



City of Durham Parish Council

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Date of Summons: 2nd September 2024

SUMMONS

To all Members of the City of Durham Parish Council's Planning and Licensing Committee: Councillors E Ashby, J Ashby, N Brown, R Hanson, G Holland, C Lattin and S Walker.

You are hereby summoned to attend the **Planning and Licensing Committee meeting** to be held **via Zoom at 12:00pm on Friday 6th September 2024** for the purpose of transacting the following Agenda business as shown.

Join Zoom Meeting

<https://us02web.zoom.us/j/81316881081>

Meeting ID: 813 1688 1081

Members of the public and press are also cordially invited to attend. Members of the public may address Council, Committee or Sub-Committee meetings for up to three minutes, with the agreement of the Chair of the meeting, provided that the statement is related to an item on the agenda. The speaker should approach the Clerk before the meeting commences to request to speak during the meeting.

Members are reminded that the Council has a general duty to consider the following matters in the exercise of any of its functions: Equal Opportunities, Health & Safety, Civility and Respect and Human Rights plus Social, Economic and Environmental matters.

Yours faithfully,

A. Shanley

Mr Adam Shanley
Clerk to the City of Durham Parish Council

AGENDA

- 1. Welcome and apologies**
- 2. To receive any declarations of interest from members.**
- 3. To receive and approve as a correct record the minutes of the meeting held on 23rd August 2024**
- 4. To receive any public participation comments on the following agenda items.**
- 5. Report on freehold housing in the parish area and estate charges**
- 6. To consider the latest updates on the project with DCC to produce an evidence base for Non-Designated Heritage Assets (NDHAs) in the Conservation Area.**
- 7. Matters arising:**

- (a) To approve the draft response(s) to the following planning and/ or licensing application(s):**

DM/24/00938/FPA | Two storey side and rear extension | 7 Springwell Road Durham DH1 4LR

Follow up response to PINs relating to appeals APP/X1355/W/24/3337793 (12 The Hallgarth) and APP/X1355/W/24/3340997 (10 Mavin Street).

DM/24/02078/FPA | Extend existing external seating terrace and new external raised timber deck adjacent to riverbank | 20 Silver Street Durham DH1 3RB

DM/24/02200/FPA and **DM/24/02161/LB** | Convert the existing attic space to a bedroom with en-suite, including a new staircase from the 2nd floor, replacement skylights and alterations to existing bedrooms. Convert the outbuilding to an office space including alteration to the external walls and roof. | 90 Gilesgate Durham DH1 1HY

DM/24/02174/FPA | Conversion and subdivision of dwellinghouse (Use Class C3) to form 2 No. apartments (Use Class C3) | 9 Station Lane Gilesgate Durham DH1 1LJ

- (b) To consider the outcomes of the following planning application(s)/ appeal(s) in the parish area:**

APP/X1355/W/24/3344526 Cross View House, Cross View Lane, Nevilles Cross, Durham DH1 4PJ.

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

- a) To note:**

DM/24/02272/FPA | First floor side extension | 10 Springwell Avenue Durham DH1 4LY

DM/24/02129/FPA | Removal of existing external roof-top plant equipment and installation of 6no Air Source Heat Pumps (ASHPs) at the roof level of the Durham University Racecourse Pavilion building. | Durham City Cricket Pavilion Green Lane Durham DH1 3JU

DM/24/02241/FPA | Removal of external chimney stack. | 12 The Hallgarth Durham DH1 3BJ

DM/24/02341/TPO | T4 - Ash (TPO ref. PN1-316) - Fell due to Ash dieback | 33 Ferens Close Durham DH1 1JX

b) To discuss:

DM/24/02164/FPA | Single storey rear extension to existing small HMO (Use Class C4) with loft conversion and installation of 4 no. velux roof lights | 3 Lawson Terrace Durham DH1 4EW

9. To consider the following new licensing application(s) within the parish area:

Stonegate Pub Company Limited	The Three Bridges 80-83 North Road Durham DH1 4SQ	Minor variation of a premises licence To update the plan attached to the premises licence following a refurbishment at the premises.	11 September 2024
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10. Proposals by the UK Government to ban smoking in pub gardens and outdoor venues.

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

20th September 2024

4th October 2024

18th October 2024

City of Durham Parish Council

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

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

Also present: Mr A Shanley (Parish Clerk), Mrs Frances Armstrong, Mr Paul Armstrong, Ms Nicola Duckworth, Dr Francis Whalley, Mr Roger Cornwell, Mr Allan Gemmill, Mr Brian Tanner and Ms Sue Childs (members of the public) and County Councillor Liz Brown.

1. Welcome and apologies

Apologies were received and accepted from Councillors N Brown and R Hanson.

2. To receive any declarations of interest from members.

None received.

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

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

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

Mrs Frances Armstrong advised that she was attending the meeting to hear the discussion on application DM/24/00938/FPA.

Mr Paul Armstrong advised that he was attending the meeting to hear the discussion on application DM/24/00938/FPA.

Ms Nicola Duckworth advised that she was attending the meeting to hear the discussion on application DM/24/00938/FPA.

Councillor Liz Brown advised that she was attending the meeting to hear the discussion on application DM/24/00938/FPA.

Dr Francis Whalley advised that he was attending the meeting with a general interest in all Agenda items.

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

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

Mr Brian Tanner advised that he was attending the meeting to hear the discussion on applications DM/24/02200/FPA and DM/24/02161/LB.

Ms Sue Childs advised that she was attending the meeting to participate in Item 5 on the Agenda.

5. To consider the latest updates on the project with DCC to produce an evidence base for Non-Designated Heritage Assets (NDHAs) in the Conservation Area.

The Clerk took the opportunity to thank all those involved in supporting the Parish Council and County Council with the production of surveys for each of the 313+ NDHAs within the parish area.

Ms Sue Childs advised that the majority of NDHA surveys had now been returned by volunteers and that she had worked through each of these to ensure that they were labelled correctly and the photos corresponded to the correct asset for formal handover to DCC in early September.

Sue advised that approximately 80 asset surveys were yet to be returned and the Clerk advised that he would be contacting the volunteers looking into these assets.

The Committee took the opportunity to thank Sue Childs for her extensive work on this project.

6. Consultation on the proposed changes to the National Planning Policy Framework

The Committee noted that Government has now launched an extensive consultation (including 106 questions) on proposed changes to the NPPF. The Committee felt that its work on this consultation should focus primarily on several key changes: housing numbers, the introduction of Grey Belt as a concept in national planning, upward development and changes to the NPPF in relation to climate change.

The Committee **agreed** that a separate face-to-face meeting involving partners such as the City of Durham Trust should take place on Monday 9th September at 10am at Clayport where there could be time to go through the full details of these changes.

7. Matters arising:

(c) To approve the draft response(s) to the following planning and/ or licensing application(s):

DM/24/01551/FPA | Conversion of part of the lower ground floor from retail (E) to form 1no small HMO (C4) | 37 Silver Street Durham DH1 3RD. The Committee **approved** the response to this application. In doing so, the Committee noted that additional information regarding bin storage and cycling had been submitted by the applicant. The Committee felt that further clarification on the bin storage area in particular was needed.

(d) To consider the outcomes of the following planning application(s)/ appeal(s) in the parish area:

DM/24/01720/AD | Display of vinyl graphics on red dibond panels installed externally to shop windows | 38 The Riverwalk Millburngate Durham DH1 4SL. The Committee **noted** that this application had now been approved, with the requested condition that the signage not be illuminated.

(e) To consider the latest updates on the following planning application(s)/ issue(s) in the parish area:

DM/24/00938/FPA | Two storey side and rear extension | 7 Springwell Road Durham DH1 4LR. The Committee considered the latest plans for this application and **agreed** to object and call-in this application. The Clerk **agreed** to draft the objection letter to this application.

Follow up response to PINs relating to appeals APP/X1355/W/24/3337793 (12 The Hallgarth) and APP/X1355/W/24/3340997 (10 Mavin Street). The Committee noted with appreciation the excellent letter from DCC to PINs on these recent appeal decisions. The Committee **agreed** that the Parish Council should also draft a rebuttal of aspects of these decisions to PINs. Councillors J Ashby and G Holland **agreed** to draft the letter.

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

c) To note:

DM/24/02059/LB | Roof repair works (retrospective) | 1-4 Red Hill Villas Durham DH1 4BA. It was **agreed** to note this application.

DM/24/02115/FPA | Single-storey rear infill extension | 2 Buford Court Albert Street Durham DH1 4TL. It was **agreed** to note this application.

DM/24/02076/FPA and **DM/24/02077/LB** | Demolition and replacement of existing ground-floor single storey conservatory, internal alterations to include a shower room to the second-floor, internal secondary glazing to existing window to first-floor study | 49 South Street Durham DH1 4QP. It was **agreed** to note these applications.

DM/24/02099/LB | Refurbishment of roofs to Almshouses and Pemberton Building consisting of removing stone slates, slates, lead and asphalt and associated sub-structure and felts; Hand cleaning of stone slates and installation of re-used stone slates and slates, new lead and single-ply membrane to tower; Sympathetic stone repairs to east elevation; Repair and repainting of render; Repair of cast iron and lead rainwater goods with replacement where required; Restoration of fenestration; Installation of lightning protection system. | Union Society Palace Green Durham DH1 3EP. It was **agreed** to note this application.

DM/24/02166/FPA and **DM/24/02167/LB** | Installation of 2no Floor Mounted External Condensing Units and 1No Floor Mounted External Heat Recovery Unit and Associated Works | 19 Market Place Durham DH1 3NL. It was **agreed** to note these applications.

d) To discuss:

DM/24/02078/FPA | Extend existing external seating terrace and new external raised timber deck adjacent to riverbank | 20 Silver Street Durham DH1 3RB. It was **agreed** that further clarification on a proposed lighting scheme for this site should be requested. Councillor S Walker **agreed** to draft the letter to DCC on this.

DM/24/02200/FPA and **DM/24/02161/LB** | Convert the existing attic space to a bedroom with en-suite, including a new staircase from the 2nd floor, replacement skylights and alterations to existing bedrooms. Convert the outbuilding to an office space including alteration to the external walls and roof. | 90 Gilesgate Durham DH1 1HY. It was **agreed** to object and call in these applications. The Clerk **agreed** to draft the response letter to these applications.

DM/24/02174/FPA | Conversion and subdivision of dwellinghouse (Use Class C3) to form 2 No. apartments (Use Class C3) | 9 Station Lane Gilesgate Durham DH1 1LJ. It was **agreed** to object and call in this application. The Clerk **agreed** to draft the response letter to this application.

DM/24/02154/VOC | Variation of condition 2 of planning application DM/21/01123/FPA in relation to design and materials, widening of the north gate entrance/exit to the site onto Redhills Lane and associated changes to hard and soft landscaping. | Durham Miners Association Miners Hall Flass Street Durham DH1 4BE. It was **agreed** to note this application.

9. To consider the recent pavement licence application for Happiness 2, North Road at 17 North Road, Durham, Durham, DH1 4SH

Although this application was submitted in error, owing to the land being in private ownership, Members agreed to express safety concerns relating to queueing outside neighbouring night-time economy premises as well as concerns over the impact of this proposal on the PSPO on street drinking in the City centre.

10. To consider the following new licensing application(s) within the parish area:

Application to vary a premises licence to add sale of alcohol (off the premises) Monday to Sunday 12.00pm to 11.00pm by CD Wines Limited for Crush 76 North Road. Durham. DH1 4SQ. It was **agreed** to note this application.

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

6th September 2024
20th September 2024
4th October 2024

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 September 2024)**

ITEM 5: Report on freehold housing in the parish area and estate charges

The Parish Council has recently been contacted by a local resident with concerns relating to estate management charges.

At present, these estate management charges are known to apply in Mount Oswald, Aykley Woods and St. Margaret's Garth in our parish area. In fact, approximately 40% of all new estates built in England over the last five years are covered by these types of charges.

What are freehold estate charges?

Freehold estates are private or mixed-tenure estates where, unlike other residential areas, shared areas and facilities, such as roads, play areas and open spaces, are not owned or looked after by the local authority. Responsibility for their maintenance will instead rest with a private company (often the original developer) or homeowners themselves through a residents' management company (RMC).

Responsibility for estate management is normally agreed when the local authority grants planning permission. Authorities can be reluctant to take responsibility for common areas (a process known as 'adoption') due to the maintenance costs involved.

The private company or RMC will normally employ an estate management company to organise the necessary maintenance work on the estate, and the estate residents will be required to pay for the maintenance via an estate charge.

The requirement to make a financial contribution will be set out in legal documents that are signed when the property is bought.

The amount of council tax each household pays is not discounted or adjusted to account for the estate charge or to reflect the specific services received. Council tax is collected to deliver a broad range of services across the wider local community.

What rights do freeholders currently have?

Unlike leaseholders, freehold homeowners on these estates currently have very limited rights over the cost and quality of services provided.

Where the developer employs a management company, a freeholder can lodge a complaint with the relevant redress scheme. Property management companies in England must belong to a government-approved redress scheme: The Property Ombudsman or The Property Redress Scheme. These schemes provide for independent resolution of disputes. There is government guidance on the schemes.

What new rights will freeholders have?

The Leasehold and Freehold Reform Act 2024 received royal assent on 24 May 2024. The act will strengthen the rights of freehold homeowners on private and

mixed-tenure estates in England and Wales. In particular, it will give freeholders the right to:

- challenge unreasonable estate charges and the standard of work carried out through an application to a First-tier Tribunal (Property Chamber) (or Leasehold Valuation Tribunal in Wales).
- apply to the tribunal to appoint a substitute manager where their estate management company is failing.
- improve the transparency of estate charges and ensure freehold homeowners receive key information on a regular basis.
- improve the transparency of administration charges and give freeholders the right to challenge unreasonable charges through an application to the tribunal.
- require freeholders/developers who directly manage the estate (in other words, they do not employ an estate management company) to belong to a redress scheme.

In 2019, the government said it would consider whether to introduce a statutory right for freeholders to take over estate management via a Right to Manage company. However, provisions to enable this were not included in the Leasehold and Freehold Reform Bill.

Although the 2024 act has received royal assent, the majority of the provisions are not yet in force and will need to be commenced through secondary legislation. The Labour government has committed to “act quickly to provide homeowners with greater rights, powers and protections over their homes by implementing the provisions of the Leasehold and Freehold Reform Act 2024...” There have been no further announcements about the implementation timetable.

Future reforms

In the King’s Speech 2024 the government committed to publish a draft Leasehold and Commonhold Reform Bill in the 2024-25 parliamentary session, so that it may be subject to broad consultation and additional parliamentary scrutiny.

The background briefing notes to the King’s Speech 2024 said the Bill will, amongst other things, “bring[ing] the injustice of ‘fleecehold’ private estates and unfair costs to an end.” The government will consult on the best way to achieve this.

CMA recommendations on estate management

In February 2024, the Competition and Markets Authority’s (CMA) final report on its market study into housebuilding identified significant issues with private estate management. The CMA consequently recommended action to:

- prevent the proliferation of private management arrangements on new housing estates; and
- provide greater consumer protections for homeowners on existing privately managed estates.

The CMA also invited the UK, Scottish and Welsh governments to consider options to support the adoption by local authorities of shared amenities on estates currently under private management arrangements.

What can the Parish Council do about this issue?

Residents have asked if the Parish Council would consider adding their voice to lobbying our local Member of Parliament Mary Kelly Foy, to seek changes to the national legislation on this matter.

Moreover, residents have highlighted the case of Stratford District Council and asked if more localised action can be taken to address this problem.

In 2020, Stratford District Council agreed to step in, adopting a new planning stance stipulating that for all new housing developments, if parish councils are unwilling to take on the community space, they will automatically adopt it instead, cutting outside management companies out of the loop.

At that time, Stratford Council's portfolio holder for community services said: *"The District Council has listened to the concerns raised by residents about the 'hidden charges' and quality of the maintenance work carried out in these public open spaces. Cabinet has taken a decision, subject to Council approval, that from 1 January 2021 in the event that a Town or Parish Council decides not to take ownership of the public open space, the District Council will take ownership and responsibility for the land"*.