

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7 April 2010

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APPLICATION REF. NO:	10/00113/FUL
STATUTORY DECISION DATE:	21 April 2010
WARD/PARISH:	EASTBOURNE
LOCATION:	Darlington Football Club, Neasham Road
DESCRIPTION:	Use of stadium car park for holding car boot fairs
APPLICANT:	MR PHIL PRESTON

APPLICATION AND SITE DESCRIPTION

This application seeks planning permission for the holding of car boot fairs on an area of car park to the north eastern side of the football stadium, with a smaller area immediately to the south of this area being identified as a refreshment area. Access to the site will be from the existing access on Neasham Road, with the remainder of the car park to the west of the stadium would be used for visitor parking.

The application states that the car boot fairs will be held every Sunday between the hours of 10am and 3pm, with sellers selling second hand goods. No commercial sellers will be allowed.

PLANNING HISTORY

The site has a lengthy planning history, the most recent and relevant of which is set out below:

99/00496/FUL – Construction of 25,000 capacity all-seater stadium. GRANTED 15 JUNE 2000 subject to Section 106 Agreement

01/00079/CONDIT – Variation of ref. 99/00496/FUL to provide new access to Neasham Road/A66 roundabout, revised car parking and servicing arrangements, revised location of balancing pond and amended site boundary. GRANTED 18 APRIL 2001

01/00085/CONDIT – Variation of planning permission 99/00496/FUL to alter design of main stand. GRANTED 26 MARCH 2001

03/01098/FUL – Use of stadium car park for holding of car boot fairs. GRANTED 21 JANUARY 2004

06/00214/FUL – Application under Section 73 and Section 106B of the Town and Country Planning Act to vary planning conditions and Section 106 agreement of planning permission 99/00496/FUL to permit ancillary uses at football stadium and revised capacity constraints and off site highway works. GRANTED 1 JULY 2008 subject to Section 106 Agreement

06/00728/CU – Change of use from office to physiotherapy treatment unit and exercise rehabilitation gymnasium. GRANTED 22 SEPTEMBER 2006

07/00587/FUL – Hybrid application for outline planning permission for 100 bed hotel, 4 no. restaurants, 1 no. public house, 1 no. farm shop and café, 929m2 office block, educational building with internal access provision with increased area and volume balancing pond and detailed permission for 5 no. training pitches (1 flood lighting) (2 with all weather multi-surface pitches to act as relief car parking), 10 no indoor 6-a-side pitches/facilities, Darlington FC training building, infrastructure, access and car parking. WITHDRAWN 10 OCTOBER 2007

07/01124/FUL – Hybrid application for outline planning permission for a 100 bed hotel, 1 no. public house, 1 no. coffee shop, 929m2 office block ancillary to the football club, educational building with internal leisure facilities, football academy, new car parking and internal access provision. Full planning permission for 3 no. training pitches (1 floodlit all-weather artificial turf pitches to act as relief car parking), 10 no. indoor six a side pitches, Darlington FC training building, infrastructure, access and car parking and an increased volume balancing pond. PENDING DECISION

PLANNING POLICY BACKGROUND

The following policies of the Borough of Darlington Local Plan 1997 are relevant:

- S1 – New Shopping Development
- S2 – Safeguarding the Town Centre
- T12 – New Development – Road Capacity
- T24 – Parking and Servicing Requirements for New Development
- H15 – The Amenity of Residential Areas
- E48 – Noise-Generating/Polluting Development

RESULTS OF CONSULTATION AND PUBLICITY

DBC Planning Policy

There are no planning policy objections to the application, subject to the same conditions imposed on the previous permission (03/01098/FUL) being attached.

DBC Highway Engineer

The application is similar to an application, which received permission in January 2004. I had significant concerns with the previous application. Many of the conditions that were applied to that permission have now been addressed. Still have concerns regarding the amount of parking to be made available, the lack of Police presence to enforce the parking controls and to control turning traffic on the A66. Although do have significant concerns would be difficult to recommend refusal. The key to addressing these concerns is to ensure that sufficient easily accessible free parking is available for buyers. Requests confirmation of the number of spaces to be available, how the number of sellers will be controlled and when they will be permitted to leave the site.

Durham Constabulary Traffic Management Officer

Requested clarification on how coaches will access and egress the coach parking area shown in the Car Park Management Strategy and how the two gate exit proposal will work given that any left turn traffic from the gate nearest the railway bridge will have right of way over all traffic leaving from the gate nearest to the roundabout.

One letter of objection has been received which raises the following issues:

- *Since the stadium has been in operation cannot park in front of my flat on match day. Cannot see this changing and will only add to the days I can't have guests.*
- *The rubbish left by people going to their cars on Westmoor Road, which will only be worse with food being available, it already takes an average of a week sometimes to clear up after match days.*
- *The proposal will create noise and extra traffic on a Sunday morning.*

PLANNING ISSUES

Planning permission was granted for the holding of car boot fairs from the stadium car park in January 2004. The permission was granted for a one-year temporary period, commencing from the completion of a number of highway improvements also approved by that permission. The necessary highway improvements were carried out in advance of the Elton John concert, which was held at the stadium in July 2008, however the car boot fairs were never held and the one-year temporary planning permission lapsed. This application once more seeks approval for the holding of car boot fairs within the stadium car park.

The main issues for consideration in this instance are:

- Planning Policy
- Highway Safety
- Residential Amenity

Planning Policy

Local Plan Policy S1 (New Shopping Development) states that such development will be permitted within the town centre provided it is not of a form, which would undermine its vitality and viability. Shopping development elsewhere in the Borough will only be permitted where it accords with other relevant Local Plan policies. Policy S2 (Safeguarding the Town Centre) seeks to ensure that retail developments outside the town centre which when taken with other recent and proposed developments would undermine that vitality and viability will not be permitted.

In this particular instance, given that the goods to be sold would be second hand goods, rather than commercial sales, the proposal raises no planning policy issues. The Council's Planning and Economic Strategy Section has confirmed that there is no planning policy objection to the proposal, subject to the imposition of planning conditions being attached once more limiting the range of goods to be sold and preventing commercial trading.

Highway Safety

The application shows that the selling area will be limited to a relatively small area of the car park to the north east of the stadium. The remainder of the car park to the west of the stadium will be made available for buyer's car parking. A Car Park Management Strategy has been

submitted with the application which states that sellers will be allowed into the car park from 8am to set up, which will be controlled by marshals. Access to the car park to sellers will be limited to the main entrance on Neasham Road. Buyers will be allowed into the site from 9.30am onwards, once again controlled by stewards. The strategy sets out a sequence of parking capacities at which point various parts of the car park will be opened up for additional buyers parking. The car park will be open to buyers throughout the event, with stewards on duty throughout the event. Once the event closes at 3pm the buyer's car park will be emptied before the sellers can leave the event.

The previous application was subject to a number of conditions from the Highways Agency requiring the introduction of a Clearway Order and waiting restrictions on the A66 and the implementation of road works on the A66, approved as part of this earlier application. The permission was worded in such a way that the one-year temporary permission would run from the date that these works were undertaken. These works were carried out before the Elton John concert was held at the stadium in July 2008, albeit that no car boot fairs were held within this one-year temporary period and the permission lapsed.

The Council's Highway Engineer has considered the application and advises that although many of the conditions applied to the 2004 permission have now been addressed, in the form of the Traffic Regulation Orders on the A66 and the highway improvements to the roundabout on the A66, he still has significant concerns regarding the proposed use. These concerns relate specifically to the amount of free parking to be made available to buyers and how the number of sellers will be controlled to ensure that there remains sufficient parking provision on the site during an event. In addition, he is concerned that there will be no Police presence to enforce the parking controls and to control turning traffic on the A66. Although the size of the event would not trigger the requirement for the Residents Parking Scheme to be activated, it is possible that there would overflow parking on nearby streets.

In response to these concerns the applicant has advised that a total of 610 parking spaces will be available for public parking. Sellers will be controlled by stewards on the site and once the maximum number is reached no further sellers will be allowed in. Sellers can enter from 8am until the buyers arrive at 10am and cannot leave the site until 3pm. The further comments of the Highway Engineer in response to this information will be reported verbally at the meeting.

The Police Traffic Management Officer has requested some additional information regarding the proposed access and egress arrangements for coaches within the car park and also clarification as to how it is envisaged that the two gate exit arrangements will work. The applicant has confirmed that coaches will access and egress the site by the main entrance. Coaches mainly arrive at the club by prior arrangement for organised trips and will be informed of these arrangements in advance. It is expected that people will leave the car parks in a staggered fashion throughout the day and therefore two exit points are considered to help traffic flow. The Traffic Management Officer's further comments on this information will be reported at the meeting. The Highway Engineer has commented on this matter and advises that although he has similar concerns regarding the use of both egresses, he considers that the flows, based on typical trip rates for car boot sales, would be sufficiently diluted for it not to be significant as departures would be well spread out over the times of the operation of the event.

The comments of the Highways Agency are awaited and will be reported verbally at the meeting.

Residential Amenity

The northern boundary of the application site is approximately 100 metres to the south of the nearest residential properties on Brankin Road, separated by the railway line and embankment. The submitted plan shows that the buyer's car park will be located in this area, to the north west of the application site, with the selling area being located further away from residential properties, in an area to the north east of the stadium. The application site is however located close to the Neasham Road Caravan Park, which is located some 25 metres to the north of the application site at its nearest point.

In considering the previous application, a planning condition was attached limiting hours of operation of the car boot fairs in order to minimise any impact on the amenities of the nearby properties. In addition a one-year temporary permission was granted to enable the impact of the use of the stadium for the holding of car boot fairs on local and residential amenity to be assessed. As the previous temporary permission was not implemented, which would have enabled the impact of the use to be assessed, it is considered appropriate in this instance to grant a further one-year temporary permission.

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 proposed use, subject to the imposition of planning conditions restricting the type of goods to be sold, is considered to comply with Policies S1 (New Shopping Development) and S2 (Safeguarding the Town Centre) of the Borough of Darlington Local Plan 1997. The highway improvement works to the A66 have now been carried out and the proposal now raises no highway issues and therefore complies with Policies T12 (New Development – Road Capacity) and T24 (Parking and Servicing Requirements for New Development) of the Borough of Darlington Local Plan 1997. Given that the previous one-year temporary permission was never implemented it is considered appropriate once more to grant a further one-year temporary permission to enable the impact of the use on the amenities of the area to be assessed.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The planning permission for the use hereby approved shall be limited to a period of one year from the date of this permission after which time the use shall cease unless a further application for the use has been granted.
REASON - The Local Planning Authority considers that the development applied for is a suitable case for a temporary planning permission for a limited period as a trial run in accordance with the guidance set out in Circular 11/95, so that the Local Planning Authority may assess the impact of the development on the local and trunk road network and the potential disturbance to the wider area.
2. The use hereby approved shall operate only on a Sunday between the hours of 0830 and 1600 hours. The setting up of the car boot fair shall take place only during the period 0830 to 1000 hours the closure of the car boot fair between the hours of 1500 to 1600 hours.

The car boot fair shall be open to the general public only between the hours of 1000 and 1500 hours.

REASON - To protect the amenities of nearby occupiers and to accord with the terms of the planning application.

3. The car boot fair shall be limited to the area indicated on the submitted approved plan as the 'sellers car park' no trading of any goods shall take place outside of that identified area.

REASON - To limit the size of the trading area to that identified on the submitted plan to ensure that any expansion of the trading area is not carried out without any further traffic assessments necessary being carried out to assess further local and trunk road impacts.

4. There shall be no sale of food and drink for consumption off the site at any time.

REASON - To protect the viability and vitality of the town centre and in order not to prejudice planning policy for new retail development.

5. The use hereby permitted is for the holding of a car boot fair only, that is, the sale of second hand goods by private members of the public and for no other form of retailing including the holding of a market involving the sale of not previously used goods (including factory rejects and end of lines) by commercial traders.

REASON - To protect the viability and vitality of the town centre and in order not to prejudice planning policy for new retail development.

6. No charge shall be levied either directly or indirectly for parking by persons using the car park and visiting the car boot fair, without the prior written approval of the Local Planning Authority.

REASON - To ensure that adequate parking is available on site to support the event and to ensure that any off site parking on the local and trunk road network is minimised in the interests of highway safety.

7. The use hereby permitted shall not commence until details of the arrangements for storing of refuse or waste have been submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given and shall be completed prior to any part of the accommodation hereby permitted being occupied. The agreed details shall be implemented and operated at all times when the car boot fair is in operation.

REASON - To safeguard the amenities of the area.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed use, subject to the imposition of planning conditions restricting the type of goods to be sold, is considered to comply with Policies S1 (New Shopping Development) and S2 (Safeguarding the Town Centre) of the Borough of Darlington Local Plan 1997. The highway improvement works to the A66 have now been carried out and the proposal now raises no highway issues and therefore complies with Policies T12 (New Development – Road Capacity) and T24 (Parking and Servicing Requirements for New Development) of the Borough of Darlington Local Plan 1997. Given that the previous one-year temporary permission was never implemented it is considered appropriate once more to grant a further one-year temporary permission to enable the impact of the use on the amenities of the area to be assessed.