

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/23/01429/FPA
FULL APPLICATION DESCRIPTION:	Change of use of building from betting office (Sui Generis) to drinking establishment (Sui Generis)
NAME OF APPLICANT:	Mr Sean Sayers
ADDRESS:	1 Hailsham Place, Peterlee, SR8 1AB
ELECTORAL DIVISION:	Peterlee East
CASE OFFICER:	Mark Sandford Planning Officer 03000 261156 mark.sandford@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to the ground floor of a vacant commercial unit which was last used as a betting shop (Coral), which is sited to the southwest of Peterlee Town Centre. The building sits within a Large Town Centre that includes a variety of retail, commercial, leisure and other associated services. The property is attached to a Royal Mail sorting office to the east, which also has a vehicle yard to the south of this building. Peterlee Youth Centre is set to the west separated by a small area of grassed land and fencing (It is noted that the building is no longer used as a youth centre and is now used for term time training by Catch 22). To the north is the unadopted access road for this unit, the loading bays of the larger units to the north-east and the public car park which serves this immediate area, which supplies from St. Cuthberts Road.

The Proposal

2. The application seeks full planning permission to change the use of the ground floor of the building from betting office (Sui Generis) to a drinking establishment (Sui Generis). There are no extensions or external alterations proposed as part of the change of use. It is noted that there is no concurrent Advertisement Consent application, which will be required for new signage should planning permission for the proposed change of use be granted.
3. The application proposes opening hours of 10:00 until 00:00, Monday to Sunday. It is proposed to provide a variety of alcoholic and non-alcoholic beverages as well as a small selection of cold food options (e.g. afternoon teas, ploughman's platters, cakes etc). Access arrangements would remain unaltered by the proposal with only internal alterations made to create a bar area, enlarged food prep area and improved toilet facilities. The proposal would create 4no. full time jobs and 3no. part time jobs.

4. The application is reported to the Planning Committee at the request of County Councillor Diane Howarth who considered issues relating to traffic generation, highway safety, road access, adequacy of parking/loading/turning and road access to be such that the application should be determined by the Planning Committee.
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PLANNING HISTORY

5. The following summarises planning history at the site:
 6. 5/HIST/2004/0769 – Change of use from retail (A1 use) to betting office (A2 use)
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PLANNING POLICY

NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 6 - Building a Strong, Competitive Economy.* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

12. *NPPF Part 7 - Ensuring the vitality of town centres.* 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.
13. *NPPF Part 8 – Promoting healthy and safe 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.
14. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
16. *NPPF Part 12 – Achieving well-designed places* 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.
17. *NPPF Part 15 - Conserving and Enhancing the Natural Environment -* Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; determining a planning application; healthy and safe communities; noise and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The County Durham Plan

19. *Policy 6 – Development on Unallocated Sites.* Supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational,

ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

20. *Policy 9 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county
21. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
22. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
23. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
24. *County Durham Parking and Accessibility Standards (2019)* This document sets out the Council's approach to vehicle and cycle parking provision on new development and extensions to existing development which includes both residential and non-residential.

NEIGHBOURHOOD PLAN:

25. No neighbourhood plan is present in this location.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *Peterlee Town Council* – Objects to the application. Although generally supportive of new business development, the town council (TC) raise concern that it would add a further licensed establishment selling alcohol to the town centre. The TC claim there

are seven other bars in the town centre in addition to off-licence sales premises. The TC feels that this is a disproportionate number of alcohol-focussed establishments and that this undermines the safety and quality of the town centre offer.

27. The TC has concerns that the venue is adjacent to the Peterlee Youth Club building, currently used for activities for young people, and is within close proximity to a nursery and the provision of another drinking establishment is not appropriate.
28. The TC have stated that the NPPF requires planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, which they believe is contrary to this requirement.
29. Broad statistics were provided relating to alcohol related harm as well as rates of children and families affected by parental alcohol and drug use in County Durham in comparison to the average for England. As well as highlighting DCCs priority to tackle alcohol and substance misuse use as part of the Safe Durham Partnership Plan.
30. The TC further highlighted the revisions to the Peterlee Masterplan which they state includes provisions for safe pedestrian and cycling route into the town centre at Manor Way which they consider could be adversely affected by this proposal.
31. *Highway Authority* – The building is located in the town centre which is adequately served by public transport. The location is also adjacent to the town centre car parks which can accommodate customer's vehicles however the nature of the establishment is unlikely to generate much parking demand.

The location is served by a number of footways and access roads which are not adopted public highway and these connect to the highway infrastructure. It is considered that pedestrian and vehicular routes are adequate.

There have been 3 personal injury incidents in the previous 5 years which have all occurred on St Cuthbert's Road however it is unlikely that these could be considered to be relevant to the proposal.

As the location is considered to be within a sustainable location in terms of transport the proposal is agreeable from a highways road safety perspective.

INTERNAL CONSULTEE RESPONSES:

32. *Environment Health (Nuisance Action)* – With reference to the planning application, I have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). As such I can provide the following information to assist you in your consideration of any impact upon amenity.

The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. However, the planning officer should consider the supporting detail for further clarification.

Planners may wish to ensure that the proposed operating hours are restricted through a condition to those stated within the application form; additionally as Sui Generis use is broad ranging planners may wish to ensure that the use is restricted to that applied for, any further change must require planning consent.

In addition, I can confirm that I have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and would comment as follows:

I am satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

33. *Environment, Health (Contaminated Land)* – With reference to the planning application, I would confirm that I have assessed the historical maps and available information with respect to land contamination. I have no adverse comments to make. There is no requirement for a contaminated land condition.
34. *Spatial Policy* – Advises on relevant policies within the County Durham Plan. They further comment that the proposal would see a town centre use come forward in a town centre location, the other impacts of Policy 6 to be further assessed by other consultees.

EXTERNAL CONSULTEE RESPONSES:

35. *Police Architectural Liaison Officer* – No objection. If approved opening hours should be conditioned to those requested by the applicant.

PUBLIC RESPONSES:

36. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring properties.
37. No letters of objection have been received save that of the Town Council as detailed above, one letter of support has been received.

The above is not intended to repeat every point made and 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:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QU6BIIGD0BK00>

APPLICANTS STATEMENT:

38. Planning permission is being sought to convert a former and currently vacant betting office in the town centre of Peterlee into a new drinking establishment which will provide a new lease of life for this currently vacant building which will create employment opportunities for local people as well as supporting the supply chain of local producers.
39. We have worked proactively with the planning officer since the submission of the planning application and welcome their recommendation to approve this application. It is recognised that comments have been made by the local member in relation to highways matters and their concern is noted. However, as concurred by the councils' highways officer, the building is in a location where there is a good provision of public car parking and being in a town centre location there is the provision of good public transport links. Deliveries will be made using the loading/unloading facility that is already there adjacent to the building, this will be done in a safe and timely manner so not to cause any disruption. These deliveries will be small and only happen once to twice each week therefore not generating a traffic concern.
40. The applicant is a long-established resident of Peterlee who will provide investment into turning a vacant building in the town centre into a business which they are passionate about. There are currently four drinking establishments in the town centre

however none offer what the applicant is proposing, which is locally sourced real ales and craft beers; cocktails made by a mixologist; afternoon teas and ploughman platters; and hot beverages.

41. The premises will be tastefully decorated and impose a strict dress code, responsible and fully trained personnel will always staff it. A strict Challenge 25 will be always in place and there will be no external drinking. There will be occasional entertainment from local musicians and there will be no televisions or sports screens. As Peterlee has grown, it now has a population of around 38,000, it does not seem excessive to add another social venue for residents to enjoy which we believe will benefit the towns economic growth and promote local employment and we hope the planning committee can offer their support for this application.

PLANNING CONSIDERATIONS AND ASSESSMENT

42. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
43. 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 the development, impact on amenity, highway safety and access.

The Principle of the Development

44. CDP Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: a. is compatible with use on adjacent land; b) does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, c) ecological, or heritage value; d) is appropriate in scale, design etc to character of the settlement; e) it is not prejudicial to highway safety; f) provides access to sustainable modes of transport; g) retains the settlement's valued facilities; h) considers climate change implications; i) makes use of previously developed land and j) reflects priorities for urban regeneration.
45. As the property is located within the Peterlee town centre which is in Flood Zone 1, there are no external alterations proposed arts a), e), f), g) and i) are the most relevant. The impact of the proposal would be from its use only, as there are no extensions or other external alterations proposed, this is covered in detail in the amenity section below. An objection has been raised in respect of highway safety, this will be addressed in detail in the highway safety section below. In terms of part f), the property is located within Peterlee town centre and as such has good access to bus services and is within reasonable walking distance of a substantial number of dwellings. The proposal would bring a vacant commercial unit back into use and therefore has support of parts g) and i) of CDP Policy 6.
46. Part 6 (Building a Strong, Competitive Economy) of the NPPF confirms significant weight should be placed on the need to support economic growth and productivity

taking into account both local business needs and wider opportunities for development. Part 7 (Ensuring the Vitality of Town Centres) suggests 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.

47. The site is located within the Peterlee town centre and as such CDP Policy 9 and Part 7 of the National Planning Policy Framework are relevant to the assessment. CDP Policy 9 and Part 7 seek to protect and enhance large town centres such as Peterlee and ensure that, amongst other objectives, that town centre uses are carried out in, or adjacent to, town centre locations. The proposal is for a drinking establishment which the NPPF designates as a town centre use and as such is entirely compatible with the objectives of Policy 9 of the CDP.
48. An objection to the application was received from Peterlee Town Council with concerns raised regarding the number of drinking establishments within the town centre itself, and a perceived dependence upon this type of business. The CDP and NPPF do not specify a number, or otherwise seek to specifically limit the number of pubs, bars or other type of drinking establishment within town centres and note the importance of providing a range of uses and activities to attract people into those centres. This includes leisure services in addition to more traditional retail. In this regard it is noted that there is only one other drinking establishment identified in the Peterlee Master Plan ('The Five Quarter'), which is opposite the application property separated by a car park. The Master Plan appears to be somewhat out of date in this regard as it is noted that three drinking establishments are identified within the boundary of the town centre (The Five Quarter, Bar 23 and The Three Stories). Another drinking establishment, 'the Eden Bar' lies just outside the boundary to the south-west.
49. Given the population size of Peterlee, and its Large Town Centre designation within the CDP, a total of five drinking establishments (to include the proposal), is not considered excessive. The use proposed is a recognised town centre use and the application property is situated within a town centre location and would bring an otherwise empty unit back into use. As such it is considered compliant with the aims of Policy 9 of the CDP. The principle of the development is therefore considered acceptable, subject to detailed assessment against other relevant policies in both the County Durham Plan.

Impact on the Character and Appearance of the Area

50. CDP Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.
51. As no external alterations are part of this proposal, it is not considered there would be any adverse impact to the character and appearance of the town centre which is characterised by a wide variety of commercial units. Whilst it is recognised that the drinking establishment would require some form of signage should planning permission for the change of use be granted, a satisfactory arrangement could be achieved, and in any event, this would be subject to a separate application for the display of Advertisements.

Impacts on Amenity and Pollution

52. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and

that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

53. NPPF Part 15 states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
54. The nearest residential properties to the proposed development are located along Manor Way, some 70 metres to the east and separated by the post office building, highway verges, St Cuthberts Road and a large area of grassed open green space. The town centre is largely cut off and well separated from the nearby residential estates by the horseshoe road which surrounds the town centre. There is both an obvious physical and visual disconnect between the commercial section of the town, and the emanating residential surrounding area.
55. An objection was received from the Peterlee Town Council with concerns raised regarding the proximity of the site to Peterlee Youth Club building and an unnamed nursery (it is presumed this is 'The Sunshine Day Nursery' 90m away to the south of the town centre). The youth club building is located to the immediate west of this site, separated by a small green space which appears to be fenced off from public use. It is understood that the building no longer serves as a youth club, but is operated as an educational and training scheme called 'Catch 22' which operates only during weekdays, within term time and closes at 16:30pm. It is understood that the Catch 22 scheme is operated in a manner whereby staff directly monitor all students during its opening hours, as opposed to a youth club type arrangement which would allow more autonomy of the attendees. The youth club received a direct notification regarding the application, a site notice was posted to its front and the standard public notices provided in the Weekly List. To date, no objections have been received, save that of the town council.
56. The Town Council have raised concern regarding the number of drinking establishments (as well as off-licence outlets) within the town centre, and the impact this additional unit would have on the health and safety of the community, as per Part 8 of the NPPF. As covered above in the principle of development section, the number of drinking establishments in Peterlee (3/4 plus this proposal) is not considered excessive and therefore it is considered there is not such an over proliferation of drinking venues that it would unduly encourage excessive intake for residents or town centre visitors.
57. The Councils Environmental Health (Nuisance Action) team assessed the information provided and recommended the hours of opening be restricted to those applied for (10:00-00:00 Mon-Sun), but otherwise raised no concern or objection to the proposal.
58. The Police Architectural Liaison Officer assessed the proposal and also raised no objection to the use of the unit as a drinking establishment, with only a recommendation regarding the opening hours, which reflected that of the Environmental Health team.

59. Broad statistics were provided by the Town Council with regard to alcohol (and other substance) abuse, with regard to its impact on healthy communities, however no evidence or assertions were made to show why this particular development would be of any greater concern than any of the other licensed providers in the area. The information regarding the operation of the business supplied to date points to a more refined establishment which also provides light meals including ploughman's platters and afternoon teas. It is proposed to operate under a strict Challenge 25 policy for service of alcohol and no outdoor drinking is to be permitted. No evidence was provided that the existing drinking establishments, including the already operational pub to the other side of the road currently negatively impacts either the youth club facility, or town centre in general.
60. Whilst the proximity of potentially vulnerable persons is acknowledged, it is considered given the hours each venture operates (with the busiest times of this development being outside those of the youth club facility), the existing and proposed supervision arrangements, and the lack of objection from the Environmental Health team and Police, that the proposed use as a drinking establishment would not be harmful to safety of the area or other neighbouring businesses/uses.

Highways Safety and Access

61. CDP Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
62. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
63. The application has been called to committee with concerns raised regarding traffic generation, highway safety, road access and adequacy of parking/loading/turning.
64. The proposal is for a drinking establishment with limited food offer. Whilst the food offer may indeed draw a greater number of drivers to the property than a more traditional public house, the main use does not naturally lend itself to attracting a significant number of private car users. Nevertheless, the area is very well served by free car parking, with a 30no.+ space car park directly to the north, a 60no.+ space car park to the west and an even larger car park to the south. Many of the retail units which are also served by these car parks would have differing opening hours to that of a drinking establishment, ensuring its patrons using private vehicles could be accommodated. The application is therefore considered to accord with the Council's current Parking and Accessibility Standards. It is noted that these standards are likely to have been updated at point at which the committee considers this application. As such the proposal has also been assessed against the updated standards which has confirmed the proposals would also comply with those amendments, again noting the points raised above specifically with regards to existing parking provision. Nevertheless, at present it is noted that those amended standards are not adopted and as such can be afforded limited weight in the determination of this application.

65. Being within the town centre, access to public transport is readily available, with the bus station being less than 250m away to the west. Whilst Peterlee Town Centre suffers from a degree of impermeableness for pedestrians (being 'cut off' along the west, north and eastern fringes of the town centre by a busy road), the premises is within a short walk from several residential estates and as such access on foot is a viable option.
66. Mention was made within the town councils objection regard to a new gateway into the town centre and the possibility of this development negatively affecting it, however specifics as to why this would be the case were not provided. The development does not propose an outdoor seating/drinking area, which may be perceived by some as 'off-putting', and the applicant has confirmed that no outdoor drinking would be permitted. As such there would be no interference with person entering the town centre from this access and as such there is not considered to be any conflict with the Town Centre Master Plan in this regard.
67. Concern has been raised in terms of the loading arrangements for the development and whether there are adequate facilities nearby to achieve it. The applicant has estimated that deliveries would be required approximately twice per week and the existing loading dock which is to the rear of the Sports Direct unit would be used by the delivery vehicles. The goods would then be hand carted to the premises using the existing footpath along the side of the Sports Direct building to the front access of this property. This arrangement appears entirely viable and reasonable.
68. The Highway Authority has assessed the proposal and raised no objections or concerns regarding the proposed use of the building or any linked highway safety issues. It is considered that the proposal would have no harmful impact on highway safety and as such is compliant with Policy 21 of the CDP.

CONCLUSION

69. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case relates to the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (paragraph 11 c).
70. The proposal relates to a town centre use within the Peterlee town centre and is acceptable in principle. The details of the scheme have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements, and subject to conditions would not have any unacceptable impact upon the character and appearance of the surrounding area, local amenity or highway safety in accordance with Policies 6, 9, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 5, 6, 7, 8, 9, 11, 12 and 15 of the NPPF.
71. The proposal has generated some limited interest, however whilst the objection and concerns raised have been taken into account, they would not warrant a refusal in this case for the reasons detailed in this report. On balance, it is therefore considered that the proposals are acceptable and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the 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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 9, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 6, 7, 8, 9, 11, 12 and 15 of the NPPF.

3. The premises shall not be open to customers outside the hours of 10:00 to 00:00 Monday-Sunday.

Reason: In the interest of amenity and to comply with Policy 31 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Statutory, internal and public consultation responses
- County Durham Parking and Accessibility Standards 2019



Planning Services

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Change of use of building from betting office (Sui Generis) to drinking establishment (Sui Generis) 1 Hailsham Place, Peterlee, SR8 1AB
Ref: DM/23/01429/FPA

Comments

Date 21 August 2023

Scale Not to Scale