

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	DM/16/00760/AD
FULL APPLICATION DESCRIPTION:	Erection of two illuminated signs and awnings
NAME OF APPLICANT:	Jace Dashamir 1A Arcadia Ouston
ADDRESS:	Chester-le-Street DH2 1RF
ELECTORAL DIVISION:	Pelton Nick Graham Planning Officer
CASE OFFICER:	Telephone: 03000 264 960 <a href="mailto:nicholas.graham@durham.gov.uk">nicholas.graham@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is comprised of 1A Arcadia, Ouston, a two storey end of terraced building with a dual pitched roof. The last known use of the site was as a convenience store (use class A1), and previously had fascia signage to the front and side of the building.
2. The site falls within a residential area, with properties surrounding the site. The site is located within a parade of four shops, including another takeaway, dog groomers and hairdressers. Residential properties are located above the units, including at the application site.

### The Proposal

3. Advertisement consent is sought for the erection of two illuminated fascia signs to the front and side elevations of the building, and the erections of awnings protruding above the front and side of the building. The proposal for the change of use and operational development of the awnings is under consideration in a separate application; reference DM/16/00759/FPA also on the agenda.
4. The application is presented to Committee at the request of the Divisional Member.

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## PLANNING HISTORY

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5. There is no relevant planning history at the site.

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## PLANNING POLICY

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#### **NATIONAL POLICY:**

6. Both the NPPF and the Advertisement Regulations 2007 stipulate that advertisements should be subject to control only in the interests of amenity and public safety, taking into account the provisions of the development plan where material, and any other relevant factors.

#### **LOCAL PLAN POLICY:**

7. There are no relevant policies in the Chester-le-Street District Local Plan relating to advertisements outside Conservation Areas.

#### **RELEVANT EMERGING POLICY:**

8. *The County Durham Plan* – Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

*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.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

9. None.

#### **INTERNAL CONSULTEE RESPONSES:**

10. None.

#### **EXTERNAL CONSULTEE RESPONSES:**

11. None.

#### **PUBLIC RESPONSES:**

12. Neighbours have been consulted by way of direct notification, and a site notice was posted on Arcadia. Ninety six letters of objection and a petition with 86 signatures have been received. The majority of the objectors have requested for their correspondence not to be made public in any way and of the public objections, none of the correspondence relates directly to this application, and instead relates to the matters associated with the change of use in application reference DM/16/00759/FPA.

## APPLICANTS STATEMENT:

13. The partners of the proposed business presently run a successful Italian restaurant in central Newcastle and each have many years' experience in running similar family orientated businesses, involving their own families and encouraging a regular family prioritised customer base.
14. The menu provided is extensive traditional Italian cuisine including top end a-la-carte fish and meat dishes, the expected pizza and pasta selection, and a surprisingly interesting selection of healthy traditional vegetable and salad dishes.
15. The interior would be simple and clean with a slight rustic Italian character, creating a warm, comfortable and welcoming environment.
16. Kitchen and extraction installations would be top specification and with the proposed internal route would have minimal visual impact on the surrounding area and residents. Odour control has been fully addressed with the top specification of the proposed extraction system.
17. Having worked on similar installations in similarly sensitive locations of combined residential and commercial aspects, we can assure all parties that existing problems regarding odour pollution have previously been fully resolved with the installation of the same system proposed to this scheme.
18. We do feel that the proposal would provide an exciting facility to the local community both practically and visually, would create a facility for social interaction, and would stimulate and encourage local people to use the adjacent group of retail businesses.
19. This proposal is for the extension of an existing successful family run business which would without doubt provide a great, positive and exciting facility to the local residents. The business would be ran by good families with good values and a smile for everyone.
20. You just can't have enough sunshine and smiles in your life.

*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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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21. Both the NPPF and the Advertisement Regulations 2007 stipulate that advertisements should be subject to control only in the interests of amenity and public safety, taking into account the provisions of the development plan where material, and any other relevant factors.

### Amenity

22. The proposed fascia signs follow a standard design in terms of size and material, and would be sited within a parade of shops, where these sorts of signs are expected. It is noted an illuminated fascia sign would be located on the gable end of the property, however as this would be a sited a minimum of 22 metres from the closest residential property at Abington, it is not considered this would be of an adverse effect to the amenity of neighbouring properties. Given the above, the amenity of neighbouring properties is not considered to be adversely affected

23. The Highways Engineer has confirmed the required head clearance for the awnings as part of application reference DM/16/00759/FPA, and this distance has been exceeded as detailed in the submitted plans. Therefore, the scheme is not considered to have an adverse impact on highway and public safety.

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## **CONCLUSION**

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24. The proposal is acceptable in terms of amenity and public safety, and as the advertisements are located within a shopping parade in Ouston, the proposal is considered appropriate. The signs are therefore considered acceptable and in accordance with Paragraphs 67-68 of the NPPF.

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## **RECOMMENDATION**

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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 permission.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and Paragraphs 67-68 of the NPPF.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:

Site Location Plan and Sign Details	6 April 2016
Site Plans	7 March 2016
Plans and Elevations	7 March 2016
Floor Plans	7 March 2016

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and Paragraphs 67-68 of the NPPF.*

3. Any advertisements displayed and any site used for the display of advertisements shall be maintained in a condition which does not impair the visual amenity of the site.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and Paragraphs 67-68 of the NPPF.*

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning*

*(Control of Advertisements) (England) Regulations 2007, and Paragraphs 67-68 of the NPPF.*

5. Where any advertisement is required under these Regulations to be removed, its removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and Paragraphs 67-68 of the NPPF.*

6. No advertisement is to be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission.

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and Paragraphs 67-68 of the NPPF.*

7. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway sign or aid to navigation by water or air, or so as to otherwise render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

*Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and Paragraphs 67-68 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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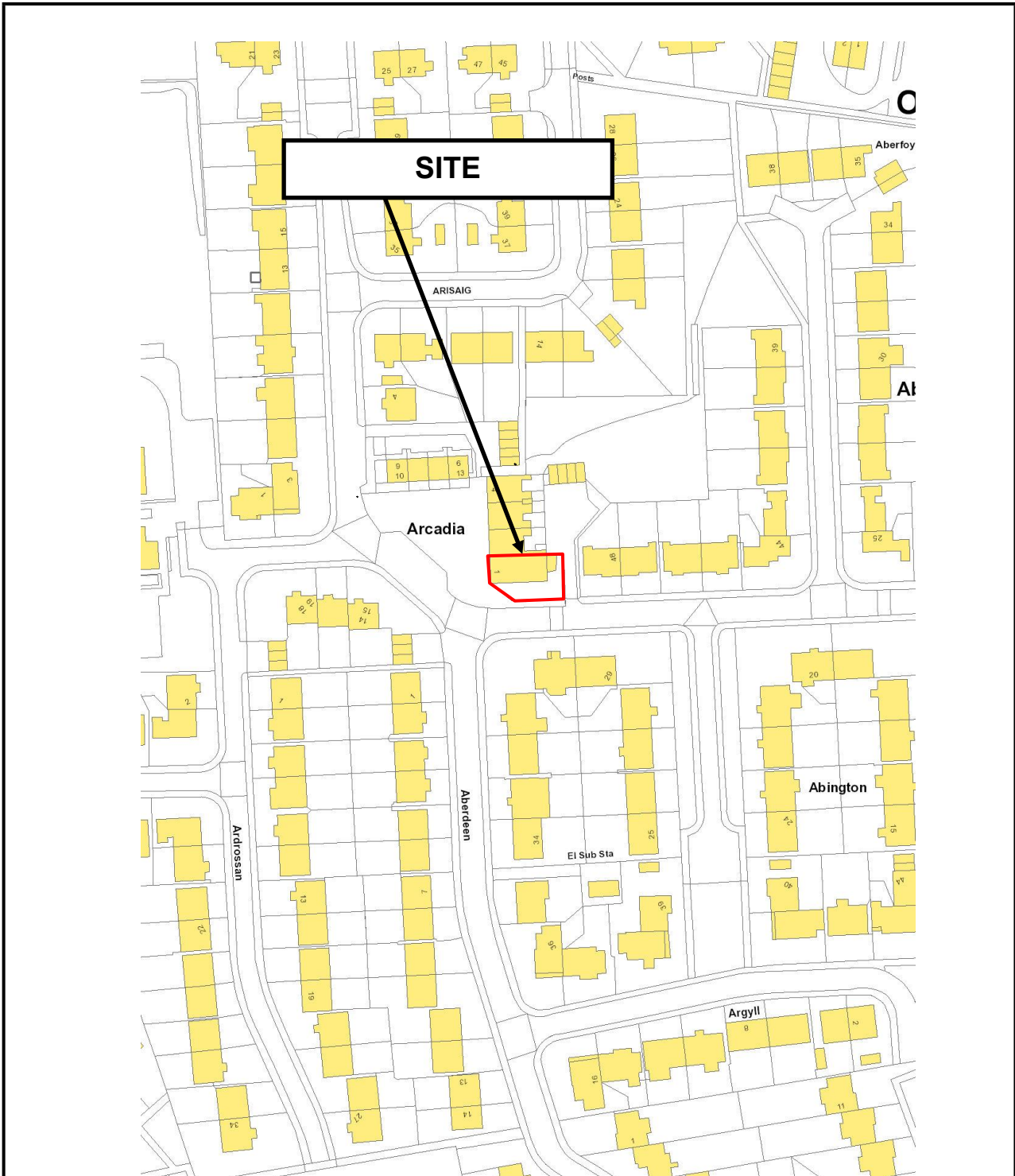
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Statutory consultation responses



**Planning Services**

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1A Arcadia, Ouston, Chester-le-street, DH2 1RF

Application Number DM/16/00760/AD

**Comments**

**Date** 28<sup>th</sup> July 2016

**Scale** 1:1250