

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 13th March 2013

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| APPLICATION REF. NO: | 12/00789/CU |
| STATUTORY DECISION DATE: | 10/02/13 |
| WARD/PARISH: | Sadberge and Whessoe |
| LOCATION: | Cobby Castle Lane, Bishopton |
| DESCRIPTION: | Change of use of garage to holiday let. |
| APPLICANT: | Mr D Metcalfe. |

APPLICATION AND SITE DESCRIPTION

The site lies outside the development limits of Bishopton but close to its north eastern edge and the boundary of the Conservation Area. The land consists of part of a paddock used for grazing and which was once part of a stone quarry which is now filled in.

The site area is some 0.35 hectares and currently includes a recently partially completed triple domestic garage, which is the subject of this application. There are currently two field gate accesses to the site, which are separated by a screen hedge behind the garage.

It is proposed to convert the garage into a building to let out to tourists as a single bedroom holiday let. There will be a small garden area to the rear and space for car parking.

The building will be rendered externally with a red clay pantiled roof. The large garage door openings will form the main windows into the buildings.

Sewage and surface water will be disposed of into the systems in Cobby Castle Lane.

PLANNING HISTORY

09/0649/FUL – New barn and creation of triple garage – approved May 2010

12/00241/CU- Application to convert timber garage shed to tourist accommodation – refused May 2012 on policy grounds. See below.

PLANNING POLICY BACKGROUND

Local Plan – E2 Development Limits and E5 Change of use of buildings in the countryside.

NPPF – Section 7 Requiring good design and Section 3 Supporting a prosperous rural economy

RESULTS OF CONSULTATION AND PUBLICITY

A site notice was posted and local residents were consulted – four local residents have objected to the proposal and two residents and one third party have supported the proposals. The following issues have been raised:

- Increased traffic will cause problems
- If business fails it would become a dwelling
- Tourists would cause a danger to nearby school children.
- Land could be used as a play area
- Land is likely to be contaminated
- Sewage disposal could be a problem.
- Land is currently an eyesore and would benefit from tidying up through the conversion.
- Access to the site is acceptable standard.
- Commercial enterprise should be encouraged in the village.

Sadberge Parish Council – Objects for the following reasons :

- Increased traffic and noise would harm neighbours
- Access road not adequate
- Traffic danger to nearby school children
- Land could be contaminated
- Caravans may use the site in association with the holiday let.

Highways Engineer – There will be minimal extra traffic as a result of the development and adequate on site parking therefore no objections.

Environmental Health Officer – Requests contaminated land condition on any approval.

PLANNING ISSUES

The main planning issues of relevance are considered to be:

- Compliance with planning policy
- Impact on local residents
- Impacts on the local environment

Planning Policy – Saved Local Plan Policy E5 supports changes of use of buildings in the countryside providing the new use would not be intrusive or create unacceptable traffic, amenity or disturbance problems, and that the conversion can take place without significant alterations.

The previous application last year was refused on the grounds that the existing building would have needed considerable changes made in order to create a holiday let – almost a complete rebuild. The building that now exists is the triple garage that has been granted permission in 2010 and in order to convert it to a holiday let, limited alterations are now required.

Impact on local residents – The nearest dwelling is some 20 metres away and as such the separation distance is considered to be adequate for a building of this size and the amount of activity it is likely to generate. The comings and goings of guests using the facility are unlikely to cause a material impact on the living conditions of nearby residents, sufficient to warrant refusing planning permission. The Highway Engineer has no objections on traffic generation grounds.

Impacts on the local environment – The scale of the building will remain as now; there will be some changes to the land around it as a garden and driveway will be created, however it is not considered that these changes will cause such detrimental impacts on the locality as to warrant refusing planning permission. The existing hedge screen will be required to remain by condition if planning permission is granted and the external materials of the building will remain as approved for the triple garage.

Other issues raised by objectors – If the business fails then planning permission would be required to convert the building to a dwelling and as substantial extensions would probably be required. then the likelihood of permission being granted would be reduced in this particular location.

The use of the facility by “non local” tourists would be unlikely to impact on the safety of nearby school children and is not in any event a planning consideration in this instance.

A land contamination condition will be imposed if planning permission is granted and sewage and surface water is to be disposed of via the services in the nearby lane.

Any caravans that use the adjacent land will be subject to the usual planning regulations for such uses, and appropriate enforcement action would be taken if necessary.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

It is considered that the proposed use complies with both National and local planning policy and is of such a limited scale that there will be no detrimental impact on the amenities of local residents or on the character of the locality in general.

It is considered that with appropriate conditions attached to a planning permission for a holiday let, it will be possible to control the use in an appropriate way and enable the use to be carried out without detriment to the locality and local residents.

RECOMMENDATION

That permission be granted with the following conditions ;

1. A3 – Time limit
2. B5 – Accordance with plans
3. Before the development hereby approved commences the applicant must either: -
 - a. Investigate the site for landfill/ground gas and carry out a gas risk assessment to be submitted to, and approved by, the Local Planning Authority, to demonstrate whether or not gas protection measures are required. Where gas protection measures are required the details shall be submitted to, and approved by, the Local Planning Authority; or,
 - b. Install gas protection measures as a precautionary measure without first investigating the site. The details of the gas protection measures shall be submitted to, and approved by, the Local Planning Authority.
 - c. For a. and b. all required measures shall be installed before the development is first occupied.

Reason – In the interests of the amenities of the occupiers of the approved development.

4. The building shall be occupied for holiday purposes only.

REASON – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

- 5 The building shall not be occupied as a person's sole, or main place of residence.

REASON – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

- 6 The owners/operators of the building shall maintain an up-to-date register of the names of all owners/occupiers of the chalet, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

7. B1 – further details to be submitted

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposal is considered acceptable, subject to the imposition of suitable conditions to prevent permanent residential occupation of the chalet. It would not result in any adverse impact on the visual amenity of the locality nor is the development likely to result in any material harm to the amenities of neighbouring residents. It would not give rise to any issues in relation to highway safety or crime prevention. The application raises no issues in relation to contamination or foul or surface water drainage. Therefore the proposed development is considered to comply with the policies in the development plan and Government planning policy set out below: -