

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 11th April 2012

Page

APPLICATION REF. NO:	12/00076/FUL
STATUTORY DECISION DATE:	30 March 2012
WARD/PARISH:	CENTRAL
LOCATION:	Stockton Glass & Glazing (Darlington) Ltd Brunswick Street
DESCRIPTION:	Change of use of premises for the manufacturing of uPVC windows and doors to commercial garage and MOT testing station (as amended by plans received 22 February 2012)
APPLICANT:	Mr David Peacock

APPLICATION AND SITE DESCRIPTION

The property is a two and single storey commercial building on the corner of Brunswick Street/Brunswick Street North and Borough Road, last used by Stockton & Glazing for the manufacturing of UPVC windows and doors. There is an enclosed forecourt area within the application site accessed off Brunswick Street North.

When planning permission was granted in 2004 for the manufacturing of UPVC windows and doors, it was subject to a planning condition stating:

The premises shall be used only for B2 General Industry and for no other purpose (including any other purpose in Class B2 (General Industry) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any Order revoking or re-enacting that Order)

The proposal involves the change of use of the building to a commercial garage and MOT testing station. There would be no external alterations to the building.

A residential development, known as Tom Raine Court lies to the north of the site; commercial properties and offices lie to the east; The Forum Music Centre and a car park and access for the Borough Road Nursery School are to the south and North of England Newspapers garage is to the west. There are also terraced residential properties in the locality.

PLANNING HISTORY

The most relevant entry is:

03/01216/FUL In January 2010 planning permission was GRANTED for the change of use of the building to premises for the manufacture of UPVC windows and doors

PLANNING POLICY BACKGROUND

The relevant planning policies are:

Borough of Darlington Local Plan 1997

E2 – Development Limits

E38 – Alterations to Business Premises

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington's Sub Regional Role and Locational Strategy

CS2 – Achieving High Quality, Sustainable Design

CS16 – Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Four letters of objection have been received and the concerns can be summarised as follows:

- *Our principal objection to the scheme relates to the lack of suitable parking on the site itself and in the surrounding area to support this scheme. There is very evidently not enough parking on the site for the 12 cars indicated on the application and this will lead to overspill into surrounding streets adding to the already congested parking situation on Brunswick Street, Tom Raine Court, Borough Road, Dalton Street and surrounding streets.*
- *Regular use of the rear fire door as a delivery point by occupants of the building (for parts/materials/equipment) has previously caused significant access issues for users of Borough Road and tenants of the offices opposite. It is our opinion that any change of use further increasing the requirement for additional offsite parking and movement of traffic around an already difficult corner of Brunswick Street and Borough Road should be resisted for the sake of the existing residents, businesses and occupiers*
- *Concerns relating to the above application as it is too close to the school. Safety of children when parents collecting and bringing children. Most parents/carers attending the school walk or by bus. At certain times of the day it is very busy and concerns are expressed by parents now about the amount of traffic around the school. Adding extra traffic relating to the garage will increase this concern*
- *Traffic around school is already bad due to the industrial estate. Traffic to and from here, including huge lorries is constant and the added traffic from a garage, on that corner, will make this worse.*
- *Parking for staff around school is already difficult but manageable. School only has 2 slots shared with the Forum and staff sometimes has to move cars around the 2 hour parking near us. The car park below the school, near the ring road, is not an option for staff coming and going. More cars around will make parking impossible.*
- *Parking for parents at collect and drop off time is extremely difficult now. Parents go around the block and change times to get parked. Sometimes making children late for school.*
- *Two hour slots are used by parents, staff, and visitors for the school and fill up quickly at times during the day. This garage will make this worse as they will have to park cars for services around the site due to the lack of parking on their premises*

- *Noise and fumes from the garage will cause a problem to us as the school garden is directly opposite the proposed site. We very rarely had problems with Anderson Ford in the past as that site was large and the volume of traffic was far enough away from us. The two garages on Coburg Street do not affect us as they are in a cul-de-sac and far enough away. I do not want to stop the business developing but feel this site is not appropriate for a garage on the corner. Have they looked at the industrial estate?*
- *The change of use will lead to a considerable increase in the number of vehicles using this area due to the nature of the business proposed. The increased parking requirements for both customers and employees will cause disruption to the immediate and surrounding area. There is obviously inadequate parking on site for the cars and there will be an impact on the already congested parking on the surrounding streets*
- *This additional parking will also cause disruption to the traffic flow created by customers requiring MOT services and materials deliveries*
- *Regular use of the rear fire door as a delivery point to the building will also cause access problems to the users of Borough Road and adjacent offices. Whilst there are no concerns regarding competition there should be consideration to the impact of the change of use to the existing businesses and infrastructure of the immediate area.*
- *There is inadequate parking on the site for the number of cars indicated on the application and this will lead to an increase of vehicles being parked in surrounding streets. This additional parking will also cause problems with the flow of traffic created by materials parts deliveries and customers requiring MOT service.*
- *Regular use of the rear fire door as a delivery point to the building will also cause access problems to the users of Borough Road and the nearby offices.*
- *A change of use from manufacturing to commercial services will lead to an increase in the number of vehicles using the area*
- *We note that the amended plans have removed one of the working areas from the building to allow additional parking. Based on vehicle illustrations on the plans it seems extremely unlikely that there is sufficient floor space to adequately support these new parking bays within the building to address the immediate issues raised in our previous objection*
- *With regard to the external parking area to the front of the building it appears evident on viewing the site that there remains insufficient space to cater for both the parking bays drawing in the plans and suitable access into and out of the site and workshop*
- *Based on the above it remains our concern that the surrounding area will struggle to support the additional overflow parking required for this business from customers and staff. By the middle of most week morning, the two hour parking spaces immediately opposite the building in Brunswick Street and behind on Borough Road are fully occupied. Furthermore there are cars now regularly parked on the pavement immediately behind the building. Allowing for staff and customer parking requirements from this business it remains our firm belief that the building and its amenities are not best suited for the application and our objection remains*

Consultee Responses

The **Council's Environmental Health Officer** has raised no objections to the proposal subject to the imposition of planning conditions relating to the submission of a sound insulation scheme for the building and to restrict particular elements of the proposed use

The **Council's Highways Engineer** has raised no objections to the amended proposal subject to the imposition of planning conditions relating to the marking out of the car parking spaces and to provide cycle parking

Darlington Association on Disability have commented that the pavement in this area is narrow and bollards should be installed to prevent them from being parked on, especially around The Forum

PLANNING ISSUES

The main issues to be considered here is whether or not the proposed change of use is acceptable in the following terms:

Planning Policy
Residential Amenity
Highway Safety
Impact upon the Character of the Area

Planning Policy

The application site is not covered by any designations within the Borough of Darlington Local Plan 1997 other than being located within the Central Area Office Development Limit, which is not relevant to the proposal.

Residential Amenity

The residential properties within Tom Raine Court which lie to the north of the application site directly overlook the existing building and external yard area.

The proposed garage and MOT testing station would operate between the hours of 0800 - 1800 Monday to Friday and 0800 – 1600 on Saturday with no opening on Sundays or Bank Holidays. The yard area would be used for the parking of vehicles and the building would contain the workshop areas and associated offices.

The Council's Environmental Health Officer has advised that if the recommendation is to grant planning permission, conditions should be attached to secure the submission of a detailed sound insulation scheme of the building; to restrict the installation of any fans, ducts and louvres, to control the location of any paint spraying within the building and to prevent the carrying out of repairs, maintenance or other works to any vehicles outside the building. It is also considered appropriate to restrict the hours of operation to those mentioned above.

It is considered that subject to the imposition of the aforementioned conditions, the proposed change of use will not have a significantly adverse impact upon the amenities of the neighbouring residential dwellings

Highway Safety

For the proposed use, the Darlington Borough Council Design Guide and Specification - Residential and Industrial Estates Development recommends there should be 3 parking spaces per service bay plus 1 space per employee.

The existing forecourt area to the front of the building would include a total of ten parking spaces. The number of service bays within the building has been reduced from five to four in order to create further customer parking spaces for five vehicles. There would be a shortfall in parking spaces of 1 space but there is short stay parking for customers available on Brunswick Street. There would also be sufficient space within the site for small delivery vehicles to

manoeuvre. The Council's Highways Engineer has raised no objections to the scheme subject to conditions that the parking spaces are marked out and that cycle parking is also provided.

The objectors have highlighted an existing issue relating to the use of a Fire Door on the Borough Road elevation of the existing building for deliveries. It is considered appropriate to impose a planning condition which restricts deliveries to the forecourt area only.

Darlington Association on Disability commented that it may be appropriate to install bollards on the footpath edge of Brunswick Street to prevent any vehicles parking on the footway and causing obstructions to pedestrians and wheelchairs users. Officers consider that this would not be justifiable as there are already parking restrictions (double yellow lines) along the length of the street and any illegal parking of vehicles would be investigated through normal procedures.

Impact upon the Character of the Area

The surrounding area is a mix of residential, commercial and business uses. The application site was last used as manufacturing premises and therefore it is considered that the proposed use would not have an adverse impact upon the character of the locality. The proposal does not involve any external alterations to the building.

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

The proposal involves a change of use of existing premises last used for the manufacturing of uPVC windows and doors to a commercial garage and MOT testing station. Whilst there would be a minimal shortfall in the provision of parking spaces within the site, there is short stay parking on Brunswick Street and it is considered that the proposal would not raise any conditions prejudicial to highway safety. It is considered that subject to appropriate planning conditions, the proposal will not have an adverse impact upon the amenities of the neighbouring residential properties. The proposal would accord with the following development plan policies:

Borough of Darlington Local Plan 1997

E2 – Development Limits

E38 – Alterations to Business Premises

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington's Sub Regional Role and Locational Strategy

CS2 – Achieving High Quality, Sustainable Design

CS16 – Protecting Environmental Resources, Human Health and Safety

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The garage and MOT testing station hereby approved shall not operate outside the hours of 0800 - 1800 Monday to Friday and 0800 – 1600 on Saturday with no opening on Sundays or Bank Holidays
REASON: In the interests of residential amenity
3. Prior to the commencement of the use the parking bays shall be clearly marked out within the forecourt and the building as shown on the approved plans and they shall be kept available for parking purposes at all times
REASON: In the interest of highway safety
4. Prior to the commencement of the development, precise details of a secure cycle parking area (2 no spaces) shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In order to achieve satisfactory cycle parking provision within the site
5. No deliveries shall occur to the premises other than at the Brunswick Street North forecourt entrance
REASON: In the interest of highway safety
6. The use hereby permitted shall not commence until full particulars and details of a scheme to insulate the premises against the transmission of airborne and impact sound has been submitted to, and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approved details.
REASON: In the interests of residential amenity
7. No fans, louvres, ducts or other external plant shall be installed without the prior approval of the Local Planning Authority.
REASON: In the interests of residential amenity
8. No paint spraying shall be carried out except in a properly constructed part of the building to which suitable filtration equipment has been fitted to the satisfaction of the Local Planning Authority. Details of any filtration equipment shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approved details.
REASON: In the interests of residential amenity
9. The carrying out of repairs, maintenance or other works to any vehicle shall not take place outside of the buildings.
REASON: In the interests of residential amenity
10. B5 – Detailed Drawings (Accordance with Plan)
11. No storage activity shall be carried on outside the building subject of this permission, without the prior written consent of the Local Planning Authority.
REASON To ensure that the proposed development does not prejudice the amenities of the locality

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposal involves a change of use of existing premises last used for the manufacturing of uPVC windows and doors to a commercial garage and MOT testing station. Whilst there would be a minimal shortfall in the provision of parking spaces within the site, there is short stay parking on Brunswick Street and it is considered that the proposal would not raise any conditions prejudicial to highway safety. It is considered that subject to appropriate planning conditions, the proposal will not have an adverse impact upon the amenities of the neighbouring residential properties. The proposal would accord with the following development plan policies:

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