

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 24 OCTOBER 2012

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

12/1640/RET

The Whitehouse Pub, Whitehouse Road, Billingham

Retrospective application for storage container and single storey extension to side/rear

Expiry Date 31st August 2012

SUMMARY

This application seeks retrospective planning permission for the erection of a storage container and single storey extension at The Whitehouse Pub, Whitehouse Road, Billingham. Letters of objection have been received from five neighbouring properties and two Ward Councillors. The objections raise concerns regarding the visual impact of the container and extension and the impact on the amenity of neighbouring occupiers.

One letter of support has been received from a neighbouring property and representation has also been received from Billingham Town Council.

The application is being reported for determination by Planning Committee due to the number of objections received being more than 5 under the delegated decisions procedure.

It is considered the extension and container do not have a significant detrimental impact on the street scene and character of the area or the amenity of neighbouring occupiers. Subject to the grant of planning permission being limited to a temporary 2 year period (for the storage container) to allow for reassessment of the situation, the application is considered acceptable.

RECOMMENDATION

That planning application 12/1640/RET be approved subject to the following conditions and informatives below;

01 *The development hereby approved shall be in accordance with the following approved plan(s);*

| <i>Plan Reference Number</i> | <i>Date on Plan</i> |
|-------------------------------------|--------------------------------|
| <i>SBC0001</i> | <i>3 July 2012</i> |
| <i>SBC0002</i> | <i>3 July 2012</i> |
| <i>SBC0004</i> | <i>7 September 2012</i> |
| <i>SBC0005</i> | <i>7 September 2012</i> |

Reason: To define the consent.

02. *This consent in respect of the storage container is granted for a temporary period of 2 years; from the date of this decision, which unless a renewal of consent is sought*

and granted the storage container hereby approved shall be removed and the land reinstated to its former condition.

Reason: The storage container is not considered suitable for permanent retention on this site.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

General Policy Conformity

The scheme has been considered against the policies and documents identified below. It is considered that the scheme accords with these documents as the scheme does not lead to an unacceptable loss of amenity for neighbouring residents in terms of outlook, overlooking, overbearing and overshadowing. It is also considered that the scheme does not have a significantly adverse impact on the character of the area or adversely affect the visual amenity of the surrounding area. There are no material planning considerations, which indicate that a decision should be otherwise.

The following policies of the Adopted Core Strategy Development Plan Document (March 2010), the Saved Policies from the Adopted Stockton on Tees Local Plan (1997) and associated documents are considered to be relevant to the determination of this application

Core Strategy Policy 3 (CS3): Sustainable Living National Planning Policy Framework

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

BACKGROUND

1. In January 2011 a complaint was received by the Council's Planning Enforcement Section regarding the installation of a steel portakabin in the grounds of The Whitehouse Pub, Whitehouse Road, Billingham.
2. Following investigations, it was advised that the container was there on a temporary basis for the storage of items whilst the public house was being refurbished. However, there were further complaints that the container was still on site and had not been removed some months later. A site visit was carried out in February 2012 and this confirmed the container was still in place.
3. During investigations into this complaint it came to light that a single storey extension had also been erected at the public house.
4. In July 2012 this application was submitted for both the storage container and the single storey extension.

SITE AND SURROUNDINGS

5. The application site is a public house located within a small centre of shops at Wolviston Court. The public house is located near to Whitehouse Road and has a car park area to the front and a yard area to the rear, the extension and storage container are located in this yard area. To the rear of the yard area and along the opposite side of Whitehouse Road are residential properties.

PROPOSAL

6. This application seeks retrospective consent for a storage container and erection of a single storey extension at The Whitehouse Public House, Whitehouse Road in Billingham.
7. The storage container is located in the rear yard area at the site and measures 12.23m by 2.46m approximately with a maximum height of 2.46m.
8. The extension measures 3.67m by 3.67m approximately and has a maximum height of 2.46m and is constructed of timber and has been painted black.

CONSULTATIONS

9. The following Consultees were notified and comments received are set out below:-

Councillor M E Womphrey

I am writing to ask that the retrospective planning permission for the above be refused for the following reasons:

1. The container in question is a very large shipping container which is not in keeping with the surrounding residential area, is visually intrusive, overlooks and is the view from peoples homes to the front and side.
2. Regarding the single storey extension. A properly constructed extension which compliments the existing building would be acceptable as opposed to the existing shed.

Councillor Mrs M B Womphrey

I am writing to ask that the retrospective planning permission for the above be refused for the following reasons:

1. The container in question is a very large shipping container which is not in keeping with the surrounding residential area, is visually intrusive, overlooks and is the view from peoples homes to the front and side.
2. Regarding the single storey extension. A properly constructed extension which compliments the existing building would be acceptable as opposed to the existing shed.

Billingham Town Council

Although members do not have any objections to the single storey extension to side/rear which is a retrospective application, concerns were expressed in respect of the storage container currently situated at the back of the pub. Members object to the size of the container, which they feel, is an eyesore for residents. Concerns were also expressed on what the container is being utilised for and if there is a genuine need for the container?

PUBLICITY

10. Neighbours were notified and one letter of support and five letters of objection have been received from surrounding neighbouring properties, the comments received are detailed below;

Mr John Hurst

80 Whitehouse Road Billingham

We live directly next door to this car park and see the back of this container at all times from our garden and I see no reason why planning approval should not be granted as it is used for storing of equipment and is not the eyesore people say. It is surrounded by a high fence and on condition that it is kept in good condition we see no reason why it should be refused

**D Hancock
85 Whitehouse Road Billingham**

I am writing to ask that retrospective permission for these developments is refused. The container in question is a large shipping container that is not in keeping with the surrounding residential houses and estate. My own home directly overlooks the pub car park and I personally consider the container a blot on the landscape.

The car park is already being used as permanent storage for several cars, large vans and trailers, the addition of a large steel shipping container is unacceptable. I am also concerned that giving permission for this container to remain as a permanent addition to the car park sets a precedent for the other three car parks that lie within 200 yards of the Whitehouse.

With regard to the "single storey extension" on the side of the pub. I would have no objection to a proper extension being built but, the current extension looks like little more than a wooden lean to that is tacked onto the side of the pub. Again, I am concerned that if this "extension" is allowed to remain it would then set a precedent for the area thus giving other businesses the opportunity to put up other wooden "extensions" without planning permission.

**Mrs Linda Parry
78 Whitehouse Road Billingham**

I would ask that retrospective permission for the storage container is refused. The container is a huge roll on roll off container that until recently was a blue, paint peeling rusting eyesore. It has recently been painted brown obviously to make this application more favourable to the council. I understood that the container was not to be permanent feature of Whitehouse Road and was to be moved before January 2012. I would have objected just as strongly had the proper planning permissions been sort at the proper time i.e. prior to the placing of the container and building of wooden hut. I don't have any objection to the wooden hut remaining as it is.

**Mrs M Kitching
88 Grosvenor Road Billingham**

I would like to register my complaint about retrospective planning permission - the container (which is an eyesore) has been placed in the car park. The structure to the pub has already been built - does this mean that any further structures can be erected where ever and whenever he chooses? My bungalow is very near to the car park and I already have to put up with the noise of cars, horse boxes, boats, lorries coming and going at all times of night - also a search like light that shines into my bedroom (has he got planning permission?) I feel that if I want to add any structures to my bungalow I have to have planning permission but this does not apply to everyone. I only hope in the future he doesn't decide to have any more temporary containers, or structures built and then a couple of years later ask for planning permission.

**Mr J B Graham
79 Grosvenor Road Billingham**

Since the container was parked in the rear car park, we have had a horse box, and a boat added. Also a further three trailers, a number of cars and vans are included.

It would be appreciated if a member of your planning services could look into this matter as to the noise etc created by these vehicles.

Perhaps a repositioning of the container near the public house would be more acceptable in my view.

Mrs Helen Atkinson
72 Grosvenor Road Billingham

I object to this application for the container because it is unsuitable for a residential area. It may be painted brown now but people have had to view this for over a year as a rusty green blot on the landscape. It sets a precedent for other commercial businesses to do the same, i.e. site what they want on to land and then apply retrospectively for planning permission. Youths and children are attracted into the rear car park where it is sited as there is also a trailer chassis and a horse box as well as numerous car/vans parked in there overnight. This causes a noise/nuisance to residents in very close proximity to the car park. This container can be seen from Whitehouse Road and as you walk up Grosvenor Road. It is used for storage of, it is alleged, of old furniture and pots and pans. He owns other licensed premises and I feel he is using this car park as a 'storage' area of all his premises, thus making the container this large. I believe that the properties in close proximity to this container would be devalued if it is allowed to remain.

I have no problem with the black-painted wooden side extension, which has also been there for over a year.

Please note that this comment is sent as a concerned resident and not as a member of Billingham Town Council

PLANNING POLICY

11. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.
12. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
13. The following planning policies are considered to be relevant to the consideration of this application:-

National Planning Policy Framework

Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

- Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

MATERIAL PLANNING CONSIDERATIONS

14. The material planning considerations when assessing this application are the potential impact upon the amenity of neighbouring properties, in terms of appearing overbearing, loss of outlook and light and the impact of the proposal on the character of the area and street scene.

Impact upon the amenity of neighbouring occupiers

15. The National Planning Policy Framework states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, the impact on the amenity of neighbouring occupiers is considered below.
16. The storage container is located to the rear of the public house, with the rear of the container adjoining the boundary with No. 80 Whitehouse Road. Five letters of objection have been received from other neighbouring residents, the main issue of concern is the visual impact but reference is also made to the various vehicles etc that are parked in the yard area and the noise resulting from the use of this yard. There is one letter of support from the occupiers of No. 80 Whitehouse Road.
17. The storage container is approximately 2.46m high and is visible from the garden and driveway area at No. 80 Whitehouse Road, there is an existing high level fence along the boundary that screens the majority of the container. The container is approximately 7.0m from this neighbouring dwelling and it is considered that due to its height and the screening in place the container does not have a significant detrimental impact on the amenity of this neighbouring property in terms of appearing overbearing and there is no significant loss of outlook and light.
18. No. 78 Whitehouse Road adjoins No .80 and is therefore located at a greater distance from the application site and due to the location of No. 78 there is another property between this property and the application site, it is considered the container does not have a significant

detrimental impact on the amenity of this neighbouring property in terms of appearing overbearing and there is no significant loss of outlook and light.

19. The container is approximately 12.0m from the nearest part of the boundary with No. 79 Grosvenor Road which consists of a high level boundary fence approximately 2.0m high, the dwelling itself is set in from this boundary. The property is sited to the north east of the storage container and the rear of this property looks towards the application site. It is considered that due to the distance between the container and the boundary with No. 79 Grosvenor Road the container does not have a significant detrimental impact on the amenity of this neighbouring property in terms of appearing overbearing and there is no significant loss of outlook and light.
20. With regard to No. 88 Grosvenor Road, this property adjoins No. 79 Grosvenor Road and the rear of the property also looks onto the application site. This property is further away from the location of the container with the nearest part of the boundary being approximately 30m from the container and it is therefore considered the container does not have a significant detrimental impact on the amenity of this neighbouring property in terms of appearing overbearing and there is no significant loss of outlook and light.
21. Objections were received from No. 72 Grosvenor Road this property is located a significant distance away, in excess of 100m from the application site and it is therefore considered there is no significant detrimental impact on the amenity of this neighbouring property.
22. Properties on the opposite side of Whitehouse Road, including the objector's property at No. 85 are also a significant distance away, in excess of 30m from the storage container and it is therefore considered there is no significant detrimental impact on the amenity of this neighbouring property.
23. The residents at No. 80 have submitted comments in support of the application stating there is no reason why planning approval should not be granted as it is used for storing of equipment and is not the eyesore people say. It is surrounded by a high fence and on condition that it is kept in good condition they see no reason why it should be refused.
24. With regard to the single storey extension this does contain fenestration in two elevations, however due to the distance to neighbouring properties it is not considered there is a detrimental impact in terms of overlooking. Furthermore, it is considered that due to the size and location of the extension there is not a detrimental impact on the amenity of neighbouring properties in terms of appearing overbearing and there is no significant loss of outlook and light.
25. Overall, it is considered that there is not be a significant detrimental impact on the amenity of neighbouring occupiers and the development is therefore considered to be in accordance with the principles contained within the National Planning Policy Statement.

Impact on the character of the area and street scene

26. The storage container is set back approximately 16.0m from the highway and is located behind a high level fence approximately 2.0m high that provides screening. The objections received from the residents, Ward Councillors and Town Council all raise concern over the visual impact of the container. Since its installation the container has been painted brown which is a similar colour to the adjacent fence, which helps to reduce the visual impact.
27. Whilst the concerns raised are noted it is considered that due to the container being set back a significant distance from the highway, the presence of the boundary fence and as it has now been painted match in with the fence, the visual impact is not considered so

significant as to warrant refusal of the application. However the container is not considered as suitable for permanent retention on the site and therefore it is considered appropriate to limit the period of approval to 2 years in order to allow for reassessment of the situation after this period.

28. With regard to the single storey extension the Ward Councillors and one of the objectors has raised concern over the impact of the extension and in particular make reference to the materials used to construct the extension, stating that the extension looks like a wooden lean to or shed. The extension has been constructed using materials that are primarily wood that have been painted black. It is considered that the extension does not form an incongruous feature within the street scene and as there are existing features on the building that are also painted black it is considered the extension fits in with the character of the existing building. The extension is also set back from the highway by approximately 19.0m and the boundary fence also provides some screening.
29. Overall, it is considered that due to the location of the extension and container they do not form an incongruous feature within the street scene and it is considered the proposal is in accordance with policy CS3. Point 8 relating to the design of new development

Residual Matters

30. One letter of objection received raises concern regarding lighting at the premises and states that a search light shines into a bedroom and asks if they have planning permission. There are two external lights in the car park area at either side, planning permission has not been sought or given for the lights however the applicant has stated that the lights have been there since they took over running the public house approximately 2 years ago and were there whilst the previous landlady ran the pub for approximately 3 1/2 years. This time would take it over the 4 years time limit for taking action on the lights.
31. The Environmental Health Unit has confirmed they have not received any previous complaints regarding the lighting and have been requested to investigate the complaint.
32. The objectors also raised concerns regarding the noise created from the use of the yard area at the public house; the Environmental Health Unit has also been requested to investigate this complaint.

CONCLUSION

33. In conclusion, it is considered that due to the container and extension being set back from the highway, the painting of the container and the screening that is in place there is not a significant detrimental impact on the street scene or character of the area. It is also considered that due to the size of the container and extension and the distances to neighbouring properties there is not a significant detrimental impact on the amenity of neighbouring occupiers.
34. Furthermore, as temporary two-year permission is recommended for the container, the impact can be reassessed in the future to ensure it is still considered acceptable.
35. It is therefore recommended that the application be Approved with Conditions for the reasons specified above.

Corporate Director of Development and Neighbourhood Services

Contact Officer Miss Ruth Hindmarch Telephone No 01642 526080

WARD AND WARD COUNCILLORS

Ward Billingham West
Ward Councillor Councillor M. E. Womphrey

Ward Billingham West
Ward Councillor Councillor Mrs M. B. Womphrey

IMPLICATIONS

Financial Implications: N/A

Legal Implications: N/A

Environmental Implications: N/A

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers:

National Planning Policy Framework
Core Strategy Development Plan Document
Application file 12/1640/RET