

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 June 2011

Page

APPLICATION REF. NO:	11/00095/CU
STATUTORY DECISION DATE:	15 April 2011
WARD/PARISH:	SADBERGE AND WHESSOE
LOCATION:	Lea Close, Middleton Road, Sadberge, Darlington DL2 1RN
DESCRIPTION:	Retrospective change of use of part of site for scaffolding storage and distribution business (B8)
APPLICANT:	Mr Ian Mitchell

APPLICATION AND SITE DESCRIPTION

The site is currently used a haulage business and for a scaffolding storage and distribution business. This scaffolding business does not have planning permission and hence a retrospective application has been submitted.

The total site is just under 0.5 hectares and is relatively well screened from Middleton Road by tree planting along the perimeter. On the site there is a large industrial shed type building and a smaller prefabricated building. The scaffolding is mostly stored in the industrial building with some stored in the smaller pre-fabricated building. There is a residential property to the north of the site which is in the same ownership. To the south of the site there are boarding kennels and residential properties.

PLANNING HISTORY

A Certificate of lawfulness for existing use of premises as a Haulage Business with 3 vehicles and 4 trailers (Sui Generis) was recently issued for the site (Ref: 10/00437/LU).

PLANNING POLICY BACKGROUND

The following policy of the Borough of Darlington Local Plan are relevant: -

- E2 – Development Limits
- E5 – Change of Use of Buildings in the Countryside
- EP15 – Development Outside Employment Areas
- H15 – The Amenity of Residential Areas
- T12 – New Development

The following policy of the recently adopted Core Strategy has also been taken into account

CS5 (Employment Land)

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties were advised of the application by way of letter and a site notice was displayed. No objections have been received.

The **Highways Officer** raised no objections to the proposal providing that conditions are included to improve the vehicular access to the site (as this is not currently metalled and the width of the dropped kerb is insufficient) and for a Site Traffic Management Plan to be submitted, approved and implemented so that vehicles can exit the site in a forward gear.

The **Environmental Health Officer** commented that conditions should be placed on the granting of any planning permission so that no open burning of materials shall take place within the site and to restrict the hours of operation to those specified in the application.

Sadberge Parish Council objected to the application as they do not believe that it is appropriate to operate this type of business in this location. The other points raised by the Parish Council are set out below:

- *The use of the site for a scaffolding business causes traffic problems with large vehicles moving into and out of the street.*
- *The site is not well managed and that there is frequent burning of materials.*
- *Vehicles are loaded and unloaded on the road.*
- *Vehicles are often parked on the road verges near the site.*

PLANNING ISSUES

The site is located outside of the development limits. Policy E2 (Development Limits) of the Borough of Darlington Local Plan states that small scale development beneficial to the rural economy will be permitted outside of the development limits provided that unacceptable harm to the character and appearance of the rural area is avoided. Policy E2 makes it clear that most economic needs can be provided for within the urban area but that some forms of development need to be located in the countryside to diversify the rural economy or otherwise to meet the needs of rural communities. The scaffolding business is a small scale development but it does not need to be located in the countryside. The proposal does, however, utilise existing buildings that are no longer needed for agricultural uses.

Policy E5 (Change of Use of Buildings in the Countryside) of the Local Plan sets out that the change of use of buildings in the countryside will be permitted provided that the structure is sound and capable of adaptation without significant rebuilding or extension. Policy E5 also requires that the use would not be intrusive in the countryside nor create unacceptable traffic, amenity or disturbance problems.

Policy EP15 (Development Outside Employment Areas) specifies that B8 uses will be permitted outside employment areas provided that any material adverse effect on the amenities enjoyed by neighbouring occupiers and on highway safety is avoided. This includes where the development involves the conversion or change of use of an existing building in the countryside and the character of the surroundings is not impaired.

As the Scaffolding operation provides a small scale business which utilises existing buildings (which existed before the scaffolding business operation began) and did not require any rebuilding or extensions to the buildings, the use is acceptable in principal.

The site is well screened from view from Middleton Road and from all other sides by tree planting along the perimeter. The existing industrial shed building is set close to the western boundary and has its rear elevation facing Middleton Road thus screening the interior of the site from view other than from the existing vehicular access. The scaffolding business utilises existing buildings which are already integrated into the countryside setting of the area. The change of use is not, therefore, harmful to visual amenity.

Policy H15 (the Amenity of Residential Areas) of the local plan states that permission will not be granted for the establishment, enlargement or material intensification of non-residential uses which would unacceptably conflict with the amenities of surrounding areas having a predominantly residential character. There is an area of trees and shrubs that separates the application site from the kennels and residential properties to the south. The nearest residential property is located some 15m from the boundary of the application site. There is a mix of uses in the area including the existing haulage business on the site. The scaffolding use is carried out within the site and away from the southern boundary with the nearest residential properties (other than the existing property to the north that is in the same ownership as the application site). In these circumstances it is not considered that the scaffolding business results in such significant impacts, in terms of noise and disturbance, to the occupiers of neighbouring residential properties to justify the refusal of planning permission on these grounds.

Policy T13 (New Development – Standards) of the Local Plan states that all new development should incorporate adequate provision for access and circulation by both vehicles and pedestrians. The Highways Officer has raised no objections to the proposal provided that conditions are imposed on the granting of any planning permission to improve the existing vehicular access and to allow for a Site Traffic Management Plan which, when implemented, will provide sufficient space on the site for vehicles to enter and exit the site in forward gear.

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 change of use operates from existing buildings that have been converted from a previous agricultural use. The application is considered to be acceptable in this location by virtue of the fact that it does not have a significant adverse impact on the character or amenity of the area and does not raise any significant issues in respect of highway safety or crime prevention.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)

2. Within two months of the date of this permission, details of an improved and metalled vehicular access to the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented in full accordance with a time scale to be agreed with the Local Planning Authority.

REASON – In the interests of highway safety as the existing site entrance is not metalled and the width of the dropped kerb is insufficient, in accordance with Policy T13 (New Development – Standards) of the Borough of Darlington Local Plan 1997.

3. Within two months of the date of this permission, a Site Traffic Management Plan to specify that sufficient space is kept clear for all operational vehicles to be able to manoeuvre within the site shall be submitted to any approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented in full and the site shall not be operated other than in accordance with the approved details.

REASON – In the interests of highway safety so that vehicles can exit the site in a forward gear, in accordance with Policy T13 (New Development – Standards) of the Borough of Darlington Local Plan 1997

4. There shall be no burning of materials anywhere on the site.

REASON – To safeguard the amenities of neighbouring residential properties.

5. The use hereby permitted as a scaffolding storage and distribution business shall not be carried on outside the hours of 7.00 am – 7.00 pm Mondays to Fridays, 7.00 am – 2.00 pm Saturdays and not at all on Sundays or Public Holidays.

REASON – To safeguard the amenities of neighbouring residential properties.

Suggested summary of reasons for granting planning permission

The change of use is considered to be acceptable in this location by virtue of the fact that it would not have an adverse impact on the character or amenity of the area. The change of use does not raise any issues in respect of highway safety or crime prevention. The change of use is considered to comply with the relevant policies in the Borough of Darlington Local Plan 1997 as set out below:

E2 – Development Limits
E5 – Change of Use of Buildings in the Countryside
EP15 – Development Outside Employment Areas
H15 – The Amenity of Residential Areas
T13 – New Development

INFORMATIVE:

The applicant is advised that works are required within the public highway, to improve existing vehicle crossing (including provision of new dropped kerbs over full width of access and removal of large concrete block), and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr.A.Ward 01325 388743) to arrange for the works to

be carried out or to obtain authority under Sec.184 of the Highways Act 1980 to execute the works.