



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

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10 January 2020

Your Ref: APP/X1355/W/19/3242138
Our Ref: DM/19/02669/VOC

Dear Mr Scott

**Town and Country Planning Act 1990
Appeal by Mr Nigel Gadd
Site Address: 17 Hallgarth Street, Durham City, DH1 3AT**

The City of Durham Parish Council's Planning Committee considered the above appeal at its meeting on 10 January 2020 and resolved to make a statement supporting the Local Planning Authority's refusal of application DM/19/02669/VOC.

It is clear from the documentation on the County Council's Planning Portal that the application form was defective in describing the proposals as being to "*remove restriction to Sunday trading of 1130 to 1500hours.*" Accompanying statements were no clearer in their description as seeking to "*update the hours listed on the planning certification so that it matches the liquor license.*" The applicant's appeal statement recognises that confusion arose from these statements and now clarifies that he seeks only to extend Sunday closing time from 15.00 hrs to 22.30 hours.

There were objections at the time of the planning application, arguing that a peaceful evening one day a week is a reasonable expectation; the County Council's report refusing the application endorses the previous refusal in 2001 of a similar application and the grounds on which that refusal was made. The City of Durham Parish Council considers that the reasons for refusal both in the preceding case and in the current case are well-founded. If communities are to be able to have at least one peaceful evening in a week then Sunday is the most appropriate day, and the current closing time for 17 Hallgarth Street of 15.00 hours on Sundays should be retained.

The disconnection between Planning and Licensing functions has been the subject of national discussion, and the House of Lords Licensing Committee in 2017 recommended single committees to operate both licensing and planning decisions. The Government's response at that time stated

this as an area which would “spur further work” so that “the system of licensing can be made to function more effectively and the lessons that can be learned from the planning system”. This is an issue that has been experienced in numerous cases in Durham City, such that the Police and the County Council undertook a concerted programme of License reviews and Planning Enforcement actions to recover one particular street in the city from its ‘Wild West’ problems of planning conditions setting much earlier closing times than the Licenses allowed. The City of Durham Parish Council is thus directly aware of the need to assert the primacy of planning conditions to safeguard residential amenity in the area.

The Parish Council agrees with Durham County Council’s refusal of planning application DM/19/02669/VOC as being contrary to Saved Policies H13, S7 and S10 of the City of Durham Local Plan, and respectfully requests that the Appeal be dismissed.

Yours sincerely,

ADAM SHANLEY

Clerk to the City of Durham Parish Council