

City of Durham Parish Council

Minutes of the Planning and Licensing Committee meeting held via Zoom at 12:00pm on Friday 23rd February 2024

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

Also present: Mr A Shanley (Parish Clerk), County Councillor Liz Brown, Mr Roger Cornwell and Mr John Lowe (members of the public).

1. Welcome and apologies

None received.

2. To receive any declarations of interest from members.

Councillor S Walker declared an interest in application DM/23/03233/FPA and took no part in the discussion and vote on this application.

3. To receive and approve as a correct record the minutes of the meeting held on 9th February 2024

The minutes of the meeting held on 9th February 2024 were unanimously **agreed** as a true and accurate record of proceedings.

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

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

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

5. To consider the latest updates from the public inquiry into the appeals for development at sites at Sniperley.

The Chairman invited Cllr J. Ashby to open the discussion on this item. Cllr J Ashby noted that the Public Inquiry began on 30 January and the live sessions ended on 21st February. He had attended this Inquiry on behalf of the City of Durham Trust, not the Parish Council, and had attended all the sessions.

The Trust had many, well-documented concerns that he and his Trust colleagues were able to present at the Inquiry across several very intense sessions. There were tense moments; one of relevance here is when, in Week 2, the Inspector pointedly commented that she was surprised that no County Councillors and no Chief Officers had attended at all, given that this is the largest and most prestigious development allocation in County Durham.

Cllr J. Ashby's overall impression is that the appellants dealt well with the County Council's five putative grounds for refusal, down from 13 grounds that had been put to the County Planning Committee in September 2022. Much was apparently achieved in side-room discussions because of the willingness of the three main

parties - the County Council, County Durham Land and Bellway - to find acceptable solutions to the key issues. Indeed, it is to the credit of the County Council that it declared it would have refused the applications as submitted. This provided the opportunity - in the form of the Public Inquiry - for moving the developers very considerably towards what should be a much better development than would otherwise have been the case.

Nevertheless, the Trust still has grave reservations, for example about the Design Codes presented by the appellants. The County Council's position is that it accepts them; the Trust considers that particularly the Bellway Design Code is not fit for purpose. Sniperley has to be the best housing development ever achieved in County Durham, and Design Codes are crucial for this.

The Secretary of State has called in the four appeals to be determined by him, so the Inspector will simply be making recommendations. If she recommends approval, much will depend on the conditions to govern many crucial matters including layout, design, phasing, roadworks, bus routes, walking and cycling pathways, renewable energy, green spaces and land stability.

Cllr J. Ashby also noted that much of the County Council's issues have to do with ensuring actual delivery of a primary school, additional capacity in Framwellgate Secondary School, a local retail and health centre, public transport, the linear park, and compensatory improvements in the remaining green belt. These issues require complex legal agreements and Section 106 funding. Having seen the documents being discussed between the parties Cllr J Ashby observed that they are not yet finalised. Indeed, the County Council's legal officer has asked for time to obtain agreement from her clients. It is up to the Inspector as to what she recommends to the Secretary of State by way of conditions and Section 106 agreements, perhaps with amendments.

Cllr J. Ashby added that the Parish Council had legitimate concerns about significant consequential impacts within its area on education provision, health services and traffic congestion. Perhaps the most obscure position at the moment is coping with traffic congestion at Sniperley roundabout and on the A167 from Sniperley to Neville's Cross. The County Council had relied almost entirely on its highway department's assurances that the requirements laid down by the Independent Inspector of the County Durham Plan are met, but the Western Relief Road Action Group is far from convinced. The Parish Council may wish to pursue this issue.

Finally, Cllr J. Ashby wished to put on record that the County Council's Case Officer had acquitted himself admirably, and was praised by the appellants' Barristers for his professional conduct at all times over the past three years that their clients have been involved. He also noted that the Trust had a far better involvement, especially being able to come back and refute mistaken assertions, than is possible in the five minutes, sometimes just two-and-a-half minutes, allowed at County Council Planning Committee although, in fairness, County Council Planning Committees do not and should not last three weeks!

Cllr Holland thanks Cllr J Ashby for his clear account on the outcome of the Appeal process. It called into question whether the original ambitions and design for Sniperley Park will be achieved in respect of Policy 32:

"The DCC Masterplan [June 2022] seeks the delivery of a carbon neutral development through the use of renewable energy excellent sustainable transport connections, and a high standard of housing. This should include provision of onsite electric and non-fossil fuel-based heat production, no gas connection and consideration of PassivHaus construction"

The Core principle in the CDP Policy 32 (5.334) states that: *"The effects of land instability may result ...subsidence or ground heave. Failure to deal with land stability issues could cause risks to human health, local property and associated infrastructure.... Within County Durham the principal issue which relates to ground instability relates to past coal mining. Large parts of County Durham have been identified by the Coal Authority as 'Development High Risk Areas'."*

These are clearly defined boundaries which had been fully supported from the outset by the Parish Council. The Masterplan required the planned housing estate to be sustainable, stable, future proofed and achieve renewable energy provision of 80% by 2025 and maybe higher after this as well as meeting future home and building standards. No gas would be included in the energy mix.

Cllr Holland asked Cllr J Ashby whether all of the targets had been fully investigated during the Public Inquiry. In particular he asked if the Wardell Armstrong Report relating to renewable energy provision via district heating versus individual ground source heat pumps in their cost benefit (SWOT) analysis had been agreed? He noted that the County Council's only attempt to use mine waters in Stanley for heating the Louisia Centre had been abandoned. In his opinion the use of mine waters for other than local and immediate use created more problems than it solved. Councillor J Ashby responded that a whole morning had been devoted to the topic because DCC challenged the Wardell Armstrong Report, but without agreement.

Cllr Holland also asked whether the problems of land stability raised in the Coal Authority Report and the Sirius Report had been fully considered. He noted that the land at Sniperley Park, especially north east of Pity Me, had 2 large strike slip faults and other more minor but similar displacements and the downthrows are not recorded. Later faults, almost certainly the result of mine collapse in the pillar and stall workings in all of the seams down to the Busty, have been noted but not measured. Both reports had drawn attention to this structural hazard and the Sirius Report (21st October 2021) concluded that:

"there is a potential risk to surface stability from unrecorded workings within the Main, Durham Low Main and Top Brass Thill coal seams beneath the site and from potential hazardous gas associated with historic workings."

It also recommends that *"further fieldwork is clearly essential"* before any building programme can begin and that *"a programme of rotary drilling will be required to investigate the depth of shallow coal seams, the presence of voids beneath the site"* needing *"a programme of ground stabilisation of workings via grout injection may... to stabilise former workings and prevent future migration of voids."*

A geophysical survey would be a wise precaution and *"prior to commencement of development, the site is stripped of topsoil, and the resulting reduced ground surface carefully inspected ...for evidence of potential mine entries"*.

Cllr Holland showed a few slides to illustrate his concerns about the potential problems that the developers could face as well as the future residents whose life investments might be at risk if due care was not observed.

The clear consequence of both reports is that this area of proposed house building offers a potentially unstable platform that must not be set aside in the haste to develop this new estate without a significant protective infrastructure already in place.

Cllr J Ashby indicated that this matter had not been discussed at the Public Inquiry, being outside its remit.

Cllr Holland finally commented that it was a pity that, like the other Parish Councils, this matter lay outside the remit of the Parish Council and so we had been obliged to remain silent.

6. DCC Statement of Licensing Policy review 2024-2029 consultation

The Clerk reminded Members that Durham County Council has recently launched a consultation on the review of its Statement of Licensing Policy for County Durham.

The Clerk advised that the Statement of Licensing Policy has two main purposes. Firstly, it provides a decision-making framework for the council to use when responding to licence applications. Secondly, it advises businesses and the public on the authority's position concerning the Licensing Act 2003, including details of how the licensing objectives should be promoted in County Durham.

The policy also guides applicants on how to apply for a licence in accordance with the council's expectations. Importantly, it will help applicants and others to identify important factors that should be considered when drawing up an application for licensed premises that will operate in County Durham; an area that is diverse and contains many different types of premises and localities.

The Clerk also reported that Durham County Council is reviewing its current policy and is looking to understand if the policy provides sufficient and satisfactory information on the four licensing objectives, and in particular:

- the problem of drink spiking
- licensing hours and opening hours
- sexual harassment and misconduct and gender-based violence

DCC also wants to know if the public feel that there is anything missing from the policy.

The Clerk highlighted that the Parish Council's previously stated positions on the current policy is that a Cumulative Impact Policy and a late-night levy on licensed premises are missing features of the existing policy.

The Clerk also reminded Members that, in setting its budget for 2024/25, Members approved a fund of £5,000 towards professional support in responding to this consultation. This is a key part of the work of the Licensing Committee and will

surely set the parameters for all future applications in Durham for the next five years.

The Clerk advised that he had discussed this with Nicola Allan and that she had indicated that she would be able to support this work and Members **agreed** that Nicola should be engaged at a later stage to support this.

The Clerk advised that the current consultation is now live and will run until 3rd May 2024.

Members also **agreed** that this should be a standing item on all future Agendas of the Committee, though much of the work would take place in separate meetings; the dates and times for which would be confirmed as soon as possible.

7. Matters arising:

(a) To approve the responses to the following planning/ licensing application(s):

DM/24/00110/FPA | Change of use from C3 dwelling to C4 HMO | Crestholme The Avenue Durham DH1 4DX. The Committee **approved** the response to this application.

Appeal for DM/23/00358/VOC | Variation of condition 3 (opening hours) pursuant to planning permission DM/21/01282/FPA | 93 Elvet Bridge Durham DH1 3AG. The Committee **approved** the response to this appeal.

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

DM/24/00007/FPA | Change use of ground floor office (E) into a small house in multiple occupation (HMO) (C4) for student accommodation | 44 Claypath Durham DH1 1QS. The Committee **noted** that this application had now been withdrawn by the applicant.

DM/23/02209/FPA | Change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) to provide staff accommodation for ZG Holdings Ltd | 74 Hallgarth Street Durham DH1 3AY. The Committee **noted** that this application had now been withdrawn by the applicant.

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

DM/23/03233/FPA | To extend car park | St Cuthberts Hospice Park House Road Durham DH1 3QF. The Committee **noted** that the Clerk and Councillor Lattin had not been able to discuss this matter directly with the Hospice, due to staff being away from the office. The Committee agreed that its position remained that it was minded to approve the application with conditions. The Committee highlighted that the Clerk and Councillor Lattin's discussions with the Hospice related to the matter of light pollution and the felling of the trees.

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

a) To note:

DM/23/03841/FPA | Install 1no fridge and 1no freezer plus 2no storage containers for fieldwork kit | Durham University Calman Learning Centre And

Earth Sciences And Computing And Information Services Science Site South Road Durham DH1 3LE. It was **agreed** to note this application.

DM/24/00256/LB | Retention of 1no rooflight to front, 3no rooflights to side with associated replacement tiles and guttering, 3no bedroom windows and 1no door | The Grey Tower North Road Durham DH1 4RR. It was **agreed** to note this application.

DM/24/00258/AD | Display of 2 no. signs within the churchyard in connection with baby memorial | St Cuthberts Church North Road Durham DH1 4NH. It was **agreed** to note this application.

b) To discuss:

DM/24/00009/FPA | Demolition of existing dwelling and construction of new dwelling | 5 Valeside Durham DH1 4RF. It was **agreed** to object to this application. The Clerk and Councillor G Holland **agreed** to draft the objection letter to this proposal.

DM/24/00201/FPA | Change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) including single storey rear extension, cycle parking and bin storage | 31 Bradford Crescent Gilesgate Durham DH1 1ER. It was **agreed** to object to this application. The Clerk and Councillor C Lattin **agreed** to draft the objection letter to this proposal.

DM/24/00402/FPA | Change of use of ground floor office (E) to a 2-bedroom flat (C3) for student accommodation including replacement of 1no window for 1no door and window to rear | 44 Claypath Durham DH1 1QS. It was **agreed** to object to this application and also call this in to Committee. Councillor J Ashby **agreed** to draft the objection letter to this proposal.

DM/24/00129/FPA | Loft conversion comprising rear dormer window with additional bedroom and en-suite to existing five-bedroom HMO | 15 Mistletoe Street Durham DH1 4EP. It was **agreed** to object to this application. The Clerk and Councillor S Walker **agreed** to draft the objection letter to this proposal.

DM/24/00322/FPA | Replacement single storey extension to rear to form shower room to small HMO and insertion of 1no first floor window to front | 10 Lawson Terrace Durham DH1 4EW. It was **agreed** to note this application.

9. Update on the project to identify new BNG sites within the parish area.

The Clerk advised that he had taken the advice of Stuart Priestley (DCC ecology) on this matter and was pursuing the matter of a meeting with the National Trust, in order to discuss potential BNG as part of the green corridor project the Trust is pursuing.

Furthermore, the Clerk advised that he was in discussions with Stuart on the potential for part of the Flass Vale to become a designated site for BNG in the parish area as well as the Cathedral's land agent on the matter of Observatory Hill.

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

8th March 2024

22nd March 2024

5th April 2024

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

Signed,

G. Holland

**Chair of the City of Durham Parish Council Planning and Licensing
Committee
(8th March 2024)**