holder only parking on a Saturday would be considered. It was **agreed** that Cllr R Cornwell should represent the Parish Council at this meeting.

- d. Any other relevant developments

The Clerk advised that he had not yet received a copy of the pre-works ecological survey as requested by the Parish Council. Correspondence from DCC advised that this had been undertaken by the developer on 9<sup>th</sup> August.

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 6: DE-REGISTRATION OF THE COMMON LAND AT THE SANDS**

Councillors are reminded that the County Council of Durham has applied to the Secretary of State for Environment, Food and Rural Affairs under section 16 of the Commons Act 2006 for land forming part of the abovementioned registered common land to cease to be so registered. The Planning Inspectorate will decide the application on behalf of the Secretary of State.

The purpose of this application is to enable the release land to be used as a car park in connection with the development of a new council HQ.

It is proposed that land be registered as common land in place of the release land as follows:

(The release land) Coach Park, The Sands, Durham City (1,675 m<sup>2</sup>)

(The replacement land) Land east of Rivergreen Centre, Aykley Heads, Durham City (18,371 m<sup>2</sup>)

Councillors will recall that it was agreed to commission the services of a local barrister to respond on behalf of the Parish Council. This was carried out in conjunction with the Freemen who would be funding half the costs for this.

Councillors are reminded that the Planning Committee has a budget of £10,000 towards commissioning work for this purpose and it is estimated that this will cost the Parish Council £500 as the cost is shared with the Freemen. The following response has been submitted by the barrister on both Parties behalf:

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Dear Sirs

RE: APPLICATION UNDER S.16 COMMONS ACT 2006 – THE SANDS, DURHAM

I am instructed under Public Access jointly by the Freemen of the City of Durham (“the Freemen”) and the City of Durham Parish Council to object to the application to de-register Common Land at The Sands Durham (“the Application”). This letter should be read alongside the letters submitted by the Parish Council and the Freemen in response to the informal consultation.

It should be noted that in or about August 2019 the County Council erected Heras fencing around the Release Land and have interfered with access to this land by the Commoners, the inhabitants of the neighbourhood and the public. By letter of 3 September 2019 the County Council advised that a private contractor is laying an electricity supply across the land and has asserted that these operations are exempt from the requirement for commons consent by reason of s.38 of the Commons Act 2006. This is wrong as a matter of law as s.38(6)(d) only applies to “works for the installation of electronic communications apparatus for the purposes of an electronic communications code network”. In plain English this exemption is only available to registered organisations providing a landline, broadband, cable or mobile network. It does not permit works for the supply of electricity.

Since 13 August 2019 the Freemen have repeatedly asked the County Council to remove this fence and this correspondence has been ignored. This unlawful action by the County Council and scant disregard for commons law is deprecated by the Parish Council and the Freemen.

## Background

The Freeman have rights of common over the Release Land, including rights of herbage. The Parish Council ("the PC") represent the residents of their parish in Durham and the public generally whilst using the Release Land. The PC represents three wards in Durham including Elvet & Gilesgate where the Release Land is situated.

The Freeman have existed in Durham since the first charter granted in 1179. They originally comprised the members of sixteen guilds, but this is now eight. The Freeman have various privileges in the City, including rights to graze animals on the Release Land and take rents for disturbance with these rights. The income of the Freeman, including rents, are in the modern day applied to charitable causes including trade apprenticeships and local good causes.

The Application is to de-register an area of 0.17 acres which forms part of the larger unit CL29 comprising 2.91 hectares. The Register sets out rights for 20 cows, 50 sheep, 10 goats and 10 horses to graze over the whole of the land in the register unit. However it should be noted that the Indenture of 18<sup>th</sup> September 1850 grants rights for "*all commonable cattle as the said several persons parties hereto do hereby acknowledge and declare*".

The Application states its purpose as being "to free up" the Release Land for redevelopment as part of the new Durham County Council HQ building [18/02369/FUL]. The Release Land would not accommodate any of the HQ building but would provide 60 "controlled" car parking spaces.

## The Legislation

The Application falls to be considered under s.16, having regard to the following criteria  
-

- (a) The interest of the person having rights over the release land;
- (b) The interests of the neighbourhood
- (c) The public interest in :
  - (i) nature conservation
  - (ii) conservation of the landscape
  - (iii) protection of public rights of access
  - (iv) protection of archaeological remains and historic features
- (d) Any other relevant matter

## History of the Land

An understanding of the history of this land is critical to understanding any impact on its commoners or its value to the public. The status of the Freeman of Durham is recognised in documents dating back to 1179 when burgesses of Durham were granted freedom from various duties and tolls by Bishop Hugh de Puiset. The Sands was registered as Common Land in 1968 and has in all likelihood been subject to rights of common since time immemorial. The Release Land was used in world war two as a Royal Ordnance Depot with the consent of the Freeman who considered this to be in the public interest. The Freeman required the land to be returned to grass when this use ceased.

In 1979 the then City Council sought permission to use adjoining land for a sports centre and the Freeman agreed on the basis that this would be in the public interest. This use was varied by a deed of variation in 1985 to allow use as a municipal car park.

On 18 January 1995 a lease was made between the then City Council and the Freeman so that the Release Land could be used as an extension to the municipal car park. The City Council argued at that stage that Durham desperately needed a car park and coach drop off in this location to support the city centre and this was reflected in the City of Durham Local Plan. The Freeman agreed this use was in the public interest.

### The County Council's Case

The County Councils case as set out in the Application appears to be that deregistration will be positive, in terms of the replacement land being of better quantity and quality and that "the benefits of the new Council HQ at The Sands are so significant that the public benefit in securing these benefits outweighs any relevant harm arising from the loss of the Release Land as Common Land".<sup>1</sup>

In relation to the Commoners the County Council state there were "no viable alternatives" which would reduce the impact on grazing rights and that the Replacement land is suitable for grazing. Secondly that the Freeman will continue to receive compensation for fairs etc on the CL and on that basis will be no worse off.

In relation to the neighbourhood the County Council accept that the Replacement land will not serve it but assert that the Replacement land will not be less convenient for public access.

In relation to public access the County Council asserts that deregistration will not affect recreational use of or access to the remainder of the CL.

### The Objection

The first point of objection is that the Release Land is not necessary for successful delivery of the County Council's new HQ. There is no justification at all in either the Planning Statement or the Design and Access Statement that a car park is required on the common land. It is perfectly obvious that car parking could be provided elsewhere on County Council or third party owned land, or within the proposed multi storey car park, without any prejudice to the project. Therefore all of the claimed "public benefits" of the HQ project are not relevant to the matter of de-registration.

The Freeman have enjoyed rights of herbage on the common land since before 1850 and probably from time immemorial. At various points in time the Freeman have recognised that temporary uses of this land which interfere with their rights may be in the public interest and can be tolerated. The assertion by the County Council that the Freeman have in the recent past *only been interested in compensation* is a gross misrepresentation. Firstly the compensation for fairs and circuses is used to repair any damage to the land afterwards. Secondly the rent for the municipal car park is set at less than a market rent in recognition of the public interest in accommodating this use. Thirdly the claim at 4.4.1 that there are no viable alternatives to using the Release Land is completely without explanation.

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<sup>1</sup> §4.1

The Freemen have for many centuries managed The Sands as common and have preserved it from development. It is their wish that the Release Land should ultimately be returned to grass once the parking has ceased for the better enjoyment of the commoners and the public. This would allow it to be managed as an amenity area and protect it from further development. If the land is deregistered there would be nothing to prevent the County Council from developing it for some other use contrary to the public interest.

The Application also fails to acknowledge that the coach park is a valuable public asset which contributes to the function of The Sands as a facility for public events. For example the fairs and circuses would not find the common land an attractive venue absent the ability to park coaches and service vehicles nearby for the duration of the events. These are not simply modest local events but include the Pride Festival and Durham Lumiere which has a £7.6m net economic impact in the area. Further it is wrong to assert that taking the Release Land for private (as opposed to public) parking would not impact on the level of compensation paid to the Freemen.

There Is no statutory definition of neighbourhood. However the courts have given guidance on the term in the context of s.15 of the Commons Act. Sullivan J in *The Queen (Cheltenham Builders Ltd) v South Gloucestershire District Council [2003] EWHC 2803 (Admin)* held that it was not a line on a plan but “communities with a sufficient degree of cohesiveness” in relation to the land. In this case we say the neighbourhood comprises the area of housing between Providence Row, the river and Claypath from which people use the common land every day throughout the year. This neighbourhood has rights to use the land for their benefit in terms of health, comfort and convenience. Given there is much terraced housing in this area with limited private amenity space the open space of The Sands has significant value for activities such as dog walking and general recreation. The argument that the Release Land is not used by the public because it is a car park ignores the reversionary position of the land returning to grass. Further the people of the neighbourhood do walk across this land to access the remainder of the common land and the piecemeal erosion of access to The Sands is a matter of huge concern.

The Replacement Land is a walking distance of between 1.8 and 2.9 kms distance and would not serve the existing neighbourhood for recreation in any meaningful way. The County Councils assertion that the Replacement Land is “extremely accessible” on foot from The Sands is unarguably wrong. Secondly the Replacement land is all uphill from The Sands which further reduces its accessibility.

The wider public also have statutory rights for air and exercise on registered common land under s.193. Whilst the Release Land is a modest portion of the overall common land unit this does not in any way diminish public rights over it. The land is in an attractive area of the city, adjacent to the river Wear and the city centre. The area is popular and residents of Durham who are visiting the city centre may use the common land for recreation on the same trip.

Durham is also a popular destination for national and international visitors and this group may visit attractions such as the Castle and Cathedral and then choose to walk on The Sands. It is the nearest open space to the city centre and is well used by visitors from outside the area. The Sands is part of the open Wear Valley which penetrates into the built up area and contributes to the landscape setting of the city.

The argument that the Release Land is a small part of the common could simply be repeated again and again and there would be nothing left in the future.

The County Council asserts that the landscape impact of the car park on the Release Land would be moderate adverse. However this landscape assessment was undertaken on behalf of the County Council for the purposes of securing planning consent and is not considered objective. It also does not consider harm which will be caused to the wider landscape by the new HQ building and multi storey car park. If the County Council is pursuing an argument whereby the impact of the whole HQ project is classed as a public benefit then in the interests of equity the harm to the landscape of the whole project should be weighed in the balance. It should be noted that the Secretary of State for the Environment held in 2004 that The Sands CL contributes greatly to the character and appearance of the area<sup>2</sup>.

The Replacement Land is wholly unacceptable for the following reasons –

- It is inaccessible from the neighbourhood and to members of the public generally
- It is less attractive than the Release Land set in the river valley with views of the city
- There is no access by road to transport grazing animals to the land
- The land will remain fenced and have a gated access which is not attractive
- There is poor vehicular access to the land
- The land will not be attractive or accessible to national and international visitors
- The Freeman do not desire fragmented common land which does not serve the purposes of the existing common land unit

The Freeman and the Parish Council reserve the right to submit further evidence to explain their objections in detail and appear in front of an Inspector appointed by the Secretary of State to determine the Application.

If you require any further information then please do not hesitate to contact me.

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<b>DECISION REQUIRED</b>	Members are asked to ratify the decision taken as urgent action over correspondence to commission the services of this Barrister to respond to the de-registration consultation.
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<sup>2</sup> S.194 application The Sands temporary car park

## ITEM 6: HMO INVESTIGATION

Councillors are reminded that, at the Full Parish Council meeting in July, it was agreed that the report commissioned by the Parish Council and completed by the Parish Council's chosen researcher should be considered at a future Planning Committee meeting. It was also agreed that the Planning Committee should bring a recommendation forward on what next steps to take on this undertaking.

Councillors are reminded that a budget of £8,700 towards this priority has been agreed; of which £1,200 has already been spent on the first stage of this project. The Clerk has also had a discussion with Hannah Shepherd who is keen to have a further meeting with representatives of the Parish Council to discuss the possibility of the Parish Council entering into a Service Level Agreement with the University, with a view that the University be able to provide the aggregate data on HMO levels with a 100-metre radius of certain new C4/ sui generis HMO applications in the Parish area. At present, this proposal is still under consideration with the University's legal team, who are assessing what implications such an arrangement would have on data protection.

A copy of the report carried out by the Parish Council's researcher is below:

### Durham Parish Council HMO Research

#### 1. Introduction

The aim of the research commissioned by Parish Councillors Roger Cornwell, John Ashby and Alan Doig, with the support of the Parish Clerk Adam Shanley, was twofold.

Firstly to examine the data used by DCC in 82 HMO and PBSA/DU college planning applications in order to scope out DCC student HMO density figures used when determining C3 to C4 planning applications – see separate documents and *Chart of 82 Planning Applications on Durham City HMOs and PBSAs 2017-2019* and *List of Planning Inspectorate Appeal Decisions on HMOs and PBSAs 2015-2019*.

Secondly to identify possible changes and improvements to policies, specifically the Interim Policy on Student Accommodation (IPSA), the Neighbourhood Plan and the Co Durham Plan – see below. The work below is 'work in progress' which incorporates and builds on existing ideas and information with the aim of contributing to the evidence base and providing the first draft of a discussion paper. Some of the facts and figures used need to be verified/updated.

#### 2. Terminology

- DCC – Durham County Council
- DU – Durham University
- DPC – Durham Parish Council
- NPPF – National Planning Policy Framework
- DCNP – Durham City Neighbourhood Plan
- College – a hall of residence known as a 'college' in Durham
- PBSA – Purpose Built Student Accommodation
- HMO – House in Multiple Occupation
- IPSA – Interim Policy on Student Accommodation. Also known as Article 4.
- Class N council tax exemption - for people in dwellings occupied by one or more students and in PBSAs<sup>3</sup>.
- Class M exemption from council tax – for people in halls of residence
- Class 3 – dwelling used as a principle or secondary residence

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<sup>3</sup> See Roger Cornwell's research and reference to <http://www.legislation.gov.uk/ukxi/1992/558/made>

- Class 4 – shared houses occupied by 3-6 unrelated individuals
- Sui generis – large house in multiple occupation

### 3. Background

As undergraduate and postgraduate student numbers in DU have increased over the past 15 years (from 12,477 during 2003-4 to 18,707 during 2018-19<sup>4</sup> - 1,067 of whom are part-time) the number of student HMOs, PBSAs and 1 & 2 bed student flats in the city has increased. Student HMOs are of greatest concern to long-term residents as they reduce the number of low-cost, starter, family and age-friendly retirement homes for homeowners and non-student tenants.

An Article 4 IPSA was introduced on 17 September 2016 in order to remove permitted development rights for change of use from C3 to C4 for part of Durham City. Part 3 specifies a threshold of 10% based on the proportion of Class N student exempt council tax properties within 100 metres of the application site. The policy has been effective in some cases but has been criticized for drawing exclusively on Class N data which has gaps eg: when landlords pay council tax. It has also been too weak to prevent extensions to properties and new build HMOs. Some developers are now converting properties into 1&2 bed flats in order to get around the policy eg: 22 The Avenue, 36 The Hallgarth.

An accurate knowledge base and effective legislation and enforcement is imperative given DU plans to increase the student population to 21,500 by 2027 (a doubling of numbers since university expansion began in 1997).

The precise number of 1 & 2 bed student flats, Class 4 and Sui Generis HMOs in Durham City, and also the % balance between properties occupied by temporary residents and properties occupied by long-term residents, is difficult to gauge. This is partly because interpretations of what constitutes the city and where the boundaries are vary<sup>5</sup>, the city is divided administratively into three different parish councils<sup>6</sup> and one county council, and there are gaps in the specific data on the topic collected and put into the public domain by DCC<sup>7</sup> and DU.

For instance, the DCC Public Register of HMO Licenses<sup>8</sup> only covers houses with 5 or more tenants and only has 773 properties on it, which is widely viewed as an underestimate of the total number of HMOs containing 3+ tenants across Durham City.

What the DCC data does tell us is the % of Class N (student) exemptions from council tax in HMOs and PBSAs (and also DU colleges) in a postcode area or within 100 metres of a property.

What the DCC data does not do is take into account future Class N (student) exemptions from council tax in PBSAs under construction in a postcode area or within 100 metres of a property<sup>9</sup>. Furthermore, it only covers properties, not people. Crucially, it also does not tell us the % of students living in within 100 metres of a

<sup>4</sup> See DU website <https://www.dur.ac.uk/student.registry/statistics/summary/1.1summary/>

<sup>5</sup> See DCC breakdown of 2011 census <https://www.durhaminsight.info/>

<sup>6</sup> See DCC map of Parish Councils <https://maps.durham.gov.uk/OLBasic/Index.aspx?appid=24>

<sup>7</sup> See DCC information and maps on HMOs <https://www.durham.gov.uk/article/2499/Multiple-occupancy-homes>

<sup>8</sup> See DCC public register of HMOs <https://www.durham.gov.uk/article/2865/HMO-Licensing-Register>

<sup>9</sup> See DCC report on waste collection, specifically section 18, for confirmation that PBSA occupants do not pay council tax and PBSA owners pay council tax on empty rooms.

<https://democracy.durham.gov.uk/documents/s98370/RLS%20-%20Waste%20Collection%20Student%20Prop.pdf>

property in 1 & 2 bed flats, HMOs, at home, as lodgers in a family home, in university college accommodation and in PBSAs.

What the DU data tells us is that out of 18,707 students, 9,292 students are living in rented accommodation (7,400 of whom are undergraduates), 6,825 are living in university college accommodation, 2,067 live at home and 523 are other. <sup>10</sup>

The DU data supplied to DPC also specifies the number of student homes/students in the postcode areas in the DPC geographic area. However, it does not give actual addresses, and if the number is less than 5 it shows <5 rather than the actual number.

What the DU data also does not tell us is what % of the 18,707 students live in Durham City, and how many student homes/students there are living in the neighbouring parishes of Belmont, Framwellgate Moor, Shincliffe and Brandon and Byshottles.

It is unclear from both the DCC and DU data what % of the students living in rented accommodation are in PBSAs. PBSA occupancy rates are not in the public domain and there is also no easily-accessible central list of PBSAs (along with location details, number of bed spaces, etc) in Durham City. It is also difficult to work out which buildings are private PBSAs and which buildings are DU-affiliated PBSAs.

One estimate is 13<sup>11</sup> PBSAs in Durham with 2000+ bed spaces. These include: St Giles (Gilesgate), Chapel Heights (Ashwood), Elvet Studios (Green Lane), St Margaret's (St Margaret's Garth -150 beds), Three Tuns (New Elvet -140 beds?), Ruth First House (Claypath), Ernest Place (Renny's Lane), Keping Court (Claypath), Rushford Court (North Road - 363 beds), Houghall Court (A177 - 165 beds), Dun Holm House (The Riverwalk - 253 beds), Student Castle (Claypath - 475 beds), Duresme (Nevilles Cross Bank - 277 beds).

It is also unclear what % of students living in rented accommodation are in HMOs and how many houses in Durham have become HMOs. The City of Durham Trust 2018 annual report estimate was 1800. This estimate could be refined by adding up the number of student homes/students listed on the DU data supplied to DPC.

In future DU aims to house 50% of the student population in DU colleges/licensed PBSAs and is building two new student colleges at Mount Oswald, with plans for further new colleges elsewhere.

What the data doesn't tell us is how successful DU colleges/PBSAs are at drawing students out of HMOs and enabling DU to achieve its 50% of students in DU colleges/licensed PBSAs. Student campaigners<sup>12</sup> argue that college fees of approximately £7,500+ for a catered room and £5,000+ for a self-catering room are too high, and that HMO/PBSA rents (£70 to £110+ a week plus bills for HMOs and £150+ a week all inclusive for PBSAs) are also too high. <sup>13</sup>

What the data also doesn't tell us is who the HMO landlords are. HMO landlords vary, from huge operators such as Hope Estates, to individuals who rent out one house that they may have lived in previously before moving to a new home. Some large operators have websites listing some of the properties they rent out. Again, there are no precise figures on which landlord owns which property, and which property management

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<sup>10</sup> <https://www.dur.ac.uk/resources/student.registry/statistics/summary/1.9ttacom/181-9.pdf>

<sup>11</sup> This figure needs to be checked and the data on PBSAs improved. How many rooms does a property need to be classified as a PBSA?

<sup>12</sup> <https://www.durhamsu.com/su-campaigns/ripped-off-campaign-page>

<sup>13</sup> These figures need to be checked with Durham Students Union.

companies manage which properties on behalf of both themselves and small landlords. Judging from the information coming up on internet searches, UK student accommodation is a money-making opportunity for global investors.

What the data also doesn't clarify is the amount and impact of the loss of council tax on Durham City vs the benefits students and landlords bring.

What the data also doesn't tell us anything about is the sort of contact students and long-term residents have and how we can understand 'community cohesion'. There are figures on eg: how many hours of local volunteering DU students undertake, and on police call outs and interventions when anti-social student behaviour occurs. There is also data from a survey which produced the statistic that '90% of international students have never been inside a British house in Durham' (possibly a Ustinov College survey?). But generally, there is very little information.

#### 4. Conclusions from analysis of planning applications and appeals

This section needs to be considered in conjunction with the separate document *Chart of 82 Planning Applications on Durham City HMOs and PBSAs 2017-2019*.

The chart lays out the numerical/factual results of my research for the Parish Council into the impact of IPSA on 82 planning applications for 66 properties & pieces of land (some properties/pieces of land have several applications attached to them).

Looking at the contrast between DCC's postcode density figures and our postcode density figures derived from University data and Valuations data, we can see firstly that 22 applications do not have a full set of figures linked to them. This seems to be because (1) the property has its own individual postcode because it was/is a shop eg: The Corner House, The White House, and (2) there is a confusing discrepancy (highlighted in turquoise on the chart) between the number of properties listed by the University and the number listed by the Valuations agency. This discrepancy sometimes stems from the fact that the Valuations Agency has not counted the number of sub-divided flats in properties in eg: the City Centre?

Secondly, 28 applications show that our data and DCC's figures are the same, particularly in the Viaduct area and in areas of dense studentification.

Thirdly, 5 applications (highlighted in purple) show that our figures are lower than DCC's - this is unexpected, but local knowledge might help eg: some students have moved out of the Three Tuns Hotel.

Fourthly, 27 applications show that our figures are higher than DCC's, sometimes because one extra house is clearly an additional HMO in already densely studentified streets, and sometimes because it looks like some houses in less studentified areas such as Neville's Cross /Merryoaks/ Wearside Drive/Highgate are operating as HMOs, even if they still pay council tax? Warwick Court in Merryoaks is an example - DCC states that the density rate is 15% but the density rate calculated in this research is 25%. That figure is based on the fact that 5 out of 20 houses are occupied by students according to Durham University.

One conclusion that can be drawn is that DCC figures are credible in some postcodes, but less so in others. It is very difficult to find enough weaknesses in DCC's

data/strength in IPSA to protect heavily studentified areas from even more encroachment, but it is worth identifying flaws in the data on less studentified areas in order to protect them from further encroachment.

## 5. Reflections

This section needs to be considered in conjunction with the separate document *List of Planning Inspectorate Appeal Decisions on HMOs and PBSAS 2015-2019*.

- The IPSA has not always been applied consistently by DCC planners, even if delegated/committee reports generally begin with a list of policies underpinning the decision. It has been unclear when the spatial policy team has been consulted. The words HMO property/C4/student property have been used interchangeably. It can even be argued that IPSA has been 'used arbitrarily and applied wilfully' by DCC eg: in the Waddington St 2017 Appeal.
- However, in the more recent 2019 officer reports there has been more rigour eg: the date the 100% figure was taken is increasingly referenced. This is due to pressure from both developers and local residents who have contested DCC's figures, and also from inspectors. For instance, in the 10 High Wood 2019 Appeal the appellant argued that the real density figure was as high as 87% when nearby empty university buildings were taken into account. This Appeal sheds light on DCC's efforts to protect Whinney Hill from further studentification, for which it must be given credit, even if it is unsuccessful in some appeals.
- A key issue in IPSA is clause (e). This is a 'get out' clause which exempts a developer from IPSA on the basis that one more HMO/an increase in concentration of HMOs will not cause harm, or, to the contrary, that a locality is so saturated with HMOs that it is effectively not worth protecting.
- The first factor shaping decisions is the HMO density and saturation figures measured through the % of Class N (student) exemptions from council tax in HMOs and PBSAs (and also DU colleges) in a postcode area or within 100 metres of a property.
- There are no guidelines stating, for instance, that localities with 60% density need to be protected, whereas localities with 90% density do not merit protection.
- For instance, in the Pear Tree Cottages, High Wood View, 2017 Appeal, the impact of one more HMO in an area with a figure of 61.8% was considered 'negligible'. In contrast in the King's Lodge Hotel 2015 Appeal, with HMO figures as high as 89%, the 'cumulative harm' to the 'character of the city and living conditions of residents' was recognised.
- The second set of factors shaping decisions are adverse impact and detrimental effect on the neighbourhood – to the *character* and *appearance* of the area, to the overall *range and variety of local housing stock/mix* in the area, to the *amenity* of nearby residents, and to the living conditions for neighbours; to highway safety; and to the Durham City Conservation Area.
- These terms are drawn from the City of Durham Local Plan 2004. Firstly, Policy H13 (Residential Areas – Impact upon Character and Amenity) states *that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them*. Secondly Policy H9 (Multiple occupation / student households)- *seeks to ensure that where houses are sub divided or converted to flats, bedsits or multiple occupancy, they do*

*not adversely affect the character of the area, the amenity of nearby residents and the concentration of sub-divided dwellings to the detriment of the range and variety of the local housing stock.*

- The third set of factors shaping decisions is balanced communities/community cohesion.
- These sorts of terms are drawn from the NPPF. For instance, Paragraph 91 of the NPPF states that planning decisions should aim to achieve *healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.*<sup>14</sup> Paragraph 61 talks about creating and maintaining *sustainable, inclusive and mixed communities*.
- However, the way all these terms are interpreted is elastic, particularly the word 'sustainable', which is used to justify developments which are clearly not environmentally, socially and economically sustainable. It is unclear how the difference between 'significant but acceptable' and 'unacceptable' adverse impact is worked out. What is left out is as important as what is included.
- *Character* is judged on a purely material basis eg: in the Mistletoe St 2019 Appeal, and in planners comments in delegated & committee reports about the retention of architectural rhythm in Durham's townscape – as if the range and variety of the local people living in the street, the absence of students from the street for 3 months over the summer and the subsequent damage to the rhythm and character of everyday life, and community cohesion, is immaterial.
- *Residential amenity* is judged as noise through party walls and by occupiers and visitors, disturbance, comings and goings, especially late at night and at unsocial hours; visual intrusion, overshadowing and the blocking of light; impact on private rights of access. Concerns about the potential for HMOs to harm residential amenity (based on longstanding local knowledge) are sometimes dismissed as 'conjecture' – with too little thought about the limitations/poor enforcement of property management plans/statutory nuisance legislation when residential amenity is (as predicted by local residents) harmed. The 10 High Wood View 2019 Appeal contained a condition that a property management plan had to be submitted to DCC 'in the interests of protecting the living conditions of the occupiers of other dwellings near the property' – how effective are property management plans?
- *Significant incremental change to/cumulative impact & harm to character and appearance of areas and amenities of long-term residents/few remaining non-student residents of intensification* is rarely mentioned.
- *The impact of transient citizens on community cohesion/sustainable communities* is rarely mentioned. Dr Richard Tyler and the National HMO Lobby have done valuable work<sup>15</sup> although it is important to challenge assumptions that all students are the same and that they all want to live noisily in student 'ghettos'.
- *The dearth of protections for long-term residents is rarely mentioned*. Even restrictive property covenants appear to be disregarded eg: in the case of the

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<sup>14</sup> As summarized by Susan Hyde in Committee Report on 51 Whinney Hill

[https://publicaccess.durham.gov.uk/online-applications/files/AE54A40ECBE16A2F16884E01E9F0695E/pdf/DM\\_19\\_00649\\_FPA-COMMITTEE\\_REPORT-2467858.pdf](https://publicaccess.durham.gov.uk/online-applications/files/AE54A40ECBE16A2F16884E01E9F0695E/pdf/DM_19_00649_FPA-COMMITTEE_REPORT-2467858.pdf)

<sup>15</sup> See Tyler's lecture on HMOs on YouTube <https://www.youtube.com/watch?v=1gJgsmAeaH8> and the National HMO Lobby publication 'Balanced Communities and Studentification' <http://www.hmobby.org.uk/39articles.pdf>

houses on the Sheraton Park estate, where some householders believed their neighbourhood was protected from studentification by property law.

- The Durham Constabulary Architectural Liaison Officer is a statutory consultee whose views hold some weight eg: in the 10 High Wood View 2019 Appeal Durham Constabulary is quoted as '*not objecting to the proposal*' which indicates that '*the problems which can arise in undermining settle communities would not occur*'. However in the case of the conversion of the Nevilles Cross Bank newsagent into an HMO, Durham Constabulary writes that an HMO '*could have an adverse impact on the amenity of existing residents*' as '*in our experience ...HMOs generate more noise, antisocial behaviour, nuisance in the form of litter ...linked to students wanting to hold parties in an HMO free from constraints of university accommodation.*' It is unclear what data the police draw on to formulate their comments and why 10 High Wood View is assessed differently to Nevilles Cross Bank. It might be, for instance, police statistics on call outs, warnings and prosecutions over anti-social behaviour in the vicinity of the property under consideration. This is not specified.
- Residents are not treated as full-blown legitimate consultees and their views can be arbitrarily dismissed as '*anecdotal evidence*' (as in the Mistletoe Street 2019 Appeal). Policymakers rely primarily on statistical, financial, and other forms of technical data as their basis for decision-making and disregard/underestimate the value of the narratives of the members of the public who are or will be affected by a particular piece of regulation, who have local knowledge. There is a gap between aspirations to effective civic engagement and engagement in practice. What sort of evidence from local residents would qualify as 'firm' and 'robust' – diary records, recordings, photos, police call outs, door to door surveys? In the Waddington St 2017 Appeal the '*appellant's door to door survey*' was not considered independently verified therefore '*should be treated with caution*'. Similarly, in the case of 56 Dalton Crescent '*alternative means of data collection such as door knock style surveys*' were not '*sufficiently robust*'.
- Neighbourhood notifications are a waste of time if notifications are only sent to neighbouring houses occupied by students, who throw them in the bin. The value of placing notifications in the Northern Echo also has to be queried as the average circulation is now only 19,000 across the entire county<sup>16</sup>. Neighbourhood notifications need to be sent to property owners, landlords and letting agents, and neighbourhood groups, not short-term tenants/students. Is the notification system fit for the 21st century?

## 6. Policy suggestions

- Expert and comprehensive work is being done by NPF and DPC members with considerable expertise in planning. They have formulated additions and omissions to the draft Neighbourhood Plan IPSA policy ie: count the student population and apply IPSA if the student population exceeds 20% of the total population within 100 metres of an HMO application site, apply IPSA to new HMOs and extensions to HMOs, extend IPSA to cover the entire city.
- Clause (e) is really difficult. I come down on the side of taking the specific circumstances into consideration, rather than specifying a saturation % point, in order to protect the last remaining long-term residents and remnants of their

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<sup>16</sup> <https://www.abc.org.uk/product/9859-darlington-the-northern-echo>

neighbourhoods (such as Whinney Hill), and also to protect householders when they need to sell their properties and cannot unless they can sell them as C4 properties (such as Waddington Street, for instance).

- By saying this I am taking a stand in favour of remaining hopeful about rebalancing communities, and against assumptions that it is acceptable for parts of the city centre and areas around the university to be completely taken over by landlords.
- Ongoing work on strengthening the evidence base on people and on properties in Durham City is invaluable. The following might be helpful:
  - draw up a chart listing the DU colleges and total beds (5,700 beds), the PBSAs and total beds, the 5+ bed HMOs on the Public Register.
  - estimate the number of other HMOs – analyse DU data and landlord websites and carry out a formal DPC door to door survey
  - work out the % of C4 HMOs balanced against the % of C3 homes.
  - work out the % of student residents in the Durham Parish Council area balanced against the % of longterm residents. The DCNP stated the balance was 54% students in 2011 based on the census <sup>17</sup>. Is the % now nearer 65%?
  - work out the loss of council housing built since the 1920s/1940s as decent and affordable housing for long-term Durham residents eg: Whinney Hill, Oswald Court, Elvet Crescent.
  - list the % of affordable rental and purchasable housing in Durham City centre in 2019 – is there any left? And age-friendly housing – how much is there?
- It would also be helpful to liaise with neighbouring parish councils about enhancing their knowledge bases. Can the 50+% statistic be extrapolated to Gilesgate and the parts of Framwellgate Moor closest to Durham City?
- It would also be helpful to construct an explicit, succinct, collective 'narrative' for councillors to share with residents/use in policy-making discussions eg:

*The Parish Council does not want to demonise students and devalue the university. But the university has grown too large for the city, leaving residents feeling that they are living on a campus rather than in a residential city. Here is the evidence (see below). Students are also victims of the system in that they pay high rents. While landlords are needed, the balance of power, both legal and financial, has shifted too far in their direction. The losses and costs fall disproportionately on the community and students. This is what Parish Councillors have done in response. They presented cogent information at the EIP in 2014, helped DCC formulate a policy, monitored the policy. The policy has some weaknesses. Now Parish Councillors are currently working on improving the policy, drawing on evidence from other university towns and cities across the UK. The Parish Council challenges the assumption that parts of the city are 'lost' to landlords and that the only people who want to and are able to live in the city centre and near the university are students.*

- It would also be helpful to construct some cogent visual representations of HMO density similar to the DCC Threshold map which depicts HMO density in the Article 4 area in shades of blue<sup>18</sup>. For instance, a map showing eg: all the houses within half a mile of the Bill Bryson library/Palatine Centre and all the streets with only 1 or 2 non-student residents left in them.

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<sup>17</sup> <http://npf.durhamcity.org.uk/themes/housing/population/>

<sup>18</sup> <https://www.durham.gov.uk/article/2499/Multiple-occupancy-homes>

- Ongoing work on strengthening the evidence base on studentification across the UK is also very helpful. Could DPC work with the HMO lobby, DCC, DU and other organisations to hold a national conference on studentification?

7. Conclusions in brief

- Use the DU data to highlight the flaws in the DCC data in order to protect the remaining residential areas in Durham City from studentification.
- Explore ways of bringing ideas about the following into C4 objections – character shaped by people not just by buildings, the weakness of C4 property management conditions, the significance of incremental change and transient residents on community cohesion, the value of everyday lived experience, the ineffectiveness of the neighbourhood notification system.
- Continue to improve the evidence base and collaborate with neighbouring Parish Councils on a collective evidence base for the whole of Durham City.
- Work up a narrative and visual image to illustrate the scale of the problem and underpin policy-making.
- Consider arranging a national conference on student HMOs and PBSAs – Durham may qualify as the ‘most studentified’ city in the UK?

<b>DECISIONS REQUIRED</b>	<p>Members are asked to consider agreement of the following recommendations from the Parish Council Planning Committee:</p> <ol style="list-style-type: none"> <li>1) That the Parish Council uses the DU data to highlight the flaws in the DCC data in order to protect the remaining residential areas in Durham City from studentification.</li> <li>2) That the Parish Council explores ways of bringing ideas about the following into C4 objections – character shaped by people not just by buildings, the weakness of C4 property management conditions, the significance of incremental change and transient residents on community cohesion, the value of everyday lived experience, the ineffectiveness of the neighbourhood notification system.</li> <li>3) That the Parish Council continues to improve the evidence base and collaborate with neighbouring Parish Councils on a collective evidence base for the whole of Durham City.</li> <li>4) That the Parish Council works up a narrative and visual image to illustrate the scale of the problem and underpin policy-making.</li> <li>5) That the Parish Council agrees to write to the Local Government Minister highlighting the loss of revenue in Council tax to the Parish as a result of the growing levels of studentification and requesting that Government subsidies are considered to this and other parishes with similar issues of studentification.</li> </ol>
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## ITEM 6 - UPDATE ON THE COUNTY DURHAM PLAN

Members will recall that at the last meeting of the Parish Council, the Chair of Planning gave a verbal update on the progress of the County Durham Plan in general and the Examination in Public in particular, a written report not being possible since the Inspector's first two guidance notes had been issued after the papers for the July Council meeting had been issued.

The Inspector, William Fieldhouse, has set a brisk timetable for the progress of the Examination in Public (EiP), with questions being asked with challenging timeframes for a response. For example, on 6 September a list of questions was issued, with a deadline of midday on 12 September to say which matters one wished to appear in person about. In these circumstances it is not possible to bring these matters to full Council and even to the Planning Committee if the dates do not work out. Consequently, we recommend that **urgent decisions are taken by the Chair of the Parish Council in consultation with the Chair of Planning and with the advice of the Parish Clerk.** If the timetable permits, these will be considered by the Parish Planning Committee and the Parish Council, and any urgent decisions will be reported to the Planning Committee and Parish Council for review and, it is hoped, ratification.

The remainder of this report records the decisions taken so far for the Council to consider and, it is hoped, approve.

The Inspector's Guidance Note 1 said "Where several representors or organisations who have similar points to make wish to attend the hearings, it would assist me if they would arrange to be represented by one or two spokespersons." This was coupled with a statement that places at the table would be limited. Given that there is a considerable degree of overlap between the representations made by the Parish, the City of Durham Trust, and the Friends of the Durham Green Belt, it was decided to combine with these other two bodies as the *City of Durham Coalition*. The individual constituents will be making their own written submissions, but during the EiP only one person will be at the table, though hot-desking will be permitted. This arrangement has been endorsed by the Parish Planning Committee and we are asking that it **be confirmed by the Parish Council.**

The list of questions that it is proposed to answer has been circulated and Council is asked to note these. The deadline for responses is 4 October for Matters 1-7 and 18 October for matters 8-14. Drafts are already being circulated. Should any Council member wish to see a draft before it is finalised please get in touch with Councillor Cornwell.

The Programme Officer has issued a list of hearings and who will be present at the table. The City of Durham Coalition is able to speak at:

- M1.** Legal and Procedural Requirements and other General Matters
- M4.** Green Belt
- M5.** Strategic allocations at Durham City

**M6.** Transport proposals for Durham City

**M7.** Durham University

**M14.** Other Issues

We also asked to be heard at

**M2.** Quantity of Development needed in the County

**M3.** Strategic Approach to Accommodating Development

**M12.** Environment

however, we were unsuccessful. We have been assured that written submissions will carry as much weight as verbal ones, and will be making submissions on these matters. We note that the Green Party has a seat at all three of these, and Councillor Holland at M12. We will be ensuring that they have advance sight of our representations. **Council is asked to endorse these arrangements.**

The web site at <https://durhamcc.objective.co.uk/portal/planning/elp2/> lists all the documents pertinent to the Examination in Public that have been issued since 23 July.

Finally, Council's attention is drawn to the fact that a number of documents, particularly those relating to Transport, have been updated since the Plan had its final consultation. These mean that comments made have been to some extent invalidated. This issue is being pursued vigorously by the City of Durham Trust.

<b>DECISIONS REQUIRED</b>	<ol style="list-style-type: none"><li>1) For Councillors to agree to the arrangement that urgent decisions be permitted on behalf of the Parish Council by the Chair of the Parish Council in consultation with the Chair of Planning and with the advice of the Parish Clerk.</li><li>2) For Councillors to agree to the formation of the City of Durham Coalition as set out in the above report.</li><li>3) For Councillors to agree to the arrangements as set out in this report in relation to spoken and written submissions and to endorse the arrangements regarding submissions re: M3, M3 and M12.</li></ol>
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## **ITEM 6: UPDATE ON THE CITY OF DURHAM NEIGHBOURHOOD PLAN**

The Neighbourhood Plan Working Party, set up by this Council to continue the work of the Neighbourhood Planning Forum, had its final meeting on Tuesday 17 September. While some work remains implementing the decisions of that final meeting, there are no further matters that require a meeting of the Working Party. Any remaining decisions can and will be taken by the Parish Planning Committee. The Working Party will remain available should the Parish Council wish to consult it on any further matters.

The Working Party carefully examined all of the comments made during the Regulation 14 Consultation. The majority of these supported the Plan and its Policies and so required no further action, and were helpful in providing a countervailing balance when some policies were criticised. In fact, almost all of the criticisms were constructive and the Plan has been improved by taking on board these suggestions.

The revised Plan has been reviewed by AECOM, planning consultants provided (at no cost to the Parish) by Locality, the arm of the government that champions neighbourhood plans. They have now produced an updated Sustainability Appraisal which the County Council has advised they have no problem with.

There is a bundle of documents to be submitted to the County Council by the Parish Council. These will be submitted to the Parish Clerk on 27 September, for consideration by the Parish Planning Committee on 10 October and by the full Parish Council at its meeting on 24 October. As well as the Neighbourhood Plan and the Sustainability Appraisal, the other documents to be submitted are the Consultation Statement, which lists all the comments received and the responses made to them, including how the Plan has been amended, and the Basic Conditions Statement, which sets out how the Neighbourhood Plan conforms to the legal and regulatory requirements.

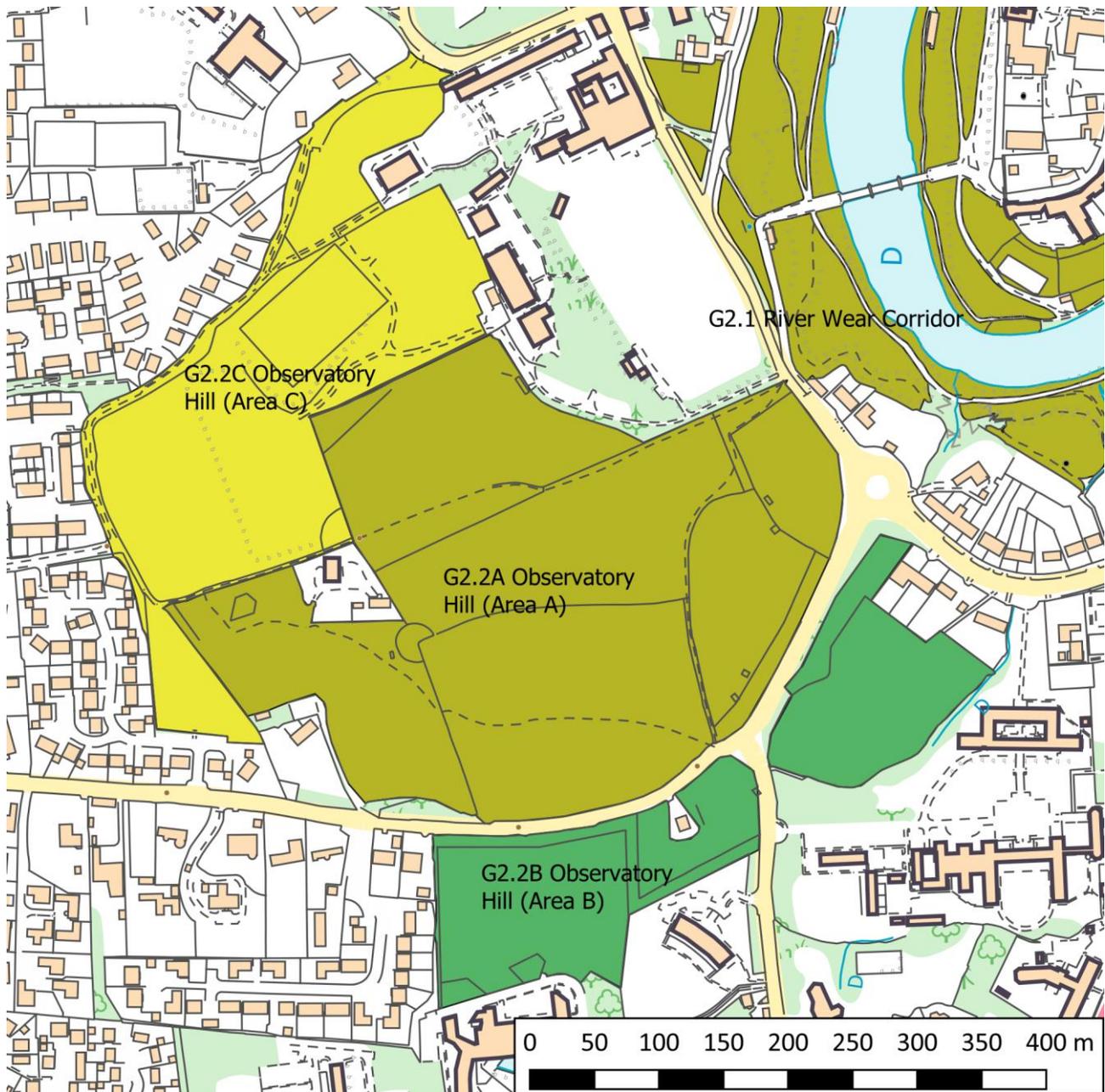
Assuming the Parish Council approves the documents, they will be submitted to the County Council who will carry out a further "Regulation 16" consultation. Any comments made then will be placed before an Independent Examiner, who will examine the Plan, almost certainly as a desk exercise. It is likely that the Examiner will make suggestions for changes to the Plan which the Parish will have to consider and (probably) adopt. The final version of the Plan will then be put to a referendum and, if it gets at least the necessary 50% majority it will become part of the Development plan for the Parish.

There are two further matters that the Council should be aware of:

The first is that the County Council has a duty to support the Parish (and before it, the Neighbourhood Planning Forum) in the development of the Plan. While we have had good support from the Officer assigned as our contact point, she has not had the backup we think we are entitled to, and specifically documents and advice that have been offered have not been forthcoming, or have been considerably delayed. We have complained to the County Council about this failure, and now have a meeting (itself delayed) with the Head of Planning on 25 September.

The other matter is that one of the comments received during the Regulation 14 Consultation was that land largely comprising the playing fields of Durham School and

Clay Lane should be added to the Local Green Space at Observatory Hill. The initial response of the Working Party was that this might over extend that part of the LGS and put all of it at risk. At the same time, the University and the Cathedral objected to the inclusion of land to the south-east of Potters Bank. The Working Party stood by its decision to include this land. We then put both of these proposals to our consultants at AECOM and their recommendation was to include both areas. On this map, the core area at Observatory Hill is Area A, the University/Cathedral land is Area B and the Durham School land is Area C:



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AECOM's advice is to include all three areas, and that is the recommendation the Working party, at its final meeting, would like the Parish Council to endorse. The Clerk and Councillors Cornwell and J Ashby have met with Durham School and explained the position to them, specifically pointing out that they have an opportunity at the Regulation 16 stage to object to this proposal.

# **CITY OF DURHAM PARISH COUNCIL**

## **Minutes of a meeting of the Environment Committee held on 16<sup>th</sup> July 2019 at 17:30 in Office 2, Clayport library building, Durham. DH1 1WA**

Present: Councillors V Ashfield (Chair), E Ashby, J Atkinson, L Brown, D Freeman and M Ross.

Also present: Parish Clerk A Shanley and Lee Mowbray and Peter Broxton (DCC Highways Officers).

### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr J Elmer

### **2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**

None received

### **3. DISCUSSION WITH LEE MOWBRAY, DCC OFFICER ON MARKET TRADER CAR PARKING.**

The Chair welcomed Lee Mowbray and Peter Broxton, Highways Officers at Durham County Council who were attending the meeting to discuss the issue of the ongoing consultation for the Market Trader Permit Holder only car parking bays at Providence Row.

Mr Mowbray began by outlining the details of the consultation, advising that Durham County Council were seeking to have 10 bays installed for Market Traders only with permits on a Saturday between 6am and 10am.

Mr Mowbray advised that this is needed due to the proposed closure of the Sands carpark. Mr Mowbray advised that he understood that the Sands carpark would be closing from 9<sup>th</sup> August and there is a need to locate an alternative carparking area for the traders, particularly those with high sided vehicles.

Mr Mowbray advised that any trader wishing to park their vehicle at the proposed bays would firstly be required to receive a permit, which would be handed out and managed by the Durham Markets Company. These would be handed out upon arrival and would need to be returned to the Market Company once trading ceased for the day.

Mr Mowbray advised that the proposed area of Providence Row is the closest open-air carparking space to the marketplace that DCC is able to offer the traders. The Chair advised that this was too far away and she had received representation from one of the outdoor traders to advise that this would cause her further difficulty on market days.

The Chair expressed concern at the fact that the bays would only be available to the traders on a Saturday when the market actually took place on at least two other days per month – once for the Full moon market and the other for the Farmers' Market. Mr Mowbray advised that the parking order would become extremely complex if it were specific days throughout the month and could lead to confusion if not on a consistent day of the week.

Cllr M Ross asked whether it would be possible for the traders to have a permit they could retain in the same way the visitor parking permits operate at present in Durham. Mr Mowbray advised that this be the long-term mode of operation for the permits.

Several Members of the Committee expressed concern at the timing of the closure of the Sands and in particular the lack of notification on this as well as the fact that the parking order for the market traders permit parking would not be in place in time for

the closure coming into effect. Mr Mowbray advised that he would check on the timing of the closure.

Cllr D Freeman advised that he had not been made aware of the Sands carpark closure as the local County Councillor for the area.

The Chair asked whether the County Council could provide parking spaces at Fowler's Yard as an alternative. Mr Mowbray advised that he would look into this as a possibility but parking restrictions had recently been put in place at Fowler's Yard.

Cllr E Ashby advised that a long-term solution to the issue of market trader parking may be to allow the traders use of the new Durham Sixth Form carpark on a market day.

Mr Mowbray advised that he would take all feedback away with him. The Chair thanked both Mr Mowbray and Mr Broxton for coming along to speak to the Committee.

Both Mr Mowbray and Mr Broxton left the meeting at this stage.

#### **4. TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD ON 18<sup>th</sup> JUNE 2019.**

The Minutes of the meeting held on 18<sup>th</sup> June were accepted as a true and accurate record of proceedings.

#### **5. MATTERS ARISING**

None received

#### **6. PUBLIC PARTICIPATION.**

None received

#### **7. ENVIRONMENT AWARDS 2019**

Members considered the report provided on this issue for the meeting and considered whether to nominate any individuals or groups for such an award. The Committee resolved to respond to the request for nominations by stating that they would be happy to consider nominations for 2020, however they would expect that all sponsors of the Awards operated in accordance with the Parish Council's own Environment and Sustainability Policy.

#### **8. DISCUSSION OF ENVIRONMENT COMMITTEE PRIORITIES,**

##### **i) Update on Good Neighbour scheme**

The Clerk and Cllr E Ashby advised that they had heard no further from Charlie at the DSU on this. The Clerk advised that he would chase this.

##### **ii) Update on Clean and Green tasks**

The Clerk reminded Members that the Parish Council had agreed to become a partner with Durham in Bloom and to finance a flower exhibit for 2019. The Clerk advised that the Bishop's mitre flower display had now been installed in the Marketplace and was attracting a lot of public attention.

The Chair advised that the Environment Committee had negotiated with DCC to tidy up land at Highgate and potentially turn the area into sensory garden/park. The Parish Council would need to maintain the upkeep of this land in future years. The

Clerk reported that at present nothing had been done about this and he would be contacting DCC about this.

The Chair reported that she and Cllr M Ross had established liaison with local secondary schools (primary schools to follow) to investigate the ways in which pupils can influence our proposed programme and support our environmental activities, (e.g. by litter picking, improving flower beds etc). The Clerk advised that £500 was allocated in the budget for this priority.

The Clerk reminded Members that an award for the best kept business frontage, including a competition for the best Christmas display by independent businesses; chains stores; indoor market stalls; non-retail units was agreed by Full Council together with an Award ceremony. The Clerk reported that he would be working with Cllr J Atkinson to arrange the event for this year and advertising would start on this from the end of September.

The Chair reported that DCC had offered free plats for replanting the gardens in front of The Sands flats in conjunction with Durham Sixth Form Centre students. However, no reply had been received from the student contact at the Sixth Form Centre. It was agreed that the Clerk should investigate further when the plants could be dropped off and the tools received to carry out the planting and members of the Environment Committee could do this. Once a date for this is organised, the Clerk would then contact the Housing Association 'Believe' who had offered the tools for this.

The Clerk confirmed that the new Neighbourhood Warden had began her post and he had a meeting at the AAP Board this evening (16<sup>th</sup> July) where it is hoped that additional funding could be secured for a more enhanced service.

Some deliberation took place regarding the priority of contracting the services of a local "handyperson" to carry out tasks on behalf of the Parish Council in the parish area. The Clerk advised that he had received a quotation from the County Council for the following: litter picking on road sides and riverbanks; washing street signs and highways signs; possibly also street weed control. The Clerk advised that he had received advice that an SLA with the current provider of these sorts of services, i.e. the County Council was definitely the easiest and cheapest option, given the number of insurances and licenses required for even litter picking.

Cllr E Ashby asked whether painting and manual tasks such as woodwork could also fall under this SLA. The Clerk advised that he would look into this further with the Clean and Green team at DCC.

The Clerk also advised that the deep clean and treatment of North Road from Neville's street to the North Road end of Framwellgate bridge was now complete and was looking excellent. The Clerk asked if Members knew of any traders on North Road willing to give a quote for a press release to get in touch with him.

Cllr E Ashby also reported on the bike racks/ flower tubs to state this was on hold as the design of these may have changed since last discussed.

The Clerk also reminded Members that the costs for 5000 units of the cigarette butts had been agreed by Full Council and he would be working on the design for these. Cllr M Ross advised that she would be happy to work with the Clerk on this.

### **iii) Involving young people**

Cllr M Ross reported that she and the Clerk had met with a representative of the DCC's transport team and the cost for the proposal to subsidise some bus routes was extremely expensive and not something the Parish Council would be able to take on.

The Committee considered other proposals to involve young people and it was agreed to investigate further the work of Terracycle, an organisation which involves local schools in recycling projects. The Clerk reminded Members that £5,500 was allocated to this priority and he would investigate the company further.

#### **iv) A167 – Working Group update**

Cllr E Ashby presented a programme of works following the first meeting of the A167 Working Party, which involved Cllr E Ashby, Cllr L Brown, the Clerk and Amy Mycock from OASES. A further meeting to look further into the proposals is to be arranged and to involve local Residents Groups.

#### **9. AOB**

The Clerk reported that DCC had recently launched a pledge campaign to pledge to cut out on single use plastics. The Committee agreed to sign this pledge.

#### **10. DATES OF FUTURE MEETINGS.**

The next meeting was agreed at 2pm on 27<sup>th</sup> August.

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

Signed,

Chair City of Durham Parish Council Environment Committee.

## **ITEM 6: PROPOSAL TO CARRY OUT TREE PLANTING AT THE SANDS**

Councillors are asked to consider a proposal by the Parish Council Environment Committee to carry out tree planting at the Sands.

Members of the public have expressed their concern to the Parish Council regarding the recent loss of trees at the Sands car park to support the development of the new County Hall Headquarters.

The Clerk has discussed the proposal with the Freemen at a recent meeting regarding the coach park and they have indicated that they would be amenable to the proposals. DCC's Clean and Green team have also granted permission for the tree planting to take place.

Members will recall that a budget of £500 towards planting was agreed at the budget meeting in January of this year. It is proposed that this fund be used to fund the new trees. The Clerk has investigated the possibility of getting trees free of charge through the Woodland Trust scheme, however applications for this year have now closed and will not now reopen until March 2020.

The types of trees proposed are willow, chestnut and beech.

The Parish Council is advised that the best time for tree planting would be in November and that the new trees would need irrigating at least once per month for the first year following their planting. The area proposed is known to be particularly boggy and it is felt that such a proposal would not only improve air quality in the area but also help to soak up the water in this land. In terms of ongoing management of the trees, DCC's Clean and Green team has advised that the trees will need to be cut back after 5 years in place. Such action would need to be factored into future budgets.

DCC's Clean and Green team have offered their support in getting the land ready for planting and the proposal of asking the local Housing Association 'Believe' to provide the planting materials free of charge is being explored.

The land in question is indicated in the map below (please note this is not to scale):



The possibility of hosting this as an event and asking members of the public to bring along their own trees for planting is also being considered.

<b>DECISIONS REQUIRED</b>	<ol style="list-style-type: none"><li>1) For Members to agree to the proposal by the Environment Committee to fund up to £500 towards the planting of the trees at the Sands.</li><li>2) For Members to delegate authority to the Environment Committee to organise a tree planting event with members of the public.</li></ol>
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## **ITEM 6: RECOMMENDATION TO FUND TERRACYCLE SCHEMES IN THE LOCAL PRIMARY SCHOOLS BASED IN THE CITY OF DURHAM PARISH AREA.**

Councillors are asked to consider a proposal by the Parish Council Environment Committee to set up a recycling project with local Primary schools in the Parish area through an organisation called Terracycle.

The project would at this stage only include the following schools: St Margaret CofE Primary school, St. Oswald's Primary school and Neville's Cross Primary school.

TerraCycle is a recycling company which recycles typically hard-to-recycle waste.

Terracycle have a paid for solution in the form of Zero Waste Boxes - the price of each box includes the cost of Terracycle shipping the empty box to the school, a pre-paid shipping label (via UPS) so this can be sent back once full and the major cost which is to recycle all the otherwise non-recyclable material (as council systems won't accept it) is sent back in the box.

TerraCycle's Zero Waste Box™ platform allows the user to recycle almost any type of waste, from coffee capsules to complex laboratory waste. The school would be required to simply choose the waste stream they'd like to recycle, the Parish Council would then purchase the preferred box size and the school would collect the waste and send it to TerraCycle to be repurposed (shipping is included in the cost). The boxes come in the following sizes:

**Small / 25x25x46cm / approx. 759 units of waste - £121.25**

**Medium / 30.5x30.5x84cm / approx. 2064 units of waste - £156.34**

**Large / 38x38x100cm / approx. 3815 units of waste - £240.07**

### WHAT IS THE ZERO WASTE BOX™?

The Zero Waste Box was developed by TerraCycle® to provide the first-ever comprehensive recycling solution for everyday consumer waste. With over 70 different boxes to choose from, you're sure to find one that fits your needs.

#### ACCEPTED WASTE

- Small plastic or metal discarded office supplies: pens, pencils, pencil sharpeners, staplers, hole punchers, clips and clamps
- Other small supplies: disposable and reusable tape dispensers, glue sticks, rubber stamps, correction fluid bottles, and other correction supplies
- Archive and organizing supplies: plastic file dividers, plastic folders, file pockets, business cards holders, binders, discarded backing from sticker and label sheets

#### HOW IT WORKS

- 1. SELECT** | Choose the box size and category that best fits your needs
- 2. COLLECT** | Fill your box with the accepted waste streams (listed above)
- 3. RECYCLE** | Using the pre-paid UPS® shipping label (included in your purchase), send your filled box to TerraCycle for recycling.

#### WHAT IS INCLUDED

- Zero Waste Box (used for collecting and shipping)
- Pre-paid return shipping label (affixed to your Box)
- Complete processing and recycling of the waste.
- Customer Support service to address any questions or concerns you may have

#### UNACCEPTED WASTE

- Office e-waste, like electronic staplers and label making machines
- Hazardous waste (sharp, flammable, reactive, corrosive, ignitable, toxic, infectious or pathogenic) which presents a danger to the environment, or to people.

Please do not include (non-exhaustive list):

- Batteries
- Pressurized canisters
- Broken glass
- Medical waste

The Clerk has written to St Margaret CofE Primary school, St. Oswald's Primary school and Neville's Cross Primary school and has so far received positive feedback from St Margaret CofE Primary school who are keen to participate in such a scheme should Full Council approve this.

It is also proposed that the participant Primary schools also encourage the involvement of the Higher schools if they feel that the scheme works well.

<b>DECISION REQUIRED</b>	For Members to decide whether they wish to set up a Terracycle scheme in the Parish with the local schools as set out in this report.
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## **ITEM 6: ENVIRONMENT TRAINING FOR TEACHERS IN THE CITY OF DURHAM PARISH AREA**

Councillors are asked to consider a proposal by the Parish Council Environment Committee to encourage and also part-fund all schools in the Parish Area to participate in an UN-accredited climate change teaching course, known as EduCCate Global.

This is an online course for teachers which in total takes 15-20 hours to complete and covers areas such as climate change science, adaptation planning, health, forests, climate change finance and international negotiations. More details of the course can be found on the website here: <https://www.educcateglobal.org/>

All the learning materials on the UN CC: e-Learn platform are free of charge and, if all schools are amenable to the proposal, having a UN-accredited climate change teacher in every school could mean that all schoolchildren will be given accurate, relevant information on the causes and effects of global warming.

A number of schools in neighbouring Local Education Authority areas are already participating in the scheme. Upon successful completion of the course, the school will receive a certificate from the United Nations.

The Environment Committee has been working with local schools and is keen to have one teacher from each of the schools participate in this training course and, in so doing, become the Environment champion for the school. The following schools have been contacted about the scheme: St Leonard's school, Durham Johnston school, St Margaret Church of England School, Neville's Cross Primary school, St Oswald's Primary school, Durham High school, Bow Durham school, The Chorister school, Durham school and Durham Sixth Form centre. So far Durham school has expressed a desire to participate in the scheme.

Councillors are asked to consider a proposal that the Parish Council funds up to £150 per school for part of a teacher's time to complete the course. Councillors are reminded that a budget of £5,500 was agreed in January as part of Environment Committee's budget to involve young people.

The issue of climate change and the Environment is particularly topical at the moment with a national strike by schools taking place.

The Clerk has already had a preliminary discussion with the creators of the scheme (Harwood Education) who would be willing to support the Parish Council in encouraging the schools to participate. The scheme itself has over 3,000 schools currently participating, though none of these are in the City of Durham Parish Area.

<b>DECISION REQUIRED</b>	For Members to agree to the proposal by the Environment Committee to fund up to £150 per school for part of the time of one teacher per school to complete this course.
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# **CITY OF DURHAM PARISH COUNCIL**

**Minutes of a meeting of the Licensing Committee held on Friday 12<sup>th</sup> July 2019 at 14:00 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.**

Present: Councillors L Brown, E Ashby, R Cornwell and C Reeves

Also present: A Shanley (Clerk)

**Cllr L Brown** in the Chair

## **1. TO RECEIVE ANY APOLOGIES FOR ABSENCE**

None received.

## **2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**

None received.

## **3. PUBLIC PARTICIPATION**

None received.

## **4. TO APPROVE THE MINUTES OF THE LAST LICENSING COMMITTEE, HELD ON 28<sup>TH</sup> JUNE 2019**

The Minutes of the meeting held on 28<sup>th</sup> June 2019 were unanimously agreed as a true and accurate record of proceedings.

## **5. UPDATE ON RECENT LICENSING APPLICATIONS.**

The Chair advised that Hotel Indigo had submitted amended plans for the outside tables and chairs application with conditions attached and advised that she found these to be an acceptable response to the submission made by the Parish Council.

The Clerk reported that he had responded to the application for the Holy Grail to state that the Committee would note the application but wished to stress the importance of keeping an eye on number of patrons and keeping staff fully trained in accordance with Challenge 25.

## **6. LICENSING COMMITTEE PROTOCOL.**

The Chair reported that she had been asked by the Leader of her Group on the County Council not to make representations on behalf of the City of Durham Parish Council Licensing Committee at County Licensing hearings given her role as a Member of the County Council Licensing Committee. The Committee agreed that another Member of the Parish Council Licensing Committee should represent the Parish Council at hearings and could decide who this should be when any future notification of Licensing hearing is issued.

## **7. PROGRESSING THE PARISH COUNCIL LICENSING TRAINING CONFERENCE**

The Clerk reported that he had discussed further the proposal of the Licensing training conference with a barrister and author on licensing matters. The Barrister is

very keen to be the training provider for the event and would provide a cost for his services at the event next week to the Clerk.

The Clerk also reported that the local MP and Durham Police had been invited to attend and he was waiting to hear back on a suitable date for all in October. The Clerk advised that DCC Licensing team would not be attending the event.

The Chair proposed to invite Pubwatch to the event and Cllr E Ashby proposed inviting the City Centre Manager to the event also. This was agreed by the Committee.

The Clerk also advised that he proposed the upstairs in the gala theatre as the location for the event. This was agreed by the Committee.

Cllr R Cornwell proposed that a number of training exercises involving example cases be part of the event. This was agreed by the Committee.

The Chair also requested that there be refreshments at the event and the Clerk agreed to organise this too.

## **8. TO CONSIDER THE FOLLOWING LICENSING APPLICATION:**

### **A Local Love**

The Committee agreed that the ethos behind the project was a good one, however wished to stress that a condition ought to be applied with this license that the mode of operation as set out in this application ought to be applied for any future use of the premises. The Clerk agreed to draft this response.

### **Blue Eye**

The Committee agreed to object to this application under the Licensing objectives of public nuisance and preventing crime and disorder. The Chair agreed to draft this response.

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

Signed,

Chair of City of Durham Licensing Committee

## **ITEM 6: CUMULATIVE IMPACT ASSESSMENT CONSULTATION**

### **Introduction**

Following the recent consultation of DCC's licensing policy and in response to some concerns regards the density of licensed premises in Durham City potentially increasing crime and nuisance levels, the County Council is exploring if there is a need to introduce a Cumulative Licensing Policy (CIP).

### **What is a Cumulative Licensing Policy?**

A CIP is a special licensing policy that can be introduced if there is sufficient evidence that the number, type or density of licensed premises is having a negative 'cumulative impact' in an area.

A CIP can apply to parts of the county, for example, a single road, part of a town or city centre where evidence exists that crime and disorder, public nuisance or public safety issues are specifically linked to the number of licensed premises in that area.

### **How will DCC know if a CIP is needed?**

To find out if there is a need for Cumulative Impact Policy (CIP), DCC have to carry out an assessment looking at the impact of premises licensed for the sale of alcohol for consumption on or off the premises as well as those late-night refreshment providers which are not licensed to sell alcohol. For example, takeaway food shops.

During the assessment, evidence will be gathered which is then fully assessed to find out what problems exist, and if there are connections between them and licensed premises, and whether a special policy would help to address such matters.

To ensure that the information gathered from the assessment is relevant, DCC will work closely with key organisations to collect evidence, including Durham Constabulary, County Durham and Darlington Fire & Rescue Service, our City Centre Manager, and our Community Safety and Environmental Health teams. This will include gathering local crime and disorder statistics such as specific types of crime, hotspots and anti-social behaviour offences.

DCC also want to hear from the community and from those who represent people living and working in Durham City through a public consultation. Feedback provided as part of this consultation will be considered alongside evidence provided from the aforementioned organisations.

### **What are the dates of the public consultation?**

The consultation will start on Monday 16 September, with a deadline for feedback of Friday 8<sup>th</sup> November.

### **Who will DCC be encouraging to have their say on the consultation?**

Direct briefings, as well as targeted marketing and communications activity, will encourage residents in Durham City and across County Durham, licensed premises in Durham City, businesses in Durham City and students at Durham University to provide feedback.

### **How can audiences have their say?**

An online survey which will ask for feedback to questions around the four objectives considered when granting licenses – crime and disorder, public safety, public nuisance and the protection of children from harm – can be accessed at [www.durham.gov.uk/consultation](http://www.durham.gov.uk/consultation). A hard copy of the survey is also available from DCC on request.

### **What will happen should a CIP be needed?**

If, based on evidence and need, DCC decide to introduce a CIP for Durham City in the licensing policy, further consultation will take place with key partners and stakeholders as listed in the Licensing Act 2003 and publish the assessment.

If introduced, the policy would not;

- change the way that licensing decisions are made. Applications for new licences or variations to existing licences must still be considered on an individual basis.
- applications that are unlikely to add to the cumulative impact on the licensing objectives should still be granted.
- relate to temporary licensed events which would require a Temporary Event Notice (TEN).
- apply to all licensed premises. For example, Hotels may not be affected.
- change the number of existing licenses or affect the opening hours of premises with existing licenses.

If introduced, DCC feel the policy would;

- be a strong statement of intent about an authority's approach to licence applications
- explain that it is likely that granting further premises and/or club premises certificates in the defined area would be inconsistent with an authority's duty to promote the licensing objectives
- create a presumption that any application caught by it would be refused on receipt of a relevant representation unless the applicant can provide evidence to rebut that presumption.

The CIP would then be reviewed every three years (commencing with its publication or revision), including a full consultation. If DCC, as the licensing authority, choose to keep the Cumulative Impact Assessment in place, then they must set out the evidence as to why and how they came to that conclusion.

<b>DECISION REQUIRED</b>	Members are asked to note the above information and expect a proposed response to this consultation by the Parish Council Licensing Committee at the next Full Council meeting in October.
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## **ITEM 8: LONG TERM EMPTY PROPERTY COUNCIL TAX PREMIUM CONSULTATION**

The county council is currently reviewing its policy relating to council tax charges for empty properties and is seeking views on proposals which would see the premium charge increased for long term empty properties.

### **BACKGROUND**

Since April 2013, councils have been able to apply a maximum 50% Council Tax Premium on properties that have been unoccupied and unfurnished for more than 2 years.

In line with the majority of councils, Durham County Council introduced the Premium charge from April 2013. This resulted in an initial sharp reduction in the number of long-term empty properties (approximately 33% in the first 6 months), after which the numbers have been fairly static, along with an increase in revenue to the county council from those properties that were not brought back into use.

Following a change in legislation, which came into effect from April 2019, councils now have the power to charge a 100% Council Tax Premium for properties which have been unoccupied and unfurnished for more than 2 years and will be able to charge a 200% Premium on those properties which have been unoccupied and unfurnished for 5 years or more from April 2020.

To implement these powers the council would need to change its adopted policy on Long Term Empty Property Charges, the advantages of implementing these changes would be as follows:

There will be a further incentive for the owners of long-term empty properties to bring them back into use, potentially boosting the supply of properties available to rent in the County and making a positive impact on our Housing and Homeless strategies. The majority of long-term empty properties are in the lowest Council Tax band (A), often in the more deprived areas of the County and could therefore be a useful source of affordable housing.

In addition, where properties are not brought back into use there is a potential further increase in revenues to the council (£1.83 million if there was no reduction in the number of long-term empty properties), providing the opportunity for MTFP savings.

The county council could also consider applying the empty homes premium charge to long term empty properties which require or are undergoing major repair work to make habitable which the council currently charges at 100%, with no long-term empty property premium levied. Charging 200% Council Tax on these properties (i.e. applying a 100% premium) could generate a further £26,000 in revenue.

Applying a Long-Term Empty Property Premium encourages the owners of these properties to bring them back into use. This in turn makes a positive contribution to the Council Housing and Homelessness Strategies.

In April 2013, when the council introduced the current policy, there was a 33% reduction in the numbers of long-term empty properties. The empty property premium was first introduced in April 2013. By October 2013, 727 properties had been brought back into use. A third of all long-term empty properties are owned by absent landlords.

The county council is of the view that increasing the premium provides a further financial disincentive for absent landlords to retain long term empty properties.

However, the potential benefits of the proposals need to be considered in the context that in some areas where there is low demand for rental properties, some owners may feel forced into letting properties to avoid paying the premium. In turn, this could result in property management problems where properties are let to unsuitable tenants.

## **CHANGES PROPOSED**

To encourage owners to bring empty properties back into use the county council is seeking views on increasing the premium on unoccupied and unfurnished homes as follows:

should empty the property premium be increased:

empty property for over 2 years would be charged 75% or 100% premium (a Band A property with a council tax of £1346 with the 100% premium would pay £2692 per year)

empty property for over 5 years would be charged 100% or 200% premium (the same Band A property with the 200% premium would pay £4038 per year)

premiums will apply to properties undergoing major repairs, removing the additional period of up to 12 months which allowed work to be completed before the premium applied

The proposed changes would come into force from April 2020 and the consultation runs until 6<sup>th</sup> October.

A recent meeting of the Parish Council Planning Committee resolved to recommend to Full Council approval of the plans to increase the premium as set out in the above report.

<b>DECISION REQUIRED</b>	Members are asked to consider the proposals as set out in the above report and agree the recommendation by the Parish Council Planning Committee that the City of Durham Parish Council supports the plans to increase the premium.
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## **ITEM 10: REPORT ON REMEMBRANCE SUNDAY PLANNING**

As Members are aware, at the last Full Council meeting, the City of Durham Parish Council agreed to take over civic ownership of the Remembrance Sunday event in Durham City. The below report is simply to act as an update to Members on the planning for the event so far:

### **Road and traffic matters:**

The Clerk has also submitted the road closure order for the event; this is done free of charge by the County Council as per their own policy for Remembrance Sunday. The Clerk is also arranging for the County Council to arrange the alternative public transport route during the timing of the event. This only affects Claypath services which divert via Leazes Road.

The Clerk is organising the traffic management support (including four road closed signs and advances) and Dave Lewin has confirmed that he will attend the event to organise this on the day at no additional charge to the Parish Council.

The closure points between 9:30 – 13:00 would be:

1. Framwellgate Bridge (no entry signs near fighting cocks PH)
2. North Bailey just below the entrance to Hatfield College Car Park
3. Claypath junction with Providence Row
4. A690/ One-way slip (side of library)
5. Two-way slip above Prince Bishops mini-roundabout

### **Use of land:**

The Parish Clerk has sought permission from the University for the temporary occupation of Palace Green and from the City Centre Manager for the temporary occupation of the Marketplace. Both are aware of the event taking place this year as usual and this is a formality. The Clerk has also been in contact with Artichoke (the company who organise Durham Lumiere) as it is expected that they will have an installation in place during the event around the Lord Londonderry statue. Artichoke will be providing their own separate risk assessment for this and have also confirmed that they will manage the safety and security aspect of this installation on the day of the event.

As is custom, the Mayor's office has also arranged for a dais to be installed on the day. The Mayor's office will be funding this.

### **Health and safety:**

The event will now be covered by the Parish Council's own public liability insurance at an additional charge to the Parish Council of £68.07.

The Clerk has carried out a Risk Assessment in conjunction with the County Council's Events Safety Manager and this was signed off on 5<sup>th</sup> September. In addition, the Police will be carrying out their own security assessment (SECCO assessment) for the event. What level of Hostile Vehicle Mitigation (HVMs) methods installed on the day depends on the outcome of the police's SECCO report. Councillors should be aware that there may be additional cost for this.

During the Risk Assessment, the County Council also indicated that there would be a need for crowd management control and the Events Officer has sought a quote from a preferred supplier to have this done on the day. As an alternative, the RAF Police has offered six of its officers to carry out this function on the day at no additional cost to the Parish Council. The Clerk is waiting to see if this number is deemed adequate for this size of event.

The Parish Council will also need to fund the medical provision on the day and the Clerk has received a quote of £432.00 for the provision of 4 medical officers from Nerams Ltd (DCC's preferred supplier).

The Clerk has also arranged for the police to be on hand on the day to manage any incidents of disruption or anti-social behaviour. The Clerk has also arranged for Jill Woods, DCC's Safety Officer to attend on the day and a pre-event assessment and walkthrough will be carried out.

### **Notification of event:**

The Clerk will also be letting local traders in the affected area know about the plans for the event.

### **Service at the Cathedral and the parade:**

The order of service within the Cathedral would be managed entirely by the Clergy of the Cathedral and the Parish Council would not have any involvement with this but the seating of the Parish Councillors will be arranged with the Cathedral.

The Parish Council would be expected to lay a wreath on Remembrance Day and the Chair of the Council would do this on the Council's behalf. The Clerk has arranged for the wreath to be provided.

Durham City Parish Councillors now form part of the official procession from the Cathedral to the Town Square with their position in this procession is to be determined in due course.

In terms of the bands and regiments in the ceremony parade, Arthur Lockyear has arranged for 4 military bands to parade with the various regiments and civil organisations that make up this parade.

Councillor Holland has also been liaising with Mr Arthur Lockyear on the bands and regiments and has confirmed with the DLI that any Germans (from either former prisoners of war, those who stayed on in 1945 and any nominated by the German Embassy) would be welcome to parade with the DLI who will be writing to confirm this arrangement formally to the Clerk. This is a unique decision and a first for the parade in Durham City.

### **Fundraising efforts:**

Arthur Lockyear has also circulated details of a fundraising event to take place on 28th September at Durham Masonic Hall. A number of Councillors have contacted the Clerk asking that Members be encouraged to attend this event as the funds raised go towards funding the event on Remembrance Day.

The Clerk has also been in contact with Natwest bank who it is hoped will be able to sponsor some aspect of the day.

### **Hospitality:**

It is proposed that, as the official organisers of the event, the City of Durham Parish Council should host some hospitality for the military attachés on the day and the following options will need to be decided on:

**Option 1:** Arthur has asked if the Parish Council would fund 50% of the curry he is going to be putting on for the military at the Masonic Hall. All Parish Councillors and military attachés would be able to attend this. This would mean a cost of £300 to the Parish Council.

**Option 2:** Cllr Holland and the Clerk have recently had a meeting with the events manager at a local Hotel and they have offered to provide Sunday lunch to the Parish Councillors and the military attachés on the day. **NB: Costs to be confirmed in time for the meeting.**

**Option 3:** That the Parish Council does not host any hospitality on the day. As the issues of the crowd control and the HVMs on the day is still ongoing, it would be more practical for the Parish Council to delegate spending authority for the event

to the Clerk and the Chair of Finance. Should any costs go over the agreed £3,000 budget for the event, Councillors will be notified via e-mail in advance.

<b>DECISIONS REQUIRED</b>	<ol style="list-style-type: none"><li>1) For Members to agree on the options for hospitality on the day as set out in the above report.</li><li>2) For Members to agree to delegate spending authority for the event to the Clerk and the Chair of Finance.</li></ol>
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## **ITEM 11: PROPOSED PROJECT ON THE WORKS OF DR FENWICK LAWSON**

Councillors will recall that, at the last Full Parish Council meeting, the Council received a presentation from Anna Lawson, daughter of Dr Fenwick Lawson. Ms Lawson is keen to carry out a project to promote the work and legacy of her father. Dr Lawson's work forms a major part of Durham Heritage and Councillors agreed to a number of activities to promote Dr Lawson and his work.

Councillors will recall that the Clerk was tasked with investigating the possibility of the Parish Council funding a brochure for visitors and residents to be able to locate and visit the many works of Dr Lawson. Following the July meeting, the Clerk has met with Anna Lawson and has discussed this proposal. The family of Dr Lawson are keen to carry out a project with a more modern-day approach and the proposal of developing an app which people can use on their phones was considered.

It is proposed that an app be developed which uses geo-fencing technology (please see image on the next page) which can identify the user's precise location. It is envisaged that the app will allow the user to login and a trail will be formed which the user can then follow. Upon arriving within 2-3 metres of each sculpture, the app will provide the possibility to hear from Dr Fenwick Lawson himself about the journey he went through in creating each sculpture, what inspired him to do each sculpture and the background to all his work.

Durham Hospital Radio have offered their professional recording studio free of charge to the Parish Council and to the Lawson family and will be inviting Dr Fenwick in to tell his story of each sculpture for the app. The app will also hopefully include subtitles so that those with hearing difficulties can also enjoy the app. It is also envisaged that the app will include pictures and videos of the sculptures in creation.

The Lawson family are extremely keen that this project goes ahead and hopes that the Parish Council will agree to this. This project, if approved, will time nicely with the Year of the Pilgrimage taking place next year.

The Clerk recently attended a meeting with the Lawson family, Durham Hospital Radio and a local app development company. For what is being requested on the app, the app development company advised would usually be around £10,000 and there would be an ongoing cost of approximately £300 for hosting the app. However, the company has worked with Dr Lawson previously and is willing to offer the development costs at approximately £6,000. Anna Lawson is also approaching the University (who have now been gifted much of the work of Dr Lawson) to request that they fund the continued hosting of the app. The Clerk has also had an initial discussion with the AAP Co-ordinator who feels the project would be a worthwhile submission for funding and has recommended the Parish Council put in a request for £5000 towards the cost of the development of the app. Similar projects have been successfully funded by the AAP in the past.

There will still be a need for the Clerk to receive three quotations for the work as per Standing Orders despite the preferential rate offered by the company.

It is proposed that the Parish Council fund the remaining cost of the development of the app at an approximate cost of £1,000.

Example of 'geo-fencing':



<b>DECISIONS REQUIRED</b>	<ol style="list-style-type: none"><li>1) For Councillors to agree in principle to this project.</li><li>2) For Councillors to delegate authority to the Clerk to submit an application to the AAP towards part funding of the project.</li><li>3) For Councillors to agree that the Parish Council fund the remaining cost of the development of the app at an approximate cost of £1,000, subject to quotes and another organisation funding the hosting costs of the app.</li></ol>
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## **ITEM 12: PROPOSAL TO COMMENCE AN OFFICIAL FACEBOOK PAGE FOR THE PARISH COUNCIL**

Councillors are asked to consider a proposal that the City of Durham Parish Council launches its own Facebook page.

The presence of the Parish Council on social media has been discussed in a number of forums and is something that is regularly being raised with the Clerk. At present the Parish Council website and the local media are the only electronic means of communication easily available to the Parish Council.

Should Councillors agree to the proposal, this would offer the Parish Council a range of opportunities to use the internet to communicate and engage with local residents. However, to ensure the most is made of these opportunities, and to ensure the risks are appropriately managed, it is proposed that the Clerk be responsible for the management of the Facebook page and that public posts directly on to the page be limited to official communications by the Parish Council rather than the page used as public forum. Members of the public will be able to comment on any new posts by the Parish Council on this page, however use of profanities and abuse will not be tolerated.

Such a page would assist in improving the communications of the Parish Council. Lots of people now use online methods to communicate with their friends and families, as well as with businesses and other organisations. Many people want to see what they are saying, then these new channels need to be used. This page could be used for daily simple things such as providing quick updates on the work the Council is doing, or what is being discussed at a public meeting. Alternatively, the Parish Council may wish to use different media to tell the same story – photographs are a great way of documenting online what is happening in an area and the web is a great way of publishing them to large audiences. A recent video produced by the Parish Council was shared widely on social media and received almost 12,000 views by members of the public. The Clerk has also undertaken to purchasing some video editing software and recording equipment to continue this work and has also registered (free of charge) for a Youtube channel for the Parish Council to be able to share videos on its own website.

Secondly, this page could be used to increase participation in the work the Parish Council does. Not everybody has time to attend meetings, but that doesn't mean they don't want to contribute. By giving people the opportunity to get involved online, the Parish Council might be able to encourage them to engage even further in future. This early, online stage could be as simple as giving views on a local issue on a Facebook page, responding to an online survey, or giving feedback on a draft document through a digital form.

Thirdly, using such a page will help the Parish Council change its own culture to be more open, transparent and collaborative.

At present, the proposal is that the Parish Council's social media presence be limited to Facebook should Councillors agree to this proposal.

A proposed Social Media Policy also accompanies this proposal.

**DECISION  
REQUIRED**

Members are asked to agree to the proposal that the Parish Council launches its own Facebook page. Members do so with the understanding that all activities on this page must be compliant with any adopted policy governing social media use.

## **ITEM 12 (CONTINUED): CITY OF DURHAM PARISH COUNCIL SOCIAL MEDIA POLICY**

The aim of this policy is to set out a Code of Practice to provide guidance to parish councillors, council staff and others who engage with the City of Durham Parish Council using social media.

Social media is a collective term used to describe methods of publishing on the internet. This policy covers all forms of social media and social networking sites which include (but are not limited to):

- Facebook, Instagram and all other social networking sites
- Twitter and other micro blogging sites
- Youtube and other video clips and podcast sites
- LinkedIn
- Bloggs and discussion forums

The use of social media does not replace existing forms of communication.

The principles of this policy apply to all parish councillors and City of Durham Parish council staff and also applies to others communicating with the Parish Council.

The current Code of Conduct applies to online activity in the same way it does to other written or verbal communication.

Individual parish councillors and council staff are responsible for what they post in a council and personal capacity.

In the main, councillors and council staff have the same legal duties online as anyone else, but failure to comply with the law may have more serious consequences.

Social media may be used to:

- Distribute agendas, post minutes and dates of meetings
- Advertise events and activities
- Good news stories linked website or press page
- Vacancies
- Re-tweet or share information from partner agencies such as Principal Authorities, Police, Library, Health etc.
- Announcing new information
- Post or Share information from other parish related community groups such as schools, sports clubs, community groups and charities
- Refer resident queries to the clerk and all other councillors

### **Code of Practice**

When using social media, parish councillors and council staff must be mindful of the information they post in both a personal and council capacity and keep the tone of any comments respectful and informative.

Online content should be accurate, objective, balanced and informative.

Parish councillors and council staff must not:

- present personal opinions as that of the council
- express any views which may have a Party-political bias
- present themselves in a way that might cause embarrassment to the council
- post content that is contrary to the democratic decisions of the council
- post controversial or potentially inflammatory remarks

- engage in personal attacks, online fights and hostile communications
- publish photographs or videos of minors without parental permission
- post any information that infringes copyright of others
- post any information that may be deemed libel
- post online activity that constitutes bullying or harassment
- bring the council into disrepute, including through content posted in a personal capacity
- post offensive language relating to race, sexuality, disability, gender, age, religion or belief
- conduct any online activity that violates laws, regulations or that constitutes a criminal offence

Publishing untrue statements about a person which is damaging to their reputation is libel and can result in a court action and fine for damages.

This also applies if someone else publishes something libellous on your social media site. A successful libel claim will result in an award of damages against you.

Posting copyright images or text on social media sites is an offence. Breach of copyright will result in an award of damages against you.

Publishing personal data of individuals without permission is a breach of Data Protection legislation is an offence.

Publication of obscene material is a criminal offence and is subject to a custodial sentence.

Councillors views posted in any capacity in advance of matters to be debated by the council at a council or committee meeting may constitute Pre-disposition, Predetermination or Bias and may require the individual to declare an interest at council meetings

Anyone with concerns regarding content placed on social media sites that denigrate parish councillors, council staff or residents should report them to the Clerk of the Council.

Misuse of social media content that is contrary to this and other policies could result in action being taken.

For the management of the Parish Council's own Facebook page, the Council will appoint the Clerk as the moderator of the page's output and will be responsible for posting and monitoring content to ensure it complies with this Social Media Policy.

The Clerk will have authority to remove any posts made by third parties from council social media pages which are deemed to be of a defamatory or libellous nature.

<b>DECISION REQUIRED</b>	Should Members be in agreement with the proposal to launch a Facebook page for the Parish Council, Members are asked to adopt the above policy as the City of Durham Parish Council's Social Media Policy
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### **ITEM 13: PROPOSAL TO CREATE A PARISH COUNCIL NEWSLETTER**

Councillors are asked to consider a proposal to start a Parish Council newsletter.

It is proposed that this newsletter should be used as a further tool to communicate the work of the Parish Council and should be distributed to every household and business in the Parish.

There would be a need to produce approximately 7500 copies of the newsletter if this is agreed by Councillors and this would need to be delivered by a professional delivery company.

The Clerk has been looking into the cost of the production and distribution of this. The printing cost with a well-known supplier for A3, full-colour, silk, 130gsm and folded would be around £300 and the distribution costs approximately £35/1000.

It is proposed that this newsletter be produced once every six months. It will be an apolitical publication.

The Clerk would assume responsibility of designing and producing this newsletter and an editing team of no more than around 3 Councillors would be set up to proofread all content.

Should Councillors agree to this proposal, it is expected that the first publication be produced in time for distribution in December.

The Clerk has set out the following tasks for production below:

<b>Task</b>	<b>Date</b>	<b>Done</b>
Meeting to plan content		
Deadline for articles and other content		
Editorial meeting to decide what to include		
Deadline for final, edited content to be given to designer		
Deadline for designer to produce draft copy		
Deadline for proof-reading notes and amendments to be returned to designer		
Deadline for designer to produce final copy		
Deadline to give artwork to printer		
Deadline for printing to be finished and collected		
Deadline for copies to be delivered to distributors		

Task	Date	Done
Deadline for distribution to be finished		
Meeting to discuss how it all went and plan next issue		

<p><b>DECISIONS REQUIRED</b></p>	<p>1) Members are asked to consider the proposal to start a Parish Council newsletter.</p> <p>2) Members are asked to agree the membership of the editorial team for the production of the newsletter.</p>
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**ITEM 14: REPORT ON THE MEETING OF DURHAM UNIVERSITY RESIDENTS FORUM HELD ON 16 SEPTEMBER 2019**  
**REPORT BY CLLR J ASHBY**

1. I attended the DURF meeting held on 16 September 2019 as a member of the St Nicholas Community Forum but Parish Council colleagues may be interested in some of the matters discussed.
2. The new chair of DURF is Jeremy Cook OBE, recently appointed as Pro Vice Chancellor (Colleges and Student Experience). He was previously Deputy Director of the British Army's Collective Training Transformation Programme.
3. The largest single item of discussion was the unsettled state of affairs regarding the withdrawal of Police responsibility for dealing with Anti-Social Behaviour and the uncertainty as to the adequacy of the County Council's resources to respond quickly and effectively. It was agreed that the University will invite the new Chief Constable and the Chief Executive of the County Council to attend for a specific DURF item on this matter. The Parish Council's conference on this topic was highlighted too.
4. A presentation on the University's finally approved Non-Academic Misconduct Procedure revealed that students are now required to comply with set standards of behaviour not only within University premises but outside as well. It was striking that the two representatives from Durham Students Union expressed strong support for the new code of conduct. Low level misconduct will be dealt with internally by the student's College but more serious misconduct can incur suspension or expulsion once any Police investigations have been concluded.
5. The University is looking to renew the enhanced Neighbourhood Warden Service it began part-funding three years ago. A more tightly specified Service Level Agreement is being negotiated with the County Council.
6. The agreed next priority area for DURF will be a compulsory, self-financing landlord accreditation scheme which again was strongly supported by the DSU representatives who described students signing up with unsatisfactory landlords from fear of missing out on accommodation altogether.
7. A final version of the 'Livers-Out' letter will be available shortly to be distributed by the nine Residents' Associations in the Parish and Gilesgate. Some Residents' Associations deliver to all houses whereas some deliver only to known student houses.

**ITEM 15: MOTION BY CLLR R ORMEROD ON ENVIRONMENTAL IMPACT OF DCC PLANNING POLICIES**

Cllr R Ormerod wishes to propose the following motion to the City of Durham Parish Council:

***"This council notes the negative and destructive impact on the environment of our city of Durham County Council's planning policies. This council shall, as a matter of general policy, facilitate and, where necessary, fund the planting of additional trees across the city in order to help combat climate change and restore habitats for wildlife."***

<b>DECISION REQUIRED</b>	Members are asked to consider agreement of the motion as set out above
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## **ITEM 16: UPDATE FOLLOWING A MEETING BETWEEN DURHAM COUNTY COUNCIL AND THE CITY OF DURHAM PARISH COUNCIL**

On 11<sup>th</sup> September, the Chair of the Parish Council, the Chair of the Parish Council Planning Committee and the Clerk met with Lorraine O'Donnell, Malcolm Churchill and Andrew Megginson to address a number of ongoing concerns regarding the new HQ development and the matter of the common land.

Below is a summary of the meeting with questions that the Parish Council put to Durham County Council and their responses:

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### **When is the fencing around the Common Land being removed?**

The fencing around the coach park will be there for the duration of the development. DCC maintain that this is for public health and safety reasons. DCC feel that they are within their rights to fence off this land on that basis and will soon be installing reinforced fencing around the coach park as the current fencing has been damaged over the last few weeks. The Parish Council has advised Lorraine that the fencing is unlawful: there are proper procedures to close Common Land to permit works to be done and these have not been followed.

This land is going to be used as a compound for workmen on site to support the development of the new County HQ. DCC has advised that the planning condition for this has been discharged.

Should the de-registration not be permitted by the Inspector, the land will not be used by DCC as a car park as is currently envisaged it will be for Council staff and members of the public.

### **Why are the trees to the East of the coach park (which separate the parking area from the green land) being removed?**

DCC has planning permission to fell these trees and this is to support the overall landscaping of the site only. The Parish Council received a categorical assurance that the coach park will not be extended into the green land to create a larger parking facility. The green land of the Sands will be retained as is.

Lorraine O'Donnell committed to review the situation as far as these trees were concerned, hopefully with a view to retaining these.

### **What alternative parking provision options are being explored for the Market Traders car parking other than Providence Row?**

This is a question for Dave Wafer's team. The Parish Council has been made aware that Fowler's Yard is being explored as a potential option.

Members of the public have been fined for parking at this area on a Saturday and this was ahead of the Order being put in place. The Parish Council discovered at a Highways Committee meeting on 12<sup>th</sup> September that the parking restriction on a Saturday which has been introduced is permitted for temporary events.

### **What provision for disabled car parking is being put in place?**

Disabled parking provision is available at Riverwalk. DCC is also going to look at resolving the issues at the Walkergate car park which the Parish Council has reported. The issue being that the lifts are out of action.

**Members of the public have been fined for parking at Providence Row on a Saturday ahead of the Order coming into force. Will these individuals be entitled to either a refund or the fine being quashed?**

This is not something DCC could commit to at this meeting as there is a process, which members of the public will need to follow in order to challenge any fines.

**Are replacement electronic vehicle charging points being planned for the city centre?**

Replacement electronic vehicle charging points will be installed in the new multi-storey car park. No new charging points are planned in the immediate future.

**What is being put in place to ensure that the new County HQ building is carbon neutral?**

The building meets near zero carbon emissions requirements and further details on this will be provided in writing.

**What are Andrew Megginson's and Malcolm Churchill's roles?**

Andrew Megginson will be handling the stakeholder engagement aspect of the build and will be a key point of contact for the Parish Council and for members of the public.

Malcolm Churchill will be the Senior Project Manager at DCC who will be managing the day to day building operations of the new County HQ.

**What communication strategy/ public engagement strategy is planned for the new HQ project?**

A new monthly newsletter will be sent out from DCC to all residents living in the locality and to all of the key stakeholders; the Parish Council being one. Further to this, Lorraine offered to have regular meetings set up between a small number of representatives of the Parish Council, Andrew Megginson and other representatives from DCC and (potentially) Kier.

Kier also wish to meet with the Parish Council in the near future. It was also proposed that Andrew Megginson attend a future Parish Council meeting to update the Parish Council on works so far.

**What are coaches dropping schools off for swimming lessons now doing?**

The problems caused by the coaches is dependent on the direction of entry and exit. DCC have briefed all coach suppliers and do not feel that there have been any issues with this.

**What are the future plans for the Sands green area?**

The green area will remain as it is.

**Can we have a copy of the pre-works ecological assessment survey we were promised?**

A hard copy of this was provided at the meeting and circulated to Parish Councillors by the Clerk thereafter.

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The County Council has advised that it wishes to have a good working relationship with the Parish Council and hopes that both Councils can work together in the future on

matters of shared objectives. The County Council understands that the Parish Council will be objecting to the de-registration of the Common Land.

<b>DECISION REQUIRED</b>	Councillors are asked to consider how they wish to work with the County Council going forward on both the issues raised in this meeting and more broadly.
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