



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/02792/AD
Full Application Description:	Display of 2 no. externally illuminated fascia signs, 2 no. non-illuminated ACM panels, 4 no. poster cases and window vinyls/manifestations
Name of Applicant:	Ms Reena Colins
Address:	How Do You Do York Road Peterlee SR8 2DP
Electoral Division:	Peterlee West
Case Officer:	Michelle Penman (Planning Officer) Tel: 03000 263963 Email: michelle.penman@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a former restaurant, situated within an existing mixed-use building, which has recently been granted planning permission for change of use and conversion to a local convenience store. The site is located on the outskirts of Peterlee to the north of the main town centre.
2. The building is situated within a predominantly residential area; however, a local amenities centre is positioned immediately to the north of the site and comprises a post office, betting shop and other local businesses.

The Proposal

3. The application seeks advertisement consent for the display of two externally illuminated fascia signs, including one to the front above the new shop front and

one to the side; two non-illuminated aluminium composite material (ACM) panels; four poster cases and window vinyls/manifestations. The fascia signs would be illuminated externally by means of trough lights.

4. The application is reported to Central and East Planning Committee at the request of Councillor Louise Fenwick and Councillor Susan McDonnell due to concerns around the impacts of the illuminated signage on the amenity of neighbouring residents.

RELEVANT PLANNING HISTORY

5. The following planning applications are relevant to the current application:

DM/24/00426/FPA Change of use of restaurant to local convenience shop together with extension, new shop front, and external plant and bin enclosure. Approved 14.05.2024.

PLANNING POLICY

National Policy

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. *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.
8. *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.
9. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
10. *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.

11. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

12. 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: design process and tools; determining a planning application; light pollution; use of planning conditions.

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

Local Plan Policy:

The County Durham Plan (CDP)

13. *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.
14. *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.

15. *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.

Neighbourhood Plan:

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

Advertisement Regulations:

17. The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

18. *Highways Authority – no objection – details contained within report.*

Internal Consultee Responses:

19. *Environmental Health and Consumer Protection (Nuisance) – raise no objections, subject to conditions restricting the hours and levels of illumination.*

Public Responses:

20. The application has been advertised by site notice and individual notification letters sent to neighbouring properties.
21. No letters of representation have been received from local residents at the time of publishing this report.

Elected Members

22. Councillor Louise Fenwick raised concerns in relation to the illuminance levels of the proposed signage and the impact this would have on residents living in the bungalows opposite to the development.

23. Councillor Susan McDonnell also raised concerns in relation to the illuminated signage which she does not consider are required, given the existing lampposts on York Road, and considers the signs will glare into the windows of the bungalows opposite.

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/search.do?action=simple&searchType=Application>

Applicants Statement:

24. None received prior to publication.

PLANNING CONSIDERATION AND ASSESSMENT

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
26. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
27. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Residential Amenity, Visual Amenity, Public Safety, and Public Sector Equality Duty.

Principle of Development

28. The National Planning Practice Guidance (NPPG) and The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) stipulate that advertisements should only be subject to control in the interests of amenity and public safety, taking into account the provisions of the development plan where material and any other relevant factors.
29. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
30. 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, provided the proposals accords with all relevant development plan policies and, among other criteria, is compatible with, and is not prejudicial to,

any existing, allocated or permitted use of adjacent land; and is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.

31. The application relates to the display of advertisements at the new convenience shop which was recently approved under planning permission DM/24/00426/FPA. On that basis, it is considered that the principle of development has been established by the previous permission and the current application for advertisement consent relates directly to the approved development. The application is therefore considered to be acceptable in accordance with CDP Policy 6, subject to more detailed consideration of relevant issues below.

Residential Amenity

32. NPPF paragraph 135 (f) requires planning decisions to create places which promote health and well-being, with a high standard of amenity for existing and future users and do not undermine the quality of life or community cohesion and resilience.
33. CDP Policy 31 (Amenity and Pollution) of the CDP displays broad accordance with the aims of Paragraph 135 and 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. Development will not be permitted where light pollution is not suitably minimised.
34. CDP Policy 29 (e) (Sustainable Design) also requires that development provides high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
35. The proposals include the display of one fascia sign to the front of the shop, to be externally illuminated by trough lights, with two non-illuminated ACM panels on either side of the entrance. To the side elevation an additional fascia sign, also to be illuminated by trough lights, would be displayed along with four non-illuminated lockable poster signs.
36. Concerns have been raised by both Councillor Louise Fenwick and Councillor Susan McDonnell in relation to impacts of the illuminated signage on neighbouring residents, particular those located in the bungalows opposite to the development.
37. The Council's Environmental Health Nuisance Action team (EHNAT) have been consulted on the application and have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs. They advise that the information submitted demonstrates that the application complies with the thresholds stated within the lighting TANS which would indicate that the development would not lead to an adverse impact.

38. The EHNAT note that the application is located within a mixed-use area of commercial businesses, takeaways, and residential properties and the area is lit by a small number of traditional style lamp posts with not many other sources of light. They also comment that the proposed brightness of the illuminated signs is 250 cdm-2 which is below the maximum levels permitted in Environmental Zone 2, an area of low district brightness within which it is considered that this site falls and a recognised environmental zone pertaining to lighting, and therefore gives confidence that the size and luminance levels would be of minimal impact.
39. Notwithstanding the above, EHNAT advise that there are residential properties directly opposite on York Road which face the shop and the ILP Professional lighting guide 05 recommends that for externally illuminated advertisements the reduction of light pollution should be applied. In particular, illumination should be switched off when not required. On that basis, they recommend conditions are attached to any consent granted to ensure the illumination is restricted to opening hours only and does not exceed 250 cdm-2, in order to protect the amenity of light sensitive receptors.
40. There will be a separation distance of approximately 43 metres between the new shopfront and advertisement and the front elevations of the nearest bungalows on the opposite side of York Road. Given the illumination levels are considered to be acceptable and there are intervening streetlights, it is not considered that the illuminated advertisement will have any significant additional impact over on residential amenity, over and above the existing situation.
41. In addition, ENHAT have assessed to 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 are satisfied that the development is unlikely to cause a statutory nuisance, provided the conditions discussed above are adhered to.
42. Taking all of the above into account, subject to conditions, it is not considered that the development would have any adverse impacts on the amenity of neighbouring residents in accordance with NPPF paragraph 135 (f) and CDP Policies 29 and 31.

Visual Amenity

43. NPPF paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 141 states that the quality and character of places can suffer when advertisements are poorly sited and designed and confirms that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
44. CDP Policy 29 requires development proposals to (a) contribute positively to an area's character, identity, and townscape features, helping to create and reinforce locally distinctive and sustainable communities. More specifically, in

relation to signage and adverts, CDP Policy 29 (q) requires proposals to ensure that they are appropriate and sympathetic to the local setting in terms of scale, design, lighting and materials and (r) are not detrimental to visual amenity of public highway safety.

45. The proposed fascia signs would comprise of 5mm thick blue acrylic (RAL 3020) one|stop logo with white vinyl lettering applied to the face and attached to a Red Matt folded Di bond fascia by 10mm clear split battens. The panels would comprise of aluminium panatrim frames finished in RAL 7016 with digitally printed ACM Panels. The poster cases would be finished in anodised silver.
46. The proposed design and colours of the signage reflects the branding of One Stop which intend to occupy the new unit. It is noted that there were previously signs to the front and side elevation serving the former restaurant and there are other signs displayed on the building and in the vicinity of the site, particularly within the adjacent shopping parade. The surrounding signs comprise of a variety of styles, sizes and designs and therefore it is considered that the proposed signs would be acceptable.
47. On that basis, the proposals are considered to have been appropriately designed in terms of colour and materials and would not look out of place or be unduly prominent. As such, the effect on the character and appearance of the street scene and surrounding area would be negligible. The development would therefore be considered to be in keeping with NPPF paragraphs 131 and 141 and CDP Policy 29.

Public Safety

48. In terms of public safety, the proposals are satisfactorily located and are not therefore considered to present a hazard for pedestrians or cause a distraction to passing motorists.
49. The Council's Highway Authority were consulted on the application and confirmed that they have no concerns in relation to the signs from a road safety perspective. They commented that they are fairly standard signs that can be seen on most shop fronts and there is minimal text which is easy for drivers to digest without causing distraction. The proposed lighting is the standard type used to illuminate fascia signs and the lighting is such that it is angled so it illuminates the sign only, and isn't something which could cause dazzle, glare or distraction to a driver.

CONCLUSION

50. The National Planning Practice Guidance (NPPG) and The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) stipulate that advertisements should only be subject to control in the interests of amenity and public safety, taking into account the provisions of the development plan where material and any other relevant factors.

51. In this instance, it is concluded that the principle of the development has been established by the previous permission to convert and extend part of the building, comprising a former restaurant, to a local convenience shop. The concerns of Local Members are noted, however, subject to conditions, it is not considered that the proposed signage would have any adverse impacts on residential amenity and there would be no impacts on the character and appearance of the area or on public safety.
52. The development is therefore considered to accord with the Advertisement Regulations 2007, NPPF Parts 12 and 15 and CDP Policies 6, 29 and 31 and is therefore recommended for approval.

Public Sector Equality Duty

53. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
54. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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

1. This consent to display the advertisements is for a period of five years from the date of this consent.

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) Regulations 2007.
2. The development hereby approved shall be carried out in 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(ies) 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
3. The advertisement(s) hereby approved shall:
 - a) Not be displayed without the permission of the owner(s) of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land);

b) No advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport;

c) Any advertisement must be maintained in a condition that does not impair the visual amenity of the site;

d) Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public; and

e) If an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity.

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) Regulations 2007.

4. The advertisement(s) hereby granted consent shall not be illuminated between the hours of 2300 and 0700.

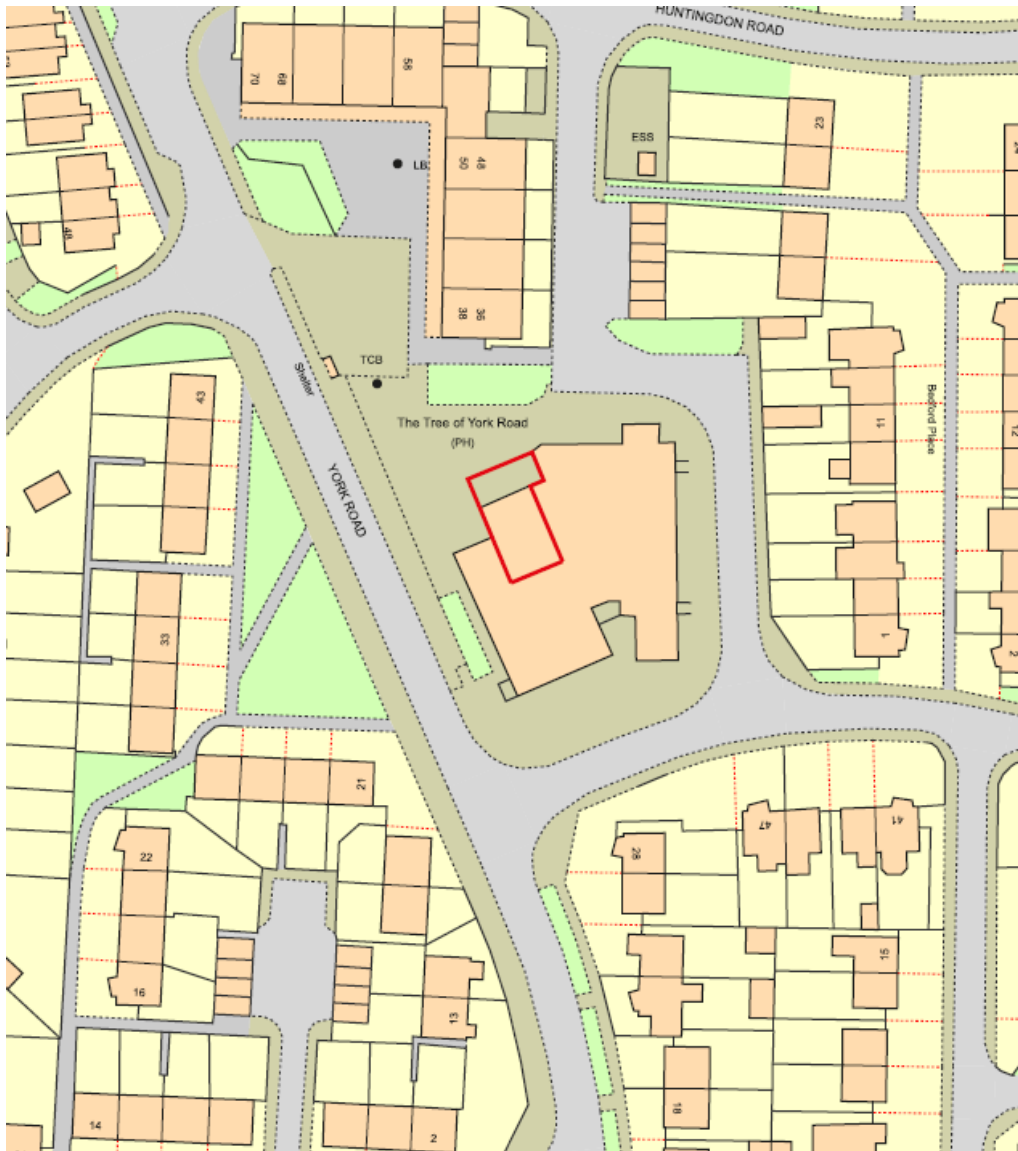
Reason: In the interests of the amenity of the surrounding area and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Paragraph 132 of the National Planning Policy Framework.

5. The 2 no. illuminated fascia signs hereby approved shall be illuminated by trough light only, in accordance with the submitted details, and the method of illumination shall be static and not intermittent and must not exceed 250 cd/m².

Reason: In the interests of the amenity of the surrounding area and neighbouring properties, in accordance with Policies 29 and 31 of the County Durham Plan and Paragraph 132 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)
National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan (2020)
Internal consultation responses
External consultation responses



Planning Services

Display of 2 no. externally illuminated fascia signs, 2 no. non-illuminated ACM panels, 4 no. poster cases and window vinyls/manifestations

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Comments

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