



Area Planning Committee (Central and East Durham)

Date Tuesday 9 April 2013
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 12 March 2013 (Pages 1 - 12)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) 4/12/00925/FPA - Land at Stoneacre Garage, Sawmills Lane, Brandon, Durham DH7 8AB (Pages 13 - 24)
Proposed redevelopment of existing body shop to create new car show room and formation of new parking area.
 - b) PL/5/2012/0284 - Ex Co-Op Building, Station Lane, Wingate, TS28 5DG (Pages 25 - 38)
Demolition of former Co-Op building & erection of 9 no. residential units.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

28 March 2013

To: **The Members of the Area Planning Committee (Central and East Durham)**

Councillor C Walker (Chair)
Councillor P Taylor (Vice-Chair)

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, J Brown,
P Charlton, D Freeman, S Iveson, A Laing, R Liddle, J Moran,
J Robinson and B Wilson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in the Council Chamber, County Hall, Durham on **Tuesday 12 March 2013 at 1.00 pm**

Present:

Councillor P Charlton (Chair)

Members of the Committee:

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, P Charlton, D Freeman, J Moran and J Robinson

Prior to the commencement of the meeting, the Solicitor advised that apologies had been received from both the Chair and Vice Chair of the Committee. As such, the Solicitor sought nominations for Chair of the meeting. Seconded by Councillor Bleasdale, Councillor Blakey nominated Councillor P Charlton.

Councillor P Charlton took the Chair.

1 Apologies for Absence

Apologies for absence were received from Councillors S Iveson, P Taylor and C Walker.

2 Substitute Members

Councillor M Dixon substituted for Councillor S Iveson.

3 Minutes

The Minutes of the meeting held on 12 February 2013 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

5 Applications to be determined by the Area Planning Committee (Central & East Durham)

5a 4/13/00021/VOC – 85 Gilesgate, Durham, DH1 1HY

The Committee considered a report of the Planning Officer regarding the variation of condition no.1 (approved Plans) of planning approval 4/10/00451/FPA (Sub-division of existing dwelling to form one 4-bedroom dwelling and one 6-bedroom

dwelling) to allow conversion of roof space to provide an additional two bedrooms, at 85 Gilesgate, Durham, DH1 1HY (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting. It was reported that since the officers report had been published, a further 2 letters of objection had been received, neither of which raised any new planning considerations.

Ms D Hardy, local resident, addressed the Committee, speaking on behalf of neighbours of the property and in support of the officers recommendation to refuse the application.

Ms Hardy did not object to the student population living in the area and indeed in 85 Gilesgate, rather her concerns related to parking and the unacceptable impact the additional parking would have on residential amenities, in particular, no.83 Gilesgate. Reference was made to saved policy H9 of the Durham City Local Plan which required that all developments protected highway safety and provided sufficient off street parking, particularly in relation to Houses of Multiple Occupancy (HMO's). Ms Hardy advised the Committee that the application clearly contravened policy H9.

Members were advised that 85 Gilesgate had no sole parking facility, therefore parking outside the property proved at times to be inconvenient and dangerous.

Whilst it was acknowledged that the applicant encouraged tenants in the property to car share or use public transport, Ms Hardy advised that she had witnessed no evidence of car sharing. The entrance arch to number 83 Gilesgate was often blocked by vehicles from no.85 and it stood to reason that HMO's would create intensive parking.

The Committee were advised that the road from 83-90 Gilesgate was outside of the remit of the County Council and the Highways Authority had indicated that the parking outside of no.85 was uncontrollable, though they concurred that should the application be approved it would impact further on parking.

In relation to residential amenity, Ms Hardy advised that the proposals would mean a significant increase in noise disturbance and increase of movement to and from the property. The Committee were advised that the applicant had not justified why they were seeking a variation of a condition, which technically should only be altered under certain circumstances. Ms Hardy urged the Committee to ensure the consistency of the site and refuse the application.

Mr P Smith, on behalf of the applicant Bill Free Homes, addressed the Committee. He advised Members that the grounds for recommendation for refusal was that the application contravened policies H9 and T1 of the Durham City Local Plan.

Mr Smith stated that policy H9 was not listed in the officers list of relevant policies which skipped from H2 – H16. Mr Smith was therefore concerned that the officer had drawn a conclusion on the case prior to all the evidence being assessed.

Members were advised that the officer had written on 20 February 2013 to say that in spite of not having all statutory responses, he intended to recommend refusal of the application.

The applicant believed that he had complied with all of the conditions from the 2010 approval and further advised that he had a letter from the occupier of no.86 Gilesgate, which stated that no.85 was well managed and that the students did not block her car. It was pointed out that this resident was the only one who could be blocked in by occupiers at no.85.

The Committee were advised that the applicants were a highly accredited company, the only company in Durham to hold the coveted AFS Unipol Accreditation. Furthermore they were finalists in the Sunday Times Student Landlord of the Year competition to be announced in May.

Mr Smith advised that the Committee had evidence within the application from the head of The University Security, that he had never had a call regarding behaviour of tenants at 85 Gilesgate. The officers consultation with the police confirmed that they had not been involved in intervening in parking disputes to the front of the property, contrary to the claims of the owners of no.83. Mr Smith pointed out that the only time the police attended was to wrongfully arrest him personally, for defending the rights of the tenants and the occupier of no.86 in relation to a fence wrongly erected by the occupiers at no.83.

Mr Smith advised that he had letters from the alternative transport providers including a division of the largest Multimodal transport provider in Europe (Arriva), praising the applicants transport policies.

The Committee were advised that the objectors told of near misses on the road, however they were not recorded and there were no records of any accidents arising from parking issues. The applicant did acknowledge the danger at the brow of the hill and as such instructed their tenants to turn left at all times and make a loop back into Durham.

Mr Smith advised that the applicants were successful in what they did, which could not be achieved by ignoring the amenity of neighbours. The site was a well managed city centre site and every application they had made had always warned of disaster if approved. Mr Smith believed that the easiest way of making a risk assessment about the future was to look at the past. He reiterated that there had been no police visits, no university security visits and no accidents, however the objectors still stated that residents in no.85 were causing an affray. He called for the H9 argument to be dismissed.

In referring to policy T1, Mr Smith advised that the applicant had policies in place that provided for alternative transport which were in line with T10, which discouraged vehicle parking off the public highway in new development so as to promote sustainable transport choices.

On 5 February 2013, Mr Smith advised that the traffic officer wrote that the creation of two separate dwellings was likely to increase the expectation of residents for

parking. The applicant had therefore pointed out that the property was already two dwellings and it was clear that the officer had not commented upon the current application but the previous one. Having drawn this to the officers attention a more considered reply was sent.

In the 2008 application, again for 12 bedrooms, Members were advised that the Highways Authority raised no objections adding that the new proposals may not lead to an increase in parking demand. Subsequently in the 2010 application for just 10 bedrooms, a negative conclusion was drawn from Highways, noting that it would raise the expectation for parking. Mr Smith as such argued there was a lack of consistency.

Mr Smith referred to an application for a bigger development in the city which was recently approved, though 85 Gilesgate was closer to the University facilities.

Reference was also made to an application which was made in Gilesgate in 2007 which was refused. Mr Smith was highlighting what he believed to be an inconsistent approach by the Highways Authority and he believed that sufficient evidence had been presented to show that the objection on the grounds of T1 was inconsistent with current planning policy T10. He concluded by requesting that planning approval be granted.

The Principal Planning Officer responded to all comments made as follows:

- Members were reminded that despite references made to previous planning applications and decisions, each application must be determined on its own merits, as different applications often related to different locations and circumstances.
- The objectors concerns were fundamentally the same as the concerns of the Planning and Highways concerns, relating to parking implications and road safety.

The Highways Officer was in attendance and addressed the committee. He advised that the issue of parking was well covered within the officers report at paragraphs 50 and 51, and having personally visited the site, he was particularly concerned with junction visibility and access onto Gilesgate. He therefore concurred that additional traffic would create increased risk of danger.

Councillor M Dixon queried why the variation to the original condition had not just been included in the original application. Having read the officers report, he accepted the expert advice of the Highways Officer and as such moved approval of the recommendation to refuse the application.

Councillor Blakey supported the motion, stating that having seen the site she would be concerned with the introduction of any more traffic to that area. Councillor Freeman also supported the officer recommendation, citing refusal on the grounds of parking demand, residential amenity and highway safety.

Resolved: That the application be refused for the reasons set out in the officers report.

5b PL/5/2010/0532 – Plot 1, Maple Crescent Garage Site, Seaham, SR7 7UT

The Committee considered a report of the Planning Officer regarding a retrospective application for a private garage at Plot 1, Maple Crescent Garage Site, Seaham, SR7 7UT (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members of the Committee had visited the site earlier in the day and were familiar with the location and setting.

Mr L Hobbs, local resident, addressed the Committee. He advised that he had lived in Maple Crescent, next to the garage site, for 20 years and had suffered misery due to the failings of the Council in relation to the site. The original fence around the perimeter of his property had been destroyed as a result of anti social behaviour. Following that, he had agreed with the Council to erect a new fence 3 inches closer into his boundary. Having done that, the garage had been erected on Plot 1, and this encroached onto his property by 7 inches.

Mr Hobbs referred to the provisions of the Party Wall Act 1996, which required specific notification to be provided to neighbouring properties prior to development.

Mr Hobbs advised that prior to the erection of the garage, he had pointed out that there would be issues with the building, however his concerns were not acknowledged. The guttering was not attached correctly to the garage and instead was supported in place by Mr Hobbs' fence. The guttering was also not positioned on a gradient as such there was no run off.

Mr Hobbs reported that he had liaised with Asset Management on the issue, and they had concluded that the land which Mr Hobbs claimed was his, was in their opinion, council owned land. Mr Hobbs disputed this, reiterated that some years earlier he had erected a new fence, 7 inches into his boundary, however that 7 inches out from his fence remained his land and as such the garage encroached onto his land.

Mr Madeley, applicant, addressed the Committee. Members were advised that in September 2010 he was successful in acquiring plot 1, Maple Crescent, and his intention was to erect a garage on the plot. In October 2010 he began erecting the garage, at which point his neighbour, Mr Hobbs, made a complaint, dissatisfied with the position of the garage. Mr Madeley had followed all proper processes and paid fees accordingly. He offered to place guttering along the garage and Mr Hobbs at that time, was satisfied with that proposal. Once the guttering was put in place, Mr Madeley reported that Mr Hobbs remained dissatisfied, but then heard nothing further from Mr Hobbs in respect of the garage for some 36 months.

Mr Madeley advised the Committee that he erected the garage exactly on plot 1 and had paperwork to evidence where the original plot was pre-garage.

The Solicitor advised the Committee as follows:

- Members were reminded that though there was clearly a boundary dispute between the parties, the role of the Committee was not to determine the dispute, as that would be classed as a private legal matter;
- In respect of the references to the Party Wall Act 1996 by Mr Hobbs, Members were advised that also was a private legal matter and not relevant to the remit of the Committee.

In response to questions from Members, the Principal Planning Officer advised that on such a simple build as a garage, there was no real alternative solution to the guttering on the garage. The existing guttering served its purpose, on larger builds, guttering inset into the roof could be a solution, but that was not appropriate to such a simple structure.

Councillor A Bell acknowledged that the main issues were private legal matters, he therefore concurred with officer recommendations and, seconded by Councillor M Dixon, moved approval of the application.

Resolved: That the application be approved.

5c PL/5/2012/0414 – 17, 18 & 19 Roxby Wynd, Wingate, TS28 5PN

The Committee considered a report of the Planning Officer regarding the change of use from public open space to residential curtilage including erection of fencing (partly retrospective) at 17, 18 & 19 Roxby Wynd, Wingate, TS28 5PN (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members of the Committee had visited the site earlier in the day and were familiar with the location and setting.

Mr A Turnbull, applicant, addressed the Committee. He advised that he had lived in Roxby Wynd for 14 years and during that time the land in question to the rear of his property, had never been correctly maintained. He and his neighbours had been victims of flytipping on that land, which impacted onto their properties, in addition the area had also been used as a meeting area for youths which caused a nuisance. He and his neighbours therefore wished to have the area enclosed in its entirety to resolve the issues.

The concerns of the local members for Wingate were acknowledged and Mr Turnbull clarified that the rest of the open space to the rear of the properties would remain as such and would continue to be used as recreational land as was the original intention. He advised that the area of land subject to the application was not attached to the rest of the open space and therefore enclosing it would not impact on the rest of the land.

Mr Turnbull advised that he had been forced to fell one tree within the enclosure of his property due to it being diseased, however neither he nor the other residents had any intention to remove any further trees.

Councillor Bailey advised that he was wholly against the application and concurred entirely with the Parish Council and local Members, all of whom objected to the proposals. He acknowledged the covenant which was attached to the open space and felt that approval of the application could set a precedent for future similar applications, all of which could be in contravention of the Councils Open Space policy.

Councillor A Bell acknowledged that the path to the rear of the three properties which separated the two areas of land, acted as a natural boundary, and so in principle, he had no issue with the proposals to enclose that land with fencing. However, having viewed the area on the site visit earlier that day, he had concerns regarding the quality of the fencing which would be used. He referred to other properties on the estate which had high quality sweeping fencing, however he felt that in comparison, the fencing which had already been erected to the rear of no.18 Roxby Wynd, was of a poor standard and was out of character with the surrounding area. He also feared for the resident of a nearby bungalow, whose view could be impeded by a 6 feet fence of poor quality.

Councillor Bell also expressed concerns about the existing trees. He commented that he found them to be mature trees in full leaf and good condition and felt it would be a shame if they were unprotected by a TPO.

As such, Councillor Bell felt that he could not support the application in its current form, and would have been more inclined to support in particular if the visual amenity aspect in relation to the height and quality of fencing, was better addressed.

Councillor Dixon acknowledged that the area land had obviously been mistreated in the past and was not an active area of open space, however he agreed that the visual impact was a problematic issue. He trusted the officers opinion that the fencing would not affect the residents of the nearby bungalow, however he remained concerned about the quality of the fencing.

In respect of the restrictive covenant, the Solicitor advised that officers had no details on the covenant, however it would not be a relevant planning consideration. Should the Committee grant the application and it transpired that there was a restriction, that would be treated as a separate issue.

Councillor Bailey remained of the opinion that the covenant was a relevant issue, especially as it had been raised by the local Members for the area.

Councillor Blakey concurred with the concerns which had been raised in relation to the quality of the fencing and queried whether the planners could work with the applicants to arrive at a suitable design. In response, the Principal Planning Officer clarified that could be done, indeed a condition could be attached to the permission requiring a design to be agreed with officers prior to erection. As such, Councillor Blakey moved approval of the application, subject to a condition relating to the design and quality of the fencing.

Councillor Freeman objected to the application as he felt there was no benefit to the community in approving the application. He also suggested that as the open space land had been a former school site, it was possible that Durham County Council may have imposed a covenant and as such, the Planning Committee would be unable to make a decision in respect of that land. The Solicitor reiterated that it was irrelevant who imposed any restrictions over the land as a covenant was extraneous to the planning system.

Councillor A Bell queried whether a condition could be attached to the permission relating to the protection of the remaining trees. In response, the Solicitor advised that as there was no technical evidence from the arboricultural officer to suggest that the protection of the trees was appropriate, the Committee were unable to require that the trees be retained.

The applicants addressed the Committee and assured Members that they had no intention of removing the trees, which they acknowledged were in good condition. Furthermore, they agreed to do alterations to the existing fencing to bring it to a suitable standard more fitting with the character of the area, as well as erect suitable fencing at the other properties.

Councillor Dixon suggested that the materials be approved by the Chair of the Committee, Councillor P Charlton. The Principal Planning Officer clarified that a condition could be imposed regarding the materials and that the Chair be consulted on the materials.

Upon a vote being taken it was,

Resolved: That the application be approved subject to conditions detailed within the report and additional conditions considered necessary by the Committee relating to fencing design and materials with responsibility for the wording of the additional conditions delegated to the Principal Planning Officer and to be agreed by the Chair of the Committee.

5d PL/5/2012/0437 – Eden Transport Ltd, Eden House, High Hesleden, TS27 4QF

The Committee considered a report of the Senior Planning Officer regarding a residential development (outline) for 9 dwellings (resubmission) at Eden Transport Ltd, Eden House, High Hesleden, TS27 4QF (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members of the Committee had visited the site earlier in the day and were familiar with the location and setting. Members were advised that a late representation had been received from local member, Councillor A Cox. Councillor Cox supported the local residents and the 31 objections from the village. He fully agreed with their reasons of concern should the development go ahead, as outlined at paragraph 51 of the officers report. His opinion was that the application should be refused. He noted the intention of Eden Transport Ltd to relocate the business to an alternative site, and hoped that would go ahead whatever the outcome of the Committee meeting.

Mrs P Twigg, local resident, addressed the Committee, also speaking on behalf of Mr Cummings, also a local resident. She began by advising that along with 80% of the population of High Hesleden, she objected to the application for several reasons.

Mrs Twigg believed the Highways report to be flawed, advising the Committee that the proposals would lead to a significant increase in traffic on an already unsuitable road. Whilst there was road signage in the area, Mrs Twigg reported that the road was only 225 yards in length and just 50 metres from a blind bend, which gave rise to many concerns regarding road safety. The introduction of more houses would generate more traffic and more road trips, which would impact on road safety.

The Committee were advised that the site within High Hesleden was not sustainable as there were no local amenities and no infrastructure which would support such a development. Furthermore the proposed development did not accord with the Preferred Options proposals.

Mrs Twigg also expressed concerns that while the proposal was currently for 9 dwellings, there was a possibility that this could be increased in the future.

Councillor R Crute, local Member, addressed the Committee. He advised that in principle he did not disagree with the proposed development, he was however concerned that the location was unsuitable, and as such supported the objections of local residents.

The proposed estate was outside of the settlement boundary of High Hesleden and as such conflicted the Easington Forward Plan. He did not accept the site was sustainable as there were no local facilities or infrastructure to sustain it.

Councillor Crute advised that the wealth of objections from a hamlet the size of High Hesleden was phenomenal and illustrated that the local community was in total objection to the development. Their concerns were underpinned by Councillor Crute and also the local Parish Council.

Members were advised that Councillor Crute had been a local member in the area since 1987 and had never received any complaints relating to transport from the business, contrary to the claims of the applicants.

Councillor Crute also expressed concerns regarding flood risk, a lack of affordable housing provision, and that the proposed development was not in keeping with the character of the village.

The Committee was advised that a Neighbourhood Plan was in the process of being developed for the area which was a preferred option to determining any future development for the village. Councillor Crute further advised that the application contravened the local Parish Plan, the NPPF and the emerging County Durham Plan.

Mr R Newlove, agent for the applicant, addressed the Committee. He began by advising that Eden Transport had been a long established business on that site and over the years the business had grown, to the point that now, larger premises were required in order for the business to expand.

In relation to the concerns expressed in the letters of objection, Mr Newlove highlighted that the applicant, rather than proceed with the proposed development, could instead sell the land and then the residents would be left with no guarantees as to who may take over the site. Furthermore in response to the points raised about the area being unsustainable, Mr Newlove highlighted that it was in fact the residents who found the village to be unsustainable and therefore they may, in time, leave the village for a more sustainable location themselves.

In relation to the style of housing, the Committee were advised that the proposals were not to introduce unsuitable housing to the area, indeed similar properties to those proposed, existed in the village already.

Mr Newlove advised that both the Neighbourhood Plan and the emerging County Durham Plan were not valid reasons for refusing the application as both were some time off being implemented. Mr Newlove referred the Committee to pages 46 and 47 of the officers report where the benefits to the application were listed.

The Principal Planning Officer responded to all comments made as follows:

- Speeding/road safety – there was no direct correlation between speeding issues and the introduction of 9 new dwellings to the area;
- Future applications – The Committee were advised that a previous application for a high density development on the site had been refused, as such this development would not exceed 9 dwellings;
- There were significant highway safety benefits in removing the number of HGV trips and replacing with private vehicle trips.

The Highways Officer addressed the Committee and referred Members to paragraphs 72-74 of the report which set out the Highways issues. The Committee were advised that the estimate of 72 two way vehicle trips was calculated using a nationally agreed method, and that the estimated amount of trips for the size of development was well within acceptable limits.

In relation to the access arrangements to the site, the Highways Officer believed them to be the best proposed arrangements he had seen, greatly improving the area and positively beneficial to the area. The junction would be substantially improved and it could only be classed as a benefit to see the removal of numerous articulated wagons from a road network that struggled to support them.

In response to a query from a Member, the Solicitor clarified that because of the size of the development there was no Section 106 requirement, and the only obligation on the developer was to relocate the business within the County and that the relocation occurred prior to commencing with the development.

Councillor Dixon fully supported the application, commenting that the access improvements were extremely impressive and the removal of a HGV company, plus the introduction of 9 dwellings, could only be a good thing for the area.

Councillor Bell agreed, commenting that having seen the site on the visit earlier that day, he felt that residential properties would be more in keeping with the area as opposed to the existing haulage company. He did express concerns regarding the lack of 106 monies for future community benefit, and queried whether the applicant could be required to make a financial gesture to the area. The Principal Planning Officer that as the trigger for requiring 106 monies was 10 units, this development fell below that threshold and so any contribution would have to be made voluntarily by the applicant. The agent for the applicant advised that the applicant was to make a massive spend on achieving the access improvements which would in the long run be good for the area.

Upon a vote being taken it was,

Resolved:

That the application be approved subject to the conditions detailed within the report.

5e PL/5/2012/0303 – Land adjacent to road from High Hesleden to Monk Hesleden

The Committee considered a report of the Senior Planning Officer regarding the erection of 5 stables, tack room, hay store and formation of access at land adjacent to road from High Hesleden to Monk Hesleden (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members were advised that a late representation had been received from local member, Councillor A Cox. Councillor Cox agreed with the officers conclusions and recommendation that the application be refused.

In response to a query from a Member, the Senior Planning Officer clarified that the permission which was granted to a neighbouring field in 2011, had generated less concern among officers with regards to access requirements. That application had been less visible whereas the trimming of splays required on the current application would make the proposed development much more visible from the road.

In view of the visual impact of the application, upon a vote being taken it was,

Resolved: That the application be refused for the reasons set out in the officers report.

6 Appeal Update

A series of appeal updates were circulated for the Committee to note (for copy see file of Minutes).

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00925/FPA
FULL APPLICATION DESCRIPTION:	Proposed redevelopment of existing body shop to create new car show room and formation of new parking area
NAME OF APPLICANT:	Stoneacre, Mr S Forweather
ADDRESS:	Land at Stoneacre Garage, Sawmills Lane, Brandon, Durham DH7 8AB
ELECTORAL DIVISION:	Brandon
CASE OFFICER:	Steven Pilkington Planning Officer 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

CONTEXT

1. The application site relates to an established car dealership and repair garage which fronts onto Sawmills Lane, Brandon. The application site also includes an open grassed area, currently under council ownership, along with an existing hardstanding which is used for parking. A number of semi-mature trees are located within the site.
2. Residential properties surround the site while Brandon Primary School is located to the rear. Opposite the garage on street parking is available which forms part of the highway and therefore is available for use by anyone, while the existing business has limited formal parking for either staff or customers on site. As a result of this, a situation has arisen whereby both staff and customers are parking on the side of the road adjacent to the garage along with local residents.

PROPOSAL

3. Planning permission is sought for external alterations and the part change of use of an existing building to split the current dealership on site. At present both a Suzuki and Kia franchise are operated from the existing showroom, but it is proposed that this would be split and the Kia franchise operated from part of the existing workshop building. A number of external alterations are proposed to facilitate this change of use, which would result in the re-cladding of the building and increasing the amount of glazing.
4. In addition to this, the grassed area separating the buildings would be combined with an area utilised as parking to form a new increased parking area (a similar scheme to this has been approved at appeal). This parking area is proposed to be formally divided up to provide allocated parking for visitors, staff, sales and service vehicles from both dealerships. Provision is also made within the site for a transporter to enter, load and unload and then leave in a forward gear.

5. This application is being reported to planning committee at the request of Councillors Taylor and Turnbull, the divisional members for Brandon.

PLANNING HISTORY

6. 4/12/00179/FPA- Change of use of land for car sales, car storage and staff and customer parking - Application Refused - Appeal allowed, costs awarded.
7. APP/X1355/A/11/2163091 Appeal in respect of non-determination of application 11/00352/FPA Appeal Dismissed.
8. 11/00352/FPA Change of use of open space to form land for the display and sale of motor vehicles including the provision of a tarmac hardstanding (resubmission). – Appeal made on non determination grounds, and dismissed.
9. 4/10/00865 Change of use of open space to form land for the display and sale of motor vehicles including the provision of a tarmac hardstanding Withdrawn 1/3/2011.
10. Various applications for signage have also been approved in connection with the operation of the business, none are considered to be directly relevant to this application.

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising the twelve ‘core planning principles.’
13. NPPF Part 1 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
14. NPPF Part 4 – Promoting sustainable transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

15. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

REGIONAL PLANNING POLICY

16. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
17. Policy 4: The Sequential Approach to Development: Sets out the prioritisation for site selection and directs development to the most sustainable locations.
18. Policy 8: Protecting and Enhancing the Environment which requires new development to be of high quality and maintain local distinctiveness.
19. However, The Secretary of State for Communities and Local Government's letter dated 27th May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils.

LOCAL PLAN POLICY:

20. Saved Policy E5A Open Spaces within Settlement Boundaries Seeks to protect valuable open spaces which contribute to the character and amenity of the area.
21. Saved Policy EMP11: Employment within Settlement Boundaries but Outside Designated Sites seeks to protect the amenity of neighbouring occupiers, the character and appearance of the area and should not result in an increase in traffic generation to the detriment of local amenity and highway safety.
22. Saved Policy E14: Protection of Existing Trees and Hedgerows Seeks to protect trees and hedgerows which contribute to the character and quality of the area.
23. Saved Policy T1: Traffic Generation – General Considers traffic generation of new development and resists development which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.
24. Saved Policy Q2: General Principles – Designing for Accessibility Sets out the criteria which development should consider in relation to meeting the access requirements of all users of the development. Development should also address safety and be adequate for the needs of the particular use of the proposal.
25. Saved Policy Q3: External Parking Areas Sets out the appropriate design criteria for external parking areas to minimise visual intrusion and environmental impact on the area.
26. Saved Policy H13 Residential Areas – Impact Upon Character and Amenity Seeks to protect the character, appearance and amenity of residential areas.

27. Saved Policy S11 Miscellaneous Sales – Advises that particular control should be given to the location of the sales of motor vehicles, to protect the amenities of neighbouring residents or highway safety.

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.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. The County Highway Authority – Advises that in 2010 waiting and loading restrictions were introduced to improve parking on Sawmills Lane. Although initially problems with illegal parking continued, targeted enforcement has reduced non compliance. Overall the planning application increases off street parking for both visitors and staff and therefore will lead to improvements in relation to parking congestion and pedestrian safety. Following receipt of amended plans to allow a transporter to turn on site no highway objections are raised.

INTERNAL CONSULTEE RESPONSES:

29. Brandon and Byshottles Parish Council – Raise concerns regarding intensification of the use, the impact on highway safety and residential amenity

PUBLIC RESPONSES:

30. The development has been advertised by means of individual notification and site notice. In total 12 objections have been received in relation to the application, as summarised below:-
- Intensification of use
 - Increase in parking demand and congestion
 - Loss of highway safety
 - Inadequate manoeuvrability on site
 - Impact on character of residential area
 - Business parking on surrounding roads
 - Business should relocate to a more appropriate building on an industrial estate.
 - Loss of residential amenity

APPLICANTS STATEMENT:

31. The development proposals seek planning consent for the change of use and part conversion of existing body shop to car sales showroom. The formation of a new area for the display and sale of motor vehicles and customer parking will allow for much need improvements to the operation of the site in the interest of sustaining and enhancing the business.
32. The existing car sales showroom is presently shared by both Kia and Suzuki franchises, and in order to retain the Kia franchise, which is paramount to the Stoneacre business model Kia require improved showroom facilities and in order to provide that facility we have utilised existing floor space within the body shop that is not used to its maximum capacity.

33. Under a separate application Stoneacre have been able to secure additional parking within the site through planning and the appeal process of the grassed area to the road frontage. It will allow for designated on-site car parking areas to be provided for staff and customers helping to alleviate the potential for any parking conflicts on Sawmill Lane and were acknowledge and given significant weight by the inspector during the previous appeal.
34. The development proposals will allow Stoneacre to consolidate their operation thus strengthening a successful motor vehicle sales business; maintain jobs for the future whilst addressing existing operational issues to make its use efficient and effective of the site rather than having to seek new premises.

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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=MBO3L8BN5B000

PLANNING CONSIDERATIONS AND ASSESSMENT

35. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the following represent the principal material planning considerations raised.

Principle of development

36. The existing operations comprise car sales and repairs, located in two separate buildings on the north east side of Sawmills Lane. At present car sales are carried out in the showroom to the north of the site while repairs are primarily conducted in a workshop to the south. These two buildings are managed by the same operator 'Stoneacre Garage' who has two franchise dealerships, Suzuki and Kia. However in order to retain the Kia franchise the applicant states that an improved independent showroom is required. It is therefore proposed to part convert the existing body shop building to create an additional showroom alongside external alterations to facilitate the change of use.
37. The Durham City Local Plan sets out that as a general principle new business development should be located on designated sites for sustainability objectives and to minimise the impact on residential areas. However saved policy EMP11 of the Local Plan sets out that planning permission for extensions to existing businesses outside of defined sites will be considered acceptable in principle, subject to a detailed analysis of their impacts. This approach is replicated within the NPPF which looks to promote the growth of sustainably located businesses.
38. Overall it is considered the location of the development would represent development in a sustainable location and would facilitate the consolidation of an established business which is an important employer within the local community. The development is therefore considered acceptable in principle subject to a detailed analysis of the specific impacts of the development.

Highway Safety

39. Saved policy T1 of the Durham City Local Plan seeks to ensure that development proposals protect highway safety and would have an appropriate effect on the amenity of occupiers of neighbouring properties. At present there is a documented

conflict between the business and neighbouring residents. This has arisen by employees and customers parking on the highway and pavement causing inconvenience and disruption and impacting on highway safety. On street parking restrictions have recently been put in place, although instances of infringement have still been reported. Significant objections have also been raised in relation to this application from local residents.

40. The applicants have previously sought to address this conflict by applying for an extension to the existing parking area on a grassed area within the site. Although this application was refused by the Planning Committee, the Planning Inspector granted permission on appeal. In doing this he concluded that the expansion of this parking area would reduce on-street parking, resulting in a significant net improvement in safety for pedestrians and road users. It was also considered that this parking area would improve the amenity of neighbouring residents and efficiency of the business. As part of this decision the Inspector also gave weight to the likely future growth of the business, considering that the improvements achieved would likely outweigh any issues associated with a future expansion. He also deemed that the proposed parking scheme and layout (limiting sales areas) would prevent any over intensification of the site, while considering that the Highways Authority have the power to control parking on the highway or introduce further on street controls if necessary.
41. It is considered that the proposed development would represent a consolidation of the existing business on site, given that the two showrooms operate out of one building at present. However is accepted that there would likely be some uplift in trade potentially over and above what the Planning Inspector would have envisaged as an expansion to the business. However this application must be assessed on its own merits, while giving weight to the inspector's previous conclusions.
42. In considering this matter detailed discussions have been held with the Council's Highway Officer, who advises the proposals would not lead to a loss of highway safety through increased traffic or parking demand. This is due to the proposed provision of 137 spaces across the development which are to be allocated for specific purposes, including vehicle display, staff parking, visitor parking and service parking. The scheme also proposes pedestrian links between the garages to encourage visitors to use the parking provided while there would be the facility for a transporter to load and unload within the site. It is also advised that the existing road infrastructure could accommodate any additional traffic movements. The Highways Authority also has the powers to enforce any illegal parking in traffic controlled areas on the highway under separate legislation, while being able to review and modify existing traffic regulation orders if necessary. It has been advised following legal advice this could not be enforced through conditions attached to a planning permission.
43. In appraising this matter in light of the advice from the Highways Authority, while giving weight to representations received and the history surrounding the site, it is clear that any decision would be balanced. However the proposed scheme would significantly increase the level and usability of parking on the site, over the current arrangements, which would reduce parking demand on local streets. The Highways Authority would also retain sufficient control over traffic movements and parking surrounding the site, given the current traffic regulations in force to preserve highway and pedestrian safety. The proposed layout would also allow the turning of a vehicle transporter on site, negating the current need to unload on the highway. The current Traffic Regulation Order can be amended at the discretion of the Highways Authority to prevent unloading in the highway.

44. Consideration has been given to the appropriateness of a condition attempting to enforce the unloading of vehicles on site. However in reviewing planning Circular 11/95 it is considered that it would not be enforceable for the Planning Authority to regulate this, given the mechanisms involved in enforcement proceedings. It is considered more appropriate that powers available under Highways Legislation serve this purpose.
45. Overall on balance it is considered that as the proposed scheme will increase the amount of off street parking available, while allowing the Local Authority to regulate parking across the development, highway and pedestrian safety would be preserved.

Impact on the Visual Amenity of the Area

46. The application site is located in a predominantly residential area and as set out above saved policies of the Local Plan seek to protect the character of established residential areas, particularly in relation to the expansion of existing businesses. Local residents have also raised concerns in this respect, not only in this application but in other previous proposals on the site. Consideration of the specific impacts of the development on the visual amenity of the area are therefore of particular importance in the determination of this application as addressed below:-

Proposed Parking Area

47. Consideration of the suitability of the development of the existing green space was given by the Planning Inspector in a previously refused application. The inspector concluded that although the existing space helps to break up the commercial frontages, the proposed 5m landscaping strip along side the road frontage would be sufficient to prevent unacceptable harm to the street scene. This was subject to a suitable landscaping scheme to be fully agreed by condition.
48. Turning to this application, the layout of the parking has changed following a detailed site survey and to facilitate a more appropriate layout, however the proposed landscape buffer is to remain. Although a small number of immature trees on site will be required to be removed to facilitate the scheme, it is considered that suitable replacements could be secured through an appropriate landscaping scheme.
49. It is therefore considered in line with the planning inspector's previous decision that the development of this existing grassed area would have an acceptable impact within the street scene.

External Alterations to building

50. In order to facilitate the change of use a number of external alterations are proposed, which would effectively include the re cladding of the front of the building in aluminium sheets while increasing the amount of glazing. After visiting the site and considering the suitability of the changes, it is noted that the existing building has a somewhat dated industrial appearance. However the proposed alterations would increase the perceived mass of the building and therefore would be more visible from Sawmills Lane.
51. In balancing these two issues, it is considered that any increase in prominence from the alterations would be outweighed by the visual improvements to the façade of the building. Although objections have been raised in relation to the appearance of the building, on balance it is considered that the proposed scheme would result in a visual improvement.

52. Overall it is considered that the proposed alterations and new hard standing area, subject to agreeing the final details of the finishing materials and a suitable landscaping scheme, would have an acceptable impact within the street scene.

Residential Amenity

53. Concerns have been raised by local residents regarding a potential loss of residential amenity through the comings and goings of customers and the activities on site. It is also suggested that the business should relocate to a more appropriate premises. Consideration has been given to this matter and the potential impacts that the formation of a separate dealership could have. It is accepted that there is the potential for the number of trips generated to the site to increase, while appreciating that the two separate dealerships operate under one roof at present. However weight also needs to be given to the fact that the building has a lawful B2 (General Industrial Use) use and a more intensive operation could move in having a greater impact than the existing in terms of noise generated and disturbance caused.
54. Overall it is considered that the proposed development would be commensurate with existing operations on site and would not be likely to lead to a loss of residential amenity.

Land ownership

55. The proposed new hardstanding area created on the green space would be located on Council owned Land. The applicant currently has an application in to purchase the land which is being considered by the Asset Management Department. In this planning application the applicant has served the requisite notice on the land owner. However the determination of this application does not prejudice the council on its decision whether to sell the land or not, or the conditions imposed on any sale.

CONCLUSION

56. The garage is an established business, which is an important local employer and is looking to consolidate and improve business operations in a constrained economic market. While the additional showroom has the potential to increase the number of trips to the site, it is considered that this is likely to be marginal and in the view of the Highways Authority would be mitigated through the provision of additional regulated parking on site. The Highways Authority also have separate powers to control potential overspill on the public highway in order to maintain the safe movement of traffic and highway safety.
57. The grassed area is not of such high amenity value to warrant the refusal of this application on the basis of its visual amenity, a view taken previously by the Planning Inspector.
58. Although a balanced decision, overall it is considered that the proposal would go a considerable way to alleviating car parking problems in the area, while allowing an established business to consolidate in a proportioned, controlled manner.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
12 / 026 / 5 Rev B	Overall Parking Layout	28 th January 2013
012 / 026 / 3	Proposed Plans and Elevations	10 th October 2012

Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policies E5a, EMP11, E14, T1, Q2, Q3, H13 and S11 of the City of Durham Local Plan policies 4 and 8 of the Regional Spatial Strategy for the North East of England

3. The new car showroom hereby approved shall not be brought into use until a scheme of parking has been implemented in accordance with that shown on drawing no. 12/026/5 Rev B (Overall Parking Layout) Received 28th January 2013. The scheme shall thereafter be maintained and the spaces kept free for their designated purpose, for the life of the development.

Reason: To ensure that a satisfactory parking layout is achieved and in the interest of highway safety in accordance with policy T1 of the City of Durham Local Plan

4. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any development on site, the scheme shall provide and detail for:-
 - The planting of trees and / or shrubs (including species, sizes, numbers and densities) to provide a landscaping buffer to Sawmills Lane,
 - The provision of screen fences or walls,
 - Any movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development.
 - The retention and protection of existing vegetation on site.

The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 years following planting.

Reason: In the interests of the visual amenity of the area and to comply with policies H13 and Q3 of the City of Durham Local Plan and policy 8 of the Regional Spatial Strategy

5. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the local planning authority prior to its installation. The lighting shall be erected and maintained in accordance with the approved details.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policies H13 and Q3 of the City of Durham Plan

6. Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of any external surface or hard standing of the development hereby approved including external walls and roofs of the building have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall also include full details of the colour of the render and its finish. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policies H13 and Q3 of the City of Durham Local Plan and policy 8 of the Regional Spatial Strategy

7. No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800 (excluding bank holidays)
Saturdays - 0800 to 1300

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy H13 of the Durham City Local Plan

REASONS FOR THE RECOMMENDATION

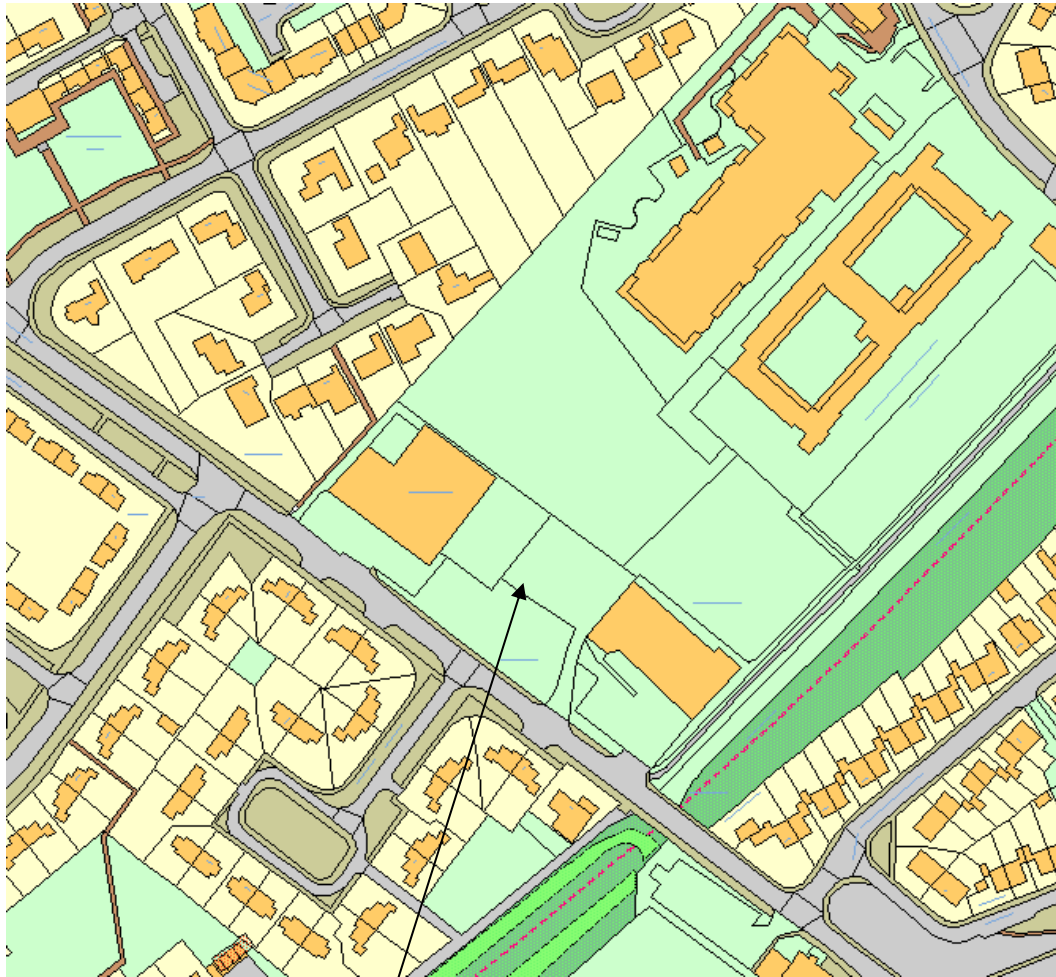
1. The proposed development has been assessed against policies E5a, EMP11, E14, T1, Q2, Q3, H13 and S11 of the City of Durham Local Plan, policies 4 and 8 of the Regional Spatial Strategy for the North East of England, and parts 1, 4 and 7 of the National Planning Policy Framework and is considered acceptable particularly in relation to the principal material considerations concerning the impact of the development on the character and appearance of the surrounding area, amenity of adjacent landusers and highway safety.
2. In relation to the objections received from neighbouring residents, in this instance these were not considered sufficient to justify refusal of the application given the established uses on site and on the advice of the council's Highway Officer.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process, while balancing the concerns of local objectors. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Application file, including historic applications,
Consultation responses,
Objections Received,
The City of Durham Local Plan 2004,
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Application Site



Durham
County Council

Planning Services

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Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO	PL/5/2012/0284
FULL APPLICATION DESCRIPTION	DEMOLITION OF FORMER CO-OP BUILDING & ERECTION OF 9 NO. RESIDENTIAL UNITS
NAME OF APPLICANT SITE ADDRESS	SENECA INVESTMENT & DEVELOPMENT EX CO-OP BUILDING, STATION LANE, WINGATE, TS28 5DG
ELECTORAL DIVISION CASE OFFICER	BLACKHALLS Allan Fenwick 03000 261 957 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL**Site:**

1. The application site relates to the former Cooperative building situated within the settlement boundary of Station Town and is located approximately one mile to the south of Wingate. The site accessed from an unclassified highway (Station Lane) which overlooks the classified B1280 highway (Station Road) from a screened elevated position and is divided into two equal areas by a rear access road leading to adjacent residential properties fronting onto Station Lane and its car park.
2. The site is bounded to the northwest by terraced properties on Station Lane and to the northeast by detached properties within Rodridge Park. There are a number of community facilities and services nearby including shops, schools, healthcare facilities and transport links.
3. Whilst it is acknowledged the building is not a high quality example of art-deco style architecture, the vacant premises has historic interest as an older building with some external and internal features. Therefore, the building has been identified as a non-designated heritage asset. It is understood the art deco style building is a reworking of an earlier building of a similar footprint which previously occupied the site and was built sometime during the 1920's and 1930's. It is further understood the building was disposed of by the Cooperative Society in the 1980's and although partially used for storage and office use since, has been vacant and redundant for a number of years.

Proposal:

4. Full planning permission is sought for the demolition of the existing building and the erection of nine, two-storey, three bedroomed dwellings. The development will comprise of three different house types, each with their own private gardens to the

front and rear complemented with parking provision in the form of twelve off-street parking and private garaging spaces.

5. A terrace of six properties will be built upon the footprint of the demolished building and an additional three detached properties will be erected on the former car park area. The dwellings will be two-storey, faced in facing brickwork and constructed with tiled pitched roofs complemented with PVC windows and composite doors.
6. This application is presented to Committee in response to a request from County Councillor Rob Crute with regard to non-specific highway concerns

PLANNING HISTORY

97/174: Change of Use from Undertakers to Factory: Approved 16/05/1997

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
9. The following elements are considered relevant to this proposal:
10. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future
11. Part 4 - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas
12. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development
13. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning

14. Part 10 - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development
15. Part 12 – Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

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>

REGIONAL PLAN POLICY

16. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale*
17. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies
18. Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently
19. Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations
20. Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport
21. Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings

22. Policy 30 - Improving Inclusivity and Affordability sets out that developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability issues

LOCAL PLAN POLICY

District of Easington Local Plan

23. 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
24. 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
25. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car
26. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people)
27. Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan

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.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. Northumbrian Water: No comment
29. Parish Council: No objection to proposal subject to the retention of bollards

INTERNAL CONSULTEE RESPONSES:

30. Archaeology: No objection subject to condition
31. Design and Conservation: No objection subject to condition
32. Ecology: No objection subject to informative
33. Environmental Health: Not yet received (consulted 26/10/2012)
34. Highways: No objection subject to informative

PUBLIC RESPONSES:

35. Thirty four neighbour notification letters were sent to residential properties adjacent to the application site and a site notice was posted adjacent to the application site
36. Three letters of objection have been received from local residents. The issues raised are concerned with rights of way and demolition of building

APPLICANTS STATEMENT:

37. During the consideration period for this application a number of issues have been raised by consultees which this statement will hopefully attempt to address:

- 1) The occupier of No 20 Roderidge Park states that they have rights of way into the side boundary of their house at two points from the current car park area
The applicants solicitors have checked all the title plans and deeds for the land in question. These contain no references to any rights of way or access from the car park to No 20 Roderidge Park

- 2) The occupant of No 1 Station Lane which directly abuts the gable end of the current Co-Op building at its northern end have requested information regarding the risk management of the demolition of the building and its effect on their property

Mr O Donnell from Seneca Homes has already visited Mr and Mrs Wardle to assure them that they will be fully consulted before and during the proposed works and that their property will be left structurally sound and weather tight at all times

- 3) The Parish Council raised the issue regarding the vehicular access to the site

This will remain unaltered. The bollards currently closing Station Lane to the South of the site will remain in place allowing vehicle access from the North only

- 4) A local Councillor has expressed non-specific highway issues relating to the development

The Applicants response is that during the design process they have liaised closely with Philip Thompson of Durham County Highways and have agreed a number of measures to improve the highway safety relating to the site, namely:

- a) The current narrow restriction to the rear lane has been removed and the highway width has increased from its current 4.2metres to 5.7metres, for the full length of the site

- b) A full 1.8metre footpath with improved 6metre turning radius at its junction with Roderidge Park has also been added to the right hand side of the Lane, for the full length of the site

- c) Improved turning radii and a full sized parking lay-by have also been added to the South of the site

- d) In addition as already mentioned current access from Station Lane will remain unchanged with access from the North only, due to the retention of the bollards closing off the southern access

PLANNING CONSIDERATION AND ASSESSMENT

DETAILED PLANNING CONSIDERATION:

38. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development with regard to planning policies, the scale, layout and design of the development, the demolition of the former Cooperative building, highways issues and the objections received.

Planning Policy

39. Saved Policy 67 of the District of Easington Local Plan allows for windfall development on previously developed sites within the settlement boundaries, provided that the scheme is appropriate in scale and character and does not conflict with other policies in the plan. This proposal seeks to redevelop a brownfield parcel of land within the settlement boundary of Station Town. The proposal is considered to constitute an efficient use of land with good access to services and public transport in accordance with the principles of the National Planning Policy Framework (NPPF) which establishes a presumption in favour of sustainable development. The proposal is re-using land within a sustainable location and as a result the development is considered to accord with this overarching aim of the National Planning Policy Framework.
40. The RSS sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.
41. The locational strategy for the North East region, enshrined in Policy 6 of RSS, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.
42. The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced.
43. In identifying land for development, Local Planning Authorities should adopt a sequential approach to the identification of land for development. This approach is enshrined in Policy 4 of the RSS. Together with policies 6 and 10 the focus should be on increasing housing development within urban areas and the priority should be suitable previously-developed sites and buildings in urban areas ahead of greenfield sites. Whilst this policy is primarily aimed at plan-making, it is considered that the principles can equally be applied to planning proposals such as this one.

44. As part of the on-going production of the 'The County Durham Plan', a 'Settlement Study' has been carried out. This study looks at the amenities within the settlements across County Durham, including public transport, public and private services, and access to jobs. The findings indicate that Station Town is a secondary settlement. The conclusion which can be drawn from this is that the village is generally well served by services and facilities, greatly contributing to its sustainability.
45. Overall, in terms of the proposals accordance with planning policy, it is considered that due to the site being located on previously developed land within a settlement boundary close to community facilities, shops, schools and public transport links, it is considered to be in a highly sustainable location for residential development. In terms of the NPPF, this advises that there should be a presumption in favour of sustainable development such as the one proposed. Officers therefore consider the principle of bringing this site forward for residential development is acceptable.

Scale, Layout and Design of the Development

46. Saved policy 35 of the District of Easington Local Plan states that the design and layout of development should 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. In addition to this, guidance in the Local Plan sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised. These policies and guidelines are reflected in part 7 of the NPPF which also requires good design and the protection of residential amenity.
47. Generally, the proposals have been well designed to create a well connected, accessible development which reflects the scale and character of the existing dwellings that surround the site. The proposed layout has been well thought out. The terrace of six properties has been adjusted to respect the building line of the adjacent terrace and the house types have been amended to form a more attractive and consistently detailed elevation. The three detached properties will complement the size and scale of the existing detached properties in the adjacent cul-de-sac; two residential units will respect the staggered building line and the remaining residential unit will front onto the back lane. It is considered that the development of traditional three bedroomed homes would complement its surroundings.
48. In terms of amenity and the privacy of existing and future residents, guidance in the District of Easington Local Plan requires main elevations which face each other to have a separation distance of 21 metres whilst the distance between main elevations and gables should be at least 13.5 metres. In all instances the distancing standards to existing residents which surround the application site are acceptable. Within the site, there are minor instances where these standards are not met. For example, the distance between the rear elevations of the terraced properties (Plots 1 and 2) and the front elevation of the detached property (Plot 9) is approximately 19m. In turn, the distance between the rear elevations the detached properties (Plots 7 and 8) and the gable elevation of the detached property (Plot 9) is approximately 11.6m. In both instances, the separation distances are 2m less than the minimum distancing standards which, on balance are considered relatively small shortfalls. However, given the site constraints, and that no existing residents would be affected, the proposals are considered to be in accordance with saved District of Easington Local Plan policy 35 and NPPF part 7.

Demolition of Former Cooperative Building

49. Paragraph 135 of the NPPF advises that the impact of development on a non-designated heritage asset should be taken into account, based on a balanced judgement of the significance of the asset and scale of harm or loss proposed.
50. It is acknowledged the former Cooperative building does have some historic interest but is not of sufficient quality to be considered eligible for national listing and its significance derives from elements of the external architecture such as stone detailing and surviving interior features such as the historic door furniture and a decorative tiled butchers area to the rear.
51. On balance, the significance of the building is not considered to be of such high quality that demolition should be opposed. However, salvage and resale of the surviving historic door furniture and a photographic recording of the interior of the building should be required prior to demolition.
52. When assessing the proposal to demolish Cooperative building, it must be accepted a number of factors are against its retention; as a large structure designed to house a small 'department' store, it is perhaps not suitable for residential conversion. There are also structural issues associated with damp. Water ingress throughout has caused damage to the fabric of the building that needs immediate attention. The features that make this building historically interesting are not necessarily part of the building fabric or architectural style.
53. In summary, it is not the structure which is particularly remarkable, rather its movable fixtures and fittings. It is also clear attempts have been made to find alternative uses (offices and storage facilities for example) and that these have failed to secure an economically viable future for the building. In light of this, demolition of the building should not be challenged. The most interesting room seems to be the tiled butcher shop area, with its animal wall paintings but these have been badly affected by new light fittings truncating the painted tiles. Further historically interesting features throughout the building have suffered damage associated with water ingress/damp and functional re-design and re-fit spanning a long period.
54. Any building proposed for demolition needs to be assessed for its potential to include protected species such as bats and birds. The Applicant will also need to apply to Natural England for a Licence as legislated under Regulation 41 of The Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981. With this in mind, it is considered fair and reasonable that an 'informative' will be attached to any decision issued by the Local Planning Authority. The informative will inform the Applicant of their duty to apply for a Licence prior to the demolition of the former Cooperative building.

Highways Issues

55. The overall car parking provision for the nine proposed dwellings would be twelve car parking spaces. This would include two integral side garages and would result in an acceptable level of car parking provision. Highways officers have confirmed that the proposed layout is a practical design and the proposals would be deemed to be acceptable from a highways point of view. The bollards currently closing Station Lane to the southeast of the site will remain in place and will allow access to and

from the site to the northwest only. As such, the proposals are considered to accord with saved policies 35 and 36 of the District of Easington Local Plan.

Objections Received

56. Three letters of objection have been received from nearby residents. The main issues raised relate to the demolition and loss of the building and rights of way over the application site.
57. The occupier of 20, Rodridge Park suggests they have rights of way into the side boundary of their house at two points from the existing rear car park. However, the Applicant has confirmed that their solicitor has checked all Title Plans and Deeds and can find no reference to any rights of way or access.
58. The occupants of 1, Station Lane which directly abuts the gable end of the former Cooperative building have requested information regarding the risk management of the demolition of the building and its potential effect upon their property. It is understood representatives from the Applicant have visited the property and have assured the residents that they will be consulted prior to the commencement of any works and during the construction period to ensure their property will remain structurally sound and weather tight at all times.
59. Whilst the Local Planning Authority is sympathetic to the concerns of both residents, ultimately these are 'civil issues' to which the Local Planning Authority has no jurisdiction and is a matter for the Applicant and residents to pursue and resolve amicably between themselves.
60. The resident of 12b, Station Lane believes the former Cooperative building is a historic building and its loss should be recorded by means of visual recording. As discussed earlier in the report, both archaeology and conservation officers have suggested a photographic recording of the building should be made and would be subject to condition of any approval.

CONCLUSION

61. Overall it is considered that the proposals are in accordance with the relevant planning policies. The proposed residential development is in a highly sustainable location on a brownfield site, with good access to public transport, local shops and other community facilities.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004
2. The development hereby approved shall be carried out in strict accordance with the following approved documents. Application Form, Design and Access Statement, Location Plan, Drawing Number SJR12:15/02 and Drawing Number SJR12:15/04 received 19/07/2012. Bat Survey Report, Desk Top Study Report received

26/10/2012. Heritage Statement received January 2013. Drawing Number SJR12:15/01A received 10/02/2013. Drawing Number SJR12:15/03/A received 11/03/2013.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan

3. No development shall commence until a photographic record of the exterior and interior of the building has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character of the Listed Building in accordance with Part 12 of the National Planning Policy Framework

4. No development shall take place until the Applicant, or their Agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document prepared by Durham County Council Archaeology Section (DCCAS). The strategy shall include details of the following:

(i) Measures to ensure the identification and preservation by record of features, fixtures and fittings of identified importance

(ii) Methodologies for a programme of building recording, to be compliant with English Heritage standards and guidance and to be carried out prior to any demolition or conversion works, or any stripping out fixtures and fittings

(iv) Report content and arrangements for dissemination and public proposals

(v) Archive preparation and deposition with recognised repositories

(vi) A timetable of works in relation to the proposed development including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy

(vii) Monitoring arrangements, including the notification in writing to the Durham County Council, Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works

(viii) A list of all staff involved in the implementation of the strategy including sub-contractors and specialists, their responsibilities and qualifications

The development shall then be carried out in full accordance with the approved details

Reason: The site is within an area of high archaeological potential in accordance with Part 12 of the National Planning Policy Framework

5. Prior to any of the dwellings being occupied, a copy of any analysis, reporting, publication or archiving required as part of the Mitigation Strategy required by Condition 4 shall be deposited at the County Durham Historic Environment Record

Reason: To comply with Paragraph 141 of the National Planning Policy Framework to ensure any information gathered becomes publicly accessible

6. In relation to the development hereby permitted, no machinery shall be operated, no development shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 hours to 1800 hours Mondays to Fridays (excluding bank holidays) and 0800 hours to 1300 hours on Saturdays

Reason: In the interests of residential amenity and to comply with saved policies 1 and 35 of the District of Easington Local Plan

7. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the

Local Planning Authority. The development shall be constructed in accordance with the approved details

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan

8. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Class(es) A, B, C, D, E, F, G, H of Part 1, Class A of Part 2 and Class A and B of Part 40 of Schedule 2 of the said Order shall be carried out

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan

REASONS FOR THE RECOMMENDATION

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

NATIONAL PLANNING POLICY FRAMEWORK	Part 1 - Building a strong, competitive economy
NATIONAL PLANNING POLICY FRAMEWORK	Part 4 - Promoting sustainable transport
NATIONAL PLANNING POLICY FRAMEWORK	Part 6 - Delivering a wide choice of high quality homes
NATIONAL PLANNING POLICY FRAMEWORK	Part 7 - Requiring Good Design
NATIONAL PLANNING POLICY FRAMEWORK	Part 10 - Meeting the challenge of climate change, flooding and coastal change
NATIONAL PLANNING POLICY FRAMEWORK	Part 11 - Conserving and enhancing the natural environment.
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
REGIONAL SPATIAL STRATEGY	Policy 4 - (Sequential Approach)
REGIONAL SPATIAL STRATEGY	Policy 7 - (Connectivity and Accessibility)
REGIONAL SPATIAL STRATEGY	Policy 8 - (Protecting and Enhancing the Environment)
REGIONAL SPATIAL STRATEGY	Policy 30 - Improving Inclusivity and Affordability
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	ENV37 - Design for Parking
DISTRICT OF EASINGTON LOCAL PLAN	HOU67 - Windfall housing sites

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, scale, design and layout of the development, demolition and highways issues

3. The stated grounds of objection concerning right of way was not considered to be a material planning consideration and therefore not considered sufficient to lead to reasons to refuse the application

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Bat Survey
- Design and Access Statement
- Desk Top Study
- Heritage Statement
- National Planning Policy Framework
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Consultation Responses



Planning Services

Proposed PL/5/2012/0284 DEMOLITION OF FORMER CO-OP BUILDING & ERECTION OF 9 NO. RESIDENTIAL UNITS at EX CO-OP BUILDING, STATION LANE, WINGATE TS28 5DG

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Comments

Date March 2013

Scale NTS

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