

City of Durham Parish Council

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2nd January 2023

Access details for the Planning and Licensing Committee:

Join Zoom Meeting
<https://us02web.zoom.us/j/88275646913>
Meeting ID: 882 7564 6913

Dear Planning and Licensing Committee Member,

In accordance with the Local Government Act 1972, I hereby give you notice that a meeting of the **Planning and Licensing Committee** will be held in **via Zoom** on **Friday 6th January 2023 at 13:00pm** to transact the following business:

- 1. Welcome and apologies**
- 2. To receive any declarations of interest from members.**
- 3. To receive and approve as a correct record the minutes of the meeting held on 9th December 2022**
- 4. To receive any public participation comments on the following agenda items.** Please email the Parish Clerk parishclerk@cityofdurham-pc.gov.uk to register to speak.
- 5. Matters arising:**
 - (a) To agree the draft responses to the following planning and licensing application(s) and/or appeal(s):**

DM/22/03456/FPA | Conversion of first and second floors to form two 5-bed HMOs (Use Class C4) including window changes to lightwell elevation. | First Floor And Second Floor 84 Claypath Durham DH1 1RG

DM/22/03459/DRC | Discharge of condition 12 of planning approval DM/18/02118/FPA relating to a construction management plan. | Land To The North East Of Holly Street Durham DH1 4ER

Application to vary a premises licence by Mr Simon Paul Brind for Blue Eye. 25 Elvet Bridge, Durham. DH1 3AA.

Application for the grant of a premises licence by STACK (Durham) Ltd for Stack 2-6 Silver Street, Durham. DH1 3RB.
 - (b) To consider the outcome of the following planning and licensing application(s) and/or appeal(s):**

(c) To consider the latest update(s) on the following planning applications:

DM/22/02285/LB | Demolition of Dryburn House, a Grade II Listed Building | Dryburn Hall Doctors Residence University Hospital Of North Durham North Road Durham DH1 5TW. The Clerk advised that it is now looking likely that this listed building will be salvaged in some way shape or form and that the Parish Council would continue to liaise with the County Council on this matter.

DM/22/02346/FPA and **DM/22/02347/LB** | Demolition of listed police telecommunications mast | Durham Constabulary Police Headquarters Aykley Heads Durham DH1 5TT. The Clerk advised that it is now looking likely that this listed building will be salvaged in some way shape or form and that the Parish Council would continue to liaise with the County Council on this matter.

6. Update on recent licensing application(s) within the City of Durham parish area (Woodman Inn, STACK, Blue Eye, The Tythe Barn, The Fighting Cocks).

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

a) To note:

N/A

b) To discuss:

DM/22/03232/FPA | Change Of Use from Class E 'Commercial, Business And Services' to a mixed-use comprising use within use Class E and Sui Generis 'Drinking establishments and venues for live music performances and events' with ancillary facilities, alterations to the external elevations and provision of a roof-top terrace with external seating and associated facilities. | 4 - 6 Silver Street Durham DH1 3RB

8. To consider the following new licensing applications:

Mr Sagar Nayyar	Go Local Brooklyn House 3 Broom Lane Ushaw Moor DH7 7LQ	Application to vary a premises licence To extend the hours for sale of alcohol (off the premises) Monday to Sunday 5.00am to mid-night. This would also include deliveries during these times	17 January 2023
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9. Considering the alternatives to the cumulative impact policy for Durham City proposal – report included.

10. To ratify the list of decisions by the Committee Chair and the Clerk on recent planning applications – report included.

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

Adam Shanley
Clerk to the City of Durham Parish Council

City of Durham Parish Council

Minutes of Planning Committee meeting held via Zoom at 13:00pm on Friday 9th December 2022

Present: Cllr G Holland (in the Chair), Cllr V Ashfield, Cllr E Ashby, Cllr C Lattin and Cllr S Walker.

Also present: A Shanley (Parish Clerk), Mr Roger Cornwell, Mr John Ashby, Mr Richard Combstock, Allie, Ms Janet George and Mr John Lowe (members of the public).

1. Welcome and apologies

Apologies were received from Cllr R Ormerod.

2. To receive any declarations of interest from members

The Clerk advised the Committee that he has an interest in application DM/22/03505/FPA and therefore would not take part in any of the discussions on this item.

3. To receive and approve as a correct record the minutes of the meeting held on 25th November 2022

The minutes of the meeting held on 25th November 2022 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 listed.

Mr John Ashby advised that he was attending the meeting with a general interest in all agenda items listed.

Mr Richard Combstock advised that he was the owner of the Rocking Horse Studios – where the proposal for application DM/21/04311/FPA was located. Richard advised that he would be attending the County Planning Committee on Tuesday 13th December 2022 and made the Committee aware of his script for the meeting. The Committee agreed that Cllr S Walker should represent the Parish Council at this meeting and should push for more time for Richard to re-locate his business operations from the site at a suitable location within the City. Richard thanked the Parish Council for its support.

Allie advised that she was attending the meeting to hear the discussions on application DM/22/02364/FPA.

Ms Janet George advised that she was attending the meeting to hear the discussions on the review application for the Woodman Inn pub.

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

5. Matters arising:

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

DM/22/03024/FPA | Raising of roof height and creation of upper floor. Rear and side extensions to existing house, including terraces to side and front and internal re-configuration. Detached car port with gazebo and garden storage facility and new vehicular access. | Tower Cottage The Avenue Durham DH1 4EB. The Committee **approved** the follow-up response to this application.

DM/22/03312/FPA | Erection of detached garage at land south east of Crossways, Durham. Removal of trees and other enabling works. | Land To The South East Of Crossways Whitesmocks Durham DH1 4LL. The Committee **approved** the response to this application.

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

DM/21/00101/FPA | Proposed Extension and Conversion to 2No Apartments | 9 Station Lane Gilesgate Durham DH1 1LJ. The Committee **noted** that the appeal for this scheme had been refused.

DM/22/00369/FPA | Change of use from C3 to C4 | 24 Nevilledale Terrace Durham DH1 4QG. The Committee **noted** that the appeal for this scheme had been refused.

(f) To consider the amendments to the following planning application(s):

DM/22/02364/FPA | Change from dwellinghouse (C3) to small house in multiple occupation (C4) including two storey and single storey extensions | 1 St Monica Grove Crossgate Moor Durham DH1 4AS. The Committee **agreed** to maintain its objection to this application.

6. To consider the following new planning applications in the parish area

c) To note:

DM/22/03407/FPA | Single storey rear sun room extension, two rooflights to the rear main house roof slope. Bin store and access stair to the front of the house at 'basement' level | 25 Albert Street Durham DH1 4RL. It was **agreed** to note this application.

DM/22/03492/TPO | T1,T2,T3,T4,T5 (Sycamore) - Remove snapped branches, crown lift 4m T6 (Holly) - Remove deadwood G1, G2 (Remove to ground level) | University Hospital Of North Durham North Road Durham DH1 5TW. It was **agreed** to note this application.

DM/22/03470/FPA and DM/22/03471/LB | Re-landscaping of existing North Terrace to Durham Castle to provide suitable outdoor student space for the wider student experience. Creation of a well-being garden and walkway adorned with period appropriate plantings and benches. | University College Durham Castle Palace Green Durham DH1 3RW. It was **agreed** to note this application.

DM/22/03478/LB and DM/22/03480/AD | 2 No. non illuminated fascia signs with projecting logo and letters, 1no. non-illuminated hanging projecting sign, various shopfront marketing vinyls and internal alterations. | 12 Silver Street Durham DH1 3RB. It was **agreed** to note this application.

DM/22/03524/LB | The addition of a secondary double door-set to create inner lobby, the removal and in-filling of 6no. mid-twentieth century stone niches and the removal of 1no. mid-twentieth century timber door-set at the Norman Chapel, Durham. | University College Durham Castle Palace Green Durham DH1 3RW. It was **agreed** to note this application.

d) To discuss:

DM/22/03342/AD | Display of fascia and projecting sign (resubmission DM/22/01227/AD) | 12 North Road Durham DH1 4SH. It was **agreed** to note this application.

DM/22/03456/FPA | Conversion of first and second floors to form two 5-bed HMOs (Use Class C4) including window changes to lightwell elevation. | First Floor And Second Floor 84 Claypath Durham DH1 1RG. It was **agreed** to object to this application and to call the application in to Committee. The Clerk **agreed** to draft the letter of objection for this application.

DM/22/03505/FPA | Refurbishment and extension of existing museum for use as exhibition centre and gallery venue (Use Class F.1) with ancillary restaurant/cafe (Use Class E(b)) and retail (Use Class E(a)) uses, and alterations to landscaping, access, and parking. | DLI Museum Durham DH1 5TU. It was **agreed** to note this application.

DM/22/03403/PNT | Prior notification for installation of 1 no. 20m Phase 9 monopole together with 3 no. equipment cabinets and associated works. | Land Adjacent To Pelaw House Leazes Road Durham. It was **agreed** to note this application.

DM/22/03459/DRC | Discharge of condition 12 of planning approval DM/18/02118/FPA relating to a construction management plan. | Land To The North East Of Holly Street Durham DH1 4ER. It was **agreed** to object to this application. The Clerk **agreed** to draft the letter of objection for this application.

DM/22/03512/FPA | Construction of dwelling. | Land South West Of 39 Fieldhouse Lane Durham DH1 4LT. It was **agreed** to note this application.

DM/22/03548/CEU | Certificate of lawfulness for a change of use from C3 to C4 use class | 30 Orchard Drive Durham DH1 1LA. It was **agreed** to note this application.

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

Application for a minor variation by Kas Inns Limited for the Fighting Cocks 4 South Street. Durham City. DH1 4PP. The Committee **agreed** to note this application.

Application for the grant of a premises licence by STACK (Durham) Limited for Stack. 2-6 Silver Street. Durham. DH1 3RB. The Committee **agreed** to object to this application. Councillor S Walker **agreed** to draft the objection letter.

Application for the review of a club premises certificate by Mr Mark Anslow (DCC Nuisance Action Team Leader) for The Tythe Barn (Durham Prison Officers Club) The Hallgarth Durham DH1 3AX. The Committee **agreed** to note this application.

8. Update on the review application for the Woodman Inn pub, 23 Gilesgate, Durham, DH1 1QW

The Clerk confirmed that he, Cllrs E Ashby and L Brown as well as Mark Anslow (DCC Nuisance Action Team) had met with representatives of the Woodman Inn pub on 5th December in order to carry out mediation of conditions ahead of the hearing of 16th December 2022.

The Committee agreed to support the following additional conditions on the Woodman Inn license:

Proposed Conditions

- 1) Music played outside will be background music only, except during events of Local or National Significance and Designated Events. After 10pm (Sunday to Thursday) and 11pm (Friday and Saturday), background music can only be played

through one speaker (existing) located in the smoking area attached to the building.

- 2) Staff must be trained in the management of complaints from members of the public. E.g. via the County Council.
- 3) A direct contact telephone number for the Premises is to be made available to Environmental Health and Durham Parish Council, so that complaints may be dealt with speedily. This needs to be altered to say that Direct number on the website.
- 4) A Noise Management Plan (including TVs and smoking area), to be submitted and agreed by Environmental Health.
- 5) There will be a maximum number of 12 Designated Events in any one calendar year. Weddings and Designated Events of Local and National significance would comprise any one of the 12. 10pm cut off for live music and 11pm cut off for recorded music and can only be on Friday, Saturday and Sunday. Must be on the website at least 2 weeks in advance. Based on Pop Code across the County.
- 6) Use of the beer garden area (including any structures) should cease at 10pm on weekdays (Sunday to Thursday) and 11pm on weekends (Friday and Saturday). Except for:
 - a) Use of the outdoor smoking area,
 - b) any of the 12 designated events (as detailed in condition 5).

Definitions:

Events of Local and National Significance: Events of Local and National Significance may include Durham Miners Gala, Football and Rugby World Cup, Champions League Finals, FA Cup Finals, European Football Championships, Bonfire Night, Halloween, Burns Night, and Designated Bank Holidays.

Designated Events: A maximum of 12 per year. Any Designated Event to take place, and they comprise events of Local and National Significance, in strict accordance with the approved and adopted Noise Management Plan, to include procedures for notification, and active noise monitoring and control. The approved and adopted Noise Management Plan is to include procedures for notification, and active noise monitoring and control.

Some Members expressed concerns about the word "comprise" in this list of additional conditions and it was therefore **agreed** that the Clerk should seek further advice on this.

9. Update on planning enforcement case on 1 Victoria Terrace Durham DH1 4RW (The Funky Monk)

The Clerk reminded Members of the ongoing concerns relating to the use of 1 Victoria Terrace. The Clerk advised that DCC had recently held a case review meeting with their enforcement team to discuss the findings from a site visit last week. DCC's initial view is that there may well be a change of use involved here (in addition to issues to do with

the signage and steps / decking). DCC has therefore confirmed that they will be serving a Planning Contravention Notice, to establish the facts in the next few days and have promised to keep the Parish Council updated on this case.

10. Update on the Production of a Conservation Area Management Plan

The Clerk advised that he had recently met with the new Senior Conservation Officer Rebecca Taylor – in charge of delivering the Conservation Area Management Plan - on and she started officially on Tuesday 6th December.

The Clerk reminded Members that a review of the Conservation Area is a statutory requirement of the Conservation Act.

The Clerk advised that the current Conservation Area Character Appraisals (CACAs) do not reflect the current policy situation we find ourselves in.

The Clerk advised that Rebecca is hoping to establish a working group (to include the WHS Committee, the City of Durham Trust, Historic England and the Parish Council). The Clerk confirmed that there will also be a requirement to undertake a public consultation on any changes to the Conservation Area.

The Clerk also advised that DCC is currently in the process of finalising the local list (consulted on earlier in 2022) and the list for assets in the City is expected to be substantial.

The Clerk advised that he would be liaising directly with Rebecca throughout her contract and that there is an expectation that the Committee will receive a minimum of a quarterly report.

The Committee thanked the Clerk for this update.

11. Considering the alternatives to the cumulative impact policy for Durham City proposal

It was **agreed** to defer this item until the next meeting of 6th January 2023.

12. Arrangements for the Planning and Licensing Committee over the Christmas and New Year holidays

Members **agreed** to revert to the usual delegated procedures during the Christmas break whereby the Chair and Clerk of the Planning Committee would consider any and all new planning applications within the parish and a position on each application be taken in writing between the Chair and the Clerk – other than in cases of major applications. Any decisions would then be ratified at the next formal meeting of the Planning and Licensing Committee.

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

Signed,

**Chair of the City of Durham Parish Council Planning and Licensing Committee
(6th January 2023)**

ITEM 9: CONSIDERING THE ALTERNATIVES TO THE CUMULATIVE IMPACT POLICY FOR DURHAM CITY PROPOSAL

As a Licensing Authority, Durham County Council is required to ensure that any decision relating to licence applications for the sale of alcohol, regulated entertainment or late-night refreshment is consistent with the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Each licence application must be considered on its merits, without consideration of other licensed premises in the area. It can only consider statements opposing new licences which can demonstrate that granting the proposed license would be in conflict with those specific licensing objectives.

The Parish Council is acutely aware that in the city centre the cumulative effects of the multiple premises servicing the night time economy have the potential to undermine one or more of the licensing objectives. In fact, the Parish Council has received multiple complaints regarding the public nuisance that these premises have caused.

In such cases, Durham County Council may, following a cumulative impact assessment, introduce a cumulative impact policy. A cumulative impact policy creates the presumption that new and variation applications for premises that are likely to add to the cumulative impact will normally be refused unless the applicant is able to comprehensively demonstrate in their operating schedule that granting the application will not undermine one or more of the licensing objectives.

The Parish Council has proposed both a late night levy and cumulative impact policy. The County Council when approached intimated that a late night levy would not be their favoured approach, as it would need to apply to the whole licensing area and would be an onerous financial burden on small businesses in parts of the region that are not experiencing the problems experienced in the city centre.

During informal consultations there has been a lot of soft support for a cumulative impact policy, however getting practical action has been difficult. In part because there has been little evidence for an increase in crime around the city centre that can be ascribed wholly and conclusively to the density of licensed premises.

In September 2019, the County Council consulted on a proposal to introduce a cumulative impact policy for Durham City. During this consultation, Durham Constabulary, Durham University, local Ward Members, the City of Durham

Parish Council and the former Member of Parliament all supported the introduction of this policy to the City.

The County Council outsourced this assessment to a specialist third party and the outcome of that assessment was that there was (as at October 2019) insufficient evidence to support the publication of a Cumulative Impact Assessment (CIA) in respect of Durham City Centre (or for any other area of County Durham). That being the case, the County Council committed to keeping this under review and to further assessments of the need for a 'special policy' as part of the Statement of Licensing Policy for County Durham.

Durham City has a rapidly growing night time economy with a further major development (Milburngate) set to come on board in the coming weeks. This adds a further 48,000sq ft of 'retail and leisure' space to the City. It is apparent from recent licensing applications (Brewdog and the Botanist) that 'retail and leisure' will effectively equate to yet more late night licensed premises and the Licensing Committee has also noted the recent losses of retail space at both Riverwalk and North Road to licensed premises.

Focusing in on just one of the conclusions of the previous study, considering the statutory provisions and guidance relating to CIA's, the following observation was made concerning the evidence obtained by the Council concerning the need for a CIA for Durham City Centre:

"Durham Constabulary has not provided any crime and disorder statistics or other relevant information which provides evidence that crime and disorder is being caused by the customers of licensed premises which are located in a specific geographical area within Durham city centre. And on the basis of the information received from the Council and application of the statutory provisions and guidance, it is considered that there is insufficient evidence to support the publication of a CIA in respect of Durham City Centre at this point in time."

The Parish Council is left in the unenviable position of not having any valid grounds to oppose new license applications, if no opposition is voiced then we may appear to condone the new application.

If the Parish Council opposes new licenses on grounds that will inevitably fail, the work load of the clerk is increased unnecessarily and worse the Parish Council could become synonymous with vexatious complaints, and it will cease to be a voice to be listened to.

Currently the Parish Council does not have a consensus on where the appropriate middle ground is between these two approaches

Recently Councillors Ashby and Walker met to discuss possible strategies with a view to proposing something that would improve the situation in the future.

It was noted that there was soon to be a change of personnel in one of the interested groups, and a new person may bring new ideas and fresh enthusiasm to the problem.

It was also noted that there is increasing accommodation in development above commercial premises and hence the character of the city centre is becoming more residential. The potential for public nuisance to arise from multiple licensed premises in a relatively small area is increased. It may be wise to approach the request for a cumulative impact assessment on the grounds of public nuisance

Going forward it would be useful to work with other interested parties and to gather and record evidence in support of a cumulative impact policy. It is interesting that a relatively low threshold for evidence is used in some cumulative impact assessments. e.g.

"In 2016 Armley was identified as an area suffering from antisocial behaviour displayed by groups of men standing and drinking in the street. It could be reasonably expected that these people were drinking alcohol purchased on Town Street and so a new area was described covering Armley Town Street and Branch Road and relating just to off licences."

[Cumulative Impact Assessment.pdf \(leeds.gov.uk\)](#)

In addition, many cumulative assessments included data of alcohol related admissions to local hospitals, and also data from local voluntary groups that help those who are at risk during the evening such as the SWAN hub. If the Parish Council and other interested parties managed to collate their own data this could be used to persuade the council of the urgent need for a cumulative impact assessment.

In conclusion, moving forward with our campaign for a sensible and appropriate licencing policy for our city, The Parish Council needs to engage with other local groups e.g. local residents' groups, the City of Durham Trust, the Safety of Women at Night Hub staff.

The Parish Council needs to widen its grounds for calling for a cumulative impact assessment. Especially to those of public nuisance and of public harm.

The Parish Council should maintain a log of incidents that could be reasonably expected to have been caused by people using the licensed premises in the area. Once enough evidence has been gathered, the Parish Council should again press the County Council's Licensing Authority for a cumulative impact assessment.

It should be noted that in pressing for a cumulative impact assessment the Parish Council is not dropping its desire for a late night levy but will be addressing that separately.

ITEM 10: TO RATIFY THE LIST OF DECISIONS BY THE COMMITTEE CHAIR AND THE CLERK ON RECENT PLANNING APPLICATIONS

At its meeting of 9th December, the Planning and Licensing Committee Members agreed to revert to the usual delegated procedures during the Christmas break whereby the Chair and Clerk of the Planning Committee would consider any and all new planning applications within the parish and a position on each application be taken in writing between the Chair and the Clerk – other than in cases of major applications.

It was also agreed that any decisions by the Chair and the Clerk would then be ratified at the next formal meeting of the Planning and Licensing Committee (i.e. 6th January 2023).

During the Christmas break of 2022, the Chair and the Clerk considered the following applications and the respective decision for each application is listed below:

DM/22/03132/FPA Formation of driveway, brick pillar and dropped kerb to front. It was **agreed** to note this application.

DM/22/03533/LB Replace front door. It was **agreed** to note this application.

DM/22/03536/FPA Removal of and replacement of free-standing perimeter and wall mounted lighting for the purpose of prison security. It was **agreed** to note this application.

DM/22/03617/FPA Renovation and replacement of existing rear fenestration. It was **agreed** to note this application.

DM/22/03636/PNT Land South Of Kepier Community Clinic Kepier Crescent Gilesgate Moor Durham DH1 1PH Prior notification for installation of 9m Phase 9 monopole together with wraparound cabinet at base, 3no. ancillary equipment cabinets, and associated ancillary works. It was **agreed** to note this application.

DM/22/03662/VOC Variation of condition No. 7 (Coal mining assessment) pursuant to planning permission DM/21/01876/FPA for a replacement dwelling. It was **agreed** to note this application.

DM/22/03637/FPA 99A Hallgarth Street Durham DH1 3AS Addition of two attic dormers to match existing. It was **agreed** to note this application.

DM/22/03685/LB 27 North Road Durham DH1 4SG Remove remains of stone chimney at eaves level south (rear) elevation and slate over to match existing roof covering. Remove existing defective cement render from south (rear) elevation and replace with lime based render (stone coloured finish). It was **agreed** to note this application.

DM/22/03691/TPO Bells Folly Potters Bank Durham DH1 3RR 1. Beech - Crown reduce and reshape by 2.5m prune to clear the adjacent building to give 1.5m clearance. It was **agreed** to note this application.

DM/22/03232/FPA 4 - 6 Silver Street Durham DH1 3RB Change Of Use from Class E 'Commercial, Business And Services' to a mixed-use comprising use within use Class E and Sui Generis 'Drinking establishments and venues for live music performances and

events' with ancillary facilities, alterations to the external elevations and provision of a roof-top terrace with external seating and associated facilities. It was **agreed** that this application should be discussed at the meeting of 6th January 2023.

DECISION REQUIRED	For Members to ratify the decisions on recent planning applications within the parish area by the Committee Chair and the Clerk as listed above.
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