

## City of Durham Parish Council

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Date of Summons: 19<sup>th</sup> April 2024

### SUMMONS

**To all Members of the City of Durham Parish Council:** Councillors E Ashby, J Ashby, V Ashfield, L Brown, N Brown, A Doig, D Freeman, R Friederichsen, R Hanson, G Holland, C Lattin, R Ormerod, E Scott, S Walker and H Weston.

You are hereby summoned to attend the **Meeting of the Council** to be held in the **Main Hall of the Merryoaks Community Hall, Park House Rd, Durham DH1 3QF on Thursday 25<sup>th</sup> April 2024 at 7:00pm** for the purpose of transacting the following Agenda business as shown.

*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. TO RECEIVE AND APPROVE (OR NOT) APOLOGIES FOR ABSENCE FROM TODAY'S MEETING**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**
- 3. APPROVAL OF THE DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 28<sup>TH</sup> MARCH 2024**

**4. PUBLIC PARTICIPATION**

**5. CHAIR'S UPDATE**

The Chair will provide a verbal update on matters arising since the Full Parish Council meeting on 28<sup>th</sup> March 2024

**6. PROPOSAL TO ESTABLISH A WORKING PARTY TO REVIEW COUNCIL POLICY DOCUMENTS/ STANDING ORDERS/ COMMITTEE TERMS OF REFERENCE.**

Documents to be reviewed and formally adopted at the Annual meeting of the Council in May 2024

**7. CONSIDERATION OF APPLICATION DM/24/00705/FPA (PRINCE BISHOPS SHOPPING CENTRE HIGH STREET DURHAM DH1 3UJ)**

Each sub-group will present findings from their assessments of this development proposal

- Design and Conservation (architectural merit)
- Environmental and sustainability impact
- Rationale / bedspaces needs assessment / hotel use
- Construction method and transport

# City of Durham Parish Council

**Minutes of the meeting of the City of Durham Parish Council held on Thursday 28<sup>th</sup> March 2024 at 7:00pm in the Main Hall of the Merryoaks Community Hall, Park House Rd, Durham DH1 3QF.**

**Present:** Councillors A Doig (in the Chair), E Ashby, J Ashby, V Ashfield, L Brown, N Brown, D Freeman, R Friederichsen, G Holland, C Lattin, R Ormerod, E Scott and S Walker.

**Also present:** Parish Clerk Adam Shanley and 8 members of the public.

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

Apologies were received and accepted from Councillor H Weston.

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

Apologies were received and accepted from Councillor H Weston.

## **3. APPROVAL OF THE DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 22<sup>ND</sup> FEBRUARY 2024**

The minutes of the meeting held on 22<sup>nd</sup> February 2024 were unanimously **agreed** as a true and accurate record of proceedings.

## **4. PUBLIC PARTICIPATION**

The Chair welcomed Ms Debbie Hills to the meeting and invited her to speak for 3 minutes. Ms Hills thanked the Chair and made the following statement to the Council on Leazes Bridge:

*"Congratulations on your Quality Award Status by the National Association of Local Councils, recognising that Local residents know that the Parish Council will always act wherever it can to address their issues and concerns.*

*However, regarding Leazes Footbridge, to date you have let many residents down. 640 have signed the e-petition asking Durham County Council to re-consider repairing or replacing Leazes Footbridge. This figure would be much higher if digital signing of the petition were easier.*

*Since being here last time, I've learnt first-hand that the Officers of Durham County Council Highways Team, including Directorate level, regard members of the public as an irritant; the more they're asked to explain their decisions, the more recalcitrant they become. It's like stepping back into the 1980's.*

*I understand, however, that Elected Councillors fare somewhat better with Officers. I quote Alan Patrickson, Corporate Director Neighbourhoods and Climate Change who writes "Affected elected members of the City of Durham Parish Council, have been regularly updated since July 2023". I can only imagine how*

*things could have been different if these Parish Councillors had shared this information with others who would have known that Leazes Footbridge is so highly valued.*

*Statements that repair is "not economically viable" or "that the bridge cannot be repaired without significant investment and traffic disruption to both lanes of the A690" have been much 'copied and pasted'.*

*Freedom of Information requests about the bridge show that the concrete across the deck and fixings for the railings has failed and that there is also deterioration to the half joints. All caused by water ingress i.e. lack of appropriate maintenance by the same Highways team.*

*What the Residents want to know is which of these problems is the problem that has condemned the bridge, resulting in the recommendation for its complete removal rather than a repair?*

*And how much is this repair cost that is deemed "too much" and "economically unviable?"*

*The answer will hopefully be in the detailed structural assessment undertaken in July 2023. I asked Alan Patrickson to share it with yourselves (the PC). He wrote "At the time of writing the Council has not received a request from the Parish Council to do so, so I am unable to do this." Since then, both Belmont PCC and I have made Freedom of Information requests to see this structural report in its entirety.*

*Despite the growing voice of discontent, which could be silenced by putting this structural report and the costs of repair into the public domain, the Highways Team, and Alan Patrickson, have not done so. A cynical person might begin to wonder why.*

*In the meantime, I have a few answers which, I am told, have not been shared with yourselves (the PC).*

*The County Council has not yet taken steps to legally stop a Public Right of Way. It intends (I quote) "to submit a retrospective application to the magistrate's court to authorise the stopping up of the highway on Leazes footbridge." Shame on them.*

*The Highways Team have acknowledged the decision to demolish was not taken by any Committee of Elected Representatives, other than being, and I quote Alan Patrickson again "presented at the County Council meeting on 28th February 2024, which in governance terms gives the project full Council approval to go ahead." A couple of lines within a 500 odd page budget pack. Shame on them.*

*Continuing to quote Disability Discrimination Act 1995 as a reason not to repair, legislation entirely superseded by the Equalities Act 2010, is simply wrong I ask this Parish Council to ensure Leazes Footbridge is not demolished until all the repair details, including cost, are in the public domain.*

*There is a wonderful opportunity for Durham County Council to prove that they do listen to Residents and to support thousands of Residents in maintaining a safe and accessible walking and cycling route”.*

The Chair welcomed Mrs Angela Darnell to the meeting and invited her to speak for 3 minutes. Mrs Darnell made the following statement to the Council on Leazes Bridge:

*“Thanks to Debbie Hills – for all her hard work and continued resilience in asking challenging questions of both officers and councillors.*

*I would like to comment on the process described at the February parish council meeting - The Chair indicated that Amanda Hopgood asked the Parish Council to support a press release on the proposed closure of Leazes Bridge. Apparently, she gave no details on costings, impact and replacements etc. I was disappointed to learn that the Parish Council supported this request via emails to Parish Council Members.*

*I find it hard to understand why the Leader of the Council thought this was the right way to proceed on such a contentious issue and why did the Parish Council not challenge this request, asking for more details, before the press release was published.*

*So, what happens next? Councillor Freeman made it clear at the Feb. meeting that the bridge is to be demolished. He did not seem to know any details of costings but, if that is the case and the decision has been made, then the PC must look at the alternatives to the bridge very carefully.*

*Additional traffic lights are not workable as Victoria Ashfield demonstrated very effectively at the February meeting.*

*The underpass is dirty, dark, often with graffiti and the rough sleepers pitch their tents there. Have any Parish Council Members even used the underpass recently?*

*A new bridge is essential to the safety and well-being the Durham citizens. As Debbie explained in February – that was the reason for building the bridge in the first place.*

*The doctors at Claypath Surgery have written to DCC stating that the bridge is essential to their patients.*

*I want to give you some specific examples of the impact if the bridge is demolished: -*

- *Social isolation of elderly and disabled residents who cannot get to the Hild/Bede site, who dare not use three sets of traffic lights – cars shooting the lights.*
- *Tourists lost and cutting across the A690*
- *Students using Ravensworth terrace and cutting across the A690*

- *Small businesses losing trade in Claypath – The Capital, Claypath Deli, The Woodman, Well Pharmacy – they are already suffering reduced footfall because the bridge is closed.*

*Finally – from the local people I have spoken to the way this issue has been handled has caused a severe loss of confidence in both the PC and the CC. Over 600 signatures and rising.*

*I would ask the Parish Council and the County Council to think again and do ALL they can to ensure Leazes Bridge is not demolished.*

*Thanks to Janet George – she does a marvellous job as Secretary to the Residents Association – keeping everybody informed of local events.”*

The Chair thanked Ms Hills and Mrs Darnell for their comments.

## **5. COMMITTEE UPDATES**

### **• Planning and Licensing Committee**

Councillor G Holland presented the Planning and Licensing Committee minutes from meetings held on 9<sup>th</sup> and 23<sup>rd</sup> February and 8<sup>th</sup> March 2024. There being no queries from Members, Councillor G Holland moved on to Committee reports.

#### **Report on the work of the licensing policy review working group**

Councillor S Walker began by reminding Members that the Council has now agreed to contract the services of Nicola Allan to respond to the review of DCC’s Licensing Policy consultation on the Parish Council’s behalf.

Councillor S Walker advised that, in order to support the work of responding to this consultation, the Planning and Licensing Committee has established a licensing policy review working group in order that a review of this policy can be given its deserved time not usually possible at a Full Committee meeting.

Councillor S Walker also highlighted that, in order to promote as wide a public engagement of this consultation as possible, the Clerk has designed an information leaflet to be distributed to residents informing them that the consultation is taking place.

Councillor S Walker highlighted that the licensing policy review group is committed to progressing a Cumulative Impact Policy and a late-night levy as part of this consultation. Moreover, that the group is keen to look at other aspects of this policy such as how licensees address the issues of fake IDs and drugs in their premises.

Councillor S Walker advised that the group has agreed a timetable for formulating their response to this important consultation and that representatives of the Committee had met with DCC licensing officers earlier today.

Councillor S Walker and the Clerk remarked on the positive tone of the meeting and highlighted that a new online licensing portal – long campaigned for by the

Parish Council – is now at commissioning stage and is expected to go live in 12-18 months. Councillor S Walker thanked the licensing team for their time in meeting with the Parish Council.

Councillor S Walker also advised that the Police and Crime Commissioner has now agreed to fund the introduction of the Purple Flag scheme in Durham City.

The Chair thanked Councillor S Walker for her report on this and Members unanimously **agreed** to delegate responsibility for responding to and promoting this consultation to the licensing policy review working group.

### **Report on the World Heritage Site Setting Study Project Design Document**

The Clerk presented a report by CBA Associates. The Clerk advised that the report provides information on the proposed methodological approach, timescales and outputs for the preparation of the Durham Castle and Cathedral WHS Setting Study.

The Clerk advised that this report represents the first deliverable for the project in line with the outcomes for stage 1 as defined in the tender submission.

The Clerk highlighted that the report has been prepared to enable the Parish Council and other stakeholders funding this work to comment on the proposed approach early in the project process to ensure that it reflects our needs.

The Clerk advised that this approach has also been shaped by an inception meeting held on 18th January 2024, which included members of the project steering group which includes representatives from Durham County Council, Historic England, Durham University, City of Durham Parish Council and Diocese of Durham.

Members advised that they were fully content with this report and congratulated its author. Members unanimously **agreed** to take an active and positive approach to this project, jointly funded by the Parish Council, and to await further feedback on this.

#### **• Environment Committee**

Councillor C Lattin presented the minutes from the Environment Committee meeting held on 13<sup>th</sup> February 2024. There being no queries from Members, Councillor C Lattin moved on to Committee updates.

### **Report on the recent project at Laburnum Avenue/ Lawson Terrace.**

Councillor C Lattin reminded Members that the Parish Council had recently funded the clearing of land to the rear of Laburnum Avenue and Lawson Terrace as well as planting of new fruit trees.

Councillor C Lattin highlighted that Durham County Council had sub-contracted the work to clear this site and the contractors have been widely praised for their excellent work.

Equally, Councillor C Lattin advised that the volunteers who have supported the Parish Council in planting a range of fruit trees did an excellent job and Councillor C Lattin thanked them most gratefully.

Although not broken down to this detail at the time of quoting for the site, the Clerk advised that DCC officers based their quote for the clearing of the site on an estimate that the vegetation and rubble would be approximately 3 tonnes.

The Clerk advised that he was contacted in early March, six months following the clearing works by DCC's estimator who has now confirmed that the site in fact held nearly 30 tonnes of vegetation and rubble – a significant amount higher than that estimated at the time of the quote. As such, DCC has asked if the Parish Council might be able to provide further funding for the works undertaken.

The Clerk advised that the additional costs incurred were approximately £3,800.

- £2,300 for the tipping costs (originally estimated at £360 for 3 tonnes)
- £1,500 additional handling costs (there was so much in volume that contractors had to lead the plant up to a temporary storage area to allow it to be segregated then loaded by JCB into skips).

Councillor C Lattin advised that the above information was not communicated to the Parish Council during the works and therefore the request for additional funding is retrospective.

The Clerk advised that the budget assigned for this project is already fully allocated and therefore any additional contribution towards these works will need to be achieved from underspends in other budget areas.

The Clerk advised that the Environment Committee had recently met and confirmed that it would be minded to approve £1,000 extra towards the project retrospectively, subject to Full Council agreement. This would be a gesture of goodwill in the interests of maintaining good relations with the team at DCC who estimated for and organised the works to be carried out.

Councillor E Scott advised that she felt that the Parish Council should not pay for this error. This was echoed by Councillor V Ashfield who felt that the decision to sub-contract this work was not communicated to the Parish Council either.

Members considered the proposal to agree to provide an additional £1,000 funding towards this project, as set out in the report, as a gesture of goodwill.

Councillor E Ashby proposed that a decision on this be deferred until further information became available and this was seconded by Councillor C Lattin. A vote was undertaken resulting in 6 votes in favour of deferring and 6 votes against deferring. It was **agreed** not to defer a decision on this matter following the Chair's casting vote against deferral.

Members did not agree to provide an additional £1,000 funding towards this project (**Votes cast as follows:** 2 votes in favour of paying the additional £1,000, 8 votes against paying the additional £1,000 and 3 abstentions).



## **Proposal for a blue plaque to commemorate the location of the former Durham City Ice rink**

Councillor C Lattin reminded Members that the Parish Council has funded the production of new blue plaques around the parish area, as part of our aim of promoting the rich and diverse heritage of the City.

These blue plaques seek to celebrate a person, event or building of significance and have been popular with visitors and local residents. Councillor C Lattin advised that, at a recent meeting of the Parish Council's Environment Committee, Members discussed the possibility of having a blue plaque produced to commemorate the former site of the Durham City ice rink, what is now the passport office.

Councillor C Lattin highlighted that Icy Smith was well known in the 1920s for selling ice, but as fridges became popular in the 1930s, he decided to build an ice rink (always his dream). He bought the ancient Mill at Freeman's Place at the bottom of Walkergate. He made it provide hydroelectric power for a while. He then knocked down some houses next door and built his ice rink.

Councillor C Lattin took the opportunity to thank the Clerk for his exceptional work on this project to date and reported that the Clerk had not only had the wording agreed for the plaque with the family of Icy Smith but had also arranged for Torvill and Dean to unveil this at an upcoming event in the City.

Members expressed their delight at this project and unanimously **agreed** to support the production of the blue plaque for the former ice rink, as set out in the above report and also to delegate full responsibility for organising the unveiling event to the Clerk.

## **Proposal for a blue plaque to commemorate 12 Church Street as the former home of Professor Dame Rosemary Cramp.**

Councillor C Lattin also advised that, at the same Environment Committee meeting, Members discussed the possibility of having a blue plaque produced for 12 Church Street in our parish.

Councillor C Lattin highlighted that 12 Church Street is an interesting and listed historical building in the Elvet part of the parish area. More significantly however, 12 Church Street is the former home of renowned archaeologist and the first female Professor at Durham University, Professor Dame Rosemary Cramp.

Councillor C Lattin advised that Professor Cramp lived and worked here from November 1972 until June 1988. It was getting the chair, with the consequent boost in salary, that made it possible for her to buy this house. It is understood that it was getting the chair which was actually the decisive factor that led to her move to Church Street, where she is said to have loved her little house and its proximity to the churchyard and walks along the river.

The Clerk advised that, given the building's listed status, if this proposal is approved, a planning application must be submitted for permission to install this blue plaque.

Dr. Zara Worth, a member of the public from Elvet Residents Association, spoke in favour of this proposal and asked Members to support this.

Dr Worth highlighted that, having this plaque in this particular location, on a route trodden by thousands of students on their way to and from the Bill Bryson library, will inspire so many female students.

Dr Worth added that, whilst young female students make their way back and forth from their classes, this plaque will also signpost for them a possible career path that not so long ago would have been inconceivable for a woman

Members unanimously **agreed** to support the production of the blue plaque for 12 Church Street.

### **Breathe Clean Air project with three primary schools in Durham City**

Councillor R Friederichsen advised that the Breathe Clean Air project by OASES will enable Durham city schools to engage with Clean Air Day (June 20th 2024). The project will make schools aware of the importance of clean air, and how action to improve air quality benefits human health and reduces greenhouse gas emissions.

Councillor R Friederichsen advised that OASES will also investigate the barriers to action - the children will design a survey to establish current knowledge and awareness of the issue and what/why current travel choices are made within their whole school community. OASES staff will work with children and teachers at three schools (St Oswald's, St Margarete's, and Neville's Cross primary schools).

Councillor R Friederichsen advised that the project aims, objectives, and deliverables will include raising awareness of the co-benefits of reducing air pollution by and for the school community, and to encourage behaviour change. The objectives of the project are to:

1. Motivate schools, children and parents to take action to reduce school-related air pollution.
2. Investigate the barriers to related action.
3. Identify potential priority areas for follow up to support behaviour change.

Councillor R Friederichsen also advised that the deliverables of the project will be:

1. a survey, co-created and analysed with children, and a final report which will be made available to schools and the Parish Council, and which will inform the
2. whole-school assembly on the topic (covering key facts, challenges and solutions), and
3. two class sessions about the topic at each school.

Councillor R Friederichsen also advised that this project will also establish the potential for follow-up projects that facilitate more direct action; e.g. supporting the increased use of e-bikes to transport children to and from school, creating and supporting walking buses, and other ways to reduce car travel to and from schools.

Councillor R Friederichsen highlighted that the original intention within the allotted budget for this project was to work with the 3 schools and 1 class per each year group, however the Environment Committee had agreed to recommend increasing the budget slightly to ensure that all classes were able to partake in this initiative.

Councillor D Freeman advised that he was very much in favour of this project but asked the Environment Committee to ensure that the additional funding came from their own budget and not through the Council's contingencies budget. The Clerk confirmed that this would be possible.

Members unanimously **agreed** to support this initiative with the increased budget set out within the report.

- **Business Committee**

Councillor R Ormerod presented the Business Committee minutes from the meeting held on 16<sup>th</sup> January 2024. There being no queries from Members, Councillor R Ormerod moved on to Committee reports.

**Proposal to support the Durham City Theatre with the replacement of its windows and improve the aesthetics of Fowler's Yard.**

In highlighting the small step successes of the Business Committee already on the project to improve Fowler's Yard, the Clerk also advised that the Committee is continuing its work on two pressing matters which remain top priorities for this project

1. Tackling the proliferation of bins in the service yard area of Fowlers Yard – with a meeting of all businesses and accommodation providers with a bin(s) in this area planned for after Easter.
2. Replacing the windows and repointing the brickwork to the façade of the Victorian section of the Durham City Theatre building – the current windows are seriously impacting on the façade of the building and the wider area and are also proving hazardous to the integrity of the building and repair works are deemed urgent.

The Clerk advised that the Victorian section attached to the south-end of the Theatre is a large-scale warehouse building constructed from handmade brick and incorporating timber windows painted in red (North elevation) and blue (West elevation). Although this part of the building has been heavily altered over time, with the upper floor rebuilt from modern brick, this section of the building is considered to be of considerable character, appearance and historic interest.

The Clerk advised that he has recently submitted a planning application for the like-for-like replacement of the windows to this section of the building (application ref: DM/24/00447/FPA) and is awaiting elevation drawings from the Theatre's chosen architect for this application to go live. Equally, the brick repointing is permitted development and does not form part of the application submitted for the Theatre.

In total, the works are likely to cost between £34-£36,000.

In order to fund these new windows, the Clerk advised that he has reached out to the County Council's community economic development team and has a verbal agreement of £20,000 towards these works (with a possibility of a slight uplift if required), on the condition that this does not exceed 70% of the total costs for these works.

Moreover, the Dramatic Society is able to provide £4,000 of its own funding towards these works.

The Clerk advised that the Parish Council's Business Committee unanimously agreed to recommend to Full Council that the £10,000 funding agreement for the improvements to public toilets instead be allocated to these works.

In light of development pressure in this area, the Clerk recommend that the Parish Council condition any contribution towards these works, such that there be a requirement to return the £10,000 should the building be sold to another operator.

The Clerk took the opportunity to thank Councillor E Ashby for her ongoing work and support with this project and stressed that delivery of these improvements to this important independent community facility – whose key aim is to provide cultural/ theatrical entertainment at an affordable cost to the public – will give the area a real uplift.

Members unanimously **agreed** to provide £10,000 of funding towards this project, as set out in the report provided, and to reallocate this from the toilets fund.

## **6. CHAIR'S UPDATE**

The Chair provided a verbal update on matters arising since the Full Parish Council meeting on 22<sup>nd</sup> February 2024 as follows:

The Chair began by thanking Councillor Esther Ashby on her continued championing of Fowler's Yard issues. The Chair remarked that the Council has received an excellent report already this evening on the issue of the windows at the City Theatre and the Chair advised that Councillor Ashby and our Clerk have arranged a roundtable with all businesses in Silver Street currently using this area for waste storage and disposal. Moreover, the Chair remarked how pleased he was to hear a report that, following a meeting Councillor Ashby had with the waste refuse team, the team have been able to reduce the number of bins here by 6 bins after agreeing to a more regular collection arrangement – the Chair thanked all those involved with this project.

The Chair also remarked how pleased he was to hear a report of the last Business Committee meeting where two teams within DCC were particularly commended for their recent work with the Parish Council – namely the community economic development team and the waste management team. The Chair thanked them for their ongoing support for Parish Council initiatives.

The Chair also sent his best wishes for a speedy recovery to our Member of Parliament Mary Foy on her recent breast cancer diagnosis. The Chair advised that Mary is very much in our thoughts and prayers at the moment and we hope to have her back on top form very soon.

The Chair remarked how sad he was to receive a report this week that Boots appear to have put out an official communication to a resident advising them that the Parish Council cut the Terracycle pill packet scheme without notice. As Members are aware, this is not the case and the Chair advised that he was aware that the Clerk and others have been at great pains to clarify this with the staff. The Chair advised that he would be writing a formal letter to Boots' head office asking them to clarify their reasoning for saying this and to immediately retract and correct their records on this matter. The Chair advised that the Parish Council has invested heavily in this remarkably successful scheme and he sincerely hoped this does not overshadow this scheme which Boots themselves ended.

In addition, the Chair advised that he was aware of the exceptional work by Councillors Lattin and Ashfield to locate a new home for these boxes. The Chair advised that he was delighted to hear that Councillor Lattin has secured the agreement of Whitfields in between Belmont and Durham City parishes and is hoping that the two Councils might jointly fund the scheme for a year at £2,000 each. By which time, the new scheme offered by Boots – fully funded by them – will be expected to be up and running though obviously this is dependent on the redevelopment of Prince Bishops too. The Chair asked for an agreement at this meeting that the Parish Council seeks to progress this with Belmont Parish Council and this was unanimously agreed by Members.

The Chair offered his congratulations to the Clerk on securing Torvill and Dean for the unveiling of the new blue plaque marking the site of the former Ice Rink. The Chair remarked that this is really incredible work. The Chair also thanked Councillor David Freeman for his support with this initiative as Councillor Freeman was instrumental in securing a meeting for our Clerk with the passport office estate manager.

The Chair expressed his real frustration and upset over the recent HMO appeal decisions in Neville's Cross. The Chair advised that he felt that this is made all the more frustrating by the seemingly contradictory statements from the same Inspector on different appeals. The Chair expressed his gratitude to Councillors John Ashby and Grenville Holland for following up on this matter and the Parish Council is now seeking a meeting with our Head of Planning at DCC.

The Chair expressed his gratitude to the Council's licensing team who met with our Clerk and Councillors Walker and Ashby today. The Chair advised that he was aware that this was a really useful meeting where the Council was encouraged to make any and all representations on the ongoing consultation on the Council's Licensing Policy – a desperately important document with significant implications for our parish. The Chair advised that the good news from today's meeting is the confirmation that DCC will be moving forward in 12-18 months with a new supplier

for an online licensing portal – something this Parish Council has long campaigned for.

The Chair also thanked the Clerk for getting the new signage for the Battle of Neville's Cross walk agreed and in production – this should be with us in a matter of weeks and the Clerk has already been in touch with David Butler regarding the possibility of another one of David's excellent walking tours of the site. The Chair expressed his delight that David – a walking encyclopaedia of knowledge about Durham as the former county archivist – has agreed to do this for us in the summer.

The Chair also advised that, as equally as impressive, is that the project has come in under budget by approximately £6,000 and the Clerk has already got to work with Neville's Cross Councillors on another potential use of this public art Section 106 funding.

The Chair noted that he had recently signed off the invoice for the DCC election costs of £3,894.05 which had to be paid from the Parish Council reserves.

The Chair noted that he was one of two nominated CDALC representatives on the Committee. While the majority of complaints related to Parish Councillors the Committee did not discuss how to address this, other than to ask how much the inquiries into complaints cost. The Committee had not, over three meetings, acknowledged the presence of the representatives.

## **7. MOTION BY COUNCILLORS R ORMEROD AND C LATTIN ON LEAZES BRIDGE**

Councillor R Ormerod proposed the following motion on Leazes Bridge and this was seconded by Councillor C Lattin:

*"This Council:*

*Notes with sadness and concern the closure of Leazes Footbridge due to structural problems.*

*Recognises that large numbers of residents of our parish, from Belmont Parish and from the unparished area in between are distressed and inconvenienced by this.*

*Urges Durham County Council to ensure it has investigated all possible options for repair of the bridge before it commits to demolition.*

*Understands that if demolition is necessary the cost of replacing the bridge is likely to be very high and not affordable in the next financial year but nevertheless asks that Durham County Council replace the bridge when finances allow.*

*Accepts that regardless of whether the bridge is repaired or replaced it is likely to remain closed for many months.*

*That being so, this council asks that Durham County Council provides an alternative crossing point incorporating a signalised crossing facility by upgrading*

*the western side of Gilesgate Roundabout so that pedestrians can be better protected when crossing the A690, and requests a site visit involving officers, Councillors and the Parish Clerk to discuss the proposed route of any such crossing”.*

Councillor V Ashfield expressed her disappointment at the motion and advised that she could not support this at all. Councillor V Ashfield expressed her concerns at the lack of transparency around the closure and subsequent proposed demolition of Leazes Bridge and echoed the concerns of residents in attendance at the meeting who had spoken under public participation.

Councillor E Ashby proposed the following amended motion and this was seconded by Councillor R Ormerod:

*“This Council:*

*Notes with sadness and concern the closure of Leazes Footbridge due to structural problems.*

*Recognises that large numbers of residents of our parish, from Belmont Parish and from the unparished area in between are distressed and inconvenienced by this.*

*Urges Durham County Council to ensure it has investigated all possible options for repair of the bridge before it commits to demolition.*

*Understands that if demolition is necessary the cost of replacing the bridge is likely to be very high and not affordable in the next financial year but nevertheless asks that Durham County Council **to commit to replacing** the bridge when finances allow.*

*Accepts that regardless of whether the bridge is repaired or replaced it is likely to remain closed for many months.*

*That being so, this council asks that Durham County Council provides an alternative crossing point incorporating a signalised crossing facility by upgrading the western side of Gilesgate Roundabout so that pedestrians can be better protected when crossing the A690, and requests a site visit involving officers, Councillors and the Parish Clerk to discuss the proposed route of any such crossing”.*

Members voted in favour of this amended motion and voted as follows on the now substantive motion:

Councillor Rupert Friederichsen - against  
Councillor Esther Ashby - abstain  
Councillor John Ashby - abstain  
Councillor Richard Ormerod – for  
Councillor Grenville Holland - for  
Councillor Carole Lattin - for  
Councillor Nicola Brown - abstain  
Councillor Elizabeth Scott - for  
Councillor Susan Walker - for  
Councillor Alan Doig - for  
Councillor David Freeman - for  
Councillor Liz Brown - for  
Councillor Victoria Ashfield - against

A named vote having been requested by Councillor R Ormerod and accepted by Members.

## **8. REPORT ON THE FORTHCOMING CONSULTATION ON A PROPOSED PUBLIC SPACE PROTECTION ORDER FOR DURHAM CITY**

The Clerk reminded Members that a previous attempt to introduce a PSPO in Durham City had not been progressed by DCC's Cabinet.

The Clerk advised that the Police and DCC had worked constructively on a revised PSPO and following DCC Cabinet's approval of this report, it is now expected that DCC will be launching a six-week public consultation from 7<sup>th</sup> May 2024, seeking views on the introduction of this PSPO.

The Clerk advised that the order may have effect for up to 3 years and the Local Authority must consult with the Chief Officer of the police, the local policing body, and local communities' before issuing the order.

The Chair reminded Members that Durham Police have highlighted the need for such an Order to the Parish Council and are seeking our support in both supporting the introduction of this PSPO but also in making the public aware of the consultation and its implications for the City.

As part of its work on the licensing policy review working group, Members have agreed the content of a leaflet to be distributed around the parish area and unparished part of Gilesgate to make the public aware of this upcoming consultation and also the ongoing consultation into the review of the Council's licensing policy.

The Clerk highlighted that the scope of any PSPO could include restrictions on the following:

### **● Begging**

- a) Any behaviour that causes nuisance, distress or blight upon the city including nuisance begging such as by a cash point, in a shop doorway or on public transport
- b) All persons are prohibited from approaching other persons in the street in order to beg them for money.
- c) Any activity in the street causing a public nuisance such as obstruction of doorways or pavements, including unreasonable behaviour whilst intoxicated and acting in a threatening, abusive or insulting manner.
- d) All persons are prohibited from sitting or loitering whilst in possession of signage or other items ancillary to, and for the purposes of, begging or soliciting money from passers-by.

### **● Urinating or defecating**

- (a) No person shall urinate or defecate in public restricted areas other than by use of a lavatory made available for use by the public.

### **● Use of intoxicating substances**



- (a) The ingestion, inhalation, injection, smoking or other use of psychoactive intoxicating substances shall be prohibited in restricted areas.
- (b) Where an authorised person reasonably believes that psychoactive intoxicating substances are being ingested, inhaled, injected, smoked, or otherwise used in a restricted area they will require any person to surrender said substance and any associated items.

Members unanimously **agreed** to submit a letter of support for this proposed PSPO and to take any and all actions required to ensure that the public are aware of this consultation taking place from 7<sup>th</sup> May 2024.

*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.*

## **9. TO REVIEW ARRANGEMENTS FOR SUPPORTING INDEPENDENT BUSINESSES IN DURHAM CITY**

In agreeing to continue to provide professional support for local businesses, the Parish Council unanimously **agreed** to continue to fund the Indie Durham City project for a further 2 months' period until the end of May only. Members also unanimously **agreed** to delegate to the Business Committee the responsibility for reallocating this funding on a specific project which provided professional support for local businesses.

## **10. GOOD CITIZEN OF THE YEAR 2024 AWARD**

Members **agreed** to award the Good Citizen of the Year 2024 Award to: Jacqui Toase, Dave Cuthbertson, John Lowe and David Miller.

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

Signed,

**Chair of the City of Durham Parish Council  
(25<sup>th</sup> April 2024)**

## **ITEM 7: CONSIDERATION OF APPLICATION DM/24/00705/FPA (PRINCE BISHOPS SHOPPING CENTRE HIGH STREET DURHAM DH1 3UJ)**

### **Report from Design and Conservation (architectural merit) sub-group**

The rationale for completely demolishing and rebuilding Prince Bishops Place – ie the unsuitability of the existing development given the current trend to smaller independent retail businesses – is accepted albeit with some reservation about long term sustainability, given the inherent *instability* of the retailing environment.

The proposal to finance the ground floor re-development by re-purposing the floors above street level for residential use is equally reasonable in planning and socio economic terms. Both changes would meet the requirements of National Planning policy as well as policies in the County Durham Plan and the City of Durham Neighbourhood Plan.

However, the proposal for the upper floors to be solely occupied by PBSA – on a site not allocated for such in the County Plan – is a wasted opportunity to address a variety of other housing needs in the City where the housing market is already very unbalanced. Providing for a mix of ages, city workers, visitors and students would grow the wider local economy more than having another significant space in the city centre populated only by inevitably transient residents with no long term employment or other community identity.

Furthermore, during the consultation stage reference was repeatedly made by local residents and councillors to the desire for some modest community space within the development – meeting rooms, exhibition space etc but nothing appears in these plans.

Even taking onto account the new hotel in the proposal, the statement of Vitality and Vibrancy of Durham City (ESV1 – CHAPTER G SOCIO ECONOMICS) is only able to say

*The impact of the new employment opportunities generated by the Proposed Development on deprivation in the AOI is considered to give rise to a permanent Minor Beneficial effect.*

This minor, permanent, beneficial effect has to be balanced by the shorter (suggested 33 months) period demolishing and rebuilding the shopping centre, with the possible permanent loss of existing businesses to other parts of the city or County.

There is also the potential disruption in the local visitor economy which depends on day time tours to the WHS and other heritage locations. Although building work is said to be shielded behind the existing facades, the visitor experience will be

impacted right around the city core, potentially resulting in loss of day visitor spend and even loss of jobs. In operation, it would be helpful to repurpose some of the PBSA rooms so they are available as short term visitor accommodation during vacations

Overall the application isn't felt to meet the requirement, at least implicit in both the County and Neighbourhood plans, for new development to include an element of benefit to the local community or at least not to result in harm.

Turning to the documentation accompanying the application:

Document ESV1 Chapter D Above Ground Heritage quotes the following as relevant:

NPPF Paragraph 135(c) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging *appropriate innovation or change*;

Paragraph 203(c) states that in determining applications, local planning authorities should take account of *the desirability of new development making a positive contribution to local character and distinctiveness*;

And locally, a key policy of The County Durham Plan for consideration :

Policy 29 (Sustainable Design) states that all development proposals will be required to *achieve well designed buildings and places having regard to supplementary planning documents and other local guidance* where relevant.

Except in terms of financial viability, the introduction of 400+ PBSA beds cannot be considered an *appropriate innovation* on this site although a *change* to the use of the upper floors can be justified.

Further, despite the quality and quantity of documentation it is hard to identify how the proposals contribute to the city centre's *local character and to distinctiveness*. It could be anywhere.

In addition, there is little that is architecturally innovative in either form or function, the rebuild being essentially the same style as its predecessor but with some agreeable additions such as the bridges and green courtyards. The proposal for an open public space is viewed with hesitance given local experience of the similar existing square just off the Market Place, subject to prevailing winds and restrictions on weight limits due to its location above a car park.

Document ESV2 Appendices for Chapter E has photographs of the site from the city's various bridges before and 'after' the re-build. The overall impression is of the same red block building with fewer vertical elements at roof level reflecting the spires and towers across the town and a flatter roofline seemingly cutting across the river.

## Report from Environment and Sustainability sub-group

### FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY

The report identifying flood risk assessment and drainage strategy was written for Citrus by IDOM Meerbrook Ltd. As a desktop exercise, their 93-page document seeks to identify the flood risk in terms of water course flooding (closely adjacent to the River Wear) and overland surface flows (rain intensity, groundwater flooding, infrastructure flooding and sewage flooding). These risks are assessed on the basis of probability, an imperfect process, and, as far as possible, the appropriate mitigation.

Water course flooding is potentially the most damaging. To analyse risk the report relies on the Local Flood Risk Management Strategy. However, Durham County Council's Local Flood Risk Management Strategy 2016-2020 does not make specific reference to the development site as being at risk of flooding.

In terms of the risk posed by the proposed development the report notes that *"there are no significant changes being made to the envelope of the building, therefore the development does not pose a flood risk."* The probability of flooding identifies that site as being in Flood Zone 3 in which *"the long-term flood risk mapping confirms that the site is at a Medium risk with a chance of flooding of between 1% and 3.3% each year"*, adding that *"this takes into account the effect of any flood defences in the area. These defences reduce but do not completely stop the chance of flooding as they can be overtopped, or fail."*

The report contains the reassurance that *"whilst the site is identified as being at risk of [overland] surface water flooding the long-term flood risk mapping confirms that the site is at Low risk with a chance of flooding of between 0.1% and 1% each year."* However, it cautions that *"flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. In addition, local features can greatly affect the chance and severity of flooding."*

To counter these risks the report recommends a 'water exclusion strategy' which can be *"used to minimise water entry whilst maintaining structural integrity, and by using materials and construction techniques to facilitate drying and cleaning. This strategy is favoured when low flood water depths are involved (not more than 0.3m)."* The report believes that *"this strategy is considered as a resistance measure, but it is part of the aim to achieve overall building resilience."*

In essence the report proposes design mitigation to provide reliance against random events by recommending a wide range of building strategies designed to minimise the impact of any flooding incidents in the future.

In summary this is a good report that covers all potential flood risks and how best to manage them.

## **GEO ENVIRONMENTAL ASSESMENT**

On behalf of Citrus the Geo Environmental Assessment was prepared by IDOM Meerbrook Ltd. It is essentially a desktop non-intrusive investigation. It is a competent report and provides a satisfactory geo environmental platform for the construction of the Prince Bishops development.

The report rests its conclusions on a set of historical maps of the site from 1857 to 2023 supplemented with the Coal Authority data on mining activity in the Durham City area, none of which impinged on this city centre locality. IDFOM also supply geological sections in the immediate vicinity of this area of interest showing 15 metres of made ground and glacial drift with weathered bedrock at its base.

The report concludes that:

1. The site previously supported industrial uses in the west and the majority of the site was used for car parking prior to its redevelopment as a shopping centre.
2. The potential risks associated with the proposed development are considered to be low as the existing buildings are to be retained, the external area is covered entirely by hardstanding (thereby precluding exposure to the underlying soils) and no significant groundworks are anticipated. As such, receptors will not be exposed to ground contamination.
3. Should any new building footprint be introduced, it is recommended that gas monitoring wells are installed, followed by a period of ground gas monitoring, to determine the requirement for gas protection in any new structures.
4. A pre-demolition or refurbishment asbestos survey should be undertaken in any of the original buildings prior to all any works on site. The buildings constructed as part of the shopping centre development are not expected to contain any asbestos containing materials (ACMs). Any ACMs that are identified will need to be safely removed prior to the start of demolition or refurbishment works.

In my judgement these conclusions are both reliable and valid.

## ENERGY AND SUSTAINABILITY STATEMENT

This statement was prepared by J. M. Coleman on behalf of Sine, a local firm based in Belmont, Durham City, rather than using the Durham Energy Institute to gather advice.

For the Prince Bishops Development a detailed understanding of Energy and Sustainability is essential. The long-term success of this project will thrive or fall on the quality and vision of the renewable energy provision adopted. This report unfortunately offers neither.

The objective of this report was to make recommendations designed to achieve BREAM status, 1 to 5, based on an energy hierarchy. Using ENE01 and ENE04, it sought to identify low carbon design and its potential outcomes so that by *"the end of concept design, an energy assessor is to be appointed to undertake a compliant LZC report, which establishes the most appropriate (recognised) LZC for the building, which are then to be implemented."* This hoped to confirm minimising energy use thereby minimising CO<sub>2</sub> emissions.

However, the limited modelling used in the report cannot influence the building layout or its orientation, its form, its fabric, its thermal mass, its occupancy and its daylighting and ventilation strategy. This places a significant constraint on the modelling and predicted energy call on the Prince Bishops development when it comes into full use.

Despite this, on page 15, under active design measures, without justification immediately concludes using the baseline models that the 400-bed student accommodation will have all its energy needs met by Air Source Heat Pumps (ASHP) with ancillary electric towel rails, with a similar approach to the proposed 200-bed hotel but adding electric panel heaters in the circulation areas.

Almost as an afterthought the report mentions, on page 16, that *"Photovoltaic are included within the Low Zero Carbon report based on preliminary simplified building energy models. As such, an element of PV will be incorporated into the comparison models for both the baseline and developed models"*.

There is no indication in the report that Citrus has instructed Sine to use this energy coupling as the only source of renewable energy on this site.

The subsequent Passive Design Results for various building units thus rely on and are constrained by a restricted energy portfolio but an annual *"heating plant sensible load"* in kWh is then used to calculate the annual *"heating Carbon emissions"* in KgCO<sub>2</sub> is tabulated on pages 16 to 27.

Such is the detail provided in these tabulations that annual totals are quoted to 0.1kWh and 0.1KgCO<sub>2</sub> but without reference to standard errors or confidence levels in the calculations. In particular the results and discussions do not show whether these energy loads (hence CO<sub>2</sub> savings) can be met using integrated ASHPs and solar panels alone nor is their distribution throughout the scheme discussed in order to achieve these targets.

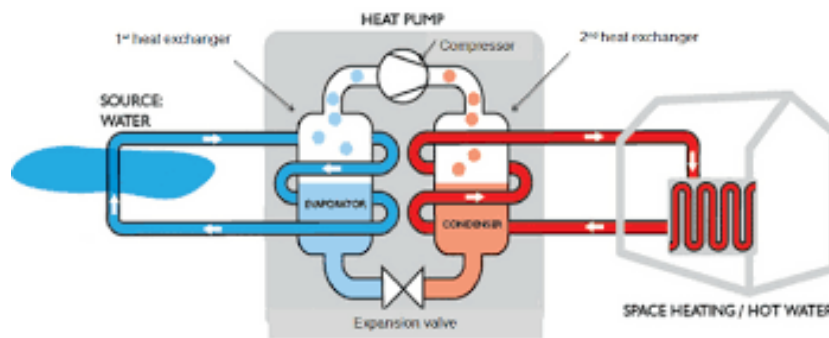
On page 28 the report offers a LZC Feasibility Appraisal that identifies 8 well-established renewable energy systems. Why most of them are included in a discussion concerning the development with location, shape and size of the Prince Bishops is curious because 6 of the 8 technologies identified could have been dismissed at a glance. No authority would countenance ground mounted or roof mounted wind turbines in a Conservation Area adjacent to the Cathedral. The other technologies, solar hot water and biomass are equally inappropriate. However, and conveniently, this leaves only 2 techniques: ASHPs and Solar panels.

The real omission and most obvious energy provider at this particular locality, the River Wear, is simply disregarded. The Sine report should most certainly have included this option and this failure makes the report redundant as a relevant contribution to the future of the Prince Bishops development.

## APPENDIX

A WSHP in the Prince Bishops development scheme.

Its inclusion, location, cost vs ASHP, benefits, enhanced energy contribution to the scheme vs ASHP, impact when integrated with solar panel energy etc.



To be supplied.

## **ENVIRONMENTAL STATEMENT - NON-TECHNICAL SUMMARY (NTS)**

This statement was prepared by Citrus (PBishops) Durham Ltd for Lichfields; it summarises 33 chapters and appendices respectively in 28 pages.

Section 4.4 states that Moderate adverse to Major adverse visual impact on heritage assets will occur; and that no mitigation is planned as this is limited to 33 months and only visual.

Sections 4.20 and 4.21 are formulated as “could do”. As detailed in the comment on CHAPTER F CLIMATE CHANGE AND RESILIENCE, the items currently listed as “additional measures that could be implemented” should be required as mandatory based on Durham County Council’s declaration of a Climate Emergency, and the City of Durham Neighbourhood Plan’s Policy S1 (items g and h).

Section 4.23 is unconvincing and demonstrates a lack of ambition in relation to decarbonising the construction and operation of the proposed development.



## CHAPTER F CLIMATE CHANGE AND RESILIENCE

The relevant main parts of the statement, each containing six sub-sections, are

1. Part 1 (Climate Resilience) and
2. Part 2 (GHG Emissions)

### Part 1

Section F6 details responses to climate change aiming for **increased resilience during construction (F6.1) and during operation (F6.2)**. Given the expected life expectancy of the proposed development of 60 years, F6.2 in particular lacks vision and ambition. Developers should engage with and benchmark their proposal against emerging sector good practice and strategies such as the UKGBC's Climate Resilience Roadmap ([UKBGC, 2024](#)).

Section F7.2 summarises the **climate change risk assessment during operation**. It identifies the potential residual impacts of climate change during the operational stage of the Proposed Development once additional mitigation measures have been implemented; **all residual effects are assessed as Minor Adverse** (Not Significant).

Section F8 includes the **during construction** phase and concludes that **all residual effects are assessed as either Minor Adverse** (Not Significant) or Negligible (Not Significant).

### Part 2

F9.6 introduces the notion that it is a meaningful reference and comparison to juxtapose the proposed development's GHG emissions to "the allocated carbon budgets for County Durham and the UK as a whole." There is only the weakest no logical argument for these two references. The logic lumps together GHG emissions generated by the proposed development with all other sectors' GHG emissions which means the most blurred-possible focus is applied. The logic set out in F9.6 should therefore be rejected and replaced by a more meaningful contextualisation and benchmark along the lines stated in section F9.9.

The statement in F9.16 is welcome, and reads the "Proposed Development has therefore been designed to be able to connect to this heat network, if and when it becomes available."

F11.5 lists seven measures to reduce GHG emissions during operation. The list does not include reference to insulation standards which should urgently be included.

Table F11.3 states that 9,209tCo<sub>2</sub> are the total upfront embodied carbon emissions. Unhelpfully, this is contextualised with carbon budgets (see comment above regarding F9.6). The six measures to reduce GHG emissions during construction under F11.3 are not quantified. Currently, there is no strategy and no measures listed to reduce the total upfront embodied carbon emissions - this should urgently be added. Emerging guidance such as the Net Zero Whole Life Carbon Roadmap for the Built Environment ([UKGBC, 2021](#)) should be used so that

construction in the mid-2020s will enable the proposed development to *contribute* to reaching existing UK national and County Durham Net Zero targets throughout its anticipated operational life between 2029 and 2085.

F11.18 notes “the potential for the Proposed Development to connect to a potential future heat network for the Durham University Cluster.” This is highly welcome. However, the underlying modelling (see Appendices to Chapter F Climate Change & Resilience) assumes a constant amount of CO<sub>2</sub> emissions (constant at the level of 2022) for every year from 2029 through to 2085 of 124,702. For comparison, the same table assumes the reduction of electricity-borne CO<sub>2</sub> emissions to drop by a factor of 10 (from 344 tCO<sub>2</sub> in 2029 to 32 tCO<sub>2</sub> in 2085).

F11.20 presents the overview of the proposed development’s GHG emissions over its lifetime. The planning assumption of a constant stream of CO<sub>2</sub> emissions from gas heating seems utterly lacking in ambition.

F11.21 and F11.22 do not provide meaningful contextualisation (see comment above regarding F9.6). The conclusion in F11.23, therefore, is not meaningful either.

F12.1 and F12.2 list important measures to reduce GHG emissions during construction and during operation. The strongest possible words should be used to ensure the maximum number of these measures will be implemented.

## **CHAPTER H AIR QUALITY STATEMENT**

This 46-page chapter was written by NJD Environmental Associates LTD on behalf of the Applicant, Citrus (PBishops) Durham Ltd.

H8.10 concludes that "air quality should not be a prohibitive factor in the determination of this planning application."

Given Durham City's persistent problems with air quality which is primarily caused by motor vehicle traffic. Therefore, the Travel Plan mentioned in H5.8 is of the highest significance for air quality over the life cycle of the proposed development.

## **BAT SURVEY & PROTECTED SPECIES APPRAISAL**

A very thorough report has been provided: a total of 39 person-nights work was undertaken to observe bat and other protected species in situ.

3 species of bat have been frequently observed in the area, 3 other species less frequently: Daubenton's bats are known to use the river but tend to avoid well-lit areas, sticking to darker corridors for commuting routes and foraging activity. Other species recorded along the river corridor previously have included common, soprano and (to a lesser extent) Nathusius' pipistrelle, noctule and unidentified Myotis sp.

### **Although the report's Summary says:**

"Overall, the habitats in the local area are of negligible to low suitability for use by foraging/commuting bats" I am dubious about this conclusion because of the intensity of trees and undergrowth on the nearby riversides **and indeed the text identifies:**

- Risk of disturbing bats and damage/destruction of identified roosts, including hibernating bats if works commence during winter.
- It is anticipated that it will not be possible to retain the roosts during the development.

The survey **concludes**

"During building inspections, low numbers of bat droppings were identified in two external locations. DNA analysis has confirmed that these are attributable to common pipistrelle.

During back-tracking and presence/absence surveys, two common pipistrelle day roosts were recorded, each used by single bats, one of which was located where droppings were previously found. No bats emerged from the other location where droppings were found.

It is considered unlikely that the buildings support maternity roosts due to the types and suitability of features present, lack of field signs of bats, lack of anecdotal evidence of bats inside or around the building and survey results".

### **Overall, the site is considered to be of local value to roosting bats and identifies these risks:**

- Low residual risk of disturbing bats and loss of roosts in the event that bats occupy roosts
- within other areas of the building.
- Loss of bat foraging habitats of low value through tree removals
- Risk of harm/disturbance to nesting birds if building demolition is carried out during the
- bird breeding season (March – August inclusive) and loss of nesting opportunities.
- Increased lighting which could impact on bat foraging and commuting habitat within the adjacent area, notably the adjacent river.
- Disturbance of nocturnal wildlife, including otter, using the adjacent river if construction works take place at night.

- Disturbance/pollution of adjacent river during construction activities or through surface water runoff and drainage.

**The report appropriately notes that:**

“Works to the buildings which may cause disturbance to bats or which may impact on roosts will not be undertaken until a Natural England development licence has been obtained” and identifies the following protections:

key elements of work will not be completed during the bat hibernation period (November to end of February inclusive) as a precaution to avoid disturbance and harm during this sensitive period:

- Installation of a green wall.
- Provision of integrated bird nesting and bat roosting features in the new buildings/structure on site.

A Separate Biodiversity Net Gain (BNG) study is to take place which is not yet to hand. This is significant because the final conclusion to the report is:

**“Provided that the recommendations in this report are implemented and a net gain in biodiversity is achieved,** it is anticipated that proposals may proceed while minimising significant ecological impacts. The proposals provide an opportunity for ecological benefit through landscaping, reduction of light spill over the river corridor and bat and bird nest box provision, contributing to local and national conservation targets”

The report does not confirm (or deny) that there will be any BNG.

I believe that this BNG study is critical to a final conclusion being made.

## Environmental Statement / Air Quality

The analysis has taken into account the relevant policies in the County Durham Plan.

### Report's conclusions:

1. Nitrogen Dioxide, Particulate Matter (PM 10 and 2.5) have all been analysed at the Annual and Hourly Means and the conclusion is that the area will "unlikely be exposed to daily mean concentrations which are in breach of this objective."
2. To mitigate the potential effects of the Proposed Development during the construction phase, a CEMP will be prepared and agreed with the relevant bodies, prior to construction commencing. The CEMP will identify control measures to help mitigate the potential adverse effects associated with demolition and construction dust, which can be informed by the results of the Air Quality Assessment.
3. Following the implementation of a CEMP, it is considered that the potential environmental effects of the Proposed Development during the construction phase will be reduced further, with a residual effect which is Neutral/Negligible and Not Significant
4. Based on the assessment results, the Site is considered suitable for residential development and as such, **the implementation of additional mitigation measures during the operational phase is not required for air quality purposes**. It should be noted that sealed windows and mechanical ventilation is required at facades adjacent to roads, however, to achieve the relevant internal guidance noise levels.

### Concerns:

1. Road traffic emissions during the construction phase have not been considered: ("As the demolition and construction phase is anticipated to exceed two years (33 months), consideration has been given to the road traffic emissions from construction vehicles, and construction staff vehicles on the local road network surrounding the Site.  
H3.23 However, as the exact number of construction vehicle movements is not known at this stage, this element is not considered further within this assessment.")
2. The impact from development traffic has not been assessed: ("The Proposed Development will not give rise to a change in two-way Annual Average Daily Traffic (AADT) flows of more than 100 within the existing AQMA or more than 500 outside of the AQMA, as confirmed by the Project Transport Consultant (PTC) and therefore the impact from development traffic is not required to be assessed").

3. Traffic on the local road network will have an influence on air quality at the Site: (“there is the potential for the exposure of future residents to poor air quality. Road traffic is a major source of these pollutants and their concentrations are considered to be the most likely to exceed the AQOs in urban locations”).
4. There are no ecological reports included: As there are no receptors within the relevant screening distances of the Site or the local road network and as such, these effects are not considered further within the assessment. If they are not measured, how can it be concluded that “the level of risk for ecological receptors is negligible”?
5. Additional mitigation measures are deemed not required: “the implementation of additional mitigation measures during the operational phase is **Report’s conclusions:**

## **Report from Rationale/ Bedspaces needs assessment/ hotel use sub-group**

### **Planning and economic statement**

This is a straightforward narrative covering the proposals, relevant planning policies, and a draft Heads of Terms. The document provides the developers' rationale for change.

#### **Points material to planning:**

- the original development was poorly set out not making enough use of the setting.
- the retail offer is no longer fit for purpose, the units being too big leaving unsightly empty outlets.
- The apparent need for additional student bed spaces

#### **Those points not material to planning:**

- that the current site is unsustainable, it is running at a loss which cannot continue so something will happen on the site.
- In addition, the company predicts a net gain of around 170 jobs.

The Parish Council would note that paragraph 3.8 states that "*Student accommodation and residential accommodation are located on Claypath and some upper floors above retail premises within the City Centre.*" In fact there is also the Dun Holm PBSA at Milburngate. More importantly, the document provides an assessment of compliance with CDP Policy 16 and, unfortunately, includes the spurious projection of a shortfall in the amount of student accommodation. We detail these issues in our comments on the 'Bedspace assessment' document.

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### **Bedspace assessment**

The Parish Council does not take issue with the student accommodation component of the proposed development. Our Neighbourhood Plan in principle supports the provision of residential accommodation above town centre shops. We also support PBSAs in suitable locations as a means for providing quality accommodation for students and for resisting the loss of family homes to student HMOs.

However, the application includes this 'Bedspace assessment' document and we feel we must comment because it is fatally out-of-date and misleading.

It makes an assessment of demand by projecting the growth in student numbers based on the annual figures up to the Academic Year 2020/21 when there were 22,220 Durham University students. At the extreme, this past growth rate approach arrives at 33,150 students in the year 2027/28. On that basis, the document arrives at a need for between 3,830 and 10, 480 more student bedspaces.



However, 2020/21 was the unplanned bulge year arising from the 'A' level fiasco, and the number of students that year was significantly above the University's adopted target of 21,500 students for the year 2026/27. The University publicly declared that it would manage numbers down to 21,500 and has succeeded in doing so; the figure for the Academic Year 2023/24 is 21,588 which is only 88 more than the target for the year 2026/27. The University is clear in its strategy - stability at 21,500 from now on.

The document concludes on need that "*Within this context, it is considered necessary to place greater weight on the past trends analysis when assessing future demand.*" That is a grossly mistaken view, depends upon ignoring recent student numbers, and results in the bedspace assessment of demand being fundamentally wrong. The fact is that there is no quantitative need for more student bedspaces.

Comparisons are made with other University cities, leading to the comment that the student population of Durham is relatively small. This is a deceptive view as Durham's resident population is very small compared with the other cities used in the comparison; in fact, Durham has the most students per head of resident population of all University cities in England.

The document then goes on to assess supply. The approach taken is to record at February 2024) that the total potential pipeline supply of beds spaces in new PBSAs, from a base year of 2021/22. The supply is estimated to comprise of to 1,272 bedspaces, or 1,147 allowing a 10% lapse rate. The potential projected "need" for between 3,830 and 10, 480 more student bedspaces inevitably is far greater than the estimated pipeline supply of 1,147 PBSA bedspaces. Thus, the document concludes that there will be a shortfall of between 2,683 and 9,333 student bedspaces.

The so-called shortfall is constructed from the false projection of growth in student numbers despite the University's successful reduction down to stability at around 21,500 students in future. There is more than sufficient accommodation already. The Parish Council regrets that such a spurious "shortfall" is put forward. It needs to be dismissed or it will reappear when other PBSA schemes are submitted.

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### **Community consultation**

A comprehensive account of the wide-ranging and responsive community engagement initiatives undertaken for the proposals prior to submission of a formal planning application. Paragraph 4.2 to 4.10 provide feedback on the communities' challenges regarding the need for more student accommodation. Unfortunately, the feedback replicates the spurious material set out in the 'Bedspaces assessment' document. The Parish Council advises that it is not appropriate to dismiss the well-informed challenges from Durham communities and organisations. It is misguided to say the least to attempt to satisfy their queries with claims of shortfalls in student accommodation using absurd trend

growth projections that ignore the fact that student numbers are being managed back down to the stable level for the future of 21,500.

In contrast, the issues around the design of the development (paragraphs 4.11 to 4.18) are fairly represented and significant improvements have emerged.

The disruptions during demolition and construction, and the fate of existing business, are described in paragraphs 4.24 to 4.27. This evidences consultation with the existing businesses and efforts to find alternative premises, but essentially the message is that they cannot all be found somewhere to continue to operate for the three years that Prince Bishops will be closed.

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**Other matters to note:**

The Parish Council notes that Visit County Durham is broadly supportive "of the visitor economy related elements of this development, namely the hotel, commercial units and public realm improvements". They note there is a lack of visitor accommodation in the city and provide figures that suggest that visitors who stay overnight spend on average 800% more than day visitors.

## **Report from construction method and transport sub-group**

### **• Transport matters – Transport Statement**

1. The development will comprise a 408-bedspace PBSA and a 101-room hotel. In addition, 6,296sq.m of commercial floorspace, including 3,010sq.m of new floorspace at mall level (across 30 units) will be also provided.
2. The existing parking provision at the MSCP will be reduced from 401 spaces to 392 spaces (a reduction of 9 spaces).
3. Section 2.3 of this report fails to identify that the Durham City Neighbourhood Plan forms part of the statutory development plan for this area. The Neighbourhood Plan has several important transport policies which carry full weight and must be part of the determination process for this scheme.
4. The MSCP Arrival and Departure profile makes for very interesting reading. Carried out on both a Wednesday and a Saturday over 4 weeks between May-June 2023. The results identify that occupancy rates are higher on a Saturday with peak times for both days (93% on a Saturday and 75% on a Wednesday) being 12:00 – 13:00. In addition, the MSCP is busy on both days between 11:00 – 16:00.
5. Widening works are proposed to the eastbound single lane exit to the roundabout to create a two-lane exit through the removal of the hatch road markings – I think this is very welcome.
6. The report quite rightly identifies that the site is excellently located and is accessible by a number of sustainable modes of travel.
7. I have a serious concern about how the proposed new layby (accommodating two vehicles only) is going to function as a pick up/ drop off point for the new PBSA. How long will each vehicle have to drop off/ pick up? How will this be enforced? Where does a vehicle wishing to drop-off/ pick-up go or linger if accessing Leazes Road via the (very busy) roundabout in the event that the designated area is full (see Appendix C of the report)? The Market Place is a perfect example of how busy the Deliveroo/ Uber Eats market is in Durham.
8. The cycle parking is abysmal. Firstly, there is a significant shortfall in the proposed cycle parking provision against the adopted standards in Durham County Council's Parking and Accessibility SPD (2023).

The SPD requires the following cycle parking provision for the following uses as proposed:

- Purpose-Built Student Accommodation (PBSA): 1 sheltered and secure long stay parking space per bedroom
- Hotel: 1 space per 5 members of staff AND 2 spaces per 25 bedrooms (long stay); 1 space per 50sqm (short stay)

In addition, 30 commercial units (Class E) are proposed that will range in size from 35sqm to 276sqm. The SPD sets out various short and long stay standards for Class E units – for example, a general retail use (<200sqm) requires 2 short stay spaces for visitors and 1 long stay space per 100sqm (i.e. 3-4 spaces), while a pub/restaurant/café use requires 1 short stay space per 50sqm and 1 long stay space per 5 members of staff.

In total, the application includes only 144 cycle parking spaces, which is significantly short of the 408 parking spaces required just for the PBSA use. Moreover, 120 spaces are shown on deck 1 of the Multi-Storey Car Park which is highly inaccessible and would do little to incentivise the uptake of cycling to and from the site.

We would favour:

- Long stay cycle parking provided in a facility just off the High Street, near to the hotel, perhaps round the back of a retail unit. Probably separate facilities for PBSA, for hotel, and for hotel/retail staff.
- A retail unit adjacent with reduced rent guaranteed by the operator to house a bike shop, including repair service: this would be the most positive thing the operator could do for cycling in Durham.
- Short stay cycle racks in small groups spread along length of High Street. This would allow people to wheel their bikes and lock up near to the shops they want to visit. Can be positioned adjacent to seating etc.

The site is very large by Durham standards, and there should be no trouble accommodating this. The fact they have not accommodated proper provision for cycle parking shows that sustainable transport has not actually been to the fore in the design process.

9. The proposed student in-take proposals are good but how long will this be in operation for? Thinking of the resulting impact on access and retailers.

10. An (estimated) additional 42 car parking spaces will be required to accommodate staff at the hotel and PBSA. Bearing in mind that peak times of the day on a Saturday only have a residual capacity of 28 spaces and the existing provision is proposed to be reduced by 9 spaces; this could add pressure on the MSCP but depends on the provision required for retailers too (number of units reducing).
11. I am also concerned by the reference that, although marketed as “no vehicles”, students at the PBSA will be advised to park at the MSCP or other locations in the City. We only have a verbal commitment that annual permits for the MSCP will not be provided to student residents living here.

- **Construction Environmental Management Plan**

1. Totally agree that the development is inward looking and does not take full advantage of the Conservation Area and riverside views.
2. The extent of the existing site to be retained has yet to be determined and a single developer for the site has yet to be contracted.
3. Although not specifically mentioned within this document, we have been advised verbally that the intention is to demolish the site in one go – this is concerning on a number of fronts, not least because of the impact of this on existing retail operators of the site but also the wider footfall implications for the City.
4. The MSCP is to remain open to the public during development – no mention of how access and exit arrangements are proposed for pedestrians.
5. I was confused by the reference that the Boots building (2-5 Market Place) is considered an NDHA as it isn't listed as such from our work with Lee Hall.
6. Service yard is to be the designated compound for the site.
7. Welcome the no idling of engines rule.
8. Based on the plans submitted, Natural England also considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

- **Fire Statement**

1. Nothing to add but welcome that the residential aspect of the development will be fitted out with sprinklers and that the water supply is as existing.
2. On this aspect of the proposal, it is noted that the HSE Fire Safety is proposing to provide full comments on this by 1<sup>st</sup> May 2024.