



## Area Planning Committee (Central and East)

**Date** Tuesday 12 January 2016  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 8 December 2015 (Pages 1 - 6)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) DM/15/03324/FPA - 2 Pease Road, North West Industrial Estate, Peterlee, SR8 2RD (Pages 7 - 18)  
Change of use from Class B1 (Light Industry) to Class D2 (Assembly & Leisure) to provide a gymnasium.
  - b) DM/15/02384/FPA - Land opposite St Pauls Church, Commercial Street, Trimdon Station (Pages 19 - 28)  
Construction of 12 no. dwellings with associated parking, access landscaping and alteration to bus shelter.
  - c) DM/15/03039/OUT - Plants R Ross, South Hetton Road, Easington Village (Pages 29 - 38)  
Extension of existing garden centre.
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

4 January 2016

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

Councillor P Taylor (Chairman)  
Councillor A Laing (Vice-Chairman)

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson,  
K Dearden, D Freeman, S Iveson, C Kay, J Lethbridge, R Lumsdon,  
B Moir, J Robinson and K Shaw

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**Contact: Jocasta Lawton**

**Tel: 03000 269707**

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**DURHAM COUNTY COUNCIL**

**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 8 December 2015 at 1.00 pm**

**Present:**

**Councillor P Taylor (Chairman)**

**Members of the Committee:**

Councillors G Bleasdale, J Clark, P Conway, M Davinson, K Dearden, D Freeman, J Lethbridge, B Moir, R Lumsdon and K Shaw

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell, S Iveson, A Laing and J Robinson.

**2 Substitute Members**

There were no substitute Members in attendance.

**3 Minutes**

The minutes of the meeting held on 10 November 2015 were confirmed as a correct record by the committee and signed by the Chair.

**4 Declarations of Interest**

There were no declarations of interest submitted.

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

**a DM/15/02572/FPA - Southernwood, 17 Quarryheads Lane, Durham**

The Committee considered a report of the Planning Officer regarding an application for the erection of a part two-storey/part single storey extension at the side and to the rear of the dwelling and the erection of a first floor extension to the front at Southernwood, 17 Quarryheads Lane, Durham (for copy see file of Minutes).

A Dobie, Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed

layout. Members of the Committee had visited the site and were familiar with the location and setting.

Katie Wood of R and K Wood Planning addressed the Committee to object to the development on behalf of Mr and Mrs Orr, local residents. Ordinarily Mr and Mrs Orr would have addressed the Committee but this was not possible for health reasons.

Ms Wood stressed concerns in relation to advice the Committee was being given and asked the Committee to refuse the application. Mr and Mrs Orr lived in 18 Quarry Heads Lane which was the house next door to the application site. Their property was the one which would be most affected by this proposal, particularly in relation to their residential amenity, but there were also wider concerns in relation to the impact the proposed extension may have on the Conservation Area and the World Heritage Site.

Ms Wood referred to amenity. The two properties were currently separated by a 4 metre gap and a single storey garage. Despite recent amendments to the proposed scheme, it would still result in a two storey development extending to within just 1 metre of Mr and Mrs Orr's house. This gable included a bedroom window on the second floor and two downstairs living room windows and all of these windows lit the rooms themselves as well as the middle of the house. This proposal would result in a 6 metre wall approximately 1 metre from three windows in the side of the property. Ms Wood hoped that the site visit carried out by Members of the Committee let them appreciate the sheer scale and proximity of the proposed large extension and that it would undoubtedly have an adverse impact on the light available within both upstairs and downstairs rooms as well as a significant impact on the outlook available to the residents of the property.

It had been suggested that the resulting dwelling would be of the same size as others on the street, however this was irrelevant. In this instance it was the impact that the proposed extension had on adjacent properties, including 18 Quarry Heads Lane which must be carefully considered.

Referring to the impact the scheme would have on the Conservation Area and World Heritage Site, Ms Wood informed the Committee that it would result in a two-storey building filling the entire plot bringing it in close proximity with 18 Quarry Heads Lane. This was not a characteristic of this area, which may be acceptable on a modern housing estate but not at this location.

The close proximity would create a terraced effect as seen from certain points on Quarry Heads Lane. This was particularly significant because this was Durham City Conservation Area and the County Council's draft Conservation Area appraisal included a section on Quarry Head Lane which included *'the gaps between the buildings are clearly planned to allow local views through to the Durham Cathedral'*. The character appraisal also talked about the gaps between the buildings affording views of the backdrop of mature trees in the peninsula river bank. Although a draft document, it still identified the key elements that were important to the Conservation area, that was, houses on large plots with gaps between them, giving views of the Cathedral, whether in winter or summer. This was the character of the

Conservation Area and by approving this scheme the Committee would be ignoring this and could set a precedent for future development that would result in the erosion of this part of the character of the Conservation Area.

There was also the setting of the World Heritage Site to be considered. This development may not impact on the nine principle views of the Cathedral but it would impact on the partial views achieved when walking around the Conservation Area. These views of the Cathedral, framed by existing buildings, were all part of the setting of the World Heritage Site and gave the area a sense of place. Ms Wood stressed that developments such as this would destroy the setting of the World Heritage Site and sense of place. The applicant's desire for additional living accommodation and en-suite accommodation did not justify its impact on the World Heritage Site. In policy terms the NPPF afforded the World Heritage Site and its setting the highest protection and the proposed development had failed to do this as well as acknowledging the Conservation Area appraisal.

The Authority had previously acknowledged the importance of the gaps and glimpses of the Cathedral as it refused a similar application to this just one door away.

In concluding, Ms Wood asked the Committee to refuse the application on the basis that there was an adverse impact on the residential amenity of Mr and Mrs Orr at 18 Quarry Heads Lane and an adverse impact on the character of the Conservation Area and the setting of the World Heritage Site.

Roger Lee of Roger Lee Planning addressed the Committee on behalf of the applicant.

The application had been developed in a positive manner with officers of the Council to a point where it was acceptable to the professional officers of the Council. The development would have no significant impact on the amenity of the area and the use of materials, including render, would match existing buildings in the area.

The development had variations to the design and scale which matched with the street scene and was similar to a property which had been modernised to the west of the property on the opposite side of the road.

Referring to the World Heritage Site, Mr Lee informed the Committee that neither the County's Conservation Officer nor the County's Planning Officer could find any issue with this proposal. Although the development would close the gap between properties, the current view of the Cathedral was limited and at an angle. The view was significantly different to that at Number 19 Quarry Heads Lane, which was the property which had been refused permission.

The application was a well thought out extension which satisfied all national planning policies and Mr Lee asked that the Committee grant approval.

The Principal Planning Officer responded to issues raised. Referring to the impact of the extension on the windows of the neighbouring property, Members had looked

at these in detail while on the site visit. Changes had been made to the proposed development to minimise the adverse impact it may have on the neighbouring property, and the worst affected window was a secondary window for the kitchen of the neighbouring property.

The County Council's draft Conservation Area appraisal was currently out for public consultation and had been drafted by the same officers who had provided comment on this application. With regard to the views afforded of the World Heritage Site, paragraphs 53 and 54 of the report provided an assessment of this application against NPPF Paragraph 132.

Councillor Freeman informed the Committee he had concerns about the impact of the development on the Conservation Area. The Council's draft Conservation Area appraisal highlighted that the gaps between the properties on Quarryheads Lane were planned to allow views to the Cathedral and it was contradictory to accept this application which would diminish these views. An application for an extension at Number 19 Quarryheads Lane had been refused because it was detrimental to the Conservation Area, and views relating to this application were still important. Paragraph 55 of the report suggested that the view was not important because it was only achieved when the tree leaves had fallen, although this was for approximately 5 months of the year. Councillor Freeman considered that the application should be refused because it would be detrimental to the Conservation Area.

Councillor Moir considered there were two aspects to consider on this application – the relationship of the extension to the neighbouring property and the impact on the Conservation Area. Although the development would reduce the view of the Cathedral between the two properties, Councillor Moir considered that this was not significant as there were better places around the City to view the Cathedral. Although the two properties would be close together once the extension was built, the applicant wished to extend his property in an acceptable manner and had amended his proposals to mitigate as much as possible the impact of it. Councillor Moir **moved** approval of the application.

Councillor Shaw informed the Committee that he considered that the proposed extension would block natural light to the downstairs windows by 50% and that windows were there to let light in.

Councillor Lethbridge informed the Committee that he first became aware of the housing in Quarryheads Lane while travelling to school and that he had always admired them for their diversity in design. Rendering on the proposed extension was not an issue as there were a number of houses in the area which currently had rendering. The amount of light to the windows of the neighbouring property varied by season. Referring to the view towards the Cathedral, Councillor Lethbridge informed the Committee that this was only applicable this time of the year and the trees were clothed by ivy which reduced the view. He had explored the rear views of the properties while on the site visit and was not convinced there were any valid reasons to challenge the views put forward by the Council's officers. Upon taking a balanced view of the application, Councillor Lethbridge **seconded** approval of the application.

Councillor Bleasdale sought further information on the proposed cinema room in the extension. The Principal Planning Officer replied that this was part of the original application, but because the garage had been moved, it was no longer part of the proposal. Councillor Bleasdale expressed concern about the loss of light to the neighbouring property.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the Conditions contained in the report.

**b DM/15/03050/AD - Bristol Street Motors, Pity Me, Durham**

The Committee considered a report of the Planning Officer regarding an application for the display of 9 internally illuminated fascia signs, a 5.885 metre totem sign, a welcome sign and a directional sign at Bristol Street Motors, Pity Me, Durham (for copy see file of Minutes).

A Dobie, Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan and photograph montages of the proposed signs. The Principal Planning Office informed the Committee that there was an additional Condition to be added to the permission that the signs only be illuminated while the business was open.

Councillor Dearden **moved** approval of the application, subject to the addition of the additional Condition. This was **seconded** by Councillor Moir.

Councillor Freeman informed the Committee that Framwellgate Moor Parish Council had requested the application be submitted to Committee because of parking problems being experienced in the area of the business, however, this application had nothing to do with parking.

Councillor Davinson expressed disappointment that, having requested the application be brought to Committee, there was no representation from the Parish Council.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the Conditions contained in the report and an additional condition that the signs only be illuminated while the business was open.

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/15/03324/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Change of use from Class B1 (Light Industry) to Class D2 (Assembly &amp; Leisure) to provide a gymnasium</b>
<b>NAME OF APPLICANT:</b>	<b>Mr B Jewitt</b>
<b>ADDRESS:</b>	<b>2 Pease Road, North West Industrial Estate, Peterlee, SR8 2RD</b>
<b>ELECTORAL DIVISION:</b>	<b>Shotton and South Hetton</b>
<b>CASE OFFICER:</b>	<b>Laura Eden laura.eden@durham.gov.uk 03000 263980</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site constitutes an existing industrial unit within Pease Road on the North West Industrial Estate. It was previously in use as a light industrial unit, however is currently vacant. This area is allocated as a general industrial estate by virtue of local plan policy 53.

### The Proposal

2. The application seeks full planning permission for the change of use of the premises from use class B1 (light industry) to class D2 (assembly and leisure). The applicant intends to open a gymnasium opening Monday to Friday 6am until 9pm and weekends from 8am until 3pm. There would be ten car parking spaces provided and an area to provide storage for up to 25 bicycles. No external changes are proposed.
3. The application is brought before members at the request of Councillor Huntington on grounds of number and concentration of other gyms in the surrounding area and the loss of an industrial unit.

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## PLANNING HISTORY

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4. A search of the Council's planning register reveals that there were no entries which would be relevant to this planning application.

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# **PLANNING POLICY**

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## **NATIONAL POLICY**

### National Planning Policy Framework

5. 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 dependent
6. 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'
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below
8. The following elements of the NPPF are considered relevant to this proposal
9. 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.
10. Part 2 - Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
11. 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
12. Part 8 – Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

## **LOCAL PLAN POLICY**

### Easington Local Plan

13. 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.
14. 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.

15. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
16. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
17. Policy 53 - General industrial estates are designated for B1, B2 and B8 uses at Peterlee North East, Peterlee North West, Peterlee South West and Dalton Flatts, Murton. Retail will be allowed in accordance with policy 105.

## **RELEVANT EMERGING POLICY**

### The County Durham Plan

18. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

*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.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **INTERNAL CONSULTEE RESPONSES:**

19. Highways – No objection
20. Environmental Health – Due to the commercial nature of the site noise is unlikely to constitute a statutory nuisance therefore is not in a position to object
21. Policy – NPPF Annex 2 defines health and fitness as a main town centre use however paragraph 22 advises that due consideration needs to be paid to market signals and vacancy rates. On this basis it is acknowledged that an alternative non-industrial use could be justifiable in this instance.

### **PUBLIC RESPONSES:**

22. The application has been publicised by way of a site notice in addition to individual notification letters to neighbouring industrial units. A number of letters of objection have been received from three nearby gyms raising concerns relating to:
  - There are six other gyms within the Peterlee area including a number of the industrial estates which are sufficient to meet demand
  - Potential for a further gym to adversely impact on the existing business resulting in job losses

- Previous refusal for a new gym (DM/14/02586/OUT) and non-favourable pre-application advice given by the local planning authority.
- Lack of parking

In addition two letters of support have been received on the grounds of;

- That it would provide an up to date, modern gym to serve the expanding population of Peterlee
- New employment benefits
- Sustainable and well thought out layout.
- No perceived highways concerns
- Bring back into use an empty industrial unit.
- Security benefits through late night opening/added surveillance/an additional occupier

Furthermore a letter has been received from County Councillor Huntington. She advises that she has always been keen to promote a healthy lifestyle and greatly appreciates the importance of exercise in maintaining good health. However, on this occasion she has concerns regarding the number of gyms within close proximity to one another. On this basis she questions the sustainability of the site.

#### **APPLICANTS STATEMENT:**

23. There is recent planning precedent in respect of change of use from category B1 to category D2 (also for use as a gymnasium) in respect of the premises trading as Gym 360 situated at Unit 11 Pease Road (CE/13/01432/FPA). Planning consent for such change of use of Unit 11 Pease Road was granted by the Planning Authority as recently as 2014. Unit 2 Pease Road, for which consent for the same change of use is also sought, is understood to be of the same size and commensurable in all other material respects to that of Unit 11 Pease Road; the operators of which premises it is duly noted are also objectors to this application.
24. The applicant has provided professional evidence to the Planning Authority from his land agent, Mr Dunnett of Bizspace, demonstrating that eight units located at Pease Road have been vacant for a minimum of eighteen months. There has been very little interest in any of the eight vacant units with the current designated category of use. Furthermore, vacancy rates at the Pease Road site are almost identical to those which existed when the aforementioned planning precedent was created. Mr Dunnett further noted the availability of additional units at the neighbouring Lister Road site which have also remained vacant for a considerable length of time.
25. The applicant notes that no objections have been raised by internal consultees as follows:

Area Planning Policy Team

'The Spatial Policy function acknowledges that in this instance an alternative use would be justifiable on the site'.

Environmental Health Response (Senior Environmental Health Officer)

'I am not in a position to object to the development in principle'.

Highway Authority (Principal Engineer)

The proposals would be deemed to be acceptable from a highways point of view'

26. 'The applicant submits that as operators of competitor businesses, the objectors seek to protect commercial vested interests rather than contend the planning merits of his own planning application. The applicant further respectfully submits that in determining the planning application, no material weight should be unduly attached to nearby objectors, which are purely on the grounds of perceived business impact. The National Planning Policy Framework (NPPF) explicitly encourages 'a strong, responsive and competitive economy' and seeks to 'promote competitive (environs) that provide customer choice' whilst simultaneously 'ensuring that markets remain attractive and competitive'. Competition and customer choice in this service sector is of benefit to users and the local community.
27. The applicant maintains that the proposed change of use largely accords with both local and national policy, is entirely consistent with The NPPF objective of promoting healthy communities and represents sustainable development. The starting point of The NPPF is the presumption in favour of sustainable development as the golden thread of decision making. The NPPF states that 'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision'.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [FPA](#)*

<HTTPS://PUBLICACCESS.DURHAM.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=SUMMARY&KEYVAL=NWVPGFGDMRU00>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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28. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
29. The main considerations in regard to this application are the principle of the development, impacts upon surrounding land users, highways and objections received.

### Principle of Development

30. The application site is located on Pease Road within the North West Industrial Estate. Easington Local Plan Policy 53 identifies this area as a general industrial estate. Policy 54 of the Local Plan supports the development of B1 (business/light industry), B2 (general industry) and B8 (storage and distribution) and retail uses as permitted by policy 105 of the local plan. Such retail uses would include small scale developments to provide local services to meet the daily needs of workers on the estate and the ancillary sale of items manufactured on the premises or the same industrial estate.
31. Turning to the NPPF, the emphasis is on sustainability and supporting economic growth. The site is located within Peterlee, a main town within County Durham however it is situated within an employment area located a significant distance away from the main town centre. The NPPF seeks to support the vitality of town centres which should be developed to include leisure uses. When considering out of town proposals preference should be given to accessible sites that are well connected. It is considered that the proposed business could serve the needs of users of the estates. The site is located a short walk (4-5 minutes) from the nearest bus stop which connects to a number of adjacent residential areas. While it is considered that a gym would provide a facility for workers of the industrial estate, due to the scale of

the proposal and the target market referred to in the planning statement it is more likely to be aimed at a wider market. Furthermore, there are already gyms on the industrial estate that provide such facilities.

32. The applicant has provided a sequential test in order to justify locating the gym on the North West Industrial Estate. The applicant has looked at Peterlee town centre and the sequential test concluded that there were limited commercial leases available within the Castle Dene Shopping Centre. Generally speaking the town centre comprises of smaller units whereby the floor space and ceiling height are not suitable for gym uses. Although two suitable units were available during his discussions with the letting agent, one was let and with the other the owner would only accept a large national chain store. These conclusions provided by the applicant are accepted as it is acknowledged that the nature of the use and the operational requirements of the business lend themselves to industrial units and it is accepted that units of this type are limited in the town centre. The applicant has therefore demonstrated that there would be not be an adverse impact upon the neighbouring town centre in terms of viability and vitality.
33. The saved local plan policy takes a more rigid policy approach which seeks to resist development on employment land other than for B1, B2 or B8 use, or otherwise specified retail proposals, as previously outlined. Paragraph 22 of the NPPF however advocates permitting alternative uses on sites allocated for employment land where 'no reasonable prospect' of that land being used for the intended employment use is evident. The guidance suggests that in such instances applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Although policy 53 is considered to be broadly compliant with the intentions of the NPPF, greater weight must be afforded to paragraph 22 in accordance with paragraph 215 of the NPPF, which deals with the weight that should be given to relevant policies.
34. The supporting information submitted also advises that 2 Pease Road is currently vacant and that the estate is suffering from a vacancy rate of 42% many of which are longer term 18 month vacancies. Furthermore many of the existing tenants have short six to twelve month lease agreements. This figure has not been verified however the case officer did note high occupancy rates when visiting the site and the estate generally. Furthermore, the site is designated as employment land and through the reintroduction of a business into the premises four new full-time and three part-time jobs would be created.
35. Although the NPPF defines health and fitness centres as a main town centre use, through the submission of the sequential test it has been demonstrated that no suitable premises were available. Although local plan policies seek to protect employment land the NPPF through paragraph 22 requires a more flexible approach to decision making taking account of current market signals and the relative need for different land uses to support sustainable local communities. In this instance there are high vacancy rates within the estate and the units have been marketed for a lengthy period of time with no interest. The NPPF places a strong emphasis on sustainable economic development which this proposal is considered to represent through the creation of jobs, with a five year premises lease in what would otherwise have been an empty industrial unit. On this basis the proposed development is considered to be acceptable in accordance with the NPPF Parts 1 and 2.
36. It is noted that objectors have raised concerns with regards to a previous decision and advice offered by the local planning authority with regard to new gyms within Peterlee's industrial estates. Each application does have to be considered on its

merits and it is considered that there are clear differences between the former developments and the one brought before members through this application. Both the previous application and enquiry related to the creation of brand new units rather than existing vacant premises. Furthermore, colleagues within the policy section were liaising with the person who submitted the enquiry to try and overcome the policy concerns that had been identified, however in the intervening period another party secured a deal on the available site. Accordingly, the new build gym enquiry could be taken no further.

#### Impacts upon surrounding land users

37. The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. At a local level policy 35 of the Easington Local Plan requires proposals to have no serious adverse effect on the amenity of existing land users in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
38. It is not considered that the proposed use would give rise to adverse neighbouring amenity issues. There are no window openings within the building nor are any external alterations proposed therefore privacy and visual intrusion are not a concern. Industrial estates by their nature are busy therefore it is not considered that the proposed use would lead to traffic generation that would be detrimental to the surrounding units. Although the applicant has specified his intended hours of operation it is not deemed necessary to impose restrictions relating to hours of operation given the character of the surrounding area. It is not considered that the existing users within the estate would have a significant adverse impact upon the proposed gym use, given the nature of the nearby uses. It is also relevant to note that the applicant has chosen this particular location, and in addition, some of the gym activities would take place outside of the normal operating times of adjacent premises.
39. Officers in the environmental health section were consulted on the proposal and requested the submission of additional information in relation to noise generation and how this would be operationally and structurally addressed. Although the applicant has specified noise management measures (low tempo music, speaker placement etc.) rather than noise insulation measures, colleagues still maintain concerns regarding the potential for noise breakout. Notwithstanding this, due to the site being located within a commercial area noise is unlikely to constitute a statutory nuisance or give rise to amenity impacts. As such, they would not object to the development in principle. Officers note the industrial nature of the surrounding area, that there are no residential properties in the vicinity, there is a gym operating within the same estate about which no known noise complaints have been received and furthermore no objections have been raised from neighbouring units in this regard. On this basis it is not considered that noise associated with the development would be significant enough to justify refusal of the planning application.

#### Highways

40. The highways officer has assessed the proposal and notes that there are ten car parking spaces in front of the unit's western elevation that could be available to users of the proposed gymnasium. It also would appear that two further spaces could be provided if the main roller shutter door associated with the premises was not open. Furthermore, this area of the industrial estate also benefits from what appears to be additional shared car parking located between Units 4 and 5 which is approximately 60 or so metres away from Unit 2 which should be capable of accommodating up to twenty or so vehicles.

41. The applicant has specified the opening hours of the business as being 6am until 9pm Monday to Friday and 8am until 3pm Saturdays and Sundays. It is anticipated that the peak hours of operation for the business would be early mornings, evenings and weekends when the adjacent businesses would most likely be closed therefore additional parking would most likely be available in the surrounding area. Furthermore, space would be included within the unit for the storage of 25 bicycles to encourage sustainable modes of transport.
42. On this basis the proposal is considered to be acceptable from a highways perspective and would comply with policies 35, 36 and 37 of the District of Easington Local Plan.

#### Neighbouring objections

43. Objectors to the scheme have raised a number of points of objection many of which have been covered elsewhere in this report.
44. Objectors' main concerns relate to the existing number of gyms in the Peterlee area and that the introduction of a further establishment may have an adverse impact on the existing fitness based businesses. In this case officers consider that the principle of development is acceptable and in accordance with policy. It would up to the market to decide whether there was capacity for a further gym within the area. As one supporter mentioned, Peterlee is benefitting from new large scale housing development which could create extra demand for such facilities. Potential business competition would not provide a justifiable reason for refusing planning permission.

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## **CONCLUSION**

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45. The NPPF places a strong emphasis on sustainable economic development which this proposal is considered to represent. Although gym uses should normally be accommodated within town centres, supporting information has been submitted to demonstrate why this was not possible. Although local plan policies seek to protect employment land the NPPF requires a more flexible approach to decision making taking account of current market signals. In this instance there are high vacancy rates within the estate and the units have been marketed for a lengthy period of time with no interest. The site is designated as employment land and through the reintroduction of a business into the premises four new full-time and three part-time jobs would be created.
46. It is considered that the site has the potential to be developed without causing an adverse impact to the amenity of adjacent users and would not lead to highway safety issues. As a result, it is considered that the proposal is in accordance with the intentions of the National Planning Policy Framework and saved Policies of the current Local Plan. Whilst objectors' concerns are appreciated and duly noted it is not considered they would amount to reasons to refuse planning consent.

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## **RECOMMENDATION**

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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, location plan, design and access statement and proposed floor plan received 27/10/2015, Supporting information relating to noise management received 25/11/2015

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

3. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used as a gym only and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason: In the interests of ensuring the vitality of town centres in accordance with Part 2 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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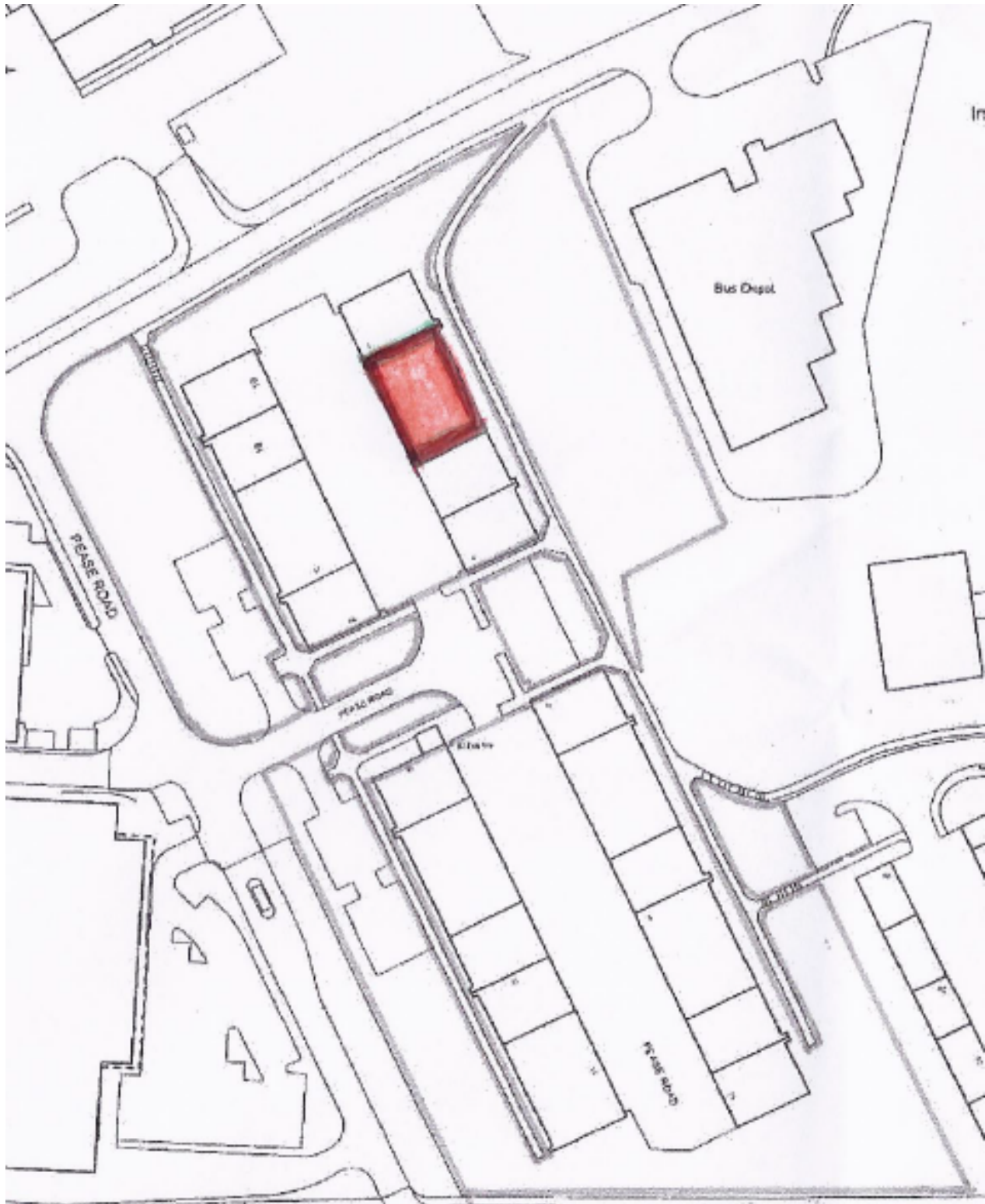
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Drawings
- Design and Access Statement
- Supporting Statement
- National Planning Policy Framework
- Easington Local Plan 2001
- Consultation Responses



**Planning Services**

**Change of use from Class B1 (Light Industry) to Class D2 (Assembly & Leisure) to provide a gymnasium  
2 Pease Road, North West Industrial Estate, Peterlee, SR8 2RD**

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**Comments**

**Date. 12 January 2016**

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/02384/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction of 12 no. dwellings with associated parking, access landscaping and alteration to bus shelter.
<b>NAME OF APPLICANT:</b>	Mr C Hogan
<b>ADDRESS:</b>	Land opposite St Pauls Church, Commercial Street, Trimdon Station
<b>ELECTORAL DIVISION:</b>	Trimdon and Thornley
<b>CASE OFFICER:</b>	Barry Gavillet, Senior Planning Officer, <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a> 03000 261958

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site:

1. This site lies within the settlement boundary of Trimdon on a brownfield site at the junction of Commercial Street and Rodwell Street and extends to an area of approximately 0.13 ha. The existing site is cleared of the original buildings which were demolished approximately 8 years ago and the site has remained undeveloped due to the economic downturn. Previous uses on the site included a Presbyterian Church on the southern corner with two storey flat-roofed shop units, car parking, delivery yard and enclosed outbuildings which were accessed from the rear lane to the north of the site. The existing buildings had become vandalised and were unsuitable for conversion hence the decision to demolish with a view to develop the site for housing.
2. The site is surrounded by residential properties, commercial and retail units and a church. A bus stop with regular services is also located to the front of the site.

### Proposal:

3. This proposal seeks planning permission for 12 two bedroomed and three bedroomed (room in the roof) starter homes each with a parking space and a private rear garden, two additional parking spaces would be provided for visitors. The dwellings would be accessed from a parking court to the frontage and rear lane.
4. The houses would be built using facing red brick, with contrasting brick and cast stone detailing and door canopies for visual interest. The dwellings would be enclosed at the rear by 1.8m high close boarded timber fencing with lockable, gated access.
5. This application is being reported to committee as it is classed as a major application.

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## PLANNING HISTORY

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6. 8 dwellings were approved on the site in 2007, this approval has now expired.

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## PLANNING POLICY

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### NATIONAL POLICY:

7. *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.
8. *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.
9. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *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.
11. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *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.

### LOCAL PLAN POLICY:

#### District of Easington Local Plan

13. *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.
14. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.

15. *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.
16. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
17. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
18. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
19. *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.

#### **RELEVANT EMERGING POLICY:**

##### The County Durham Plan

20. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

*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.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

21. Trimdon Parish Council are broadly in favour of the proposals but wish to ensure that highways matters are fully considered.
22. Northumbrian Water have no objections subject to a condition requiring a foul and surface water drainage.

## **INTERNAL CONSULTEE RESPONSES:**

23. Highways Officers have no objections to the proposals subject to a condition requiring details of the bus shelter relocation.

## **PUBLIC RESPONSES:**

24. None received.

## **APPLICANTS STATEMENT:**

25. The existing buildings had become vandalised and were unsuitable for adaptation hence the decision to demolish with a view to develop the site for housing. Ongoing anti-social behaviour is an issue particularly around the existing bus stop. This opportunity will provide better security and allow the provision of much needed starter homes in the centre of Trimdon Colliery.
26. The existing bus stop shelter, presently set into the front boundary of the site, provides a concealed area which is unsupervised. A new cantilevered canopy is proposed to replace the existing shelter to enable the boundary to follow the existing pavement line providing a more open aspect discouraging anti-social behaviour and provide better sightlines from the junction allowing the front garden area to the houses to be soft landscaped enclosed by a low timber fence in keeping with the adjacent housing fencing..
27. The proposal is to build 12no. 2 bedroomed and 3 bedroomed [room in the roof] starter homes each with a parking space and an accessible private rear garden, each with water butt and whirly-gig clothes dryer for residents' amenity accessed from the parking court to the frontage and the back lane. 2 additional parking spaces have been provided for visitors with additional existing on-street parking for visitors available.
28. The houses will be brick built chosen to blend sympathetically with their location, with contrasting brick/ cast stone detailing and door canopies for visual interest. The simple roof lines and set backs to the façade create a courtyard for parking which is well supervised and secure. 1.8m high close boarded timber fencing enclose the rear gardens with lockable, gated access to provide quiet, secure spaces for families with clothes drying space, hard standing for recycling and green bins together with rainwater butts for garden watering reducing potable water use.
29. Previous discussions with Council Planning and Highway Officers set the principles for development and confirmed that the rear lane is private providing private rear accesses to the rear gardens which will be gated to prevent unauthorised access for better security.
30. The construction will be designed using a 'fabric first' approach using high levels of insulation, weather-stripping, air tightness and efficient ventilation, backed up with water saving taps, high efficiency boilers and thermostatically controlled space heating to further reduce energy consumption, lowering running costs and making sure the houses are warm and comfortable.
31. Dere Street Homes and Durham Council first identified the site as suitable for residential re-development for social housing in 2008. The development of housing on this site brings investment into Trimdon Colliery for the betterment of the village.



## 32. Conclusion:

The provision of 12 new starter homes in the centre of Trimdon Colliery:

- provides much needed housing with private garden spaces and in-curtilage parking for young families and older people seeking to downsize from larger properties, while staying in the village close to family and their support network,
- improves the existing bus stop arrangement,
- overcomes a number of ongoing anti-social behaviour problems, identified by local ward councillors,
- has been designed using Secured By Design principles to provide better security for residents and people using the improved bus stop close to local services and facilities, making the centre of Trimdon Colliery more attractive to ongoing inward investment and improvement.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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33. 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, design and layout and highways issues.

### **Principle of the development**

34. The key planning policy issues arising from this proposal which require due consideration in the determination of the application are the sustainability of the location and degree of accordance with existing policies and the National Planning Policy Framework. It should be noted however, that existing local plan policies relating to settlement boundaries are now out of date and therefore the NPPF carries more weight.

35. The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies along with the emerging County Durham Plan and the National Planning Policy Framework. There are a number of reasons for this; mainly that new development within the settlements helps to maintain the compact and coherent urban form, which is most appropriate for the support of shops, community facilities and public services and which promotes sustainable forms of development.

36. Policy 67 of the Local Plan states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. The application site is brownfield, it has very good access to local shops, public transport links and community facilities, and on this basis officers consider the site to be in a sustainable location within the settlement boundary. It is therefore considered that the proposal is wholly in accordance with policy 67 of the Local Plan.

37. In addition to the existing Local Plan the NPPF is most relevant to the consideration of this proposal being the most up to date planning policy framework. At the heart of

the NPPF is 'the presumption in favour of sustainable development'. In terms of pursuing sustainable development the NPPF sets out positive improvements to be sought which includes improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes.

38. It is considered that the development of the land in question has the potential to deliver these improvements. In addition to the above, the NPPF encourages the reuse of brownfield land such as this application site and saved Policy 3 of the District of Easington Local Plan advises that development within settlement boundaries such as proposed should be favoured over development in the countryside. The proposed development site is considered to be a highly sustainable location for residential development given its location in Trimdon with good access to community facilities such as schools, healthcare provision, shops and public transport links.
39. Overall the proposals are considered to be in accordance with both the saved policies in the District of Easington Local Plan and the National Planning Policy Framework and are therefore acceptable in principle.

### **Design and layout**

40. Policy 35 of the Easington Local Plan requires that development should reflect the scale and character of adjacent buildings and the area generally, provide adequate open space, appropriate landscape features and screening, and not be visually intrusive. Policy 1 reflects this in that development should be of a high standard of design and landscaping which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. National guidance expects due regard to be had to the protection of the local environment.
41. In addition, policies 1 and 35 aim to safeguard the general amenity of people living and working within the vicinity of the site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise or other pollutants.
42. In terms of the impact on the amenity of existing residents who surround the site, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13.5 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing. In terms of the privacy distances between dwellings either within or surrounding the proposed site there are no instances where these standards are not met.
43. As noted earlier in the report, the proposed two storey dwellings would be traditional in design and would be constructed with brick and concrete tiled roofs. Various types of boundary enclosures would be used including timber close boarded fencing and landscaping would be planted throughout the development.
44. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is now a derelict site. On balance having regards to part 7 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to design and layout.

### **Highways Issues**

45. Highways officers have been consulted on the scheme and have confirmed that the level of car parking provision on site is adequate. However officers initially objected

to the means of access stating that the proposed visibility splays were inadequate. In order to justify these visibility splays the applicant commissioned a vehicle speed survey to the front of the site, which confirmed average vehicle speeds of 26mph northbound and 28.2mph southbound. Officers have assessed the vehicle speed survey and have now confirmed that the proposed visibility splays at the access points are acceptable.

46. As stated earlier in the report a bus stop and shelter is located directly outside of the site. Highways officers have stated that this shelter must be relocated slightly in order to avoid conflict with the proposed development. Therefore a condition would be required to ensure the appropriate relocation of the bus stop.
47. On the basis of the above it is considered that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

### **Section 106 contribution**

48. Saved policy 66 of the District of Easington Local Plan states that developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site. On this basis the applicant has agreed to make a financial contribution of £6000 towards the provision or improvement of offsite recreation in the electoral division of Trimdon and Thornley.

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## **CONCLUSION**

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49. The National Planning Policy Framework advises that there should be a presumption in favor of sustainable development such as this proposal which is within the settlement of Trimdon, on a brownfield site and close to local facilities and transport links. Officers consider that the development does constitute sustainable development, the key theme running through the NPPF and that the development is in accordance with the saved policies in the District of Easington Local Plan. In addition, the scheme would enhance the street scene in this prominent part of Trimdon which is currently a derelict site.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions and subject to the entering into of a Section 106 legal agreement to secure the provision of:

£6,000 contribution toward enhancement or provision of play facilities in the Trimdon and Thornley Electoral Division.

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 only in accordance with the approved plans and specifications contained within:

Location plan 855/loc  
Rudby 2B House Plans and Elevations 855/Rudby/001  
Rudby 3B House Plans and Elevations 855/RudbyRR/001  
Site layout plan 855/114 Rev C  
Site Survey 855/Surv  
Boundary treatment Fence/Wall details 1005/2/102 A  
Materials Schedule received 13/10/2015

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

3. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with part 10 of the NPPF.

4. Development shall not commence until a detailed scheme for the relocation of the adjacent bus stop on Commercial Street has been submitted to and approved in writing by the Local Planning Authority. The bus stop shall be relocated in accordance with the approved scheme before commencement of the development.

Reason: In the interests of highway safety in accordance with saved policy 36 of the District of Easington Local Plan and part 4 of the NPPF.

5. No development shall take place until a site investigation and Desk top Study has been carried out in accordance with Part IIA of The Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the local planning authority. As a minimum requirement, the Desk Top Study should include the following information in relation to the study site:

- Historic Land Use
- Former contaminative site uses
- Typical contaminants from former industrial uses
- Watercourses, major underground aquifers, water source protection zones, at or close to the site
- Ground water, perched ground water
- Adjacent land uses and their historical land use, and potential to affect the study site
- All former holes in the ground on or close to the study site

If the desk top study determines there is no historical land use which may cause contamination of the site, no further action is required in relation to the contaminated land risk assessment. If any historical land use which may cause contamination of the site is found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

#### Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority. This report shall take into consideration the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures

for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority

#### Phase 3 – Validation Report

After remediation measures are implemented at the site, a final validation statement shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

Reason: To ensure that the application site is safe for the approved development, as required by paragraph 121 of the National Planning Policy Framework and in accordance with saved Policy 1 of the Easington District Local Plan and part 11 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

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## **BACKGROUND PAPERS**

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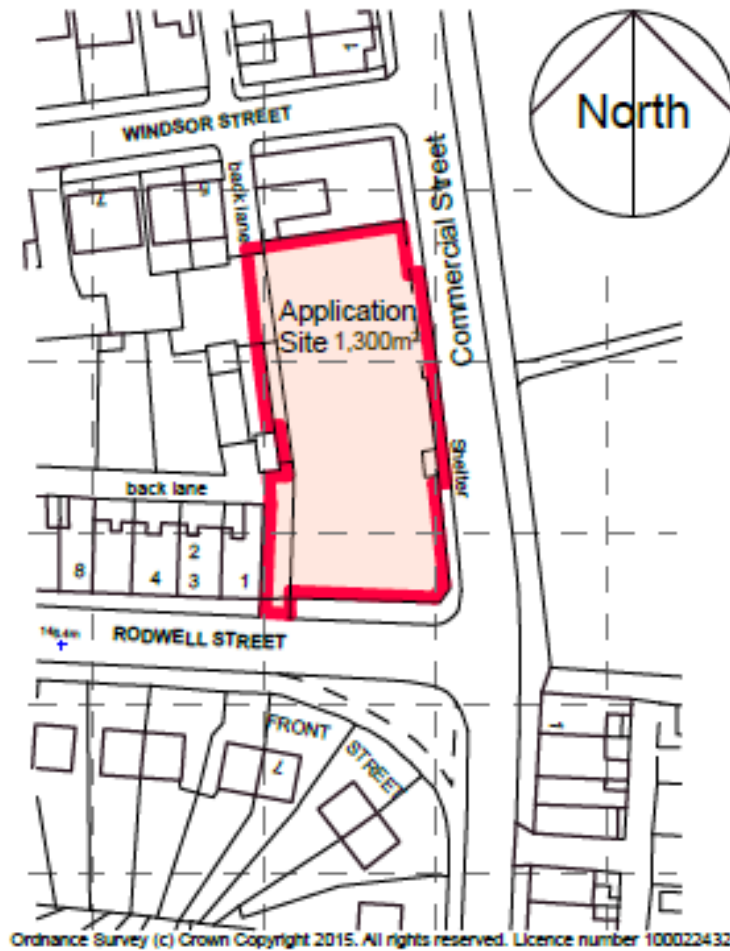
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

District of Easington Local Plan



**Planning Services**

**12 no. dwellings**

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**Comments**

**Date** January 2016

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/03039/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Extension of existing garden centre
<b>NAME OF APPLICANT:</b>	Woodthorpe Garden Centre Ltd
<b>ADDRESS:</b>	Plants R Ross, South Hetton Road, Easington Village
<b>ELECTORAL DIVISION:</b>	Easington
<b>CASE OFFICER:</b>	Barry Gavillet, Senior Planning Officer, <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a> 03000 261958

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site:

1. This application site lies outside of the settlement boundary of Easington Village as defined in the District of Easington Local Plan and is therefore classed as being in the countryside. The site is approximately 1.32 hectares and is an existing and well established garden centre located approximately 1 mile to the west of Easington Village across the A19 and 0.6 miles to the east of South Hetton. The garden centre is accessed off the A182 and is surrounded by open countryside on all sides.

### Proposal:

2. This application proposes to expand the existing garden centre facilities after being acquired by a new operator. The new facilities would include a new resurfaced car park, a new polytunnel, glasshouse, conservatory, kitchen, restaurant and a new main shop. The restaurant would be created through conversion of the existing dwelling on the site. The application seeks outline planning permission with details of appearance and landscaping reserved for later consideration. Access to the site would remain as it currently exists.
3. It is important to note that the existing number of full time equivalent staff on the site is 7. The applicant has suggested that the upgrading and expansion of the business as proposed in this application would result in approximately 50 full time equivalent staff.
4. This application is being reported to committee as it is classed as a major application.

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## **PLANNING HISTORY**

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5. Between 1998 and 2000 several polytunnels were approved on the site followed by a dwelling, a garden centre in 2005 and tea rooms and farm shop in 2006.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. 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.
7. 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’ .
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

9. 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.
10. Part 3 - Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
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 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.
13. Part 11 - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that



are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

#### **LOCAL PLAN POLICY:**

14. 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.
15. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
16. Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
17. 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.
18. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
19. Policy 106 – States that the preferred location of garden centres is within or adjoining settlement boundaries unless it can be demonstrated that suitable sites are not available.

#### **RELEVANT EMERGING POLICY:**

The County Durham Plan

20. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

*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.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

21. Northumbrian Water have made no adverse comments.

### **INTERNAL CONSULTEE RESPONSES:**

22. Highways Officers have no objections to the proposals and comment that the access to the site has good visibility splays, the proposed parking provision is adequate and that the additional pedestrian footpaths are welcomed. Conditions should be imposed requiring the demarcation of the car park, electric vehicle charging points and cycle storage bays.

23. Ecology Officers initially requested a Great Crested Newt Risk Assessment given the proximity of the site to nearby ponds. An assessment has been submitted and found the proposed works to be of low risk.

24. Landscape Officers have no objections subject to a scheme requiring additional landscaping being conditioned.

### **PUBLIC RESPONSES:**

25. None received.

### **APPLICANTS STATEMENT:**

26. British Garden Centres is a family owned and run independent company, being Charles & Robert Stubbs who are brothers and myself, Phillippa Stubbs, Charles' wife. We began trading in 1990 and since then have built up a portfolio of 9 garden centres based around the country. We now employ circa 500 staff whom are local to the Centres and we run all of our own Cafes/Restaurants. We have very strong family and community values, which we believe are a key factor in our garden centres success....

27. We purchase centres that are in a neglected, declining state and turn them around (in a very short space of time) into thriving garden centres in the heart of communities, we always keep on any existing staff and then very quickly add to this creating jobs within both our restaurants and in the garden centre for people in the local area, together with using local contractors and businesses to supply materials and labour during the redevelopments.

28. We always aim to provide a friendly community based environment for people to come and enjoy with high quality food in the cafes and a good selection of product at fair prices in the garden centres. We enjoy the festive time of year and usually run santas grottos and christmas displays, then in the spring and summer months we like to hold planting events and children's gardening days which help engage the local people in what we do.

29. We work closely within the industry with the HTA and GCA and have been awarded National Garden Centre of the Year with our Brigg and Woodthorpe Centres. We also like to do work with local charities raising funds through our centres events.

30. In all the communities we have acquired a garden centre in, we have developed into a positive attribute for both the immediate community and the wider community

too... we ultimately pride ourselves in bringing new vitality and jobs to an area and see failing garden centres turned round and made a renewed success....

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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31. 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 as this is an outline application with some matters reserved, the main planning issues in this instance relate to the principle of development, layout and landscape impact, ecology and highways.

### **Principle of the development**

32. This application proposes to extend the existing garden centre facility and associated car parking facilities. The current garden centre which was established in 2005 consists of a shop, polytunnels, a glasshouse, external display areas and informal car parking areas. The current proposals would upgrade the existing facilities and include a new shop, new glasshouses and polytunnels, a new restaurant and conservatory, upgrading of the car parking areas, the enlargement of the existing pond and additional landscaping.

33. As the planning history reveals, planning permission has been granted for various developments on a number of occasions for polytunnels, a farm shop and the existing garden centre. The garden centre is located between the settlements of Easington Village and South Hetton and close to the A19. It is considered that the proposals are in accordance with saved policy 106 of the District of Easington Local Plan which is specific to garden centre developments. It states that the location of garden centres should be within or adjoining settlement boundaries, or elsewhere if it can be demonstrated that suitable sites are not available. It also requires that the site can be served by a safe access, would not adversely affect amenity and would not undermine the vitality or viability of retail centres or shops. The site is a long established garden centre and the proposals are considered to satisfy these criteria. In addition to this it is considered that the proposals are in general accordance with parts 1 and 3 of the National Planning Policy Framework which aim to support the economy and support the growth and expansion of business and enterprise in rural areas. Overall, it is considered that the upgrading and expansion of the garden centre by a nationally recognised company would secure jobs and the future of the business, and given the previous approval of the garden centre it is considered that the proposals are acceptable in principle.

### **Layout and landscape impact**

34. 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 and have no serious adverse effect on the amenity of neighbouring residents or occupiers. This application seeks outline planning approval with details of appearance and landscaping being reserved matters. It is therefore difficult at this stage to assess the appearance of the proposed buildings. Notwithstanding this, the applicant has submitted details of the layout for approval and the design and access statement confirms that the scale of the buildings will reflect what is currently on site. The layout shows additional polytunnels, glasshouses and a shop which would be

located within the group of existing buildings resulting in a very limited landscape impact, moreover the proposed restaurant would be located in the existing bungalow, again resulting in no additional landscape impact. On this basis it is considered that the proposals would not result in any significant adverse impact on the local landscape and therefore are in accordance with saved policy 35 of the District of Easington Local Plan.

35. In addition to the above the landscape officer has stated that the County Durham Landscape Spatial Strategy identifies the site as a location for enhancement. As a result, the site falls within a Landscape Improvement Priority Area. It is therefore considered that given that landscaping is a reserved matter, this application represents a good opportunity to appropriately enhance the perimeter landscape of the nursery and integrate with the countryside, and be a showcase for the nursery to demonstrate appropriate native planting in the countryside for new developments.

## **Ecology**

36. Whilst it is noted that the site itself is generally of low value, development of the site does have the potential to have an impact on nearby protected species.
37. Policy 18 of the Easington Plan seeks to protect species and habitats and ensure appropriate mitigation. Given that there are ponds onsite and records of Great Crested Newts nearby this proposal has been the subject of a Great Crested Newt Risk Assessment which has been considered by Ecology officers. The conclusion is that the risk to Great Crested Newts is very limited. However, the recommended working methods contained in the submitted Risk Assessment should be conditioned.
38. Subject to the working methods condition, the project is considered to be acceptable in terms of its relationship with habitats, species and protected sites and therefore compliant with Policies 18 of the Easington Local Plan and part 11 of the National Planning Policy Framework.

## **Highways**

39. Highways Officers have been consulted as part of the application process and have commented that the existing site is served by a very good vehicular access with the A182, South Hetton Road, including a protected right turn lane and good junction sight visibility in both directions. In addition, the additional 'Tarmac Path' pedestrian access link to the site is welcomed from a highways point of view as it offers some segregation from the main vehicular access into the site.
40. The 235 on site car parking spaces proposed are in compliance with Durham County Council's Parking and Accessibility Standards although conditions should be imposed requiring 3 electric vehicle charging points, the demarcation of the car park and the submission of a scheme showing the provision of 10 covered cycle spaces.
41. Subject to the planning conditions outlined above there would be no Highway Development Management reasons to object and therefore the proposals are considered to be in accordance with saved policies 36 and 37 of the District of Easington Local Plan and part 4 of the National Planning Policy Framework.

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## CONCLUSION

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42. This proposals represents an opportunity to secure the future of the existing garden centre business though improvement and expansion and importantly would result in approximately 43 additional full time equivalent employees. The garden centre use in this location is well established and therefore acceptable in principle. There are no concerns raised by consultees in terms of highways, ecology or landscape subject to conditions.
43. On the basis of the above it is considered that this proposal, which would result in significant investment into an established rural enterprise, is in accordance with the relevant local plan policies and the aims of the National Planning Policy Framework and is therefore recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions/reasons:

1. Approval of the details of the appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in full accordance with all recommendations within the Preliminary Ecological Appraisal and Great Crested Newt Risk Assessment prepared by KJ Ecology Ltd.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

4. Prior to any of the extended garden centre being opened to the general public the installation of the 3 no. on-site electric vehicle charging point car parking spaces must be completed in accordance with details to be submitted to and approved in writing by the Local planning Authority.

Reason: To promote the use of alternative green modes of travel to and from the site in accordance with part 4 of the National Planning Policy Framework.

5. Prior to any of the extended garden centre being opened to the general public the car park must be demarcated in line with the on-site car parking scheme shown on the Proposed Site Layout Plan, drg. no. 201501-04D.

Reason: To maximise the available on-site car parking in accordance with saved policy 35 of the District of Easington Local Plan and part 4 of the National Planning Policy Framework.

6. Prior to any of the extended garden centre being opened to the general public the 10 no. enclosed, covered cycle parking spaces must be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote the use of alternative green modes of travel to and from the site in accordance with part 4 of the National Planning Policy Framework.

7. Notwithstanding the submitted details, the scale of the development shall be in accordance with the details as set out in the submitted Design and Access Statement dated September 2015.

Reason: In order to protect the visual amenity of the area in accordance with saved policy 35 of the District of Easington Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

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## **BACKGROUND PAPERS**

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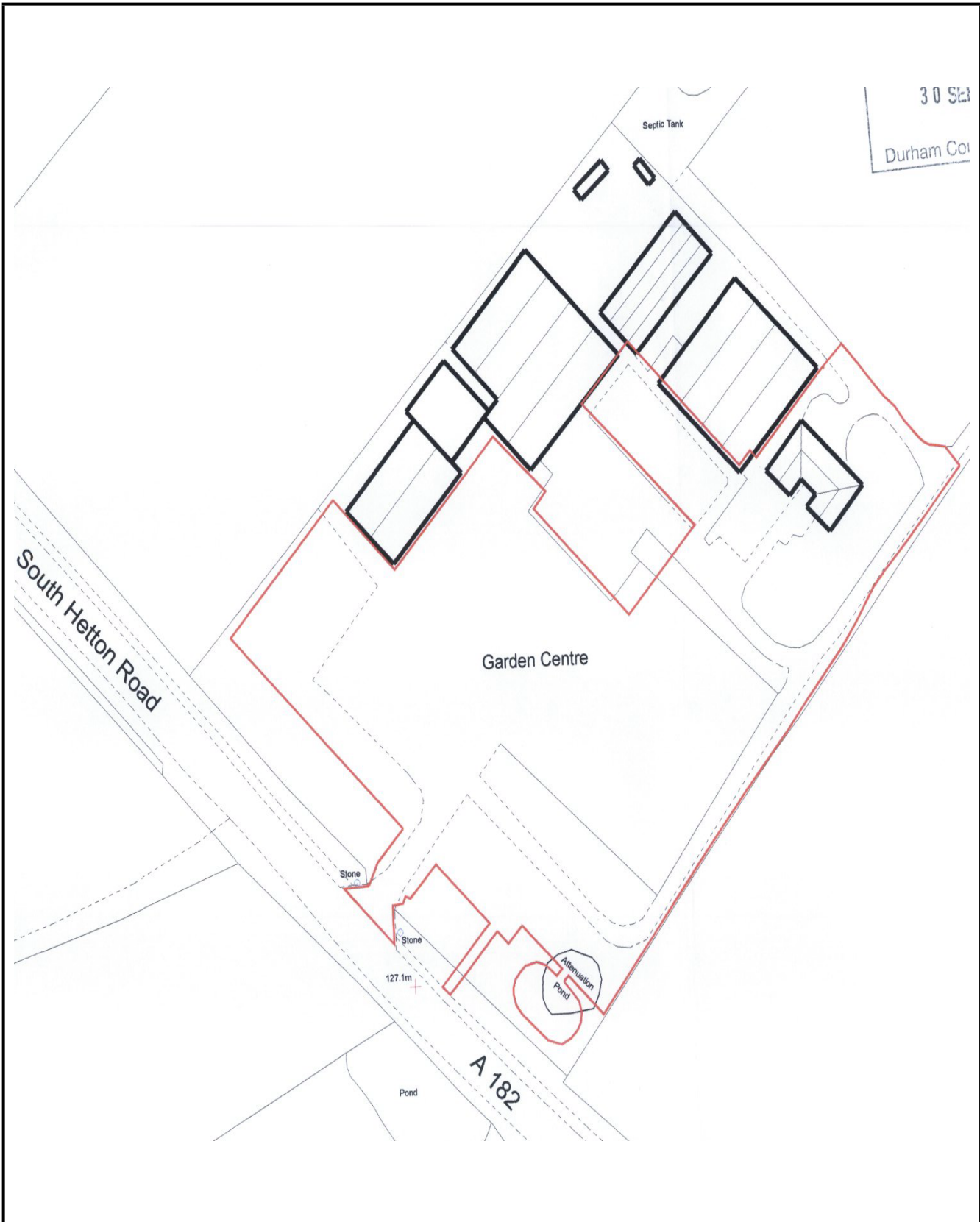
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

District of Easington Local Plan



**Planning Services**

**Proposed extension and redevelopment of existing garden centre**

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**Comments**

**Date** January 2016

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