

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0194
FULL APPLICATION DESCRIPTION	CHANGE OF USE OF DOMESTIC RESIDENTIAL PREMISES TO ALLOW USE OF EXISTING GARAGE FOR CAR REPAIR BUSINESS (RESUBMISSION)
NAME OF APPLICANT	MR S TULLY
SITE ADDRESS	14 FENWICK ROW, SEAHAM SR7 7LE
ELECTORAL DIVISION	DAWDON
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

- 1 The current application relates to an existing detached residential property situated at the western end of Fenwick Row in Seaham. The existing residential property has a large existing garage on its eastern elevation, with an area of hard standing sited adjacent to the public highway.
- 2 The site is situated on the edge of a residential area. To the north are terraced residential properties situated on Fenwick Row and Candlish Terrace, to the west are two railway lines (one of which is disused), to the east is an area of undeveloped land beyond which lies a Nursery School situated on Gas Works Road, and to the south are large scale industrial buildings associated with the Seaham Dock Company.
- 3 Planning permission is sought for the change of use of the existing attached garage from residential to commercial. The proposed commercial garage is to be operated by the owner and resident of the existing dwelling. The proposed change of use of the garage will allow two cars to be worked on within the garage and will allow for the parking of two vehicles on the garage forecourt. The proposed change of use does not involve any exterior works to the property.
- 4 This application is being reported to the planning committee due to an objection being received from Seaham Town Council.

PLANNING HISTORY

PL/5/2009/0099 – Change of Use from Residential to Residential and Car Repair Business
– Withdrawn 05/05/2010.

PLANNING POLICY

5 NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

6 LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

7 STATUTORY RESPONSES:

Seaham Town Council – Object to the application on the following grounds:

- The application involves the establishment of a car repair commercial business in a residential area within close proximity to a Nursery School. The Council is particularly concerned that the Nursery School may wish to extend in the near future and that the proposed change of use and operation of the business of this nature at this location will impact on those plans.
- The Council is concerned about the inevitable increased volume of traffic adjacent to the Nursery School, which is already busy and congested when parents and visitors are parking while visiting or dropping children off at School. At such times a business of this nature operating could have an impact on the children and their families, especially if there is any obstruction to pathways or roads caused by the motor vehicles of clients being parked close to the property.
- The Council is also concerned in terms of environmental and health and safety issues specifically noise and chemical pollution that may result from having a car repair business in the vicinity. The Council wishes to express concern and draw attention to the opinion given by the Council's Environmental Health Officer in relation to a previous application, which stated that it is not good practice to site such

an operation next to a children's nursery as commercial garages of this nature are notorious for attracting complaints due to excessive noise from metal bashing and the strong smell of fumes from paint and other chemicals.

8 INTERNAL CONSULTEE RESPONSES:

Highways Authority – Subject to conditions no objections raised to the scheme.

- By virtue of the size of the property, the proposals are very small scale, it is not considered that there will be any significant effects on the local highway network as a result of this proposal.
- The application site is situated approximately 60 metres away from the junction with Gas Works Road, on which the Nursery School is situated, as such it is not considered that there would be any conflict with vehicles that may be parked on the applicant's property or in the immediate vicinity of the applicant's property with vehicles that may be associated with the nursery school.
- Conditions should be attached to any grant of planning permission to ensure that the business remains linked to the adjacent residential dwelling and that parking provision is made for both the car repair business and existing house.

Environmental Health – Subject to Conditions no objections to the scheme.

- Hours of operation of the car repair business should be controlled to protect the amenities of adjacent residents.
- Consideration should be given regarding waste generated by the business. All waste should be stored in reasonable quantities and not allowed to accumulate. All waste generated should be disposed of in an approved manner using an authorised waste management company relevant to the waste generated.

9 PUBLIC RESPONSES:

A site notice has advertised the application and neighbour consultation letters have also been sent. One letter of representation has been received in relation to the application. Objections have been raised on behalf of the owner of the currently undeveloped land situated to the east of the application site; concerns have been raised that the granting of planning permission for the change of use would detract from recent improvements made in the area.

10 APPLICANTS STATEMENT:

In support of the proposal the applicant has stated that he is keen to have the opportunity to run his own garage, that as it will only be small scale with a maximum of 3-4 cars being worked each day, that there will be minimal effects on any neighbouring residents or uses. The applicant has stated that he has discussed the proposal with neighbours, and that no one has complained about his plans.

Contrary to comments made by Seaham Town Council, the applicant does not believe that his proposed business will have any impacts on the Nursery School situated at the bottom of Fenwick Row. The applicant believes that the Town Council's concerns relate to other people's cars which are often parked at the bottom of Fenwick Row rather than any connected with him. All cars associated with the car repair business will be parked on the applicant's property.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=108972>. Officer analysis of the issues

PLANNING CONSIDERATION AND ASSESSMENT

The main issues to consider in determining this application are:

- Residential Amenity
- Highways and Traffic

11 Residential Amenity and Character of the Area

Policy 35 of the Local Plan deals with the impact of development. It states that new development should: reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials; provide adequate open space, appropriate landscape features, and screening where required; and have no adverse effects on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.

Representations have been received in relation to the change of use. Concerns have been raised regarding the impact the proposed business would have on the nearby Nursery School and the character of the area generally. The town council has suggested that the change of use is not in keeping with the residential area and that the proposed use of the site would have detrimental effects on the occupants of adjacent properties by way of noise and fumes.

It is accepted that if allowed to operate without restrictions, the development could have detrimental effects on the occupants of adjacent dwellings. However, it is considered that through the use of conditions, any detrimental effects could be mitigated sufficiently to minimise any adverse impacts.

It is considered by planning officers that the proposed change of use is generally acceptable. The small scale of the existing garage would limit the amount of activity at the site, whilst impact on adjacent residents should be considered in the context of its location adjacent to industrial sized buildings associated with the Seaham Dock Company.

The proposed car repair business is to be operated by the existing occupant of the adjacent residential property at No. 14 Fenwick Row. In order to protect the amenity of adjacent occupants any grant of planning permission should restrict the operation of the car repair business to the occupant of the attached residential dwelling.

The Council's Environmental Health Officer has raised no objections to the scheme, subject to the hours of operation being controlled. The Town Council has referred to Environmental Health comments made in relation to the previous application on this site; in which concerns were raised regarding noise and fumes associated with the proposed use. Such issues normally relate to car scrappage, painting or bodywork and not car repair as proposed under the current application. In order to control the type of activity allowed on the site suitable conditions will be used to ensure that car scrappage, bodywork repair, or painting does not take place on site.

Furthermore, it is suggested that planning permission should only be granted for a temporary period initially, to enable the impacts of the development to be properly assessed: A temporary permission for one year is considered to be a reasonable period of time to ensure that the Local Planning Authority can assess any impact the proposed development has on adjacent occupants. Furthermore conditions limiting operating hours and to ensure adequate car parking provision is provided on site, would limit the impact the

proposal would have on adjacent occupants, and ensure that the proposed change of use would not significantly impact on the character of the area.

12 Highways and Traffic

Concerns have been raised in relation to the impacts the proposed change of use would have on highway safety on Fenwick Row and Gasworks Road. Specific concerns have been raised regarding the impact the change of use will have on the adjacent Nursery School particularly at the beginning and end of the working day.

The Highways Authority have raised no objections to the scheme, subject to the conditions noted above in relation to the linkage of the car repair business to the existing dwelling and the proviso of adequate car parking on the application site. Due to the separation distance of approximately 60 metres between the property subject of this application and the Nursery School it is not considered that there would be any conflict between vehicles associated with the Nursery School or proposed car repair business.

CONCLUSION

- 13 Due to the scale and location of the existing garage, it is considered that the proposed change of use is acceptable; the use of suitable planning conditions can mitigate any negative effects on the character of the area and adjacent occupants sufficiently to allow approval of the planning permission.
- 14 It is not considered that the proposed development will have any detrimental effects on Highway Safety.

RECOMMENDATION

- 15 That the application be **APPROVED** subject to the following conditions;

Conditions:

1. This consent is granted for a temporary period of one year from the date of this decision. Unless the renewal of consent has been sought and granted previously, the use hereby approved shall be discontinued and the building shall revert to its former use as a private garage.
2. The use of the site for car repairs shall be restricted to the hours of 0830 to 1700 hours Mondays to Fridays only, and is not permitted on Saturdays, Sundays or Bank Holidays.
3. The car repair use hereby permitted shall be operated only by the occupant(s) of the adjacent residential dwelling currently known as 14 Fenwick Row. The approved car repair use shall not be operated separately from the existing dwelling.
4. Before the use hereby approved commences, a revised site plan shall be submitted to and approved by the Local Planning Authority. The submitted plan shall show the creation of 2 no. parking spaces for use in relation to the car repair business, and 1 no. car parking space associated with the residential dwelling. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of vehicles associated with each use.

5. No bodywork repairs or paint spraying shall take place on the site.
6. The site shall not be used for the breaking, dismantling or burning of vehicles or any scrap materials.
7. There shall be no outside storage of goods, materials, equipment, or waste except in areas to be agreed in writing with the Local planning authority.

REASONS FOR THE RECOMMENDATION

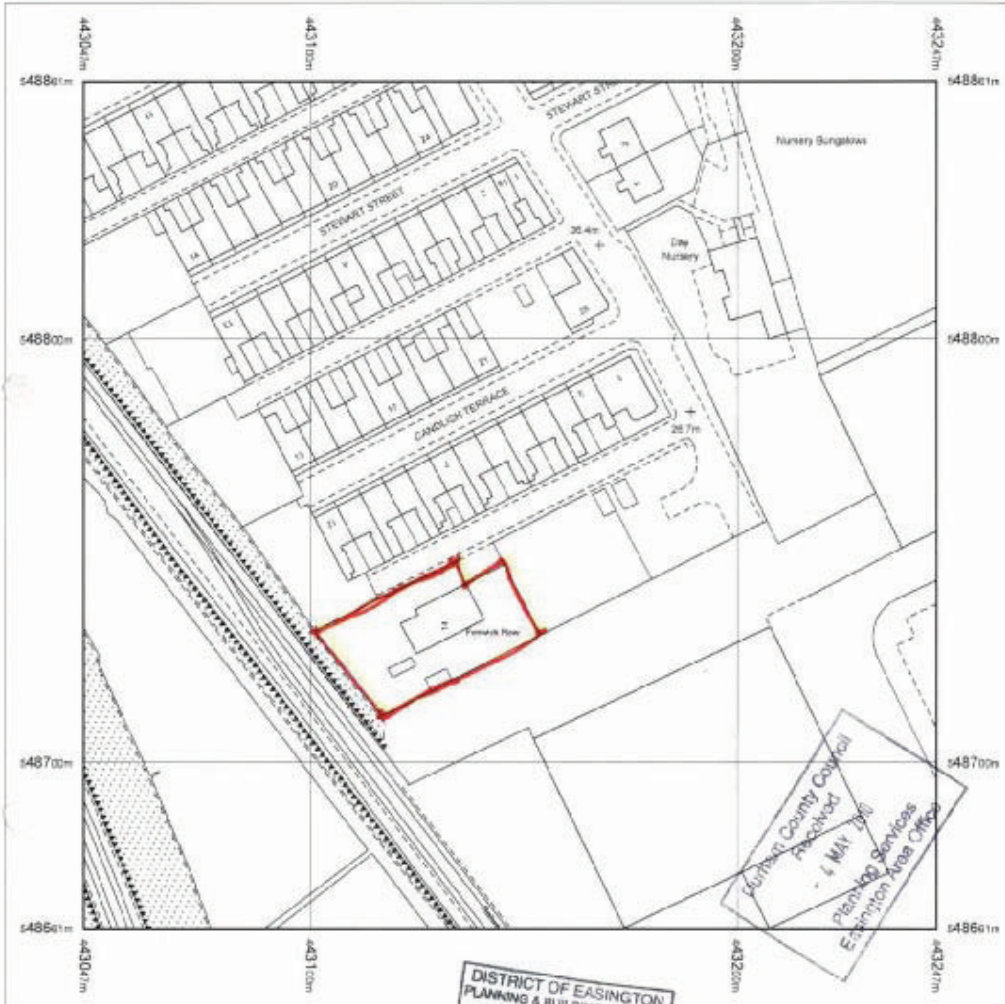
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development

2. In particular the development was considered acceptable having regard to consideration of issues of the location of development and the impact on adjacent residents and uses.
3. The stated grounds of objection concerning the impact on the adjacent Nursery School, the impact on the potential development of the adjacent land, the impact by way of noise and fumes associated with the proposed garage use, and the impact on highway safety are not considered to be sufficient to warrant refusal of the application. Due to the scale of the proposed car repair business it is considered that any impacts can be satisfactorily controlled through the use of suitable planning conditions.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



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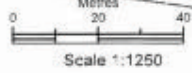
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DISTRICT OF EASINGTON
PLANNING & BUILDING CONTROL
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www.ordnancesurvey.co.uk

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