

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 9 January 2018 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, D Brown, J Clark, I Cochrane, K Corrigan, M Davinson, D Freeman, S Iveson, P Jopling, M McGaun (substitute for O Temple) and R Manchester

1 Apologies for Absence

Apologies for absence were received from Councillors N Grayson, A Laing and O Temple.

2 Substitute Members

Councillor H Bennett substituted for Councillor A Laing and Councillor M McGaun substituted for Councillor O Temple.

3 Minutes

The minutes of the meeting held on 12 December 2017 were confirmed as a correct record and signed by the Chairman

4 Declarations of Interest

There were no declarations of interest submitted.

5 Applications to be determined by the Area Planning Committee (Central & East Durham)

a DM/17/01903/FPA - Bishop Langley, North Road, Durham

The Planning Officer, Paul Hopper, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

The application was for alterations to the existing rooftop terrace (amended proposal reducing the footprint of the retractable roof) and was recommended for approval, subject to conditions.

The Planning Officer noted the application was as set out in the report and was at Committee at the request of the Local Member, Councillor D Freeman.

The Planning Officer explained that the application site was adjoining Framwelgate Bridge, a Grade 1 Scheduled Ancient Monument; and was in the setting of Durham Cathedral UNESCO World Heritage Site (WHS) and the Durham (City Centre) Conservation Area.

The Committee learned that the site had permission in 2008 for 8 canopies, however this had not been implemented. It was added that an element in respect of extractor equipment had originally been included within the application, however, this had subsequently been removed and was not being considered. It was noted that the applicant had stated that if the terrace could not be better utilised, then the A4 use would not be viable. The Planning Officer explained the proposed structure was a lightweight aluminium design, to provide shelter and comfort for customers.

Members were informed that there had been no objections from statutory or internal consultees, with objections having been received from the World Heritage Site Coordinator, the City of Durham Trust, with 2 letters from interested parties and 1 letter from the occupier of an adjacent office building. It was noted the objections were summarised in the report.

The Planning Officer noted that Historic England and the Council's Design and Conservation officers had not objected to the application, with "less than substantial harm" from the proposed development. It was noted that paragraph 132 of the National Planning Policy Framework (NPPF) stated that where a development proposal would lead to less than substantial harm to the significance of the designated asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Planning Officer explained a correction to paragraph 42 of the report which set out the assessments carried out against the various saved Local Plan Policies, E3, E6 and E24, and that while there would be some limited adverse impact, it was felt to be outweighed by the public benefits of the scheme.

The Committee were asked to note in conclusion that it was felt the impact to the World Heritage Site, Conservation area and Scheduled Ancient Monument were less than the benefits of the proposed development and that the recommendation was for approval, subject to conditions and that the issue of the existing plant on the site did not form part of this application.

The Chairman thanked the Planning Officer and noted there were two registered speakers in relation to the application and a Local Member, Councillor D Freeman also a Committee Member. The Chairman asked Councillor D Freeman to speak in relation to the application.

Councillor D Freeman noted that the application seemed to be little more than a greenhouse on top of a pub building, and did not seem to be sturdy or attractive within sight of the World Heritage Site. He added that he had concern as regards the spread of noise from the plant at the site and that this would have an effect on the adjacent residents. Councillor D Freeman noted that Environmental Health seemed to accept that an assessment need not be carried out until post-development, and he added that he felt that surely an assessment would be carried out beforehand. Councillor D Freeman noted the existing permission as regards use, and noted the removal of the element relating to the extractor plant adding he felt this should have formed part of the application being considered by the Committee today.

The Chairman thanked Councillor D Freeman and asked Mr D Keenan, local resident, to speak in objection to the application.

Mr D Keenan noted the noise from the extractor plant was a big intrusion, with the gentleman from the nearby offices also complaining as regards noise, asking Officers to address the issue. He added that the equipment made a tremendous noise, akin to Concorde taking off, and while it appeared to be very small when looking at the plans and drawings, the equipment was massive in real life. Mr D Keenan noted that the NPPF stated where a new permission or change of use was submitted to a Local Planning Authority, the Authority may refuse if the application was deemed to be too noisy. He added that in this case without the requisite assessments, there was not all the information to make a decision. Mr D Keenan noted that in addition the NPPF noted there was an ability to refuse should an application be likely to disturb local residents. He added that the extractor equipment element of the application had been removed and he suggested that the fan that was currently in place would not pass any test as applied. He asked if it was possible to say whether before any decision was made that there was not all the information, as once the development was up it would go on forever. Mr D Keenan explained that Section 123 of the NPPF referred to the impact of noise, and that the noise he experienced was noticeable, intrusive and disruptive. He added that in summer he had to have the bedroom window closed and noted the casual attitude in that the extractor fan would be left on all night after the premises had closed, not being switched off. Mr D Keenan noted that he had written to the owners in respect of the fan, however had received no reply. He concluded by noting that he did not think the application met the retained plan.

The Chairman thanked Mr D Keenan and asked Mr M Sherman, Agent for the Applicant, to speak in support of the application.

Mr M Sherman noted that the Applicant, Revolution Bars Group was a well-established and reputable company, operating for over 25 years with around 70 bars in the UK. He added that their businesses were ran to the highest standards, they were a top 100 employer and the investment that would be made in Durham would be around £1million.

Mr M Sherman noted that the proposal was for a modest glazed structure, to replace the existing cluttered layout, and that the unsightly bin store to the rear would be addressed.

He added that it was felt that the application would actually enhance the setting of the Bridge. Mr M Sherman explained that the design had been in consultation with the Planning Department and Design and Conservation and the proposal would be an improvement and not impinge upon the views, with the design being to maximise the views to the Castle and Cathedral.

Mr M Sherman noted that the proposal would be for both locals and tourists, and therefore would benefit the City in terms of policy. He noted that the former Café Rouge, on the opposite site of the bridge, had been vacant since 2016 and that there was always a danger that vacant sites become neglected and therefore the proposed investment from a popular, established developer would be beneficial. Mr M Sherman added that the 25 year lease showed a long term commitment from the Applicant and that around 50-60 full and part-time jobs would be created. It was noted that the extractor equipment was from a previous use, and not linked to the roof and therefore was not included in this application. Mr M Sherman noted that if this application was successful, subsequent applications would look to include extractor equipment. He added that in response to Councillor D Freeman as regards noise, the existing use permitted outside operation which would have an associated noise. Mr M Sherman explained that the proposed structure would enclose the customers, and would help with noise issues. Mr M Sherman concluded by reiterating that the Applicant had worked with the Council's Planning Department to ensure the application satisfied policy and asked the Committee to agree with the Officer's recommendation.

The Chairman thanked Mr M Sherman and asked the Planning Officer to comment. He noted that in terms of the design, Historic England had no objections to the footprint, noting they concluded there would be limited impact on the heritage assets. It was reiterated that this opinion was shared by the Council's Design and Conservation section. In respect of noise, the Planning Officer noted while there would be some noise via the roof structure itself, the current permission was unrestricted A4 use, not that any operator could be as loud as they liked, and Officers from Environmental Health had been consulted in relation to this. In terms of the existing extractor plant as mentioned by the speaker, the Planning Officer noted that this did not form part of this application, and there was separate ongoing enforcement action relating to this.

The Chairman thanked the Planning Officer and asked Members of the Committee for their comments and questions.

Councillor P Jopling noted that she used to operate a business opposite to this location, around 10 years ago, and that particular pub had always had significant noise levels and had been heavily frequented.

She added that the proposed structure would have a benefit in terms of noise levels and asked whether the 2005 permission for 8 canopies were for umbrellas or another type of structure. The Planning Officer noted that it was for 8 moveable canopies. Councillor P Jopling noted that those type of canopies would often end up looking very shabby.

Councillor D Brown noted the concerns raised by the Local Member and the resident, however, he added that there was nothing worse than an empty property and moved that the application be approved.

Councillor D Brown was seconded by Councillor R Manchester.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

b DM/17/02606/FPA - Durham Sixth Form Centre, The Sands, Durham

The Team Leader - Central and East, Alan Dobie gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for a new multimedia facility and reconfiguration of car park provision and was recommended for approval, subject to conditions.

The Team Leader - Central and East noted the application was for a new extension building, with a lot of development ongoing in the nearby area of The Sands. Members noted the nearby car park and swimming pool, with a number of green public spaces in the vicinity. He added that some works to the car park had been agreed under delegated authority.

The Committee were informed that the design was very modern and in keeping with the recent developments in the area, and was well screened in relation to the historic part of the site.

The Team Leader - Central and East noted there were no objections from the Environment Agency, subsequent to a Flood Risk Assessment and no objections from internal consultees. It was added that there had been no objections from residents and the site was within a highly sustainable location within the City.

The Committee noted that Officers had no objections to the application in principle, with the scheme being in order to facilitate future use of the Sixth Form, and access would be via the existing provision. It was added that while the development would be on what was current car parking, this provision would be made available elsewhere and the Highways Section were satisfied with this. Members were reminded that the application was recommended for approval.

The Chairman thanked the Team Leader - Central and East and noted there was one registered speaker, the Chair of Governors at the Durham Sixth Form Centre, Mr D Southwell.

Mr D Southwell thanked the Committee for the opportunity to speak and noted he had been a Governor at the school for over 30 years and had also been the Chair of Finance and Buildings Committee for the school.

He added that the site had been developed roughly 50/50, the school and former City of Durham in terms of the new buildings and swimming pool. Mr D Southwell noted the school was proactive in post-16 education and was the largest 6th Form in the North East, with over 1,300 students. He added that the 6th Form worked in partnership with a number of smaller schools as a post-16 “teaching school”. He noted the proposed design had cherry-picked the best and most modern aspects and now that the requisite finance was available the school wished to progress the matter. Members noted that there was also some provision for those aged 11-16, gifted and talented students that were given an opportunity for more advanced studies, as well as provision for students with special educational needs.

Mr D Southwell noted that around 75% of the students were academic and would progress to university, and around 25% pursuing vocational courses. He added that the design was fit for purpose and appropriate for the Conservation Area and that the proposals would add value. Mr D Southwell noted that the school had worked hard with Officers of the Council from Planning; Education, noting the school was not an academy; Highways; and Architects. He noted issues in terms of a previous application in relation to a hockey pitch, and added this application was to ensure solid education for pupils from County Durham and provide a great campus for post-16 education, a good stepping stone for these young people.

The Chairman thanked Mr D Southwell, noting he spoke well on behalf of his school, and asked Members of the Committee for their comments and questions.

Councillor D Freeman noted that the 6th Form Centre was an excellent college and was very popular and well used school benefiting the City and the County. He therefore moved that the application be approved. Councillor J Clark agreed noting it was an excellent application.

Councillor D Freeman moved that the application be approved; he was seconded by Councillor J Clark.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

c DM/17/03046/FPA - Former Murton Victoria Club, Church Street, Murton

The Team Leader - Central and East, Alan Dobie gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was 14 dwellings and was recommended for approval, subject to conditions and the completion of a s106 legal agreement, as set out within the report.

The Team Leader - Central and East noted the application site was in what was fundamentally a residential area, occupying a prominent site. It was noted that there had been a number of problems with the site in the last few years, and as there was an ongoing process in terms of demolition the proposal was welcome.

The Committee were informed that the proposals were in keeping with the area, a two and a half storey design with three blocks of four and one block of two. The Team Leader - Central and East noted that access would be via the northern boundary of the site and this access would be also for adjacent properties to serve existing garages and was welcomed by residents. Members noted the proposed elevations and the enhanced frontage at this prominent site.

The Team Leader - Central and East explained that there were no objections from highways or ecology, with a contribution toward the scheme to reduce the number of access points to special protection areas at the Durham Heritage Coast. Members noted that there had been no objections from the Drainage Team, subject to surface and foul water conditions. It was added that there had been no objections from neighbours and in terms of the principle of the development, it was in a sustainable location, within a well-established existing village. The Team Leader - Central and East concluded by noting the application was recommended for approval.

The Chairman noted that there were no speakers in relation to the application and asked Members of the Committee for their comments and questions.

Councillor J Clark noted it was an excellent development and that it was also welcomed, especially in terms of the work that had been done in respect of the access and proposed that the application be approved. Councillor M Davinson noted he had drove past the site previously and it was an eyesore and therefore he supported the development and seconded the application.

Councillor J Clark proposed that the application be approved; she was seconded by Councillor M Davinson.

RESOLVED

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee.

- d **DM/17/03290/FPA - Unit 1, McIntyre Way, Durham City Retail Park, Gilesgate Moor, Durham**

The Senior Planning Officer, Colin Harding gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the insertion of mezzanine floorspace and was recommended for approval, subject to conditions as set out within the report.

The Senior Planning Officer noted the application site, at the Durham City Retail Park and noted the mezzanine related to a Go Outdoors store, located in the former B&Q warehouse area, currently vacant. It was added there was a similar application in 2016 which was approved, however, this new application contained some changes and a slightly larger mezzanine floor area.

It was noted that there had been no objections from any internal or statutory consultees or members of the public. The Senior Planning Officer added there were no restrictions within the saved City of Durham Local Plan that could be still be afforded significant weight, or within the NPPF, the application being in compliance with those documents. It was added that there had been an updated sequential test, with no suitable sequentially preferable sites having been identified. The Senior Planning Officer concluded by noting the application was therefore recommended for approval.

The Chairman noted that there were no speakers in relation to the application and asked Members of the Committee for their comments and questions.

Councillor K Corrigan noted that she was a Local Member in respect of the application and moved that the application be approved.

Councillor K Corrigan proposed that the application be approved; she was seconded by Councillor J Clark.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.