



**CITY OF DURHAM
PARISH COUNCIL**

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3 June 2021

Dear Mr Dalby,

DM/21/01752/FPA | Change of use of ground floor premises from Dental Surgery (Use Class E) to Hot Food Takeaway (Sui Generis) with associated internal alterations | 37 North Road Durham DH1 4SE

The City of Durham Parish Council Planning Committee considered this application at its meeting on the 28th May and resolved to object to this application on the following grounds.

Number 37 North Road is one of a short street of 5 properties situated north of the viaduct in North Road. Of these two already have sui generis takeaway permission (although one is not trading at present) and one is a public house that serves takeaway food. This part of North Road is on the route to both St Leonards School and Durham Johnston School and is in close proximity to Rushford Court, a PBSA which has been used as a temporary college in the past by Durham University. This could therefore be considered an educational establishment under the terms of County Durham Plan Policy 30.

The Parish Council notes that the Highways comments for this application state that "Servicing would need to take place to the rear of the development." However, the rear of this development is a small yard backing on to a shared street with a very narrow entrance. This back street serves all the premises in this area including the back entrances of residential properties in Lambton Street and is also used for parking and access. Therefore the Parish Council believes that, as is the case with both Dominos and the Bridge public house, most vehicle deliveries and collections will have to take place on the street at the front, despite the fact that it is protected by double yellow lines. This in turn affects the sight lines of vehicles coming out of Sutton Street and will affect vehicles turning from the A690 and also those turning up to the station. This is contrary to Neighbourhood Plan Policy T1 which states "Adverse transport impacts should be avoided wherever possible." (The plan is expected to be formally adopted by the County Council in July 2021. Its policies therefore carry full weight and are a material planning consideration in so far as they relate to this application.) CDP Policy 6 e also states that development on unallocated sites will only be allowed if it "will not be prejudicial to highway safety"

Policy 29 states that alterations must “have no adverse effect on the amenity of neighbours” and Policy 31 states that proposals will not be permitted “which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy” Given that there are both students and year round residents living in the area who have already had their amenity affected by existing takeaways it is felt that granting this application would be in breach of both of these policies and would further exacerbate complaints about disturbance and loss of amenity for residents which are well documented.

The Parish Council is also extremely concerned at the lack of a number of relevant details within this application. There is no mention of how fumes are to be vented, nothing about the collection of rubbish, where bins are to be sited and where food is to be stored. In fact, the bins for Dominos at no 41 are kept on the street corner as there is no room and no access for collection vehicles in the rear yard. This is of course not feasible at no 37 because of the narrow pavement. The letter supporting the application is very vague saying only “Precise details and specification for equipment to be installed in the building including any extraction and odour abatement units have not yet been decided and it is anticipated that precise details would be determined at a later stage by way of condition in the event that planning permission is granted.” It is the view of the Parish Council that, as this is an application which will affect both residents and motorists in the area, these are fundamental points which must not be left to later conditions but should be available within the application in order for it to be determined properly.

Finally, we should like to point out that the application asks for permission to serve food until 3am, outside the Licensing Framework as laid down in Durham County Councils Statement of Licensing Policy 2019 -2024, Appendix II. This is of course for the licensing officers to determine but shows a lack of consideration for the residents in the area.

The Parish Council Planning Committee objects to this application as it is contrary to Neighbourhood Plan Policy T1, County Durham Plan Policies 6, 29,30, and 31 as well as NPPF policies 127 and 180. Should Officers be minded to approve this application we should like it to be called to Committee so it can be determined by Councillors.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council