

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0339
FULL APPLICATION DESCRIPTION	CHANGE OF USE FROM RESIDENTIAL HOME TO 5 NO. COMMERCIAL UNITS ON GROUND FLOOR AND 11 NO. RESIDENTIAL UNITS AND CAR PARKING TO REAR
NAME OF APPLICANT	MR G KAHLON
SITE ADDRESS	6 - 10 NORTH TERRACE, SEAHAM SR7 7EU
ELECTORAL DIVISION	DAWDON
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site is located on North Terrace on the sea front of Seaham. The terrace currently has a mix of residential and retail properties, which are located within Seaham Conservation Area. The front elevation of the building is northeast facing and opens directly onto the public footpath, the former police station is across the road and is a Listed Building. To the rear of the site is an enclosed yard area.
- 2 The building previously served as a private nursing home, with beds for 43 residents. There were originally 37 rooms, 3 shared rooms and 8 rooms with en-suite facilities.

Proposal:

- 3 It is proposed that the development would convert the existing nursing home into 5 commercial units and 11 residential units. The commercial units would be situated on the ground floor and allow for direct access from the street for potential customers. Out of the 11 apartments, 4 would be allocated to the ground floor, the remaining on the first floor. The building would be refurbished throughout with internal layout changes to suit the proposed use. The proposals also include renovating the shop fronts with new doors and window surrounds. There would be 12 off street parking spaces created in the rear yard area which would be accessed by the back lane. It is suggested that up to 20 full time jobs could be created by the development.
- 4 The application is being reported to committee as it is a major application and the Town Council have objected to the proposals.

PLANNING HISTORY

None relevant.

PLANNING POLICY

5 NATIONAL POLICY:

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

Planning Policy Statement 4: Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) sets out the Government's planning policies on the conservation of the historic environment.

Planning Policy Guidance 13: Transport (PPG13) objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

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>

6 REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

However, The Secretary of State for Communities and Local Government's letter dated 27th May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils. This intended future abolition must also be given material weight in planning decision making.

Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East

Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.

Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.

Policy 6 - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.

Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

7 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 22 - The character, appearance and setting of the conservation areas will be preserved and enhanced.

Policy 24 - Development which adversely affects the character, appearance, special architectural features or setting of a listed building will not be approved. The retention of architectural or historic features will be encouraged. Demolition of a listed building will be only be allowed in exceptional circumstances.

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.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

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

8 STATUTORY RESPONSES:

Town Council – Objection. There are concerns that the level of parking provision is inadequate for the development.

9 INTERNAL CONSULTEE RESPONSES:

Environmental Health – no objections subject to conditions.

Highways Officer – the access and level of car parking provision is acceptable.

Design and Conservation Officer – no objections subject to conditions.

Planning Policy – no objections. This is a positive re-use of a building that will add to the residential and tourism offer in this part of Seaham.

Regeneration Officer – The regeneration are in support of the application.

10 PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notice and letters to surrounding occupiers. One letter has been received from Seaham Environmental Association suggesting that particular attention should be paid to visual amenity, parking and residential amenity.

11 APPLICANTS STATEMENT:

The property forming this submission is situated in a prime sea front location at 6-10 North Terrace, Seaham. The building is currently vacant due to the demise of the previous use of a private nursing care home, with beds for 43 residents.

The site is neighboured by ground floor commercial units and first floor residential flats that continue along the whole length of North Terrace.

A key aim for the project is to assist with the regeneration of Seaham centre with the opportunity for the creation of up to 20 and potentially more jobs in the local area along with affordable housing for working professionals.

The creation of commercial units at Ground Floor level provides opportunities for a diverse range of commercial units sitting comfortably within the existing street scene and enhancing the public experience of the Seaham centre and sea front.

The overall proposals have been supported by the local conservation officer.

The Client has had extensive discussions with the local regeneration team in order to ensure the proposals for the mixed use development are in line with the Seaham regeneration plan and as a result has the full support and a welcomed approach to the re development of 6-10 North Terrace.

The proposals allow for a private car parking arrangement to the rear of 12 spaces and deemed to be an acceptable of level of space with Durham Highways Department due to numbers being consistent with the levels of car parking to existing developments in the Seaham Town Centre.

In summary the development will be a scheme that should receive the backing from the local community and authority as it will be a catalyst for the regeneration of Seaham Centre.

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=115132> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main considerations relating to this application are the principle of the development, the impact on the conservation area and surrounding residents and highways issues.

12 Principle of development

North Terrace comprises of a mixture of mainly commercial and residential properties. Although the street is not designated in the Local Plan as a shopping area the site lies just outside the main town centre for Seaham and as such the terrace can be seen as a natural extension to this commercial area of the town. With regard to the commercial and retail uses proposed on the ground floor, Planning Policy Statement 4 - Sustainable Economic Development (PPS4) is most relevant. Policy EC10.1 of PPS4 states that Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. The PPS also directs Local Planning Authorities to assess proposals for economic development against five key impact considerations in determining their merits and viability these are listed under policy EC10.2 and are:

- whether the proposal has been planned over the lifetime of the development to a. limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- the impact on local employment

Policy Officers have commented that “this is a positive reuse of a prominent section of the Seaham frontage. The town is increasing in popularity stimulated by the range of regeneration projects which have been completed in recent years. North terrace now comprises an interesting selection of cafes, restaurants, bars and shops and also residential premises and the proposal will add to this offer”

Therefore it is considered that the proposal would secure sustainable economic growth and is in accordance with PPS4.

13 Impact on the conservation area and surrounding residents

The application site lies within the conservation area therefore particular consideration needs to be given to any development that may affect its character, appearance and setting.

Local plan policy 22 provides guidance relating to the Council's expectations for development within conservation areas, more generic design and layout considerations are outlined in policy 35. It will be important, given the sensitivities governing development in conservation areas that structural alterations to the buildings concerned are in general conformity with the guidance provided in these policies, particularly policy 22.

Although outside the local shopping centre the terrace does benefit from a range of uses and it is not considered that this particular use would be detrimental to the character of the area. The proposal would attract customers to the locale and more importantly would ensure the continued use of the premises in this very prominent location. It is considered that the proposals would result in an enhancement to the conversation area especially when in comparison to the current empty and vacant building.

The Conservation Officer is in support of the application subject to conditions controlling details of design. Therefore it is considered that the proposals are in accordance with Planning Policy Statement 5 – Planning for the Historic Environment and saved Local Plan Policy 22.

The residential properties that are situated within the terrace will be used to some levels of noise and disturbance, which would normally be expected given that there are other restaurants and bars within the area. The applicant has not specified the proposed opening hours for the commercial and retail units however there are other businesses within the street that open until midnight. In order to protect residential amenity it is considered that a condition restricting opening hours inline with similar businesses within the terrace would be required. Given that there are residential properties proposed a condition has been recommended restricting the opening hours to from 8am until 11pm which is considered to be reasonable in this instance. In addition, any hot food which may be prepared on the premises would require appropriate ventilation and extraction systems which should also be conditioned. On this basis, it is not considered that the proposals would lead to loss of residential amenity that should warrant refusal of planning permission.

14 Highways Issues

The property is well located on the edge of the main Town Centre and as such benefits from the main Town centre car parks, as well as the sea front car park to the north of the Marquess Point development located opposite North Terrace. The needs and requirements of the public and private transport options have been carefully considered. The rear of the property is to be used to accommodate 12 off street car parking spaces. Public transport is very good within the area with several bus stops within a 200m radius and also Seaham train station being only 0.4miles away. The property is in a prime location with a number of shops, restaurants, banks and the town centre that are only a very short walk away.

The Highways Officer has confirmed that the level of car parking provision is acceptable and has no objections to the proposals. It is therefore considered that the proposal accords with saved policy 36 of the District of Easington Local Plan.

15 Other Issues

Council policy requires any residential development involving ten dwellings or more to make a financial contribution toward the provision or upgrading of off site play facilities where none are provided on site. In this instance therefore, an approval of planning permission should be subject to the applicant entering into an agreement to secure a financial contribution toward off-site play space.

With regard to the Town Councils concerns regarding a lack of parking provision, the Highways Officer has confirmed that the level of proposed off-street parking is acceptable. Furthermore, the current 37 bedroom care home only has 3 off street parking spaces and could potentially generate more traffic than 11 apartments with 12 off street parking spaces.

CONCLUSION

- 16 Overall the development is considered to be acceptable and should not unduly impact upon surrounding residential properties, the conservation area, and would not prejudice highway safety due to the imposition of conditions. The proposals would result in bringing a vacant building back into use in a prominent part of the Conservation Area and would contribute toward the ongoing regeneration of Seaham.

RECOMMENDATION

- 17 That the application be **APPROVED** subject to the applicant entering into a Section 106 Legal agreement and 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; Location Plan AL (90) 1000, Existing Site Plan AL (90) 0100, Proposed Site Plan AL (90) 0200 Rev A, Existing Ground Floor AL (0) 0100, Existing First Floor AL (0) 0200, Existing Second Floor AL (0) 0300, Proposed Ground Floor AL (0) 0400, Proposed First Floor Plan AL (0) 0500, Proposed Second Floor Plan AL (0) 0600 Rev A, Existing Elevations AL (0) 0010 Rev A, Proposed Elevations AL (0) 0020 Rev A, Existing Roof Plan AL (27) 0100, Proposed Roof Plan AL (27) 0200 Rev A
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.
3. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the ground floor of the premises shall be used for A1, A2, A3, A4 and B1(a) uses only and for no other purpose, including any other activity within the same class of the schedule to that Order.
Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.
4. The ground floor units shall not be open for business outside of the hours of 0800 hours to 2300 hours on any day of the week.
Reason: In the interests of preserving the amenity of residents in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

5. Prior to the commencement of any use involving the sale of hot food, details of fume extraction that accords with current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems shall have been submitted to and approved in writing by the Local planning authority. The approved scheme shall be installed prior to the use commencing and shall be operated at all times when cooking is being carried out on the premises.
Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.
6. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials 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 saved policies 1 and 35 of the District of Easington Local Plan.
7. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and doors shall be submitted to and approved in writing by the Local planning authority. The windows shall be installed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
8. Notwithstanding the information shown on the submitted plans, a detailed joinery section of the proposed shopfront, to include all pilasters, fascias, corbels, leadwork and weathering drawn at a scale of 1:20 shall be submitted to and approved in writing by the Local planning authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
9. Prior to the commencement of the development details of litter bins to be provided outside the premises shall be submitted to and approved in writing by the Local planning authority. The litter bins shall be provided in accordance with the approved details prior to the use commencing.
Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 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	ENV22 - Preservation and Enhancement of Conservation Areas
DISTRICT OF EASINGTON LOCAL PLAN	ENV24 - Development Affecting Listed Buildings and their Settings
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS4 - Planning for Sustainable Economic Growth
PLANNING POLICY STATEMENT/GUIDANCE	PPS5 - Planning for the Historic Environment
PLANNING POLICY STATEMENT/GUIDANCE	PPG13 – Transport
REGIONAL SPATIAL STRATEGY	Policy 1 - (North East Renaissance)
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
REGIONAL SPATIAL STRATEGY	Policy 4 - (Sequential Approach)
REGIONAL SPATIAL STRATEGY	Policy 6 - (Locational Strategy)
REGIONAL SPATIAL STRATEGY	Policy 7 - (Connectivity and Accessibility)
REGIONAL SPATIAL STRATEGY	Policy 8 - (Protecting and Enhancing the Environment)

2. In particular the development was considered acceptable having regard to consideration of issues of the impact on the conservation area and setting of a listed building, impact on the street scene and surrounding occupiers and highways issues.

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

