

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 20 February 2020 at 1.00 pm**

### **Present:**

**Councillor J Clare (Chair)**

### **Members of the Committee:**

Councillors J Atkinson (Vice-Chair), D Bell, J Chaplow, E Huntington, G Huntington, I Jewell, J Maitland, S Quinn, G Richardson, F Tinsley, S Zair and C Martin (substitute for L Brown)

### **Also Present:**

Councillor J Rowlandson

#### **1 Apologies**

Apologies for absence were received from Councillors J Blakey, L Brown and J Shuttleworth.

#### **2 Substitute Members**

Councillor C Martin was substitute for Councillor L Brown.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Minutes**

The minutes of the meeting held on 23 January 2020 were agreed as a correct record and signed by the Chair.

#### **5 DM/19/03212/FPA and DM/19/03213/LB - Fernavilles Rest, Whorlton, Barnard Castle**

The Committee considered a report of the Planning Officer regarding an application for the conversion of a pub annex to residential dwelling,

including associated internal and external works, at Fernavilles Rest, Whorlton, Barnard Castle (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Mr J Dickinson, representing Whorlton and Westwick Parish Council objected to the application. The Chair advised that the four documents he had submitted had been circulated to Members of the Committee prior to the meeting (for copy see file of minutes).

Known formerly as The Bridge Inn, the application for the Fernavilles Rest was based on the projected viability of a reduced floor space, yet this pub had been operating at full capacity on evenings and weekends prior to its closure. There were a number of inaccuracies in the report, one relating to business rates, which Mr Dickinson believed had already been achieved in 2013. Mr A Miller, a Chartered Surveyor and Member of 'the pub is the hub', had concluded in one of the emails circulated, that no cogent argument had been produced to suggest the pub was no longer viable in its present format, and it was his opinion that the proposal would result in its demise.

Mr Dickinson confirmed that the outgoing tenant had ran a successful business and in 2016 the Parish Council had been approached with plans to erect a number of luxury camping pods. At the time the tenant had 25 employees and was operating at maximum capacity. Mr Dickinson referred to an article published by the Teesdale Mercury in September 2019, which in his opinion, did not describe a pub that was not viable. The former tenant had been quoted as stating the closure of Whorlton Bridge in August 2019, had drastically reduced trade.

Mr Dickinson confirmed that this proposal would reduce table covers by 60% and that level of loss could not result in an improved business model. The application proposed a loss of employment, tourist accommodation, and community and heritage asset.

Councillor Rowlandson, Local Member, believed that the actions of the Council following the closure of the bridge at Whorlton had played a part in the closure of the business. The signs which went up had only referred to the road closure and it had given the impression that businesses were closed. Councillor Rowlandson had emailed the Highways Strategic Manager, to ask for this to be rectified.

Councillor Rowlandson advised that the decision came down to the viability of the pub after the removal of the annex. The annex was the biggest part of the pub removing it would leave the pub with very little room. Although he recognised that it was ultimately for a new tenant to make the pub viable, the

applicant had suggested 30 covers would be available and this was questionable given the size of the area that would remain. Councillor Rowlandson had noticed that despite the pub not trading on weekday lunchtimes, assumingly due to lack of business, the viability report had listed half of its profitability from lunchtime trade.

Councillor Rowlandson described Whorlton as a traditional village community which should have its own pub. He considered the removal of the annex would ruin the viability and as stated in the Teesdale District Local Plan, proposals for change of use of public houses should not be permitted where it is no longer viable or required by the local community. He also noted the Whorlton Village Neighbourhood Plan, which stated that existing amenities should be protected and proposals resulting in their loss should be resisted.

Mr G Stastny had been a resident of Whorlton for 46 years and the pub was central to village life, due to a lack of alternative meeting places. As Parish Councillor and a Member of Whorlton Village Community Association, Mr Stastny confirmed that he had been involved in the development of the Whorlton Village Neighbourhood Plan. He believed the viability report was misleading and had been produced in the knowledge that this proposal would lead to the demise of the pub.

Mr Stastny confirmed that the applicant proposed to seek a lifestyle term using the capital from the residential development to bring the building back into a reputable state. He referred to the report of Mr Millar who had 30 years experience in the pub trade and was of the firm opinion that a reduced footprint would make the pub less viable. In Mr Stastny's opinion, the tenancy terms were unrealistic and the proposal would leave little chance of any tenant taking it on. The investment required could not be justified for the short length of tenancy being offered.

Whilst he would prefer the application be refused, he asked the Committee to consider attaching a condition to ensure that if the pub failed to attract a tenant, the owner would be required to sell the property at a value reflecting its existing use. This was the only way that a tenant could be found to ensure the continuation of the pub for the long-term benefit of the community, rather than for a short term financial gain for the Applicant. The Solicitor advised Members that it was unreasonable to impose a condition with regards to the sale of the property.

Mr I Carter-Becker, the Applicant, addressed the Committee and confirmed that there was nothing to suggest that this application was aimed at taking away the viability of the pub, the clear point of it was to turn the pub around. It had been a serial failure for the previous ten years, having seen out four tenants, none of which had made a success. The entire point of the application was to remove the failing aspect, reduce the cost, allow inward

investment, and bring something to the market which would be tenatable in the long term.

Mr Carter-Becker confirmed that his family ran a number of pubs in the Teesdale area; this one had been owned by the family for 70 years and it was important that the pub worked, not just from a business perspective, but from an emotional point of view. He did not agree with the idea that Members should ignore the experts; he had worked in the pub industry for 10 years and his Mother for 30 years prior - she also supported the proposal. He was trying to bring a viable pub to Whorlton.

Mr Carter-Becker advised that anything that could bring a pub that was currently vacant, back into use would be positive for the people who lived there.

The Principal Planning Officer responded to the comments made by speakers and advised Members of the policy test; to consider whether the proposal would result in the loss of the pub. The Applicant had been asked to submit a viability appraisal to establish whether the reduced footprint would still be viable. It was accepted that this proposal was for the public house to remain, albeit a scaled down version. It would be incorrect to compare the viability of previous businesses to the potential for moving forward – the key focus was that the pub, even with its reduced footprint, would still be viable.

With regards to the listed building, heritage and tourism elements, there had been no objection from Design and Conservation, no adverse impact on the conservation area or listed building status, and the revised footprint would still allow bed and breakfast accommodation to be offered, but this was ultimately a consideration for a future operator.

Councillor Richardson confirmed that the pub was in his ward and there had been a considerable number of similar applications for failing pubs brought to this Committee. From his point of view, this proposal would be the first step to this pubs demise. He agreed with Councillor Rowlandson's comments on the closure of Whorlton Bridge and disagreed with the Applicants comments that it had been a failing business for ten years. Councillor Richardson remembered a time recently when meals were booked in advance, due to it having such a good reputation. The Villagers were very protective over the pub and restricting the footprint would not leave enough tables in the dining room for it to remain viable, therefore he could not support the application.

Councillor Jewell recognised that a closed pub was not viable and therefore he considered the application to be an attempt to make it viable. He advised that if Members refused the application, the pub may not reopen.

Although Councillor Tinsley had some reservations and felt the reduction in floor space and lack of reconstruction could make the public house *less* viable, it would still be viable.

Councillor Clare confirmed that this was clearly a valued community asset which villagers felt was being downgraded, resulting in its loss, but the Committee could only refuse the application if they considered it would result in a complete loss. He sympathised with the objectors but agreed with the comments by made by Councillor Tinsley. There was intention to protect community assets in the Neighbourhood Plan, but the only decision for Members was whether the pub would still be viable or not. It was apparent the footprint would reduce, but Members had to question whether that was sufficient to warrant a complete loss.

A motion to approve was moved by Councillor Tinsley and seconded by Councillor Atkinson.

### **Resolved**

That the applications be **APPROVED**, subject to the conditions outlined in the report.

## **6 DM/19/03733/FPA and DM/19/03734/LB - The Laurel Building, South Church Road, Bishop Auckland**

The Committee considered a report of the Principal Planning Officer regarding an application for 16 no. bungalows, partial demolition of former King James School and construction of 12 no. apartments at The Laurel Building, South Church Road, Bishop Auckland (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Zair confirmed that the application site was in his ward and the building had been beautiful in its day, but recently left to deteriorate and had also been subjected to arson and antisocial behaviour. He felt sorry for the residents who were exposed to this eyesore and was delighted that someone had come forward with the intention of investing in the building. He was satisfied that the original façade would be retained and the building would be brought back into use.

Councillor Zair asked for a description of the site boundary in relation to the cricket ground and Planning Officer confirmed that ball stop fencing would be erected along the north boundary of the site, but finer details were yet to be agreed.

Councillor Zair asked whether the Applicant would consider the erection of a plaque or memorial to highlight the connection to Stan Laurel, who was educated at the school as a child. The Chair confirmed that this request could be made to the Applicant, but the Committee could not impose a condition. Finally, Councillor Zair asked if there had been any consultation between the Applicant and local residents. The Applicant responded that he had no objection to discuss maintaining the heritage of the building and that he was also open to discussions with local residents. Councillor Zair moved the recommendation to approve.

Councillor Martin supported the application, it would bring a beautiful building back into use, and provide bungalows in the town centre. He seconded the motion to approve the application.

Councillor Tinsley asked for the condition with regards to ball stop fencing to be amended. There was a safeguarding risk to construction workers and to children entering the site to collect balls. Members agreed that the Planning Officer negotiated the rewording of the condition to ensure the ball stop fencing was erected at an appropriate time, giving thought to the necessary investigations that needed to be undertaken prior to beginning ground work on the site. Councillor Tinsley seconded the recommendation to approve.

Councillor Jewell was pleased that the application included bungalows and considered any negative impact of the application to be very small.

Councillor Richardson alluded to the traffic on the access road due to the nearby school, which at peak times caused difficulty, but he noted the Highways Authority had offered no objection to the proposal.

Councillor G Huntington was happy to support the application, but he also felt it was important for the Applicant to make a commitment to honouring the buildings heritage.

## **Resolved**

That the application be APPROVED subject to the completion of a Section 106 Obligation to secure the retention of 4 no. affordable units in perpetuity; the conditions outlined in the report; and the amendment of condition no. 5 with delegated authority to be granted to the Planning Officer in consultation with the Chair and Vice-Chair

- a **DM/19/03961/FPA - King William Grange, High Grange Road, Spennymoor**

The Committee considered a report of the Planning Officer regarding an application for 11 no. bungalows including demolition of existing sheltered housing at King William Grange, High Grange Road, Spennymoor (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Tinsley moved approval of the application, noting the provision of sought after bungalows.

Councillor Quinn confirmed that she was familiar with the building and it had been well maintained, but had recently come into a state of disrepair. She welcomed the application for bungalows and was satisfied that the bungalows at this site would be retained.

Councillor Atkinson seconded the motion to approve the application.

### **Resolved**

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 2 no. affordable units perpetuity and an off-site open space contribution of £13400, payable in a single instalment prior to the occupation of the first dwelling, and the conditions outlined in the report.