



**CITY OF DURHAM
PARISH COUNCIL**

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22 March 2020

Dear Mr Spurgeon,

DM/20/00544/FPA: Change of use from bar (A4 use) to hot food takeaway (A5 use) with ancillary A4 use and minor changes to shop front, 33 Saddler Street, Durham DH1 3NU

The City of Durham Parish Council's Planning Committee offers the following comments on the above application.

The premises have enjoyed an A4 Use (drinking establishment) and seek planning permission for a change of use to A5 Use (hot food takeaway) with the A4 Use becoming merely ancillary, and minor changes to the shop front are also proposed.

National public health guidance as well as many local authorities seek to resist hot-food takeaways where children and young people congregate, high levels of obesity are observed, and where clustering of *hot food takeaways* will have a negative impact on the vitality of the local area. Public Health England has found that County Durham is in the highest category of density of fast-food outlets in England.

The County Durham Plan includes Policy 31 (Hot Food Takeaways). The Plan has now completed the Hearings stage of its Examination in Public, and the Inspector required the County Council to prepare a Main Modification to that Policy. The County Council has done so, and the Modified Policy now reads:

“Policy 31 (Hot Food Takeaways). Within sub-regional, large town, small town and district centres (as defined in Policy 9 (Retail Hierarchy and Town Centre Development) and as shown on the policies map), in order to minimise the detrimental impacts of an over concentration of hot food takeaways, planning applications for A5 uses will be carefully considered. Where a proposal would lead to more than 5% of premises in A5 use, or where the A5 levels are currently above 5% and a proposal would further increase this, applicants will be required to demonstrate that the proposal would not detract from a centre’s vitality and viability..... Where a proposed A5 Use is considered locationally acceptable, consideration will need to be given to the impact that the development would have in terms of amenity, particularly in

relation to noise and odours. Where it is considered that the proposal would give rise to unacceptable impact, the application should be refused."

Whilst not yet carrying the full weight of approved Development Plan policy, this is the outcome of a requirement from the Examination in Public Independent Inspector and the County Council's carefully considered Main Modification, and thus carries some weight.

This current application lies wholly within Durham City's defined sub-regional centre and therefore the County Council needs to calculate whether more than 5% of premises in the defined Primary Shopping Area are already in A5 Use or would be if the application were to be approved. This calculation will need to include units that are vacant but have planning permission for an A5 use, as noted in a footnote to the proposed Main Modification.

Under the Modified Policy, the applicant is required to demonstrate that the proposal would not detract from a centre's vitality and viability. There is no such information. The Parish Council notes that pre-application officer advice has not been sought by the applicant.

We are concerned about the proposed duct across the ceiling, venting through a new opening above the door and into Saddler Street. Other premises vent to the rear, but the application premises are back-to-back with those on Elvet Bridge and so venting to the rear is not possible. Policy 31 refers in its final paragraph to considering the impact in terms of amenity, particularly in respect of noise and odours, and adds that where these are unacceptable the application should be refused. There is no evidence from the applicant about whether or how cooking odours will be controlled, so the application should also be refused on these grounds

A further consideration is that the applicant does not provide any information as to areas for storage and collection of waste, nor for the separate storage and collection of re-cyclable waste. His entries on the application form confine themselves to an assurance that waste will be removed daily. That is not sufficient. Waste bins block pavements and waste collection lorries block roadways. Saddler Street is a very narrow mediaeval street with unavoidably narrow pavements and roadway. It is the nature of takeaways, and experienced all too much in the centre of Durham City, that they create a great deal of waste. Satisfactory arrangements as sought in the application form must be identified for the application to be acceptable in these terms.

There is also the familiar problem of queues of customers at takeaways into the early hours (these premises hold a license until 2 am) which again is problematic in a narrow street.

The Parish Council regards Saddler Street as the key approach to Durham Cathedral and Castle. A hot food takeaway can be a valued presence towards the fringes of town centres but not in this prime heritage location.

For all of the above grounds the City of Durham Parish Council advises that the application should be refused.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council