

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6 May 2009

Page

APPLICATION REF. NO:	09/00008/FUL
STATUTORY DECISION DATE:	5 May 2009
WARD/PARISH:	NORTH ROAD
LOCATION:	Whessoe Road Salvage, Whessoe Road, Darlington
DESCRIPTION:	Continuation of the use of the land as a temporary scrap yard for a further 3 years
APPLICANT:	Whessoe Road Salvage

APPLICATION AND SITE DESCRIPTION

The application site is long and narrow, measuring approximately 0.3 hectares, and it runs alongside Whessoe Road itself. Access to the site is via an entrance at the northern end off Whessoe Road. There are a number of single storey cabins and storage buildings on the northern section of the site with the remainder used for the external storage of the motor vehicles. A brick wall bounds the site on the Whessoe Road frontage and there is fencing on the western boundary. A group of trees are located in the southern part of the site, some of which are covered by a tree preservation order dated 1984.

Vehicles arrive by a forklift and they are parked within the yard and they are dismantled for parts. Once a vehicle has been stripped, it is removed from the site by the forklift to an off site crushing facility. No crushing occurs on site and there is no heavy machinery or equipment operated on site.

The Planning History shows that the site has been used as a car dismantling and scrap yard since 1984 and this application is a request to continue the use for a further three years. The last temporary planning permission expired in 2007 and therefore the use is currently unauthorised.

Commercial and industrial units bound the application site to the north and east; the Railway Bridge and junction with Alliance Street to the south and the Darlington to Bishop Auckland Railway line forms the western boundary. The Oakfield Lodge housing development and the former Hopetown House site lie further west beyond the railway line, approximately 35m away.

PLANNING HISTORY

84/00446/DM In September 1984 planning permission was GRANTED for change of use of former timber yard and plant hire depot to use for the purpose of car dismantling

90/00718/MISC In September 1991 planning permission was GRANTED to renew planning permission 84/00446/DM to permit the continued use as a car dismantling yard

95/00652/MISC In July 1997 planning permission was GRANTED to permit the continued use of the site as a car dismantling yard

04/00274/FUL In May 2004 planning permission was GRANTED for the use of the land as a scrap yard (temporary permission three years)

PLANNING POLICY BACKGROUND

The relevant policies within the Borough Of Darlington Local Plan are;

- T6 Safeguarding Major Road Schemes
- H15 Amenity of Residential Areas
- E12 Trees and Development
- E16 Appearance from Main Travel Routes

RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received from the landowners of the former Hopetown House site, which was recently received approval for residential development, subject to a Section 106 agreement. Their concerns are as follows:

- *Our property, which is situated immediately across the railway line from the application site, has been previously used for office purposes and latterly has been vacant, so the use of the application site for the purpose of a temporary scrap yard has not had any detrimental affect on our property. However, we are concerned that once our property has been developed for housing and people are living in the houses and flats, the use of the application land for this purpose may detrimentally affect the residents through noise and pollution. For this reason we would respectfully request that any consent to this application is restricted to a period of two years to allow the impact of the sue on our property, once developed, to be assessed.*

Northumbrian Water

Northumbrian Water has raised no objections

Environment Agency

The Environment Agency has no objections to the proposed extension of time

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed extension of time for the scrap yard is acceptable in the following terms:

- Planning Policy
- Residential Amenity
- Character and Visual Appearance of the Area
- Highway Matters
- Other Matters

Planning Policy

The application site falls within the a corridor of land safeguarded for the Darlington Cross Town Route under Policy T6 (Safeguarding Major Road Schemes) of the Borough of Darlington Local Plan. Consultants have been appointed by the Council to undertake a study and review of the need to continue to safeguard the land for the Cross Town Route and the findings of the study will be incorporated into the Local Development Framework. However, the findings of any report are not expected until the summer and therefore the corridor and application site remain safeguarded. In these circumstances, any applications for development within the safeguarded corridor, which are deemed acceptable, are granted temporary planning permissions. The planning history for the site indicates that temporary permissions have been previously been given. The issue for consideration is whether or not a further temporary planning permission for a scrap yard in this location is considered acceptable.

Residential Amenity

The use has been in operation since 1984, and the character of the surrounding area has changed during this time, especially to the west, from commercial and industrial uses to residential dwellings. The former Hopetown House site may also be redeveloped for residential purposes in the forthcoming years. The site is separated from the residential areas by the Darlington to Bishop Auckland railway line and its associated landscaped corridor.

The planning submission indicates that the business currently operates from 0900 to 1700 Monday to Friday and 0900 to 1300 on Saturdays. It does not operate on Sunday or Bank Holidays. The previous planning permissions on the site have been granted subject to planning conditions restricting the use of site to car dismantling; restricting the height of the car bodies etc in order to protect the amenities of neighbouring properties.

The Council's Environmental Health Division has confirmed that the only record of a noise complaint was received in 2000 and it related to a barking dog.

The Planning Enforcement Officer has not had to visit the site in relation to the breach of any planning controls or non-compliance with any planning conditions.

The applicant had requested that the temporary planning permission should be for a further five years, however, officers consider that an extension for a further three years is more acceptable due to the uncertainty over the Cross Town Route and to comply with the timescales permitted under previous permissions. The applicant has agreed to the reduction in the timescale and the application has been amended accordingly.

Officers consider that the continuation of the use, subject to the same planning conditions as those previously imposed, would not have a detrimental impact on the residential properties to the west or to the neighbouring commercial uses.

Visual Appearance

The western boundary of the site with the railway line consists of a fence, approximately 2.5m high and this helps to screen the yard from this direction. A brick wall runs along Whessoe Road and forms the boundary to the east. The southern section of the site, adjacent to the railway bridge is elevated above Whessoe Road but the wall becomes lower as the ground level of the footpath rises. Whilst the trees within the site act as a visual screen, the vehicles stored within the site are visible from Whessoe Road but the site is tidy and is not an eyesore. The visual appearance of the site is considered acceptable.

Highway Matters

The Council's Highways Engineer is not aware of any adverse feedback on the existing use and the applicant has kept the operation well within the confines of the application site. No highway objection has been raised to the continuation of the use.

Other Matters

It is considered prudent to ensure that the planning conditions that were previously imposed on the application site are repeated on any further grant of planning permission. As the site has not been the subject of any complaints, it is not considered prudent to attach any new conditions, however, the Environmental Health Division has requested that the standard condition relating to the submission of a contaminated land Desk Top Study be imposed. Officers accept that such a condition should be imposed as new planning legislation on land contamination has come into force since the last approval.

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 application site falls within the a corridor of land safeguarded for the Darlington Cross Town Route under Policy T6 (Safeguarding Major Road Schemes) of the Borough of Darlington Local Plan. As a result, the application is for a temporary planning permission of the use for a further three years.

The Council have not received any complaints about the use, and it is considered that, subject to the imposition of the same planning conditions attached to previous approvals, the continuation of the use for a further three years is acceptable. The following policies within the Borough of Darlington Local Plan were considered:

- T6 Safeguarding Major Road Schemes
- H15 Amenity of Residential Areas
- E12 Trees and Development
- E16 Appearance from Main Travel Routes

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A3
- The premises to which this permission relates shall be used for the purposes of car dismantling and for no other purpose
REASON - -In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent use in the event of the site being vacated.
- Car bodies, parts, waste or scrap awaiting collection shall not be stacked, stored or deposited to a height exceeding 1.8m above ground level.
REASON -In the interests of visual amenity
- The site shall not be used for the burning of vehicles or parts of vehicles or for the processing of scrap.
REASON - To enable the Local Planning Authority to retain control over the development in the interests of visual amenity and to ensure that the occupants and users of neighbouring properties are not adversely affected by the development.
- All loading, unloading and parking of vehicles shall take place within the curtilage of the premises and not on the adjoining highways.
REASON - In the interests of road safety.
- Prior to the institution of the use hereby permitted a customer car parking area for a minimum of 8 cars shall be provided to the satisfaction of the Local Planning authority. Thereafter, the said areas shall be retained and utilised for the purposes of customer car parking.
REASON - To achieve a satisfactory form of development and in the interests of road safety.
- Notwithstanding anything contained in the application to the contrary no waste skips shall be positioned on the site other than in an area or areas to be approved by the Local Planning Authority. The said area or areas shall not be adjacent to the Whessoe Road boundary. No waste or scrap parts (other than car body shells) shall be stored or deposited on the site other than within waste disposal skips.
REASON - In the interests of visual amenity.
- J2 – Contaminated Land
- The use hereby permitted shall be discontinued and the land reinstated to its former condition, to the satisfaction of the Council, at or before the expiration of a period 3 years from the date of this permission.
REASON - The development is such that it could not be approved for permanent development.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant must ensure that the Waste Management License/Environmental Permit for the site remains valid for the duration of the proposed operation