

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
26 JUNE 2014
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

14/0685/RET

**The Whitehouse Pub, 82 Whitehouse Road, Billingham
Application to retain detached storage container**

Expiry Date 22nd May 2014

SUMMARY

This application seeks retrospective planning permission for the erection of a storage container at The Whitehouse Pub, Whitehouse Road Billingham. Letters of objection have been received from three neighbouring properties, two Ward Councillors and the Town Council. 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.

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

It is considered the container does 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 5 year period to allow for reassessment of the situation, the application is considered acceptable.

RECOMMENDATION

That planning application 14/0685/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>12 March 2014</i>
<i>SBC0002</i>	<i>12 March 2014</i>
<i>SBC0003</i>	<i>27 March 2014</i>

Reason: To define the consent.

02 *This consent is granted for a temporary period of 5 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 1: 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.

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.

During investigations into this complaint it came to light that a single storey extension had also been erected at the public house.

In July 2012 an application was submitted for both the storage container and the single storey extension. This was approved with the condition that the approval for the storage container was temporary for one year. This consent has now lapsed and this application has been submitted in order to seek further approval.

SITE AND SURROUNDINGS

2. 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 storage container is located in this yard area. To the rear of the yard area and along the opposite side of Whitehouse Road are residential properties.

PROPOSAL

3. This application seeks retrospective consent for a storage container at The Whitehouse Public House, Whitehouse Road in Billingham. 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 and has been painted in a red brown terracotta colour.
4. The container is used for the storage of chairs, tables and catering equipment associated with the business of the Public House.

CONSULTATIONS

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

Councillor M E Womphrey and Councillor Mrs M B Womphrey

We object to the above for the following reasons:-

- (1) The previous retrospective application was granted for one year only.
- (2) The container is at odds with and detracts from the street scene in a residential area and has the potential to set a precedent for similar planning applications.
- (3) The container is situated very close to the rear fence at number 79 Grosvenor Road and looking at the run down and badly maintained location in general there is a very real potential to attract vermin.
- (4) The letter of approval (6th July 2012 section 02) states that the container is not considered suitable for permanent retention on this site. We are not aware of any change in circumstances to alter that decision.

Billingham Town Council

The Committee wish to object to this application for the following reasons:

On 30th October 2012 we received notification from Stockton Borough Council that a retrospective application submitted by the applicant had been approved - planning application no. 12/1640/RET, retrospective application for storage container and single storey extension to side/rear at The Whitehouse Pub, Whitehouse Road, Billingham.

However in the letter of consent in respect of the storage container it stated that consent was granted for a temporary period of one year, 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 conditions, reason: the building is not considered suitable for permanent retention on this site. Why has the container not previously been removed as the applicant has in 2014 submitted another retrospective application to retain the detached storage container.

Concern was also expressed in respect of environmental issues as behind the container is a haven for vermin due to the amount of rubbish in this area.

We should be grateful if you could consider these comments when considering the application.

PUBLICITY

6. Neighbours were notified and comments received are set out below :-

Mr David Hancock

85 Whitehouse Road Billingham

In the previous retrospective application for planning permission, permission was given for the pub to retain the shipping container for a period of two years in order for an alternative storage solution to be found. It appears that no such effort has been made. As stated in my previous objection, I believe a large shipping container does not fit the tone of the area and sets a precedent for similar containers to be used by surrounding businesses.

The shipping container is directly opposite my property and is visible from my lounge window. The container is a blot on the landscape that only adds to the already run down (peeling paint, propped up fencing, and poorly built extension) appearance of the pub. I therefore request that planning permission for the container is refused.

Mr John Hurst

80 Whitehouse Road Billingham

We live next door to this container (80 Whitehouse Road) and it causes no problem at all. Generally it is hidden by the fence so from our bungalow and from the car park it is partially hidden. If it is only used for storage then I see no reason not to support the application.

J Graham

79 Grosvenor Road Billingham

Re-site detached storage container. New site for storage container near old quoit pitch.

Also remove all broken cars, broken vans and all other cars and vans that do not belong to the personnel of the above premises.

Mrs Helen Atkinson

72 Grosvenor Road Billingham

This is a shipping container and not a building. It has been painted brown but only where it could be reached. It is an eyesore, visible over the fence.

It was refused permission before and given 1 year to remove. Nothing has changed except that the container is still there in the car park which is also an eyesore with lots of vehicles, some of which do not seem to move at all. Is the whole car park a "metal storage" area. There must be vermin around there and if the rainwater causes rust at the base of the unit how will that affect the items stored in the container. What is stored in the container?

If the front fence fell down the whole area would be a total eyesore as this area can be seen from the road - a main bus route.

PLANNING POLICY

7. 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

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

8. 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

9. 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

10. 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.
11. 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. Three letters of objection have been received from other neighbouring residents and objections have been received from the two Ward Councillors and the Town Council, 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. There is one letter of support from the occupiers of No. 80 Whitehouse Road.
12. 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.
13. 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.
14. The container is in excess of 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.

15. 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 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.
16. 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.
17. 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.
18. Some of the representations made question what the container is used for. The applicant has confirmed that the container is used to store chairs, tables and catering equipment associated with the use of the public house.
19. The residents at No. 80 have submitted comments in support of the application stating that the container does not cause any problem at all.
20. Overall, it is considered that there is not 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

21. 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 initial installation the container was painted a red brown terracotta which is a similar colour to the adjacent fence, which helps to reduce the visual impact.
22. Whilst the concerns raised are noted it is considered that due to the container being set back a significant distance from the highway, and the presence of the boundary 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 5 years in order to allow for reassessment of the situation after this period.
23. 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

Other matters

24. Some objectors have raised concerns relating to vermin the Environmental Health Unit has commented that they have not had any complaints regarding vermin. The premises had a food hygiene inspection in November 2013 with no pest problems evident and they have a pest contract in place, and so will receive their own regular checks.
25. Taking the above into account it is considered there are sufficient controls in place to manage any vermin problems should they arise.

CONCLUSION

26. A temporary planning permission for one year was originally granted having regard to the original intended period for the container to remain on the site and the potential for the exterior paint work to deteriorate and enable the situation to be reassessed if further retention of the container was sought. It is considered that due to the container being set back from the highway 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 the distances to neighbouring properties there is not a significant detrimental impact on the amenity of neighbouring occupiers.
27. Furthermore, as temporary five-year permission is recommended for the container, the condition of the paintwork can be reassessed in the future to ensure it is still of an acceptable appearance.
28. 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:
None

Legal Implications:
None

Environmental Implications:
As report

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
Applications reference 14/0685/RET, 12/1640/RET