

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 22nd July 2020

APPLICATION REF. NO: 19/00742/FUL

STATUTORY DECISION DATE: 3rd April 2020

WARD/PARISH: STEPHENSON

LOCATION: Haughton Road Service Station, Haughton Road, Darlington

DESCRIPTION: Demolition of existing buildings and erection of convenience store (Use Class A1) and replacement petrol filling station with forecourt canopy, petrol pumps and islands, vents, underground tanks, trolley park, enclosed car wash, air and water, plant and bin store areas and associated car parking and landscaping (Amended plans and information received 7th and 11th February 2020)

APPLICANT: James Hall & Company Limited

RECOMMENDATION: GRANT PLANNING PERMISSON SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVM5O7FPGB300>

APPLICATION AND SITE DESCRIPTION

1. The application site, which measure some 0.28 hectares, comprises the former Haughton Road Service Station. It is located at the junction of Haughton Road and Barton Street on the corner of the roundabout with the B2769 and lies within a mixed commercial and residential area. To the western side of Barton Street is St James Church, a Grade II listed building.

2. The site currently consists of the former petrol filling station, a small convenience store with a former sandwich shop retail unit, together with a car repair garage and car wash bay. Car parking is located around the site and access is provided from Haughton Road. The site is currently vacant, and the workshop facilities have not been used for some years. It has been the subject of a number of complaints in recent times regarding its general appearance.
3. Planning permission is sought for the redevelopment of the site to provide the following:
 - Erection of a new petrol filling station canopy at a height of some 5.9 metres suspended over metal supporting columns located in the widest area of the site to allow maximum space for vehicle movements and using the existing, unchanged main vehicular access points from Haughton Road;
 - Installation of three new pump islands with the pumps available from both sides;
 - Installation of vent pipes and underground fuel tanks;
 - A separate car wash within a purpose-built enclosure to the southern boundary, together with a parking bay in which air and water facilities are provided for motorists;
 - A convenience store of 280 sqm net floorspace to be operated by SPAR positioned to the north west corner of the site adjacent to Barton Street with the main elevation of the building facing south east towards the main frontage adjacent to the roundabout. The building will provide an external cash machine facility;
 - Retention of existing signage;
 - Waste and recycling facilities screened from the forecourt by 2.2m high acoustic timber fencing;
 - An external plant area to house external air conditioning and chiller extraction screened from public views by 2.2m high acoustic timber fencing;
 - Car parking around the site boundaries;
 - 31 car parking spaces including three accessible spaces and three staff parking spaces;
 - Three cycle stands adjacent to the store entrance;
 - Low level boundary landscaping.
4. The supporting information states that the development will provide employment opportunities with up to 15 full time and 15 part time jobs envisaged in addition to construction jobs during the building phase.
5. The application proposes that the petrol filling station would be open 24 hours a day using a payment hatch facility with the convenience store to open between the hours of 06:00 and 23:00, 7 days a week including Sundays and Bank Holidays.

MAIN PLANNING ISSUES

6. The site currently benefits from planning permission for the change of use of the existing buildings to provide a 277 sqm net retail store and recommissioned petrol filling station facilities (16/0476/FUL). This planning permission is extant and capable of implementation. The main issues for consideration are:
 - a) Principle of the development;
 - b) Impact on heritage assets;
 - c) Scale, design and appearance and impact on visual amenity;
 - d) Impact on residential amenity;
 - e) Land contamination;
 - f) Highway safety;
 - g) Impact on ecology
 - h) Anti-social behaviour,

PLANNING POLICIES

6. Policy S21 permits the development of new petrol filling stations within the development limits provided that there will be no material adverse effect on residential amenities or highway safety.
7. Other Relevant Local Plan policies include those seeking to ensure that new development:
 - makes efficient use of land, buildings and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (CS2);
 - Protects, and where appropriate enhances the distinctive character of the borough's built, historic, natural and environmental townscapes (CS14);
 - Would not result in any net loss of existing biodiversity value (CS15);
 - protects and, where possible improves environmental resources whilst ensuring that there is no detrimental impact on the environment, general amenity, and the health and safety of the community (CS16);
 - Incorporate hard and soft landscaping which enhances the appearance of the development and its setting (E14);

RESULTS OF TECHNICAL CONSULTATION

8. No objections in principle have been raised by the Council's Highways or Environmental Health Officer.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Four letters of objection have been received, raising the following concerns:
 - The application is not supported by a transport statement to assess the effect of the proposal on the local highway network;
 - No details as to how the proposal will meet adopted policies in respect of energy efficiency;
 - The application is not accompanied by a retail sequential impact assessment;

- The application is not accompanied by a lighting assessment;
- The application is not accompanied by a noise report;
- Potential overlooking into bedroom;
- Impact on amenity from lights shining into nearby properties;
- Noise impacts;
- 24-hour opening should not be permitted;
- Anti-social behaviour.

10. Two letters of support have been submitted, raising the following points:

- The site has been in a disused state for some time;
- The site is unsightly;
- Now that the through-about is in the process of being removed it makes more sense now to have a petrol filling station in this location;
- Improved safety, referring to a spate of muggings in the back lane due to lack of lighting that the garage used to provide;
- Residents of Central Park were promised a shop within walking distance of our estate and this was never delivered. Development needs to happen to fulfil that role.

PLANNING ISSUES/ANALYSIS

(a) Principle of the development

11. The site, which has been a petrol filling station since the early 1980's also benefits from a more recent planning permission for a 277 sqm convenience store and recommissioned petrol station facilities. The site is situated within the development limits and as such, subject to consideration of impacts on residential amenity and highway safety, the proposal does not conflict with Policy S21.

12. As the proposal involves the provision of retail facilities outside of an existing centre, as required by the National Planning Policy Framework, a Sequential Assessment was submitted in support of the application. The sequential assessment considers several alternative sites that could potentially accommodate a convenience store of the size proposed, within a five-minute drive time within or on the edge of existing centres (sequentially preferable sites). The assessment demonstrates that there are no suitable or available sequentially preferable sites that could accommodate a convenience store of the size proposed, notwithstanding the sites current use for retail store and Petrol Filling Station which is a material planning consideration.

(b) Impact on heritage assets

13. St Marks Church, a Grade II Listed Building is situated some 17m from the site boundary. There is some separation between the existing building and the site boundary of some 5m. The new building would be situated closer to the site boundary and therefore closer to this listed building. However, given the position

of the new building, which would be set further back within the site, ground levels and design and scale of the building, existing features separating the site and the asset together with a more appropriate palette of external materials, the proposal would be considered to sustain the heritage significance of this existing building and its setting. Accordingly, the proposal does not conflict with Policy CS14.

(c) Scale, design and appearance and impact on visual amenity

14. This vacant site and existing buildings are seen in the context of existing features and would represent an appropriate scale and massing and would not appear unduly out of character within the street scene.

15. The proposed convenience store adopts a contemporary form and appearance with a bespoke design to fit the site. The building is single storey and is 3.85 metres to the eaves and 8.55 metres to the top of the hipped pitch with an overhanging gabled roof which provides a main feature of the building and forms a covered canopy above the entrance of the store. A small glazed porch is also provided at the front entrance to retain heat and reduce energy consumption. The front elevation comprises a full height gable feature, glazed to provide visual interest with doors and windows finished in powder coated aluminium in grey. Roller shutters are proposed as an integral part of the building and finished in the same colour of the doors and window frames to provide unity. The side and rear elevations and the front south east elevation corner returns are proposed in red brick to reflect materials in the surrounding area and to contribute to improving the street scene by using traditional materials.

16. The building is an improvement to the existing in terms of design and detailing. Aside from the remainder of the physical elements of the scheme, including the canopy, pumps and jet wash facility, which are all subservient in scale to the main building and set in a forward position within the site as existing, the remaining elements of the scheme relate to improved site circulation and parking provision. The proposal includes some landscaping to the southern end of the site to provide some visual relief and to enhance its overall appearance. Whilst no specific information has been submitted regarding how the development meets relevant standards in terms of energy efficiency, officers are satisfied that this will be dealt with under the standards set out in the Building Regulations.

17. The site is currently boarded up and vacant and the proposal will result in significant benefits to its visual appearance and those of the locality in general. Overall, the proposal does not conflict with policy CS2 and CS14 in that it is acceptable in terms of its scale, design and appearance and its impact on the visual amenities of the street scene.

(d) Impact on residential amenity

18. Although the site is situated on a busy road, there are residential dwellings nearby, and there is therefore the potential for noise and disturbance as a result

of the proposal. However, it should be noted that this is an existing commercial site, albeit currently not in operation, with an extant planning permission. This current proposal is considered to represent a more comprehensive redevelopment of the site, offering several improvements in terms of residential amenity.

19. The proposal involves increased separation distances between the nearest dwellings on Haughton Road and the convenience store. Parking along the eastern boundary of the site closest to Gobart Court would be allocated to staff only and there would therefore be less regular vehicular movement in this location. The proposal involves the removal of the garage repair unit to the eastern side of the site, and the relocation of the car wash to the front of the site, further away from the nearest dwellings to the east, set beside a parking bay within a landscaped area. One objection raised stated that there were concerns regarding overlooking into nearby properties however this is a single storey building which would not result in overlooking.

20. The main canopy and pumps would be in a similar position to the front of the site, which is the widest area of the site to allow maximum space for vehicle movements and utilising the existing main vehicle access points from Haughton Road.

21. The proposed opening hours for the shop are 6am until 11pm, 7 days a week. The petrol station would be open to use 24 hours a day using a payment hatch within the convenience store. The current site is unrestricted in terms of operating hours. Whilst there is the opportunity for customers to gather outside of the store at unsocial hours, there is already a permission in place as a fallback position and it is considered that the redevelopment and continued use of the site provides much greater benefits in terms of being able to manage any such occurrences through occupation of the site and allows any required actions to be put in place.

22. The proposal includes a service area to the store. Main store deliveries by HGV would be received during the hours of 0700-2300 and would be unloaded via the stores service entrance. The store would receive up to two deliveries a day by an articulated vehicle. Main deliveries to the store take approximately 30 minutes during which time the engine is switched off. Smaller deliveries of fresh produce such as bread, milk and newspapers, are made early and daily by small vans.

23. The Environmental Health team has been consulted on the proposed redevelopment of the site and has raised no objections subject to planning conditions to secure compliance with the submitted Construction Management Plan, together with submission and agreement of details of a scheme to protect adjacent premises against the transmission of airborne and impact sound, noise fume and dilution measures of any external plant and equipment, including the jet wash and the ventilation systems, prior to the commencement of the use. Also recommended is a condition to restrict hours of construction work in line with the standard condition, and restrict the use of the jet wash facility to

between 8:00 and 20:00 in the interests of amenity. Whilst there is no information regarding any external lighting proposed as part of the scheme, a planning condition is also recommended to secure submission and agreement of details of any external lighting prior to occupation, to ensure that this is appropriate in terms of its impact on the residential amenities of nearby occupiers.

24. Subject to these conditions, the proposal would have an acceptable impact on the living conditions of neighbouring occupiers and would comply with policy CS2 and CS16 in this regard.

e) Land Contamination

25. The application has been submitted together with a desktop study, site investigation report, additional site investigation report and a proposed remediation strategy prepared by Geo² contaminated land consulting engineers. These reports were originally authored in 2017 but are still relevant to the current application as nothing has changed in the interim period in relation to the site. These reports were originally submitted to discharge contamination conditions for the previous approval and the remediation strategy is considered acceptable. The Environmental Health Officer has recommended that standard conditions CL5 and CL6 are attached to any approval to make it a requirement to produce a verification report to demonstrate that the remediation strategy has been completed as planned. Subject to these conditions the proposal does not conflict with Policy CS16 in this regard.

(f) Highway Safety

26. Given the scale of the proposal, there would be no significant impact on traffic generation, and this has been demonstrated by a Transport Statement undertaken by PSA Design Limited (January 2020) with traffic consisting predominantly of pass by trips already on the network. As such, the proposal will not have a material impact on the operation of the local road network, especially when considering the previous use of the site and the more recent 2016 planning permission whereby the net floor area of the retail element differs by only 3 sqm.

27. The proposal includes 31 car parking spaces including three accessible spaces and three staff parking spaces, which is acceptable for the scale of development proposed. Also proposed are three cycle stands adjacent to the store entrance.

28. The new store is located to the rear corner of the site to provide safe access and egress for vehicles and pedestrians around the front of the store and the petrol filling station. The swept path route for service vehicles shown on the proposed site plan shows that service vehicles can be accommodated safely in forward gear for access and egress. Landscaping is proposed around the boundaries of the site but is designed to be low level to not impede visibility to and from the adopted highway.

29. The Highways Engineer has been consulted and has raised no objections to the proposed development subject to a planning condition to secure the removal of the existing access / vehicle crossing located on Barton Street. This is currently misused as drivers are using the filling station forecourt as a cut through. It is also difficult to exit the site out of this access at busy times and conflicts with the predominant vehicle movements through Barton Street. Details have been provided to show the removal of this access and reinstatement of the footpath and the Highways Engineer is satisfied with this subject to a requirement for this to be implemented in full prior to the occupation of the premises for trade. Subject to this condition, the proposal is acceptable in respect of highway safety and does not conflict with CS2 in this regard.

(f) Impact on ecology

30. An Ecological Survey and Assessment report, including a licensed bat survey, was undertaken by ERAP Consultant Ecologists in 2016 when the original redevelopment of the petrol filling station was proposed. The evaluation concluded that the site contained only common and widespread plant species. No habitats within the site were semi-natural or species-rich and no habitats within the site were examples of Priority Habitat. The evaluation also indicated that there were no bats present, or evidence of bats being present within the site and no features suitable for use by crevice dwelling species, such as common pipistrelle, or species which can roost in open roof voids, such as brown long-eared, were present in the building and the presence of roosting bats was discounted.

31. The report made several conclusions and recommendations, to include:

- Removal of buildings outside of the bird breeding season;
- Walkover survey by a qualified ecologist to demonstrate satisfactorily that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared;
- If breeding birds are detected, the Ecologist will issue guidance in relation to the protection of nesting birds in conjunction with the scheduled works. This may involve cordoning off an area of the site until young birds have fledged;
- The installation of two houssparrow terrace nest boxes at the proposed redeveloped building.

32. In view of the passage of time since the evaluation was undertaken, a review was undertaken by the same consultant ecologist, and this concluded that as the site is reasonably unlikely to have changed in terms of the habitats present or its ecological value and that the building is reasonably unlikely to have improved in terms of its suitability for use by roosting bats, and is likely to remain unsuitable, in this instance, and given the habitats present within the site, its location within the wider landscape and the building's construction type and suitability for roosting bats, further surveys are not required and the recommendation and conclusions presented in the 2016 report remain valid and appropriate for the site.

33. Having regard to the above, and the enhancement of the site through landscaping and the inclusion of nest boxes, subject to planning conditions to secure compliance with the recommendations set out in the Ecology report, the proposal would not conflict with Policy CS15.

(g) Anti-social behaviour

34. Several concerns raised by objection relate to anti-social behaviour. As the site is currently vacant, there are also concerns raised regarding anti-social behaviour at present. It is considered that the redevelopment and continued use and management of the site will allow much greater supervision and control over any such occurrences should they happen in the future and there are other statutory controls available to deal with these. The SPAR will be utilising CCTV at the ATM to ensure the safety of its customers and there would also be staff on site 24 hours a day to ensure that any issues are dealt with appropriately. As such, notwithstanding the site already has a planning permission for this use, it is not considered that the granting of planning permission for the redevelopment of this site would raise significant issues in relation to crime and anti-social behaviour or render such incidents more likely.

CONCLUSION AND RECOMMENDATION

35. The proposed development complies with the relevant policies in the development plan. Subject to the proposed conditions the development would be acceptable in respect of highway safety and residential and visual amenity and would not harm the setting of heritage assets. The proposal will provide improvements to a vacant site and the visual amenities of the locality by bringing it back into use and would provide valuable facilities to residents. It is therefore recommended that planning permission be granted subject to conditions.

PUBLIC SECTOR EQUALITY DUTY

36. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON – To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

Loc1 Site Location Plan
PL-12 Rev B Proposed Plans and Elevations
PL-11 Rev H Proposed Site Plan and Sections
PL-13 Rev A Jet Wash Enclosure
Materials Schedule

REASON – To define the consent

3. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction / remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON – The site may be contaminated as a result of past or current uses and / or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

4. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a 'suitably competent person(s)' and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. A Phase 4 Verification and Completion Report shall be compiled and reported by a 'suitably competent person(s)' documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted to and agreed in writing by the Local Planning Authority within 2 months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON – The site may be contaminated as a result of past or current uses and / or is within 250 metres of a site which has been landfilled. To ensure that

risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

5. The development shall not be carried out otherwise than in complete accordance with the submitted Construction Management Plan (Demolition and Construction Method Statement, on behalf of James Hall and Company Limited, 26 June 2020) unless otherwise agreed in writing with the Local Planning Authority. Prior

REASON – In the interests of residential amenity and highway safety.

6. Construction and demolition work 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 of the Local Planning Authority.

REASON – In the interests of residential amenity.

7. The hours of operation of the jet wash and the car vac and any other equipment located on the forecourt shall be limited to 08:00-20:00.

REASON – In the interests of residential amenity.

8. Prior to the commencement of use, full particulars and details of a scheme to protect adjacent premises against the transmission of airborne and impact sound, noise, fume and dilution attenuation measures of any external plant and equipment, including the jet wash and ventilation systems, have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

REASON - In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to noise, fumes and smells.

9. The removal of the existing vehicular access onto Barton Street and the reinstatement of footways as shown on Drawing Number PL-11 Rev H shall be implemented in full prior to the Petrol Filling Station or convenience store opening for trade and remain as such thereafter.

REASON – In the interests of highway safety.

10. The landscaping scheme as shown in Drawing Number PL-11 Rev H shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

11. The development shall not be carried out otherwise than in complete accordance with the mitigation recommendations set out in the Ecological Survey and Assessment (including a Licensed Bat Survey) (ERAP Limited, October 2016) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.

12. Details of any external lighting, to include a lighting impact assessment undertaken by an independent qualified assessor, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the buildings. Thereafter the external lighting shall be installed in complete accordance with the approved details and maintained as such thereafter.

REASON – In the interests of residential amenity.

13. Deliveries to the store shall not take place outside the hours of 7:00 and 23:00 unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

INFORMATIVES

The applicant is reminded that the application hereby approved will be required to comply with the Environmental Permitting (England and Wales) Regulations 2010 (As amended). This will likely require the installation of Stage 2 Vapour Recovery Systems within the redevelopment.

The design and construction of the Petrol Filling Station must comply fully with the information detailed in the current document published by the Association for Petroleum and Explosives administration (APEA) and the Institute of Petroleum (IP) entitled 'Guidance for the Design, Construction, Modification and Maintenance of Petrol Filling Stations'.

Full details of the proposed installation should be provided to the Petroleum Officer at Darlington Borough Council for approval prior to any work being commenced.

The Environmental Health team enforces Food and Safety and Health and Safety legislation at this premises and the applicant are advised to contact this department prior to the undertaking of any work to ensure that all legislative requirements are met.

The premises may also require a Premises Licence under the Licensing Act 2003 if they are to serve alcohol or open after 23:00 and if this is the case the applicant should contact the Licensing department for further advice.