

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | PL/5/2011/0118 |
| FULL APPLICATION DESCRIPTION | INSTALLATION OF ATM MACHINE, SERVICE DOOR AND BOLLARDS |
| NAME OF APPLICANT | TESCO STORES LTD |
| SITE ADDRESS | THE PHOENIX, STOCKTON ROAD, SEAHAM SR7 0HJ |
| ELECTORAL DIVISION | SEAHAM |
| CASE OFFICER | Laura Hallimond 0191 5274612 laura.martin@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site relates to the former Phoenix Public House, situated on one of the main roads through the town of Seaham. The property is currently undergoing a conversion from a public house to general store (A1 Use Class) by Tesco's. This change of use does not require any formal planning consents and is classified as 'Permitted Development'. Due to this the Authority does not have any control over the change of use of the public house to A1 Use Class and how this is implemented.

Proposal:

- 2 Full planning permission is sought for the installation of an ATM machine, service door associated with this machine, and the erection of bollards at the site. The ATM is to be positioned on the eastern elevation of the property with the service door adjacent to this. The proposed door is to be painted grey and will have a spy hole and will be in view of CCTV at the site. The ATM will be installed within a secure 140mm block wall lined with ply mesh and finished with a concrete roof to achieve well in excess of 15 minutes of protection against attack. In addition to the built in security measures 3 no. anti-ramraid bollards will be erected in front of the ATM, these will measure 0.9m in height.
- 3 The application is brought before the Planning Committee at the request of County Councillor E Bell due to concerns relating to traffic generation and highway safety.

PLANNING HISTORY

PL/5/2011/0117 External alterations, formation of shop front and pitched roof over flat roof- Pending

PL/5/2011/0119 Illuminated and non-illuminated projecting and fascia signs- Pending

PL/5/2011/0120 Installation of 2 No. Fan condensers, 3 No. Air conditioning units and timber security fencing and external chiller unit- Pending

PLANNING POLICY

4 NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

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>

5 LOCAL PLAN POLICY:

District of Easington Local Plan

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.

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.

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

6 STATUTORY RESPONSES:

Parish Council- was consulted on 4 April 2011. No response was received.

7 INTERNAL CONSULTEE RESPONSES:

Highways Section- raises no objections

Environmental Health Section-were consulted on 7 April 2011. No response was received.

County Councillor E Bell- Expresses concerns regarding the potential dangers from traffic using the store. It is considered that due to the ATM's location next to the existing Post Office and their ATM, that the adjoining car park is already very congested and used as a turning area. In addition the area is utilised by parents picking up children from the

neighbouring primary school. Concerns are also expressed in relation to the increased usage of the site compared to the previous use as a public house. Details regarding the proposed footfall and vehicular traffic to the site are requested.

8 PUBLIC RESPONSES:

The proposal was advertised by means of a site notice and by letter to 49 neighbouring properties within the area. At the time of the completion of this report no letters of representation have been received in respect of the above development.

9 APPLICANTS STATEMENT:

The ATM is proposed at the left hand side of the main elevation of the unit contained within the existing brick wall. The ATM will be monitored by a Dome security camera positioned above it and increased lighting levels will be provided in the vicinity to enhance security via a bulkhead light installed above the ATM. The ATM will be positioned to allow ease of use by disabled persons.

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=113237> 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 planning considerations in the determination of the application are:-

- ❖ Impact upon residential amenity
- ❖ Impact upon visual amenity
- ❖ Highway implications

10 Impact upon Residential amenity

It is considered that the proposed development would not give rise to adverse impact upon residential amenity within the surrounding and wider area setting given the distance to the site from the nearest dwelling and also its location within the application site. The ATM would be located on the elevation of the premises facing the main road, away from the majority of residential properties in the immediate vicinity. Whilst it is acknowledged that there is an existing residential property above the High Colliery Post Office, there is already an ATM associated with this property and as such it is not considered that current levels of amenity at the site would be impacted upon to a significant degree. To the nearest residential property there is a distance of over 35 metres and this is further mitigated by the B1432 which intersects between the two. As such it is considered that the proposal would have minimal impact upon residential amenity at the site.

11 Impact upon visual amenity

It is considered that due to the design of the ATM and its location within the application site, the proposed development would not give rise to adverse impact upon visual amenity within the area. The ATM would be located within the existing general store complex and would be a feature that could be expected on a development of this nature. Its design and appearance would be in keeping with the proposed shop front alterations. Furthermore as previously stated there is already an ATM at the neighbouring Post Office and as such it is not considered that it would be out of keeping with the area.

12 Highway Safety

The issue of highway safety and increased traffic has also been raised in relation to the proposed installation of an ATM at the site. Whilst it is acknowledged that this may increase traffic generation to the site, there is a very large car park associated with the general store and the premises are located within a sustainable location in terms of bus stops and walking routes. In addition whilst the bollards are in place for anti-ramraid protection they would also deter persons from parking to the frontage and to utilise the car parking to the rear. The Highways Authority has been consulted as part of the application process and raise no objections to the proposed works.

In relation to the overall traffic generation at the site and use of the existing car park, as raised by County Councillor Bell, the change of use from public house to retail constitutes 'permitted development' in planning law, specifically the Town and Country Planning (General Permitted Development) Order 1995. This means planning permission is not required from the Council purely for the change of use of the premises. The site is currently the subject of four planning applications for various works, namely external alterations/shop front, air conditioning and chiller units, ATM cash machine and external signs. None of these works, either individually or collectively, would have sufficient implications for traffic to justify refusal of planning permission. It is noted that the Highway Authority has not objected or raised any concerns about this proposal. Whilst the Councillor's concerns about increased traffic at the site are understandable, it is not within the remit of the Council as Local Planning Authority to control this in relation to the use of the premises.

CONCLUSION

- 13 As a result it is considered that the proposed ATM and associated works are in keeping with the design, character and appearance of the existing property and will not have a detrimental impact upon the amenities or highway safety of the surrounding area or wider setting. It is therefore considered that the proposed development is acceptable and accords with the District of Easington Local Plan, in particular Policies 1 and 35.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; No.Design and access statement, F9D10-096 A(00)41 Rev A, Bollard details, 18 No. Photographs of the site, lighting details, F9D10-096 A(00)40 Rev A, F9D10-096 A(00)04, F9D10-096 A(00)07, F9D10-096 A(00)42 and F9D10-096 A(00)43 all received 22 March 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.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
PLANNING POLICY STATEMENT/GUIDANCE

ENV35 - Environmental Design: Impact of Development
GEN01 - General Principles of Development
PPS1 - Delivering Sustainable Development

2. In particular the development was considered acceptable having regard to consideration of issues of residential and visual amenity and impact upon Highway safety.

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

