

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0378
FULL APPLICATION DESCRIPTION	RETROSPECTIVE PLANNING PERMISSION FOR THE CHANGE OF USE OF BEACONSIDE FARM FROM MIXED USE RESIDENTIAL/EQUESTRIAN & AGRICULTURE TO MIXED USE RESIDENTIAL/EQUESTRIAN & AGRICULTURE AND FOR THE PARKING OF UP TO THREE 4 SEATER TAXIS AND TWO 8 SEATER TAXIS USED BY OCCUPANTS OF BEACONSIDE FARM. RETENTION OF DIESEL TANK FOR REFUELLING OF OCCUPANTS OF BEACONSIDE FARM'S PERSONAL VEHICLES AND THE 5 TAXIS PROPOSED TO BE PARKED AT BEACONSIDE FARM.
NAME OF APPLICANT	LOCAL TRANSPORT LTD
ADDRESS	BEACONSIDE, STATION ROAD SOUTH, MURTON SR7 9SF
ELECTORAL DIVISION	MURTON
CASE OFFICER	Laura Martin 0191 5274612 laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application relates to a detached bungalow that lies just outside the settlement boundary for Murton. The site is located off the B1285 Station Road South through the Broadoaks residential estate comprising of 33 houses. Beaconside is accessed from the estate road by a single width track approximately 70 metres long that has a children's play area to the east and four residential properties accessed by a separate shared drive to the west.
- 2 The property is set within a large plot of land approximately 0.8 hectares in size. In addition to the bungalow the site benefits from a barn, stables, a detached garage and houses a range of animals.

Proposal:

- 3 Retrospective planning permission is sought for the parking of up to three four seater taxis, two eight seater taxis and the retention of a diesel tank for the refuelling of occupants of Beaconside's personal vehicles and the 5 taxis parked at the property. The diesel tank is used to refuel the five taxis that are parked at the property and are owned and run by the family. Details have been provided to show that the diesel tank is refuelled approximately once every five to six weeks. The applicant, his wife and three adult children who also live at the site each drive a taxi vehicle that also serves as their own private transport respectively.
- 4 Both aspects of the development are located centrally within the site. The fuel tank is situated north of an existing stable block and has a capacity of 2500 litres and the parking area is situated adjacent to the fuel tank. The development is approximately 30 metres from the nearest residential property and 35 metres from the bridleway.
- 5 The application is being brought before Members following an objection by the Parish Council.

PLANNING HISTORY

91/640 – Retrospective application for cattle building approved 13/01/1992

91/772 – Bungalow approved 05/05/1992

94/34 – Bungalow approved 15/03/1994

95/256 – Garage approved 16/06/1995

PLAN/2006/0792 – Stables approved 08/12/2006

PL/5/2010/0440- Change of use from residential to residential and for the parking of taxis and the installation of diesel taxi (retrospective) Withdrawn 12 November 2010

PLANNING POLICY

NATIONAL POLICY:

- 6 Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.
- 7 Planning Policy Statement 4: Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

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

Regional Policy

- 8 The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the

environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance are the following policies:

- 9 Policy 11- Rural areas
Strategies, plans and programmes, and planning proposals, should support the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the Region's environmental assets from inappropriate development.
- 10 Policy 12- Sustainable economic development
Strategies, plans and programmes should focus the majority of new economic development and investment:
 - a. in the Conurbations and Main Settlements within the Tyne & Wear and Tees Valley City-Regions;
 - b. at brownfield mixed-use locations; and
 - c. at Key Employment Locations, particularly for employment uses of regional and sub-regional significance.
- 11 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and it is a matter for each Planning Authority to decide how much weight can now be attached to this intention.

LOCAL PLAN POLICY:

District of Easington Local Plan

- 12 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.
- 13 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.
- 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 62 - The operation of a small business from a residence requiring planning permission will only be approved where there is no serious impact on the amenity of neighbouring properties or the character of the area.

- 16 Policy 63 - The operation of taxi businesses from dwelling houses in residential areas will not normally be approved. Within town and local shopping centres and small industrial estates, planning permission will be approved subject to noise, disturbance and traffic hazard issues being acceptable and where the vitality or viability of a shopping area is not affected and where a shortage of industrial land or buildings would not result.
- 17 Policy 73 - Extensions or alterations to existing dwellings, requiring planning permission, will be approved provided that there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the building and the proposal does not prejudice road safety or result in the loss of off street parking.
- 18 Policy 74 - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

- 19 Parish Council- object to the scheme on the following grounds: -
- Private housing estate not fit for commercial use
 - Safety concerns next to a children's play area
 - Noise and pollution from vehicles
- 20 Ramblers Association- ask the council to either withhold permission if it be deemed that the traffic will adversely affect users of the rights of way; or impose conditions to protect its users.

INTERNAL CONSULTEE RESPONSES:

- 21 Environmental Health Section- raises no objections
- 22 Highways Sections- raises no objections subject to appropriate planning conditions relating to a restriction in the number and type of taxi's stored at the site.
- 23 Public Rights of Way Officer- raises no objections but requests appropriate conditions relating to signage at the site.

PUBLIC RESPONSES:

The application was advertised by both a press and site notice and 38 notification letters to neighbouring properties within the area.

24 One letter of support was received in respect of the application. 5 letters of objection have been received stating concerns in the following respects: -

- Adverse impact upon residential amenity
- Increase in traffic
- Safety concerns for the play area located adjacent to the site.
- Retrospective nature of the works
- Change in the character of the area from residential to industrial
- Devaluation in property
- Noise
- Storage of diesel at the site.

APPLICANTS STATEMENT:

25 Local Transport Ltd is the largest employer in Murton it employing around 20 people. The proposal offered in this application from the applicant's perspective represents a workable compromise, which can be achieved without material detriment to the business, a factor which carries significant weight particularly at these difficult economic times. Negotiations have taken place since the last application to try and it is hoped the proposed represents an acceptable and pragmatic solution to the issue subject potentially to the imposition of controlling conditions.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=115671> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main considerations relevant to this application are;

- Policy implications
- Residential amenity
- Visual amenity
- Highways
- Safety
- Other considerations

Policy implications:

26 The site lies just outside the settlement boundary for Murton therefore under Policy 3 of the local plan is considered to be development in the countryside. PPS4 states that economic development within such areas needs to be strictly controlled however does advise that support should be given to farm diversification for business purposes provided that it is consistent with the scale and environmental impact of its rural location.

27 The site lies at the edge of the settlement of Murton. Although it is outside the settlement boundary it is very close to the built up area of the village therefore could be considered to represent a sustainable location for a rural business. The main consideration is whether the scale of the development is appropriate to the character of the area more generally especially given its proximity to residential properties.

- 28 In relation to a taxi business specifically Policy 63 of the local plan advises that taxi businesses operating from dwelling-houses in residential areas will not normally be approved as the operation of such a business is likely to result in noise and disturbance to residents as well as indiscriminate parking leading to conditions prejudicial to road safety. Furthermore policy guidance in relation to working from home states that permission will only be approved where there is no serious adverse impact on amenity of nearby properties or the character of the area by reason of visual intrusion, noise, other pollutants and traffic generation (policy 62).
- 29 Beaconside is a stand-alone property but access to the dwelling is gained through a residential estate comprising of 33 houses. As such, any business activities have the potential to adversely affect residents living there. In this case, the taxi business itself is operating from premises elsewhere in Murton, and permission is being sought only for the parking of the taxis at Beaconside when not operating. Accordingly the comings and goings should be limited to travelling to work and returning at the end of a shift, and at other times to any personal use of the respective vehicles. It is noted that since the last application, three of the larger vehicles have been replaced by 4 seater cars. Furthermore, it is indicated in the applicant's supporting information that the diesel tank will not be used for refuelling other vehicles in the taxi's fleet. It is considered that due to the number of persons living at the property (9 in total), the number of vehicles would be appropriate to the plot and dwelling size. As such it is therefore considered that the parking of the vehicles would not give rise to significant adverse residential impact and warrant refusal of the application in line with Policies 62 and 63 of the Local Plan.
- 30 In relation to parking spaces, given the size of the application site it is not questioned that there is ample space to accommodate the taxis. The development is therefore not considered to lead to detrimental parking standards that would negatively impact upon highway safety.
- 31 The reduction in numbers of vehicles visiting the site is considered to be at such a level as to minimise any impact upon residential amenity whilst still maintaining an economically viable operation. PPS4 and in particular Policy EC6 part F states that support should be given to planning applications for farm diversification, and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location. In this respect it has been indicated that a further reduction in numbers would impact upon operations in terms of viability. Therefore it is accepted that reductions have been carried out as far as possible, and the application should be assessed as submitted.

Residential amenity:

- 32 The registered office for the 'Local Transport' business is at 17 Woods Terrace East. The business is owned by the applicant and employs himself, wife, mother-in-law and three elder sons in addition to four other drivers. Permission is sought to park five taxis (three 4 seaters and two 8 seaters), at the property that are used by the family in connection with the above business. Only the mother in law owns a personal vehicle therefore the five taxis double up as private vehicles for their respective drivers. Permission is not sought to operate the business from the premises but to park the vehicles at the site and the diesel tank is used to refuel just the personal taxis of the occupants of Beaconside.

- 33 Concerns have been raised by local residents about disturbance caused by the increased movements caused by not only the five vehicles that park there but also the use of the diesel tank and visits by the refuelling tanker. Guidance contained in Policy 35 states that development should have no serious adverse effect on the amenity of people living and working in the vicinity of the development site in terms of visual intrusion, noise, other pollutants and traffic generation.
- 34 In respect of the current application the details of vehicles have been amended in type and number from the previous application and a reduction would be made in the number of vehicles which are able to refuel at the site. Only the vehicles of persons living at the property are now proposed to refuel at the site and this then has the knock on effect of reduced numbers of deliveries by the diesel tanker to the site. This reduction would take the number of tanker trips from one every three weeks to one in every five to six weeks. It is considered with these amendments, whilst there may still be a degree of impact upon the levels of amenity at the site, on balance it would not be to such an extent to warrant refusal of the application.
- 35 It is acknowledged that the previous application which was withdrawn was recommended for refusal. Following subsequent negotiations with the applicant it is considered that the reduction in numbers and changes to the types of taxis visiting the site, together with the reduction in required trips by the diesel tanker to the site has tipped the balance in favour of the application.

Visual amenity:

- 36 It is considered that the development does not have an adverse impact upon visual amenity due to where the parking area and diesel tank have been positioned on site. The development is situated approximately 35 metres from public views from the bridleway to the east and is screened behind an existing stable block. Due to the fall in ground levels across the site the diesel tank is also mainly obscured from view as a result of the retaining brick walls. Regardless of this the tank has been finished in green therefore is not overly prominent and is not out of a character with the mixed-use nature of the site.

Highways:

- 37 Neighbouring properties have raised numerous concerns that Broadoaks is a residential area therefore the movement of commercial vehicles and tankers through the estate is not appropriate to the character of the area. The highways section however have noted that Beaconside is served via a 4.8 metre wide carriageway linking up to the B1285 Station Road South. The carriageway serves 33 existing dwellings on the estate and infrastructure such as this historically could serve up to 100 dwellings. The existing infrastructure is therefore deemed more than capable of accommodating the movements of the five taxis and the trips from the refuelling tanker.
- 38 The private single carriage access track from Broadoaks to Beaconside also accommodates a public bridleway. The track does not benefit from a separate pedestrian footpath therefore users of the adjacent children's play park or the bridleway share this access with any vehicular traffic that accesses Beaconside. The Ramblers Association have requested permission is withheld if it is deemed that the traffic will adversely impact on users of the right of way or if approved appropriate planning conditions are imposed. The Council's Public Rights of Way Officer has offered suggestions such as signage to alert users of the track to the shared usage

by bridleway users, pedestrians and vehicles in addition to safety measures to reduce the speed of traffic.

- 39 As previously stated in the report, it is considered that the reduction in numbers of the taxis parked at the property and the number of vehicles which would be utilising the diesel tank would not be beyond the levels anticipated at a property of this size and on an existing mixed-use site. It is considered that the imposition of conditions relating to a restriction in the numbers and types of taxis parked at the site, coupled with the erection of signage at the site, would assist in minimising any impact upon highway safety.

Safety:

- 40 The safety of the diesel tank has been brought into question by residents who are concerned about its proximity to the children's play area, whether it will leak and cause environmental problems and risk from becoming ignited. The environmental health section have been consulted in relation to this development and have not made any adverse representations. This is not the type of application that the Environment Agency would deal with given its scale and that the tank is double skinned therefore concerns would not be raised in relation to land contamination. Diesel is not as flammable as petrol therefore no objections have been raised in relation to its storage on site.

Other considerations:

- 41 Residents have also objected to the proposal as they believe it will negatively affect the value of their home however property devaluation is not a material consideration when determining a planning application. Covenant issues have also been raised however this is a legal matter that the applicant would need to investigate. The final concern that the neighbouring properties have raised is the retrospective nature of the development. It is acknowledged that this application has been submitted retrospectively. However, planning legislation allows for the submission of a retrospective planning application, and such development must be considered upon its own merits. Whether it is retrospective is not a material planning consideration for the Planning Authority to consider.

CONCLUSION

- 42 It is considered that the changes to the previous application, due to the reduction in numbers and type of vehicles to three 4-seater taxis and two 8-seater taxis, resulting in a reduction in trips by the associated diesel tanker, has resulted in an acceptable scheme. Whilst it is acknowledged that the proposal is finely balanced in terms of its impact upon residential amenity it is considered that the above changes would allow for approval of the application. No objections have been raised in respect of highway safety and from the use of the bridleway by the Public right of way officer and the Highway Section and as such it is considered that the works would not adversely impact upon safety at the site.
- 43 It is therefore considered that the development is in accordance with national, regional and local plan policy and is recommended for approval.

RECOMMENDATION

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

Conditions:

- The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; No. Design and access statement, Planning justification, location plan, site plan and 3 No photographs received 9 September 2011.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.
- The taxi parking area hereby approved shall be limited to the parking of a maximum of three four seater taxis and two eight seater taxis used by the occupants of the property currently known as Beaconside Farm.
Reason: In the interests of residential amenity and to comply with policies 1 and 35 of the saved District of Easington Local Plan.
- For the avoidance of doubt the diesel tank as hereby approved shall only be used for the refuelling of the vehicles of persons residing at the property currently known as Beaconside Farm.
Reason: In order to safeguard the amenities of neighbouring properties and to comply with policies 1 and 35 of the District of Easington Local Plan.
- Within 3 months of the date of this approval details of a signage scheme to protect the users of the bridle way shall be submitted to and approved in writing by the Local planning authority. Thereafter, the approved signage scheme shall be carried out within one month of written approval being granted.
Reason: In the interests of the public safety and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU73 - Extensions and/or alterations to dwellinghouses
DISTRICT OF EASINGTON LOCAL PLAN	IND62 - Working from home
DISTRICT OF EASINGTON LOCAL PLAN	IND63 - Control of taxi Businesses
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS4 - Planning for Sustainable Economic Growth
DISTRICT OF EASINGTON LOCAL PLAN	TAC74 - Footpaths and other public rights of way
- In particular the development was considered acceptable having regard to consideration of issues of residential and visual amenity, highway safety and noise.

3. The stated grounds of objection concerning safety, highways, traffic generation and impact upon residential amenity were not considered sufficient to lead to reasons to refuse the application because of the use of appropriate planning conditions, the location within the site of the diesel tank and parking area, the number of vehicles to be used as taxis and the overall size of the dwelling house and curtilage.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Planning Services

Proposed RETROSPECTIVE PLANNING PERMISSION FOR THE CHANGE OF USE OF BEACONSIDE FARM FROM MIXED USE RESIDENTIAL/EQUESTRIAN & AGRICULTURE TO MIXED USE RESIDENTIAL/EQUESTRIAN & AGRICULTURE AND FOR THE PARKING OF UP TO THREE 4 SEATER TAXIS AND TWO 8 SEATER TAXIS USED BY OCCUPANTS OF BEACONSIDE FARM. RETENTION OF DIESEL TANK FOR REFUELLING OF OCCUPANTS OF BEACONSIDE FARM'S PERSONAL VEHICLES AND THE 5 TAXIS PROPOSED TO BE PARKED AT BEACONSIDE FARM at BEACONSIDE, STATION ROAD SOUTH, MURTON SR7 9SF PL/5/2011/0378

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Comments

Date November 2011

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