

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 6 JANUARY 2016**

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<b>APPLICATION REF. NO:</b>	<b>15/00847/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>20 October 2015</b>
<b>WARD/PARISH:</b>	<b>PARK WEST</b>
<b>LOCATION:</b>	<b>85 Grange Road</b>
<b>DESCRIPTION:</b>	<b>Change of use from residential to Class D2 use (Pilates studio, treatment rooms and ancillary offices) and erection of single storey and two storey rear extensions (amended plans received 10 November 2015)</b>
<b>APPLICANT:</b>	<b>MR AND MRS ANDREW WILKINSON</b>

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**APPLICATION AND SITE DESCRIPTION**

The application property is a single-storey dwelling located on the east side of Grange Road at its junction with Polam Lane. The property is accessed off Grange Road with vehicular access to a garage and parking area gained from the rear lane between Grange Road and Oaklea Court.

Planning permission is sought for the change of use and extension of the dwelling to a Pilates studio, treatment rooms and ancillary offices (Use Class D2). The existing dining room, living room, snug and kitchen will be converted to a studio, with existing bedrooms converted to provide an entrance lobby, accessible toilet and a treatment room. An existing attached double garage to the rear (west) of the property will be converted to a second studio. The property will be extended to the rear by way of a part single storey, part two storey extension to provide a further 2 no. treatment rooms on the ground floor and an office, bathroom and kitchen on the first floor.

The proposed extension is to measure approximately 9.4 metres wide at its greatest point facing Polam Lane, reducing to 5.4 metres wide behind. It will have a maximum depth of 9.8 metres and an overall height to ridge level of 5.7 metres reducing to 3.4 metres in height at single storey height. It is to have a render finish to match the existing dwelling under a concrete tiled roof.

The main entrance to the property will be from Polam Lane, with a disabled entrance created on Grange Road within the existing courtyard garden. Parking for 1 no. staff member will be available within the rear yard, accessed off the rear lane.

It is proposed that the premises will be open between 8.00am and 9.00pm Monday – Friday, and 8.00am and 6.00pm on a Saturday. The premises will be closed on a Sunday and Bank Holidays. The application advises that classes will be limited to 12 clients per session with each session lasting for one hour. The studio will also be available for other complementary uses

such as Mindfulness and Yoga practitioners, but will not be used by or be available for the teaching of high impact exercise classes synonymous with loud music and raised voices.

The application property is bounded by Grange Road to the east, by existing residential properties on Grange Road and Oaklea Court to its north and west sides respectively and by Polam Lane to the south, beyond which lies Sainsbury's supermarket and decked car park. The property is also located within the West End Conservation Area. A Heritage Statement has been submitted with the application.

## **PLANNING HISTORY**

No recent or relevant planning history.

## **PLANNING POLICY BACKGROUND**

The following policies are relevant to consideration of the application:

### **Darlington Core Strategy Development Plan Document 2011**

CS2 – Achieving High Quality, Sustainable Design

CS9 – District and Local Centres and Local Shops and Services

CS14 – Promoting Local Character and Distinctiveness

CS16 – Protecting Environmental Resources, Human Health and Safety

### **National Planning Policy Framework**

## **RESULTS OF CONSULTATION AND PUBLICITY**

**Highway Engineer** – Further information has been provided which shows that the single garage attached to the property is not available for use by No. 85 as it belongs to the neighbouring property. It has also been confirmed that there are no restrictive covenants on the title deeds preventing the owner of No. 85 from parking vehicles or skips in the courtyard at the rear as long as the neighbour can still access their garage with a vehicle. Based on the plans submitted there is space for 1 no. vehicle to park in the rear courtyard without blocking access to the neighbouring garage and this would most likely to be used as staff parking. Cycle parking should be provided in a secure location and would advise parking for at least 4 cycles to be secured by planning condition. Disabled access to the property has been relocated to Grange Road although the ramped access looks particularly narrow and should be increased to 1000mm. Customer parking would be restricted to on-street parking and nearby Council pay and display parking. Sainsbury's has a large car park adjacent to the site which is open 7am-10pm weekdays and Saturdays and 10am-4pm on Sundays which could be utilised. The frontage of the property onto Grange Road is protected by parking restrictions on Polam Lane operating from 8am-6pm that would be unchanged by the proposals and would still serve local resident's parking needs during these hours. The opening hours of the premises is 8am-9pm Monday – Friday and 8am – 6pm on a Saturday therefore there would be only a short period during weekdays when the residents parking may be used by the business users although the on street parking provision would be on a first come first served basis and could not be relied upon for the use of the business. There are many other businesses within the town that do not benefit from any on street parking and rely solely on off street pay and display parking therefore this would not be uncommon to patrons of businesses within the Town Centre. Given that the Pilates classes are limited to 12 clients per session with other rooms that can be used for treatments etc. this would

not be a significant generator and it would be difficult to argue a refusal on parking grounds given the available on street and ample off street parking available close by and the good public transport facilities within easy reach on Grange Road. Therefore raise no highway objection to the proposal.

**Environmental Health Officer** – No objection to the development in principle however the premises would fall to this Authority for the enforcement of Health and Safety at Work etc. Act 1974. Proposed hours of opening do not give particular cause for concern.

**Darlington Associated on Disability** – The applicant is showing a willingness to provide wheelchair access but this should be secured by condition (Condition No. 7). There are very few if any locations in Darlington delivering this type of service that are accessible for disabled people, especially wheelchair users. For that reason I support this application.

A total of 5 letters of objection have been received which raise the following issues:

- *The potential for noise/disturbance caused by the proposed business hours of 8am – 9pm. The potential number of up to 14 clients arriving and similar numbers leaving after appointments at the front/rear and/or side of the property and the noise that could possibly occur;*
- *The potential loss of privacy to the front of our property as clients will be able to see into our property through ground and first floor windows. The possible loss of privacy, noise/disturbance caused by clients utilising the front garden area and being within 1 to 5 metres of our front door and garden. These numbers of people will be over and above normal residential use;*
- *The possibility of noise/disturbance caused by vehicles parking on both Polam Lane and Polam Road which are both subjected to time limited parking and resident zone parking. The property concerned is surrounded by double yellow line parking restrictions. There is also only resident parking in the land to the rear of Grange Road as well as gated access to Oaklea Court. There is no reference in the application for the provision of client parking;*
- *Should the business change ownership there is the potential for a change of use to another commercial activity and the uncertainty this could cause this residential community;*
- *We are the neighbouring property to 85 Grange Road, we are a family with 4 young children and will be most affected by this change to commercial use;*
- *There are some inaccuracies in the Highway Engineer's response. The single garage referred to is owned by us and the deeds state that the area external to the garages must be kept clear at all times to allow access. The owners of 89 and 85 are unable to park in, block or obstruct access to the garages. The back land is co-owned by us (89 Grange Road) and the residents of Oakley Court'*
- *On street parking availability referred to for up to 12+1 customers. This does not include the possibility of 12+1 customers arriving for the next session making a possibility of 26 vehicles;*
- *The nearest pay and display car park is over 400 metres away in the town centre;*
- *The reference to the use of resident only parking after 6pm when the restriction has been lifted in taking for granted that the local residents are not going to use this parking at that time;*

- *What provision will be made for parking for customers if the change of use is approved? There is already an issue with non-residents parking in the back alleys behind the houses on Grange Road, blocking the road and preventing the bin wagon getting down;*
- *There has been a large increase in traffic in Polam Road as a result of Polam School becoming a free school. This has resulted in the road being very busy at peak times, and parking for people visiting residents in the area is much reduced;*
- *If people attending the Pilates studio and treatment rooms parked in Polam Road then it would restrict the amount of space available to residents and visitors;*
- *Cars/customers/workers will be driving/walking/congregating in the area frequently, in an area close to most of our sleeping quarters. The increased traffic and noise will be an infringement on privacy. No evidence the applicants have a solution or policy for site parking;*
- *Concerns about the effects of resonance, noise and vibration in the area. We have witnessed structural issues occurring in the recent past when Sainsbury's was renovated;*
- *Commercial advertising and billboards are an unsightly feature in a residential area, which will negatively impact the 'kerb appeal' and appearance/character of where we live;*
- *Commercial business infringing on a residential area is not good or an appealing prospect to where we live, or to our property prices. The business changing hands over time will lead to different challenges and uncertainty for residents. This area is residential and should stay that way;*
- *The commercial aspect of Darlington ends at the Sainsbury's site. The proposed studio would bring 'commercial Darlington' into 'residential Darlington' and impact on those residential properties on Grange Road and Oaklea Court;*
- *The Council needs to take into consideration issues relating the highway to the rear of 89 Grange Road, the adjoining terraced properties and Oaklea Court which was subject to an unsuccessful application to stop-up the highway in 2009;*
- *The Secretary of State recognised the need to provide a pedestrian escape route along this highway from Oaklea Court and the need for access for emergency vehicles along this lane/highway. This would result in a no parking agreement between the landowners;*

A total of 3 letters of representation have been received which raise the following issues:

- *Delighted someone is planning to improve this dreadful eyesore. It is a disgrace it has been left so long. It is a prominent building which you notice as you approach and leave Darlington;*
- *The proposed use is most complimentary to the town centre and it is good to see investment;*
- *As a local resident I am looking forward to this change taking place. Whilst I can understand some concerns being raised by immediate neighbours I struggle to see how the additional noise, parking issues etc. can be realistically be argued;*
- *This is already a very busy road with a lot of heavy traffic at all hours. The footfall for Polam school, Sainsbury's and the town centre will not be significantly increased by this business;*
- *Believe the site lends itself very much to commercial use than residential with its proximity to Sainsbury's;*
- *A lot of the local community will benefit from using this facility once open;*
- *Pilates is a quiet and restful form of therapy/exercise and attracts clients accordingly, who will doubtless make use of the 3 hour parking availability at Sainsbury's and probably also take the opportunity to shop in the town.*

## PLANNING ISSUES

The following issues are relevant to consideration of the application:

- Planning Policy
- Residential Amenity
- Highway Safety
- Impact on the Significance of the West End Conservation Area
- Disabled Access
- Other Issues

### Planning Policy

Core Strategy Policy CS9 (District and Local Centres and Local Shops and Services) directs shops, leisure uses and services to meet people's day-to-day needs towards district and local centres. Although the application site is not within a district or local centre, the policy is further supportive of such proposals outside of these areas which meet the day-to-day needs of nearby residents without the need to use a car. As such, the proposed use in an accessible location, close to residential properties and other such shops and services is considered to be acceptable in principle, subject to consideration of the following issues of development management.

### Residential Amenity

Core Strategy Policy CS16 (Protecting Environmental Resources, Human Health and Safety) states that new development, including proposals for the change of use of a building) should ensure that there is no detrimental impact on the environment, general amenity and the health and safety of the community.

The surrounding area to the south, east and west sides of the application property is predominantly residential, although Sainsbury's supermarket is located immediately to the north of the site, beyond which lies the town centre. The main issue in this instance is considered to be whether the proposed use is acceptable in this location in terms of its impact on the living conditions of neighbouring residential properties due to noise generated by the comings and goings of visitors to the property and noise from the proposed use within the premises. Provided that these impacts are reasonable and do not cause an unacceptable nuisance then the proposed use could be carried out providing there are appropriate safeguards in place in terms of planning conditions.

It is proposed that the Pilates studio will be open between the hours of 8.00am and 9.00pm Monday to Friday and 8.00am to 6.00pm on a Saturday. Classes would be limited to 12 clients per session with each session lasting for an hour. The applicant has confirmed that movements associated with the exercises are slow, controlled and non-impacting and do not involve noisy equipment or music. The overall aim is to create a calm and tranquil environment. Complementary treatments such as Mindfulness and Yoga would also be offered.

The owners of the neighbouring property at 89 Grange Road have objected to the application on the basis that the proposed use has the potential to cause nuisance/disturbance and loss of privacy to their property as a result of the operation of the proposed use and the comings and goings of visitors and their vehicles. Other objections raising similar issues have also been received from nearby residents on Grange Road and Oaklea Court.

The main entrance to the premises would be on Polam Lane, away from the nearest properties on Grange Road, although a disabled access would be created within the courtyard garden to the south of the property. The main studio would be located adjacent to the courtyard garden, with two no. 3-paned full length glazed openings formed within the south elevation of the property adjacent to 89 Grange Road. The submitted plans show that these openings will be fixed, with the exception of a door within one of openings.

The main focus of activity in terms of comings and goings to the property will be on the Polam Lane elevation away from the nearby residential properties. While the disabled entrance will be located on the Grange Road elevation, with the access ramp provided within the courtyard garden between the two properties it is not considered that activity levels associated with this will have such an unacceptable impact upon the amenities of this property so as to warrant refusal of the application on this basis. A screen fence is proposed between the two properties which will limit views of the neighbouring property from the access ramp and from the studio which is considered to be acceptable to maintain privacy levels from this aspect. Details of the fence will be dealt with by an appropriate planning condition (Condition No. 5).

The Council's Principal Environmental Health Officer (Commercial) has no objections to the proposed change of use, including the proposed hours of operation. In a recent appeal decision for the change of use of a shop to a hot food takeaway at 15 Belvedere Road within a residential area (APP/N1350/A1/14/2228133) an Inspector concluded '*I do not consider these hours of operation (1130 – 2100 Monday to Saturday and 1200 – 1900 on Sundays and Bank Holidays) to be at antisocial times, or when residents would reasonably expect a certain degree of peace and quiet*'. In view of this, and having consideration for the proposed use and the way it will operate, the proposed hours of operation are considered to be acceptable within a residential area in this instance.

Given the broad range of alternative uses that fall within Use Class D2 which could potentially have a much greater impact on residential amenity, a condition limiting the use to a Pilates studio only is attached in this instance (Condition No. 3). Subject to a further condition limiting the hours of operation (Condition No 4) it is not considered that the proposed change of use would materially harm the amenities of neighbouring dwellings and is therefore considered to comply with Core Strategy Policy CS16.

The proposed extension to the rear will not have any impact upon the amenities of the neighbouring property in terms of loss of light, outlook or privacy as the proposed extension will not extend beyond the rear of the existing blank, north facing gable of this property.

### **Highway Safety**

The application proposes that 1 no. parking space will be provided to the rear of the property to provide staff parking. No other parking provision is proposed and therefore customer parking would be limited to on-street parking and nearby Council pay and display car parks. In addition, Sainsbury's car park, which provides 3 hours free parking, is located immediately to the north of the site. There are residents parking restrictions on Polam Lane operating from 8am – 6pm that would be unchanged by the proposals and which would still serve local resident's parking needs during these hours.

Concern has been expressed regarding the ability of the applicant to provide the parking space to the rear of the property without obstructing access to the neighbours' garage immediately to the south of the application property. While rights of access are essentially a civil matter, in this

instance information has been provided by the applicant to confirm that there are no restrictive covenants on the title deeds preventing the applicant parking vehicles on the courtyard to the rear providing the neighbours can still access their garage with a vehicle.

The Council's Highway Engineer has advised that on the basis the Pilates classes would be limited to 12 people per session, with other rooms used for treatments and complimentary therapies this would not be a significant generator of traffic. As such it would be difficult to constitute refusal of planning permission on parking grounds given the available on street and off street parking available close by and the good public transport facilities within easy reach of Grange Road. On this basis, no highway objection is raised, subject to a condition requiring the provision of secure cycle parking on the premises.

### **Impact on the Significance of the West End Conservation Area**

Core Strategy Policy CS14 (Promoting Local Character and Distinctiveness) also seeks to protect the Borough's distinctive character by protecting buildings, their settings and features of historic and archaeological local importance in conservation areas. The National Planning Policy Framework (NPPF) requires that local planning authorities take account of the desirability of new development making a positive contribution to local character and distinctiveness and should also look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The application property occupies a prominent location within the West End Conservation Area, although as a single storey pebbledash-render finished property at the end of a terrace of traditional Victorian townhouses on Grange Road is something of an anomaly within this part of the conservation area. There are however other properties of more recent construction close by including Oaklea Court, a relatively modern apartment block, located to the rear of the site. Part of the adjacent Sainsbury's site, facing Grange Road, is also located within the conservation area. While the application originally proposed to remove the render, exposing the original brickwork, the applicant has advised that this is not now possible due to the resultant damage to the brickwork beneath. The proposed extension will have a render finish to match.

Concern has been expressed regarding signage and advertisements on the premises and their impact on the character and appearance of the surrounding area. Any advertisements to be displayed on the property would need to be the subject of an application for advertisement consent. The impact on the Conservation Area will be judged at this time.

In this context, the proposed extension and alterations to the property, are considered acceptable in terms of its impact on the character and appearance of both the application property and surrounding area, and are not considered to impact upon the significance of this part of the West End Conservation Area.

### **Disabled Access**

Core Strategy Policy CS2 (Achieving High Quality, Sustainable Design) states that all development should provide safe, convenient and attractive access for disabled people. The application proposes the creation of a disabled access to the property off Grange Road, with the provision of an access ramp within the internal courtyard garden. Darlington Association on Disability is supportive of the proposal which will provide an accessible service for disabled

people. The Highway Engineer has advised that the access ramp should be increased in width to 1000mm and amended plans are awaited.

### **Other Issues**

Concern regarding the impact of the proposed development on property prices within the vicinity are noted however this is not a material planning consideration to be taken into account in consideration of this application.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

### **CONCLUSION**

The proposed change of use and extensions to the property to form a Pilates studio is considered to be acceptable in this location. Subject to conditions to restrict the hours of opening and limiting the use to that proposed, the proposed change of use is not considered to materially harm the amenities of the neighbouring dwellings. No highway objection has been raised to the proposal and the applicant is willing to provide appropriate disabled access to the property. The proposed alterations and extensions are not considered to have any unacceptable impact on the significance of the West End Conservation Area. The proposal is therefore considered to comply with Policies CS2 (Achieving High Quality, Sustainable Design), CS9 (District and Local Centres and Local Shops and Services), CS14 (Promoting Local Character and Distinctiveness) and CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document and the National Planning Policy Framework.

### **RECOMMENDATION**

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A3 (Standard 3 year time limit)
2. B4 (Details of external materials to be submitted)
3. The premises shall be used only as a Pilates studio and associated uses as set out in the Heritage Statement and Design and Access Statement dated 25 August 2015 submitted with the application and for no other purpose (including any other purpose within Class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any Order revoking and re-enacting that Order).

REASON – The Local Planning Authority is satisfied that the use hereby approved would not result in detriment to adjoining properties but would wish to control future changes of use within the same class in the interests of amenity.

4. The Pilates studio and associated treatment rooms hereby permitted shall be carried out only between the hours of 8.00am and 9.00pm Monday to Friday and 8.00am and 6.00pm



on a Saturday and not at all on a Sunday or Bank Holidays unless otherwise approved in writing by the Local Planning Authority.

REASON – In the interest of residential amenity.

5. Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, details of the proposed screen fencing to be erected along the southern boundary of the application site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use and shall thereafter be so maintained.

REASON – In the interest of visual and residential amenity.

6. Prior to the use hereby permitted commencing, a scheme to provide secure cycle parking on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall not commence until the approved details have been implemented in full and shall be retained as long the premises shall continue to operate as a Pilates studio.

REASON – To encourage access to the site by sustainable modes of transport.

7. Prior to the use hereby permitted commencing, the disabled access ramp approved as part of the application shall be provided and shall be retained as long as the premises shall continue to operate as a Pilates studio.

REASON - To ensure that a disabled person can use the services that are provided within the building in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan 2011 and the Equalities Act 2010.

8. B5 (Development in accordance with the approved plans)

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:**

**Darlington Core Strategy Development Plan Document 2011**

CS2 – Achieving High Quality, Sustainable Design

CS9 – District and Local Centres and Local Shops and Services

CS14 – Promoting Local Character and Distinctiveness

CS16 – Protecting Environmental Resources, Human Health and Safety

**National Planning Policy Framework**