

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 23 September 2021 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, V Andrews, L Brown, M Stead and A Sterling

Also Present:

Councillor Richard Manchester

1 Apologies

Apologies for absence were received from Councillors Cairns, McKeon, Oliver, Quinn and Zair.

2 Substitute Members

Councillors S Deinali and L Holmes were present as substitute for Councillors Quinn and Oliver respectively.

3 Declarations of Interest (if any)

The Chair declared a prejudicial interest in item no. 5c) as a Member of the governing body of Barnard Castle School.

4 Minutes

The minutes of the meeting held on 22 June 2021 were agreed as a correct record and signed by the Chair.

5 DM/21/01252/FPA - Land Adjacent to Spar Local, Unit, Jubilee Road, Shildon, DL4 2AL

The Committee considered a report of the Planning Officer for two shop units (Class E) and one hot food takeaway (sui generis), adjacent to Spar Local, Unit, Jubilee Road, Shildon (for copy see file of minutes).

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

The Applicants agent, Mr Duckworth, addressed the Committee and advised that the units were small scale and designed to fit well in this part of the time. The retail assessment confirmed that it would have no negative impact on any of the high street businesses and he hoped the application would be approved.

With regards to bin storage being inside the rear of the shop, Councillor Brown asked for clarification on the route that the bins would be transported on collection day to the front. The Planning Officer advised that the plans showed bin storage to be internally at the rear however there was space externally for bins to be stored. There was a gap between the community centre and proposed retail units that would allow bins to be taken round to the front if they were to be stored externally.

Councillor Brown suggested that a takeaway would need a continental bin and this could be an issue if the bins were intended to be wheelie bin size. The Planning Officer advised that the Applicant had clarified that bin storage would be to the rear and bins would be wheeled around to the front on collection day. Councillor Brown was concerned as she had noticed that the existing shop stored their bins to the front and asked for bin storage to be conditioned to the rear.

Councillor Atkinson had reservations on the sustainability of the proposal but acknowledged that was a matter for the Applicant. There had been no objections from the public and the objections that had been submitted from statutory consultees had been considered and conditions applied. He moved the recommendation for approval.

Councillor Brown asked for clarification on the class of the two units either side of the hot food takeaway and the Planning Officer advised that both were Class E and neither of the units could be converted to hot food takeaways, they would need to apply for planning permission.

Councillor Adam asked whether the cumulative impact of litter, noise and odour had been considered as per Policy 31 of the County Durham Plan, as

there was already a fish and chip shop in the area. The Planning Officer advised that the existing hot food takeaway had been considered and the applicant had clarified that the use would be a Chinese style takeaway which was more likely to be taken away from the premises and consumed at home. The opening hours had been restricted to the same as the current takeaway and therefore there would be no increased noise and disturbance. There had been a lot of discussion with the Applicant with regards to noise and odour and the system proposed by a condition, was for a flue extraction system through the roof area, which would look reasonable.

Councillor Stead advised that he had visited the site and was surprised that three units would fit and the bin storage should be carefully considered. There were around 24 food outlets which he had counted in this small town and for this reason he could not support the application.

Following a query from Councillor Adam regarding the condition that required shutters on the front of the units the Planning Officer advised that the shutters were usually perforated so that during daytime hours, the inside of the shop was visible. After a request from Councillor Adam, the Applicant agreed that the condition could stipulate artwork to make them more aesthetically pleasing.

Councillor Sterling seconded the motion to approve the application.

Resolved

That the application be APPROVED subject to the conditions outlined in the report and the addition of the following two conditions;

- Refuse bins for the 2 class E retail units and the hot food takeaway shall either be stored internally or to the rear of the retail units at all times (other than the short period required for refuse collection).
Reason: In the interests of visual amenity in accordance with Policy 29 and 30 of the County Durham Plan
- Prior to installation, details of the roller shutters for the proposed shop and takeaway units shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the perforation and colour of the shutters, together with the bespoke appearance of the hot food takeaway roller shutter to facilitate a lively appearance in the street scene when in use. The roller shutters shall thereafter be installed and maintained in accordance with the agreed details Reason: In the interests of visual amenity and to ensure an attractive appearance on the hot food takeaway premises during daytime periods of closure in accordance with Policy 29 and 30 of the County Durham Plan.

6 DM/20/02379/FPA - Land To The South West Of High Terrace, Roddymoor, DL15 9RA

The Committee considered a report of the Planning Officer for the construction of residential dwelling and associated commercial dog kennels on land to the South West Of High Terrace Roddymoor (for copy see file of minutes).

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

Local Member, Councillor Manchester spoke in support of the application. There had been similar applications in the past which Members may be familiar with and this was due to a change in DEFRA guidance for dog breeders. In order for this business to maintain its rating there had to be someone staying on site at all times.

Councillor Manchester described the site as natural sprawl which sat in a dip, sheltered by a treeline which would help mitigate any impact on the surrounding countryside and on balance he believed that the benefits of the scheme outweighed any potential harm.

The ecological assessment required should be conditioned prior to the commencement of the development.

With regards to noise, the Applicant had received no complaints from Environmental Health in the past from the existing property and the new premises would use acoustic

Ms J Johnson, the Applicant, addressed the Committee and advised them that her experience as a veterinary nurse had led to a journey of breeding champion Bull Terriers and she advised of her various accolades with the Kennel Club and as a judge. Her business had gone from strength to strength, and she had been awarded a five star rating from DEFRA however in 2018 legislation changed. Ms Johnson explained that due to space requirements, she was unable to have more than two litters per year and as this was not guaranteed, she was more likely to only have one. This meant that she was unable to maximise the businesses full potential.

Ms Johnson advised that the property would be self-built, was subject to a business plan, she was fully aware of the financial commitment and the sale of her existing property would be used to fund the proposal. The scheme was well supported by local residents and Ms Johnson

Ms Johnsons Agent, Mr Taylor, advised that the site was not in a designated landscape area, the land was poor quality and concealed by planting. The dwelling was smaller than the report stated it was not 190m² but 140.3 m² – there were a small amount of shared areas.

There were comments regarding the design of the dwelling and he advised that the external materials included cladding which was black. The dwelling had been designed as a black barn, an agricultural looking building to compliment the landscape, not conflict with it.

Mr Taylor referred to Planning Policy 10 of the CDP which was to support the expansion of rural businesses and he hoped that the Committee would support the application.

The Planning and Development Solicitor advised that an ecological assessment had not been submitted and the Council was under a legal duty to protect protected species from harm or any other ecological impacts. She suggested that if Members were minded to overturn the recommendation, it should be a decision of minded to approve and delegated to Officers to consider on receipt of an ecological assessment.

The Planning Officer confirmed that the dwelling measurement included a puppy and whelping area and was 187m² in total.

Councillor Atkinson had been impressed by the pedigree of the animals and this was a sustainable business which also had the potential for an apprenticeship. He put forward a motion of minded to approve the application subject to further consultation between the Planning Authority and Chair and Vice Chair of the Committee.

Councillor Brown agreed and would have approved the application should it have included an ecological assessment, however due to this reason she would have to reject it as per the Officer's recommendation.

The Planning Development Solicitor advised that she had no problem if Members were minded to approve the application subject to the submission of a satisfactory ecological assessment.

Councillor Adam advised that he agreed with colleagues and on balance it was acceptable, however with regards to NPPF 178 and Policy 32, a concern had been raised with regards to former mine workings and whether the land would be able to sustain a residential building as this was something that would change the balance.

The planning Officer responded to confirm that a coal mining risk assessment had been submitted and further information was required and was conditioned.

Councillor Savory advised that the standards in animal welfare was glowing testament, there had been no complaints at the current property and given the support of local member, she seconded the motion put forward by Councillor Atkinson.

Councillor Sterling stated that the Council should support businesses in trying to expand and she was in support of the application.

The Chair advised that as a farmer, he appreciated that living on site was a necessity.

Councillor Denali advised that contrary to the report, which stated there was no proven reason for the Applicant to live on the site, there was evidence that DEFRA guidance.

Resolved

That the application be MINDED TO APPROVE subject to conditions delegated and agreed in conjunction with the Chair and Vice Chair of the Committee.

7 DM/20/03776/FPA - Barnard Castle School, Newgate, Barnard Castle, DL12 8UN

The Committee considered a report of the Planning Officer for the construction of a new Sports Pavilion, including access to the south and associated reconfiguration of adjacent sports pitches at Barnard Castle School, Newgate, Barnard Castle (for copy see file of minutes).

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

The Chair advised that he would be speaking on the item as local member and withdraw from the meeting.

The Chair advised that Councillor Rowlandson was the other local member for Barnard Castle East and he had requested this item be brought to Committee to ensure local residents, particularly those of Five Acres, which was previously school land, could be satisfied. Councillor Rowlandson felt that he had a declaration of interest himself as his children had attended the school and that was the reason why he had not attended the Committee in person.

The Chair advised that the sound impact had been mitigated and acknowledged the history of the site. It had been a school site before the housing had been built and of course there would be the noise of children's voices. The Planning Officer had satisfied Sport England, which was not easy, and this facility would be open for public use and he couldn't recommend it any more highly. He left the meeting and did not return.

Councillor Savory Chaired the meeting from this point.

The Agent, Mr Tudball, addressed the Committee and confirmed that the application was for the construction of a new sports pavilion and configuration of sports pitches. This would be a pivotal piece of 25 year masterplan commissioned in 2017 and marked a commitment from the school to continue high quality learning. Significant investment would help maintain its standing as a leading day and boarding education facility in the UK. It would pave the way for school and community use.

The Applicant had engaged with all consultees throughout which had resulted in a fully considered and supported proposal by Sport England, Design and Conservation and the Planning Authority. He hoped Members would support the application and support the recommendation.

Councillor Stead moved the recommendation for approval, seconded by Councillor Sterling who said that this was a fabulous application.

Resolved

That the application be APPROVED subject to the conditions outlined in the report.