

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/00715/FPA
Full Application Description:	Remove current front brick wall to front and erection of 2.5 metre v mesh fencing around site with accompanying gates
Name of Applicant:	Mr Grant Owens
Address:	Williams Garage, Front Street, Grange Villa, Chester-le-street, DH2 3LJ
Electoral Division:	Pelton
Case Officer:	Leigh Dalby (Principal Planning Officer) Tel: 03000 261389 Email: leigh.dalby@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located to the south west of the settlement of Grange Village which is in the north of County Durham. The site itself relates a business which operates as a show room selling vehicles adapted for wheelchair users. It contains a detached show room building to the rear of the site and a sales forecourt which is made of hard standing to the front.
2. The application site has residential dwellings to the north, west and east which are either detached bungalows or two storey terraces. To the south is the local working men's club and an area of green open space. Access to the site is currently facilitated by two access points with gates onto Front Street to the south.
3. The site is not listed nor within a conservation area.

The Proposal

4. Planning permission is sort for the removal of the existing brick wall which acts as a boundary treatment to the site to be replaced with a 2.5 metre v mesh fence with accompanying gates in the same position as the current access

points to the site, along with the addition of 0.8m high v mesh fencing to the existing side elevation wall to a height of 2.4m.

5. The application is being reported to planning committee at the request of Pelton Parish Council due to concerns regarding the aesthetics of the proposed mesh fence.

PLANNING HISTORY

6. Planning permission was granted in 2014 for the change of use of the site from communal rooms to the current car forecourt under reference DM/14/03788/FPA.
7. In 2020 retrospective planning permission was given for the erection of a timber structure for car care purposes associated with the business under DM/20/02559/FPA following this DM/23/03120/FPA granted planning permission for the increase in roof height of this structure as a sales showroom.

PLANNING POLICY

National Policy

8. A revised National Planning Policy Framework (NPPF) was published in July 2018 (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.
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 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.

12. 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.

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

National Planning Practice Guidance:

13. 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; flood risk; healthy and safe communities and highway safety.

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

Local Plan Policy:

The County Durham Plan (CDP)

14. *Policy 6 (Development on Unallocated Sites)* states the 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.
15. *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.
16. *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.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

17. *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.
18. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

19. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

20. *Highways Authority* – Advise that the proposed development is not predicted to have a material impact on the operation of the local highway network and cannot be reasonably considered as ‘severe’ within the context of the NPPF and therefore no objections are raised.
21. Pelton Parish Council - The Parish Council raise concern about the aesthetics of a mesh fence on the Front Street and would like to object to the planning application and ask for the application to be ‘called-in’. A Parish Councillor will attend the Planning Committee Meeting on behalf of the Parish Council.

Public Responses:

22. Neighbouring residents have notified by individual notification letters no written representations have been received.

PLANNING CONSIDERATION AND ASSESSMENT

23. 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. The main considerations in regard to this application are the principle of the use in this location, highway safety, and visual and residential amenity.

24. 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 is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
25. The Local Plan was adopted in 2020 and is up to date. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.

Principle of Development

26. The site is within the built-up area of Grange Villa and is surrounded by residential properties. Policy 6 of the CDP supports development within built up areas where they are, amongst other less relevant criteria, compatible with surrounding uses, appropriate in terms of design, not prejudicial to highway safety and sustainably located for transport. These issues are covered later in the report.
27. Paragraph 85 of the NPPF states that “Planning...decisions should help create the conditions in which businesses can invest, expand and adapt. 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.”
28. The proposal is for the erection of 2.5 metre v mesh boundary treatment to the site where the current use as a showroom is already established. The development would safeguard current employment at the site it has a positive economic knock-on effect and therefore the proposal gains positive support in this respect in principle.
29. It is therefore considered that the proposal is acceptable in terms of Policy 6 of the County Durham Plan and Para. 85 of the NPPF in supporting business in the economic growth, subject to the following material planning considerations.

Highway Safety

30. Policy 6 of the County Durham Plan sets out that development should not be prejudicial to highway safety. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
31. Part 9 of the NPPF requires that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. Furthermore Part 9 outlines 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.

32. The Council's Highways Officer has reviewed the proposals and consider the proposed development to satisfy the requirements in relation to highway safety and therefore have no objections.
33. In line with the advice of the Highways Authority it is considered that the proposal does not affect highway safety, according with Policies 6 and 21 of the County Durham Plan and Part 9 of the NPPF.

Visual and Residential Amenity

34. Policy 6 of the CDP sets out that development will only be permitted where it is appropriate in terms of scale, design, layout and location to the function form of the settlement.
35. Policy 29 of the County Durham Plan sets out that development should contribute positively to an areas character, townscape and landscape features to create and reinforce locally distinctive and sustainable communities.
36. 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.
37. Part 12 of the NPPF seeks to promote good design of developments that are sympathetic with their surroundings
38. The local Parish Council has raised an objection on the grounds that there are concerns about the aesthetics of the mesh fence on the front street.
39. The application site is located within Front Street which is considered to be the main thoroughfare through Grange Villa leading towards the larger settlement of Pelton to the East. Front Street consists of various commercial business interspersed amongst residential properties. The immediate vicinity to the application site consists of residential uses to the North, East and West along with a large social / working men's club to the South.
40. It is considered that there is no single identifiable design characteristic to the streetscene in this location, with traditional red brick terrace house to the west, a recently converted former civic building to a dwelling finished in render, with a high wall and fence boundary treatment, and the social club which has been finished use varying designs to the main building and later additions.
41. The proposed 2.5 metre v mesh fencing is a relatively standard type of security fencing for commercial businesses to provide effective security measure and boundary treatment. The existing brick/stone boundary treatment to the front is in poor condition and small in height, which does not provide any security for

the business, nor is considered to contribute positively to the site or the wider area.

42. The proposed fence is by virtue of its lightweight construction, diaphanous in its nature allowing visibility into the site, whilst providing the necessary robustness to allow the business to be suitably secured. It is proposed that a condition be added requiring confirmation of the colour of the fence in order to secure a pallet appropriate for the local vernacular can be achieved.
43. Due to the nature of the development, the proposed boundary treatment is not considered to result in a negative impact upon the amenity of neighbouring properties or those in the surrounding area.
44. Overall, it is considered that the development has not impacted on the character or appearance of the surrounding area, in accordance with Policies 6, 29 and 31 of the County Durham Plan and Part 12 of the NPPF.

CONCLUSION

45. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The CDP is an up to date development 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).
46. As detailed above, paragraph 85 of the NPPF states that “Planning...decisions should help create the conditions in which businesses can invest, expand and adapt. 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.” In this regard it is considered that the security fencing is necessary to support the building to grow, and provide economic benefits to the local area and county through employment and as such acceptable.
47. The area does not have any definable character and is within an existing mixed use area of commercial / residential uses. In this respect the proposed boundary treatments is considered to not adversely affect highway safety, the visual amenity of the surrounding area or the residential amenity or any nearby residential properties. Therefore, the proposal is considered to accord with relevant policies of the County Durham Plan and the NPPF.
48. The objections and concerns raised have been taken into account and addressed within the report. However, on balance the concerns raised were not considered sufficient to justify refusal of this application. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the 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 Policy 6, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 9 and 12 of the National Planning Policy Framework.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the colour of the proposed fence have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

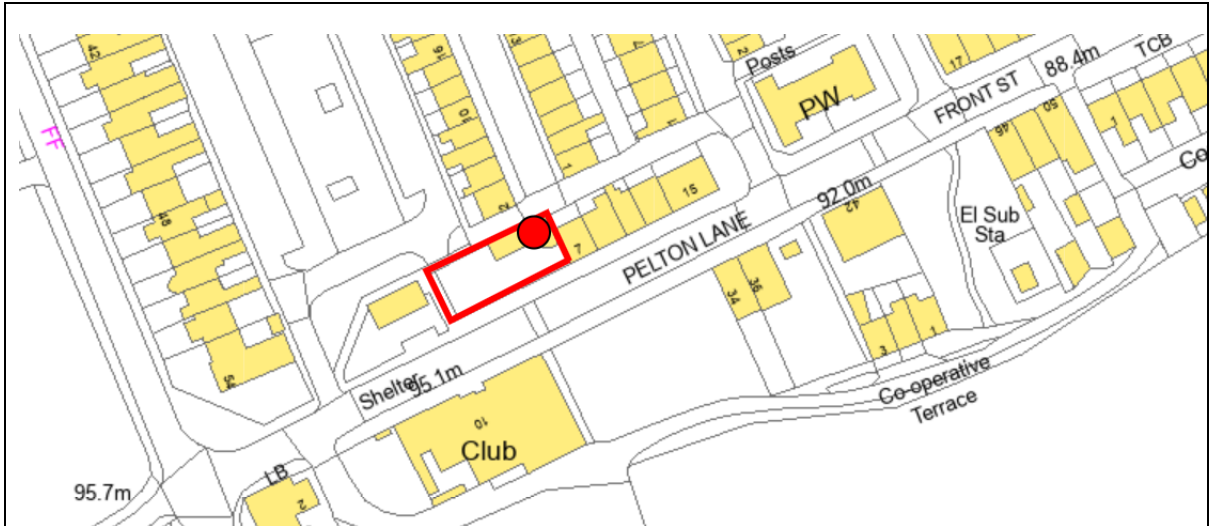
Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

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 Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Residential Amenity Standards Supplementary Planning Document 2020
Statutory consultation responses



<p>Planning Services</p>	<p>Erection of new boundary treatment</p>	
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