

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 August 2017

Page

APPLICATION REF. NO: 16/01013/FUL

STATUTORY DECISION DATE: 1st September 2017

WARD/PARISH: PARK EAST

LOCATION: Garage At Rear Of The Coachman Hotel Huntley Street

DESCRIPTION: Alterations and extension of existing building to form 7 No. individual lock-up garages (Amended and additional plans received 19 November 2017, 16 March 2017 and 28 June 2017)

APPLICANT: Mr R H Morritt

APPLICATION AND SITE DESCRIPTION

The application site comprises a single storey building with a courtyard that is currently vacant and has previously been used as a garage/parking space. The building is brick built with a corrugated roof. The building measures 15.2m long; 6.29m wide with an overall height of 5.25m. The courtyard area is 8.6m long by 6.29m wide and is enclosed by brick walls with no roof covering. There is an existing access into the building off a cobbled lane that runs along the length of its frontage and there is a second separate access off the same lane into the courtyard.

The site is located off Huntley Street in close proximity to the Bank Top Railway Station. The site is bounded to the north by a row of terraced dwellings on Huntley Street; to the east by the car park for The Coachman Hotel which is on a higher ground level (currently vacant but with an extant permission for a conversion to apartments); to the south by former office buildings on Victoria Road that have recently been converted to residential use and to the west by Bankside Court, which is a modern flatted development.

The proposal involves the conversion and extension of the existing building to create seven lock up garages for the parking of vehicles. The external alterations involve the insertion of seven garage doors into the existing west elevation fronting the lane; the covering of the courtyard with a single storey extension and a new steel profile pitched roof across the whole site. The proposal also includes a new footpath along the length of the application site to adjoin Huntley Street.

PLANNING HISTORY

08/00730/FUL In November 2008 planning permission was REFUSED for the demolition of the existing building and the erection of a two apartments

09/00077/FUL In April 2009 planning permission was GRANTED for the demolition of the existing building and the erection of two apartments

11/00622/FUL In November 2011 planning permission was GRANTED to vary the above planning permission to replace the ground apartment with seven lock up garages and to have a raised terrace area at first floor level.

PLANNING POLICY BACKGROUND

The relevant planning policies are:

Darlington Core Strategy Development Plan Document 2011

CS2 - Achieving High Quality Sustainable Design

CS16 - Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Following the submission of the original scheme five letters of objection were received and the comments can be summarised as follows:

- *The submitted plans showing the existing layout of the area are incorrect*
- *Given the narrowness of this already difficult to navigate 2 way street and the close proximity of the garage doors to the road this is bound to have an unhelpful effect on the flow of traffic. The general use of garages has changed over the years, very few people now store their cars in garages, if these garages are to be used as lock ups for storing other items, then in my view there is very little room for loading/unloading. Vehicles carrying out this task will no doubt be blocking the road and causing unnecessary hold ups for other drivers.*
- *If the sole purpose of this is for extra parking spaces, then in my view it would make much more sense and be safer if the proposed planning area was turned into dedicated parking spots rather than garages. That way, anyone using these spaces would have a better line of sight to any oncoming traffic. I wholeheartedly agree that the area needs smartening up but I feel parking spaces as opposed to garages would be more beneficial.*
- *Utility vehicles use the lane immediately outside the garages and I fear access for those vehicles will be hindered*
- *The access lane is too narrow to allow vehicles to pass each other.*
- *There is no footpath and the garages will public access on the lane even more treacherous*
- *Access to the car parks for Bankside Court would be dangerous if other vehicles enter from Huntley Street or Hargreaves Terrace*
- *The garages would be used for storage and not for parking of vehicles*
- *The block paving in the alley is already uneven and more vehicles would lead to more damage*
- *Noise pollution would be created*
- *We have reached our limit to the acceptable number of vehicles that use the alley*
- *Ambulances, fire engines and refuse vehicles would be blocked from using the lane*
- *The alley would have to be considered for adoption*
- *At present 24 vehicles use the lane and for elderly residents of Bankside Court, this is already dangerous as there is no footpath. It is not possible for this lane to accommodate seven additional vehicles*
- *Vehicles park outside the Bathroom store blocking one of the accesses to the lane already off Hargreave Terrace*

- *Bankside Court is an island surrounded by parked cars*

A detailed letter of objection was received from the owner of No 133 Victoria Road. This is a former office building that has been converted to residential use and the rear open car park (which also leads onto the cobbled lane) shares a common boundary with the courtyard within the application site. The letter outlines the historic use of the building and raises a number of general concerns over highway safety; noise pollution; pedestrian safety; potential access and egress dangers from vehicles using the garage space closest to the access into the rear of No 133 Victoria Road. The letter also expresses concern over the development impacting upon the shared boundary with his property.

Following the submission of amended plans in March 2017 which updated plans following comments from local residents a further letter was received from the owner of No 133 Victoria Road. The comments can be summarised as follows:

- *The “niche” of land that has been sold off to the developer does not include the back wall that belongs to No 133 Victoria Road. This is clearly part of the compartmented off shoot of the original building and there is evidence on site that the building existing existed*
- *My deeds show that the land sold off to the developer does not include the boundary wall that runs to the rear of No 133 and follows the wall to the rear of Nos 129 and 127 Victoria Road*
- *This application takes away my intention to rebuild and maintain this wall and have a cooking area/extension*
- *The application has not taken account of vehicles reversing out of the garages and impinging access to the rear of No 133 Victoria Road*
- *The courtyard should be retained or a single garage should be erected with a gap between it and the boundary wall, which is not a party wall*

Following the submission of additional and amended plans submitted in June 2017 showing a Swept Path Analysis, no further objections have been received.

Consultee Responses

Following the submission of amended plans, the Council’s Highways Engineer has raised no objections to the proposal subject to the imposition of a planning condition for the creation of a footpath

The Council’s Contaminated Land Officer has raised no objections

The Council’s Environmental Health Officer has raised no objections subject to planning conditions to control the use of the garages and the submission of a Construction Management Plan and the hours of construction.

PLANNING ISSUES

The main issues to be considered here are whether the proposed development is acceptable in the following terms:

Highway Safety

Residential Amenity

Visual Appearance and Impact on the Character of the Locality

Contaminated Land Matters

Other Matters

Highway Safety

The cobbled lane provides vehicular and pedestrian access to Bankside Court and its parking spaces and refuse collection areas as well as access to some of the yards to the rear of properties on Victoria Road, some of which have recently been converted to residential use under the benefit of the Prior Approval process introduced by Central Government. There is a section of narrow buff paving slabs that runs around edge of the Bankside Court development that is third party land and does not form part of the cobbled lane, which is an adopted highway.

Following initial concerns raised by the Council's Highways Engineer, amended plans have been submitted which increase the widths of the garage doors to approximately 2.6m and a swept path analysis has been carried out to show how the individual units can be accessed.

From measurements taken on site there is 5m clear space from the front wall of the proposed garages to the opposite wall of Bankside Court of which 600mm of this space (the buff coloured paving slabs adjacent to the building) is not adopted highway essentially leaving 4.4m of space to manoeuvre in and out of the garages.

The garages have a good internal size and the doorways have been widened which would allow a vehicle to enter/exit into the alley without encroaching onto the private strip (buff coloured paving slabs) adjacent to Bankside Court and this has been demonstrated by the swept path analysis.

The Council's Highways Engineer is satisfied that due to the limited use of the garages, the available space would be sufficient for manoeuvring purposes.

Whilst the rear alley currently allows access to residents of Bankside Court and other access points off this adopted highway a further seven car parking spaces should not be of sufficient intensification to warrant a refusal on highways safety or traffic generation grounds.

In order to make the development accessible by foot and by disabled users a level pedestrian walkway (suitable for disabled access) linking into the footway from Huntley Street along to the frontage of the garages has been provided for safety reasons and exact details of the works within the public highway should be covered by a planning condition. The footway would be constructed with a minimal upstand whereby it will be able to withstand overrun from vehicles and which still allows access and manoeuvring space to adjacent properties and garages.

The Highways Engineer has raised no objections subject to planning conditions to secure the precise details of the footpath.

Residential Amenity

The existing building is a vacant commercial unit within a residential area comprising traditional terraced dwellings, a modern flatted development and offices converted to residential use. There is an extant planning permission to convert the vacant Coachman Hotel to apartments which has yet to be implemented.

There are window openings in the side elevation of the Bankside Court building that overlook the application site and there are views across the site from the rear of the properties on Victoria Road. These openings are for bathrooms, a community stairwell and a dining room/living room corner window.

It is the intention of the applicant that the garages would be used as long term secure parking for local residents or by commuters using the Bank Top Station to work elsewhere. With this

understanding the impact of the garages cannot be compared with that of a public car park with multiple “comings and goings” throughout the day. Furthermore, the units would not be rented out to a commercial garage or mechanic. The proposed usage of the units should not give rise to significant noise or air pollution due to the limited access and egress requirements that are envisaged based on the information that has provided by the applicant.

The units would have secure roller shutter doors and the fact that the entrances will be overlooked will give the units natural surveillance.

It is also relevant that the building is already a commercial use and could have been used for similar purposes as being proposed without having to apply for planning permission, if there was not a requirement to extend or alter the building.

It is considered that subject to a planning condition that controls the use of the units to the parking and storage of vehicles, the amenities of the neighbouring dwellings should not be harmed. A condition to secure the submission of a Construction Management Plan and control the hours of construction and deliveries is also considered appropriate.

Visual Appearance and Impact on the Character of the Locality

It is acknowledged in some of the comments from the objectors that the site is in need of improvement as its condition has deteriorated whilst it has stood vacant.

The proposed external alterations to the building and courtyard would greatly improve the visual appearance of the area subject to the use of appropriate materials to be secured by a planning condition.

Bringing this existing run down commercial site back into a use is welcomed and would not have an adverse impact on the character or appearance of the surrounding area.

Contaminated Land Matters

The planning application has been supported by a Phase 1 Desk Top Study. Based on the information provided and the nature of the proposed development, the Council’s Contaminated Land Officer has identified no particular contaminated land constraints and no further investigative work is required. However a precautionary planning condition relating to the removal of any hazardous material is considered appropriate due to the age and previous uses of the building.

Other Matters

The owner of No 133 Victoria Road has made comments on the ownership of a shared boundary wall and a section of land that is shown within the development site. The applicant has signed the Ownership Certificate to show that he is the owner of all the land within the application site and has advised that the land is not owned by the owner of 131/133 Victoria Road and it was purchased by the applicant in 2011.

Members are advised that this is matter is a civil dispute, along with the ownership of any boundary walls, and it is not a material planning consideration for this planning application. The applicant may have to consider the requirements of the Party Wall, etc Act 1996 but, again, this is civil law and not a matter for the local planning authority.

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

Redeveloping this site will improve the visual appearance of the site and the wider locality and subject to the imposition of a planning condition to control the future use of the units, it is not envisaged that the proposal would adversely harm the amenities of the neighbouring residential units. The proposal involves the creation of a footway along the length of the garages and following requests from Officers, garage door widths have been increased and a swept analysis has been carried out to show that vehicles will be able to safely access and egress the units and also do so without encroaching third party land. The proposal would not generate significant additional traffic onto the lane and local roads to raise any highway safety concerns. The external alterations are suitable and overall the proposed development is considered to be acceptable.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 - Implementation Limit (Three Years)
2. The garages hereby permitted shall be used for the parking and storage of vehicles only and shall not be used for any other commercial purposes without the prior consent of the local planning authority.
REASON: In the interests of residential amenity
3. B4 - Details of Materials
4. Prior to the commencement of the development, precise details of works within the public highway to provide a new pedestrian footway on the rear lane leading from Huntley Street across the frontage of the development shall be submitted to and approved in writing by the Local Planning Authority. 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
5. No garages doors shall open outward over the public highway
REASON: In the interests of highway safety
6. Prior to the commencement of the development, a Demolition and Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plans shall include the following:
 - a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within

the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.

- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
- c) Construction Traffic Routes, including parking areas for staff and visitors. This needs to take account of the potential difficulties in accessing the site.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

REASON: In the interests of residential amenity and highway safety

7. Construction and demolition work, and associated deliveries, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority

REASON: In the interests of residential amenity

8. Prior to the commencement of the development, precise details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the lights and the levels of luminance and the development shall not be carried out otherwise than in accordance with the approved details.

REASON: In the interests of residential amenity and the visual appearance of the surrounding area.

9. Buildings of this age and previous use may contain hazardous substances which, if found, should be identified and removed by a suitably qualified and experienced hazardous substance specialist prior to the commencement of the works. In the event that any suspected contaminated material is found at any time when carrying out the development, it must be reported, in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing by the Local Planning Authority in advance. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority and the works shall not be carried out otherwise than in complete accordance with the approved scheme

REASON: In order to achieve a satisfactory form of development

10. The development shall not be carried out otherwise than in complete accordance with the plans listed below:

- a) AFR/P924/D24 Rev D (Proposed South Elevation, Section & Drainage Details)

- b) AFR/P924/D25 Rev B (Proposed West and North Elevations (Proposed North Elevation relevant only))
- c) AFR/P924/D26 (Proposed GFP and West Elevation)

REASON: To ensure the development is carried out in complete accordance with the planning permission.

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

Darlington Core Strategy Development Plan Document 2011

CS2 - Achieving High Quality Sustainable Design

CS16 - Protecting Environmental Resources, Human Health and Safety

INFORMATIVES

Highways

The Developer is required to submit detailed drawings of the proposed off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 406663) to discuss this matter.