

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5 June 2013

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APPLICATION REF. NO:	13/00034/FUL
STATUTORY DECISION DATE:	18 March 2013
WARD/PARISH:	PARK WEST
LOCATION:	Blackwell Post Office, 98 - 100 Carmel Road South, Darlington
DESCRIPTION:	Change of use of public highway to private land and creation of 7 No car parking spaces, pedestrian footway and disabled access ramp with handrails to front of premises (amended plans received 8 May 2013)
APPLICANT:	Mr B Birk

APPLICATION AND SITE DESCRIPTION

The application site consists of an existing Post Office and retail shop with residential accommodation above on the corner of Carmel Road South and Blackwell. The site has a landscaped forecourt and two existing driveway access points, one to the south east corner (Carmel Road South) and the second to the north west corner (Blackwell). The site is located within a predominately residential area. The premises operate Monday to Saturday 06:00 – 21:00 and Sundays 07:00 to 20:00.

The proposal involves the change of use of a section of public highway to enlarge the curtilage of the premises and the creation of seven off street parking spaces (including two disabled spaces and one staff parking space), a pedestrian footway and a disabled access ramp with handrails to the front of the Post Office premises.

Access into the car park would be via a one way system from Carmel Road South only with egress onto Blackwell only. The car park would be enclosed along the Carmel Road South and Blackwell frontages by chain linked bollards. The pedestrian footway would run along the edge of the car park and would incorporate the access ramp.

The application has been put before Members of the Planning Applications Committee as it has been ‘called in’ by Councillor Donoghue, the local Ward Councillor, who fully supports the concerns that have been raised by objectors.

PLANNING HISTORY

The most recent entries are:

90/00513/MISC In September 1990 planning permission was GRANTED for the change of use of private garage to retail premises including the construction of a link to the existing shop

92/00344/MISC In August 1992 planning permission was GRANTED for the change of use of flat over Post Office to ancillary retail use, extension to the shop and alterations to the shop front

10/00626/FUL In October 2010 planning permission was GRANTED for the erection of a single storey rear extension and fire escape/gantry to first floor flat

PLANNING POLICY BACKGROUND

The following development plan policies are relevant:

Borough of Darlington Local Plan 1997

E2 – Development Limits

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington's Sub-Regional and Locational Strategy

CS2 – Achieving High Quality Sustainable Design

CS16 – Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Two householders submitted objections to the proposal prior to the submission of the amended plan received on 8 May 2013. The occupier of No 108 Carmel Road South raised the following objections:

- *Carmel Road South is a main arterial road and at peak times extremely busy. Entry into a parking area would further exacerbate the problem as traffic would need to slow to turn into the area. The plans do not identify provision for loading and unloading or for post office vans. These along with the larger vehicles delivering or using the shop park on the roadside. This would not change making the line of sight along the road difficult with more cars parked at a busy intersection. The road speed is designated as 30 but traffic regularly exceeds this limit meaning traffic is moving at speed in an area where there are parked cars/lorries and slowing traffic turning in to a parking area. This could potentially cause a hazard by increasing the risk of accidents to road users and pedestrians.*
- *The shop has now been expanded from a small corner shop with a post office serving the needs of the local area to a small supermarket which is now signed from the road leaving the A1 just past Blackwell Bridge. While supporting developments which benefit the local community it would appear that the vision of the owner is to create something greater than a local shop serving the needs of the local community and passing trade*
- *There have historically been issues with anti social behaviour outside of the shop particularly during the summer months. This ceased some years ago. Car parks are known areas for cars and groups to congregate often engaging in anti-social behaviour. This would present a concern to local residents as the plans do not show a means of securing the parking area when the shop is closed.*

- *At present cars park for short periods of time safely on the slip road adjacent to the shop (a sign has recently been placed asking that parking not exceed 30 minutes). There is already provision for more than 7 cars. They do not present a problem for residents or for road users.*

The occupier of No 102 Carmel Road submitted two detailed objection letters prior to the submission of the amended plan on 8 May 2013. The concerns outlined in the letters relate to:

- *The incremental increase of retail space within the existing premises*
- *The existing car parking arrangements for the premises cause no problems with traffic flow and congestion at peak times.*
- *Large vehicles can block the driveway of their property, despite existing road markings, and this would continue as such vehicles could not use the car park. The car park will not alleviate these problems due to the size of the vehicles and they would still park in front of our property making it very dangerous for them and patrons getting into the car park*
- *Delivery Vehicles Park on the yellow line on Carmel Road South or up the driveway off Carmel Road South and if they continue to do so when the car park is in place this will cause problems for people entering the shop and cause great traffic flow problems. Where will the delivery vans park?*
- *Post Office vans visit the site on numerous times during the day and generally park on the shops driveway off Carmel Road South, where will this vehicle park as it would be too big for the car park?*
- *The refuse bins belonging to the shop are stored in the driveway and refuse trucks park at the bottom of the driveway causing a temporary obstruction which will affect the proposed car park entrance*
- *Carmel Road South is a main well used arterial road. It can be very busy and potentially dangerous road, at peak times, with southbound traffic backed up as far as Blackwell Lane and beyond. At busy times manoeuvres onto Carmel Road South can stop traffic flow and cause congestion and several vehicles using the car park from either the north or south will cause even more problems with traffic flow.*
- *This is a convenience store so patrons are only in the shop for a few minutes at a time therefore the traffic flow in and out of the car park will be constant, as will manoeuvring into the car park itself*
- *Where are cars going to go who are waiting to get into the car park when it is full or while waiting for another vehicle to vacate a space?*
- *When coming off our drive onto the main road will our vision be obstructed looking north down the street due to cars parked in the car park or cars waiting to get into the car park?*
- *What landscaping will be in front of the development? Will it adequately prevent drivers from driving over it to get quick access?*
- *Will the reduction in pavement area around the shop affect public safety? Will people use this car park? The parking spaces look tight and will the car park accommodate large vehicles? Will the car park create anti social problems?*
- *Parking for seven vehicles looks excessive and will greatly reduce the public highway on a residential area. The entrance onto Carmel Road South will be dangerous and we are concerned about safety and the safety of people using the car park. We feel that the entrance to the site could be better placed to reduce any future incidents. In the light of the number of spaces presently available on the slip road adjacent to the shop, surely seven spaces is excessive. Where will the shop workers and owner park once the car park is built? It would appear that the vision for the owner is to create something greater than*

a local shop serving the needs of the local community. Will his vision end at extra car parking or will the shop be extended even more into the adjacent property?

One letter of support has been received from a Parish Councillor for Manfield and the comments can be summarised as follows:

- *The Post Office and shop serves a wider hinterland of villages in North Yorkshire where the facility is closer to them than the next post office at Richmond. Also, Piercebridge, High Coniscliffe and Merrybent are closer to Blackwell than to any other Post Office. I am aware of how much it is used as in the past I have made approaches to have its services extended to driving licenses, passports etc. It will be beneficial to have increased parking spaces as per application*

Consultee Responses

The **Council's Environmental Health Officer** has raised no objections to the proposal

The **Council's Highways Engineer** has raised no objections to the proposal

PLANNING ISSUES

The supporting Justification Report states that the applicant acquired the business approximately two years ago and the proposal is to increase the shop turn over as passing trade is lost due to lack of amenity and parking spaces and to minimise the need for patrons to park vehicles on the junction and on the pavements.

The main issues to consider here is whether or not the proposed development is acceptable in the following terms:

Highway Safety

Residential Amenity

Impact upon the Visual Appearance and Character of the Surrounding Area

Highway Safety

The applicant carried out a Stage 1 Road Safety Audit at the request of the Local Planning Authority. The Audit is an independent evaluation of a proposed scheme to identify potential road safety problems that may affect any users of the highway and to recommend measures to eliminate or mitigate any identified problems. The Auditors take into account all road users, particularly vulnerable users such as pedestrians and cyclists and make recommendations. An applicant then decides which recommendations to accept and implement within the scheme design.

In this instance, the Audit was undertaken by the Strategic Highway Management Team of Durham County Council and the layout of the proposed development has been revised as a result of the findings. For example, the configuration of the parking bays have been changed to improve accessibility; bollards have been included along the internal pedestrian footway to segregate vehicles and pedestrians, yellow cross hatching has been included around accessible parking bays; the entrances have been widened from 4m to 5.5m to ease vehicular movement and a raised pedestrian route has been removed to improve pedestrian safety.

The Council's Highways Engineer has confirmed that the revised scheme has taken the findings of the Audit exercise into account and the layout is considered acceptable and satisfies any

highway safety concerns. He has raised no objections subject to the imposition of conditions to secure appropriate lighting and drainage schemes for the site.

Residential Amenity

The application site is located within a predominately residential area. The boundary with No 102 Carmel Road South consists of a low brick wall with a high hedge running along a section closest to the dwelling and the garage/storage building of the Post Office. There is an existing vehicular access and parking space on this common boundary and under the proposed scheme this would be the vehicular entrance into the car park along with a pedestrian footway. There would be a staff parking space adjacent to the boundary with this dwelling but as it is for staff, the number of movements will be minimal. It is considered that the proposal would not significantly harm the amenities of this neighbouring property.

The boundary with No 102 Blackwell is also a wall with an existing access and parking space. The creation of the egress and a pedestrian footway in this location would not adversely impact upon the amenities of this neighbouring dwelling.

The Council's Environmental Health Officer has raised no objections to the proposal.

The applicant has confirmed that the premises are currently covered by CCTV systems and it would be his intention to develop the existing systems to cover the parking area. Also, the upper floors of the building are in residential use and will offer natural surveillance over the parking area.

Impact upon the Visual Appearance and Character of the Surrounding Area

The proposal would result in the loss of some raised landscaped beds and the erection of chain linked bollards to demarcate the new curtilage of the premises and the public highway. It is considered that, whilst this is a prominent site, the loss of planting areas would not have an adverse impact upon the visual appearance or character of the surrounding area.

The access ramp leading to the existing entrance of the premises would be constructed from bricks to match the existing building with concrete paving slabs and a metal handrail and it would not have an adverse impact upon the visual appearance of the existing premises.

A condition would need to be imposed to ensure that the proposed chain linked bollards are of an appropriate design, height and colour.

Other Matters

The proposal involves the change of use of approximately 80 square metres of the public highway in order to enlarge the curtilage of the premises and facilitate the car parking area. The applicant would need to obtain separate permissions from the Council with respect to any land ownership / highway licence issues.

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

considered that the proposal would not have a negative impact on any crime and disorder considerations.

CONCLUSION

The proposal has been the subject of an independent Road Safety Audit and the recommendations of this Audit exercise have been incorporated into the amended scheme. It is considered that the proposal would not raise any issues in relation to highway safety. The proposal would respect the amenity and character of the surrounding area and does not raise any crime prevention issues. The following development plan policies have been taken into consideration:

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Darlington Core Strategy Development Plan Document 2011

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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. Prior to the commencement of the development precise details of a street lighting scheme 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 the interests of highway and pedestrian safety
3. Prior to the commencement of the development, precise details of a drainage scheme to ensure adequate drainage of the private hard standing area and to prevent surface water run off from the private hard standing area entering the adopted Highway should be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details
REASON: In the interests of highway safety
4. Prior to the commencement of the development precise details of the chain link bollards 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 the interests of the visual appearance of the development
5. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposal has been the subject of an independent Road Safety Audit and the recommendations of this Audit exercise have been incorporated into the amended scheme. It is

considered that the proposal would not raise any issues in relation to highway safety. The proposal would respect the amenity and character of the surrounding area and does not raise any crime prevention issues. The following development plan policies have been taken into consideration:

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

Highways

The applicant is advised that works are required within the public highway, to construct widened vehicle crossing and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr. S. Pryke - 01325 388582) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

Estates and Property

The applicant is advised that the works involve the purchase of Council owned land and contact must be made with the Council’s Estates and Property Division (Mr G Metcalfe – 01325 388735).