



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

George Spurgeon
Durham County Council
Planning Development Central/East
Room 4/86-102
County Hall
Durham
DH1 5UL

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA

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Dear Mr Spurgeon,

DM/21/01776/FPA | To convert into cafe, new glazing to frontage and to repoint existing brickwork, 1.2m high glass balustrade to allow roof to be used for seating | Former Public Toilets North Road Durham DH1 4RE

The Parish Council Planning Committee considered this application at its meeting on 28th May 2021 resolved to support this application with the following comments.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the planning policies of the County Durham Plan (CDP). In addition, the Durham City Neighbourhood Plan successfully passed Referendum stage on 6th May 2021 with 85.6% in favour and is now expected to be formally adopted by the County Council in July 2021. The Neighbourhood Plan policies are therefore a material planning consideration in so far as they relate to this application.

The Parish Council very much welcomes the opportunity to transform this neglected and redundant building, well-known locally for attracting a high level of anti-social behaviour, into a new business use which adds to the vitality of this part of the City.

With regard to the impact upon the vitality and viability of the city centre, it is noted that Policy 9 of the CDP seeks to protect and promote the vitality and viability of the city centre and that this approach displays a broad level of accordance with the aims of the NPPF which require local plan policies to recognise town centres as the heart of their communities and Local Planning Authorities (LPAs) to pursue policies to support their vitality and viability.

Policy E3 of the Durham City Neighbourhood Plan deals with retail development within the Plan area and is clear that *“within the Durham City Centre, as defined in Proposals Map 6, support will be given to proposals that contribute to the creation of a lively and vibrant City Centre by development in the*

Primary Shopping Area for...A3 (restaurants and cafés)". This application clearly conforms with this important policy.

It is also worth noting that the themes and objectives of the Neighbourhood Plan were developed from the Forum's priority survey responses (Durham City Neighbourhood Planning Forum, 2015), during which improvements to North Road was listed as the second most important priority for members of the public.

Paragraph 92 of the NPPF requires that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities...public houses, etc... Indeed at paragraph 92 (a) it reads: *"plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services ..."*.

Policy E3 draws much support from paragraph 81 of the NPPF which is clear that planning policies should: *"set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration."*

Notwithstanding the positive aspects of this proposal, the Parish Council does have a concern at the security element of having the upper floor area accessed via an external entrance, where the owners/ employees of the café would have limited visibility and therefore control over who is accessing their premises. It would be preferable if the upper floor were accessed via an alternative inner staircase in order to avoid this issue. It should also be noted that the upper floor may be accessible from the rear of the building from Wharton Park. This does have the potential for anti-social behaviour and non-patrons of the premises accessing the upper floor of the building without staff located at the ground floor being aware of this.

The Parish Council would also like to have further information on where waste is to be stored from this premises and clearly the hours of operation also need to be confirmed.

The application should also provide more information about the use of the toilet facilities. The Parish Council very much hopes that provision is being made for disabled access and baby changing facilities in this toilet facility.

The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan Policies. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application has addressed the main considerations and would accord with relevant policy.

On the proviso that the above matters in terms of security, waste storage, hours of operation and toilet facilities are addressed, the application should be granted without delay.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council