

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16th March 2022.

APPLICATION REF. NO: 22/00008/FUL.

STATUTORY DECISION DATE: 08th March 2022.

WARD/PARISH: STEPHENSON.

LOCATION: Units 4 And 5
Red Barnes Way.

DESCRIPTION: Change of Use from storage (unit 4) and former car valeting bay (unit 5) to car MOT station and repairs (sui generis), including demolition of dividing wall to create single unit and alterations to doors on northeast elevation.

APPLICANT: Mr. Daniel Robson.

RECOMMENDATION: GRANT PERMISSION.

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/simpleSearchResults.do?action=firstPage>

APPLICATION AND SITE DESCRIPTION:

Description of the Site and Surrounding Area.

1. The application site comprises of 2 no. industrial units located on the western side of Red Barnes Way. The application properties currently consist of 2 no. industrial units storage (unit 4) and former car valeting bay (unit 5) which are set away from a road, behind a grass verge and small area of car parking. The units are part of a row of approximately 12 no. individual industrial that are accessible from McMullen Road and are located within the Stephenson ward/electoral division of the town. The surrounding area is predominantly commercial in its character with the Red Hall Housing Estate located on the opposite side of McMullen Road.

The industrial units are not situated within a designated Conservation Area, the units are not classified as Listed Buildings, and they are no Preserved Trees within the curtilage of the application site.

THE PROPOSED DEVELOPMENT:

Planning Application Description.

2. The applicant seeks planning permission for the change of use and reconfiguration of the internal layout of 2 no. existing industrial units (unit 4-storage & unit 5- former car valeting bay) located on Red Barnes Way to car MOT station and repairs.

Parking;

Each unit has 2 no. dedicated car parking spaces and as such two parking spaces will be dedicated to staff parking and two parking spaces will be for customer parking.

Staffing;

Two full time staff members.

Opening hours;

Monday to Saturday - 08.00hrs to 18.00hrs.

Sunday and Bank Holidays - Closed.

RELEVANT PLANNING HISTORY:

3. The most relevant history is as follows:-

- 21/00767/PLU - Certificate of Lawfulness for proposed use from storage (unit 4) and former car valeting bay (unit 5) to car MOT station and repairs (sui generis), including demolition of dividing wall to create single unit and alterations to doors on northeast elevation - Refused.

MAIN PLANNING ISSUES

4. The main planning issues to be considered are:

- a. Planning Policy.
- b. The impact on the character of the area.
- c. The impact on the scale and character of the existing site.
- d. Amenity.
- e. Highway Safety and Parking.
- f. Environmental Health.

PLANNING POLICIES:

Darlington Local Plan (2016 – 2036)

- SD1: Presumption in Favour of Sustainable Development
- DC1: Sustainable Design Principles and Climate Change
- DC4: Safeguarding Amenity
- H3: Development Limits
- E1: Safeguarding Existing Employment Opportunities

RESULTS OF TECHNICAL CONSULTATION

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

RESULTS OF PUBLICITY AND NOTIFICATION

7. The application has been publicised by way of a site notice and neighbour letters in accordance with Article 15(5)(a) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Response(s) Received.

8. Third party comments; 3 letters of representation have been received raising the following objections and concerns:-

i. There is not enough parking spaces at present for vehicles. Congestion is terrible every day and sometimes people resort to cutting over the grass instead of waiting to exit the units properly. This parking issue is hampering our business now so allowing an MOT Centre which will have numerous cars to test along with staff will no doubt take up more than 4 spaces which is the number of spaces allocated to two units.

ii. The change of use to MOT and repair premises are untenable with the current access and parking available for the unit, with only 4 spaces for private vehicles or 3 for commercial vehicles overspill onto adjoining, busy units parking bays is inevitable. There is a solution, a large area of private land extends in front of the 2 units, currently grass but this could be stoned and used for parking for vehicles using units 4 and 5.

iii. There is no way there is enough parking to withstand a mot station as the car parks are bad enough for parking as it is at the moment it's that bad I'm even having to pay someone to put bollards outside my shop so my customers can even get parked there is arguments going on a daily basis over parking spaces as each unit is only allocated 2 car park spots and if there is a garage going in they will need at least 8 spaces

PLANNING ISSUES/ANALYSIS

a. Planning Policy.

9. The application site has been used for a variety of uses, most recently as storage (unit 4) and a car valeting bay (unit 5).

10. As the Darlington Local Plan (2016 – 2036) has been adopted, the main policy relevant to this application is Policy E1 – Safeguarding Existing Employment Opportunities. This policy seeks to safeguard existing employment areas for economic investment. Within these areas, planning permission will be granted for the change of use of existing buildings or developed land in line with the 'suggested uses' of each site set out in the policy.

11. The proposed development is situated in Employment Site 348 – Red Barnes Way. The suggested uses given in Policy E1 for this location are B2, B8, E(g). Since the application is for a change to a sui generis use as an MOT Centre it falls outside the suggested uses. Proposals for other employment uses not falling within the 'suggested uses' in Policy E1 are acceptable but will only be permitted where the Borough Council is satisfied that they will not have a detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites.

12. In summary, the principle of the development for the use proposed is likely to be acceptable in this location since the proposed development is for an employment use, even though it is not one of the suggested uses for Site 348. This is provided that, as required by Policy E1: Safeguarding Existing Employment Opportunities, the proposed development will not have a detrimental effect on the amenities of the occupiers of adjoining or nearby properties.

b. The impact on the character of the area.

13. The proposed scheme seeks no external alterations, and therefore it is considered that the development will not have any impact upon the character of the surrounding area.

c. The impact on the scale and character of the existing site.

14. The proposed scheme will see the parking of cars on 4. These spaces currently exist and will be available before the business commences operation and as such there will be no need for additional external parking spaces, consequently as there is currently sufficient external parking spaces they will be no need to create any further additional external parking spaces and as such the proposal will be detrimental to the character of the existing site.

d. Amenity.

15. The proposed scheme will not harm neighbouring amenity with regard to overshadowing, overlooking or outlook.

16. The external parts of the building and the site would remain unaltered and all details of signage would need to be pursued under different legislation. The development is set within a commercial setting close to a busy road. The closest residential properties are located approximately 92m to the east of the application site, separated by a grass verge and a highway. Due to these separation distances, along with the fact that the application building is a solid metal framed structure, it is considered that the proposed use would not result in harm, such as noise levels, of measurable significance to the occupants of residential properties. Additionally the proposed opening hours would be considered reasonable given the context of the site's character.

e. Highway Safety and Parking.

14. Whilst much of Red Barnes Way is adopted highway, the road serving the 12 no. industrial units is privately owned and operated. As such the Highways Authority has no control or jurisdiction over this. Any right of access or parking disputes would be a civil matter. Should overspill parking occur on the adopted extents of Red Barnes Way or McMullen Road then, the Highways Authority would be able to address this with additionally parking restrictions should they be necessary.

15. As automotive MOT and repair businesses operate predominantly on a basis of pre-booked appointments; the operators of the business will have a reasonable degree of certainty and control over how many vehicles will need to be accommodated on site on any given day. On this basis any impact on neighbouring businesses can potentially be minimized or mitigated by good management of bookings. The applicant has indicated that, MOT bookings are made at a rate of one vehicle per hour.

16. The application form states that two members of staff are proposed (full time), as such this would be a maximum of two staff cars parked at any one time. The Tees Valley Design Guide (TVDG) advises sufficient operational parking and area for manoeuvring within the site should be demonstrated and that parking should be provided at a rate of 3 spaces per service bay, plus one space per member of staff. This would equate to 8 parking spaces for the site, with operational space being considered to be accommodated internally within each unit. Whilst not referred to as part of the application, It is understood that 2 spaces will be provided per unit (total of 4 spaces) which is below the recommended level of provision, albeit vehicles could be stored within each unit whilst not open.

17. The Council's Highways Engineer has expressed some concern that overspill parking could create amenity and operational difficulties for adjacent occupiers within private land, although this is not considered a reason to justify refusal on highway grounds.

18. Three letters of objection relate to parking issues as previously stated whilst much of Red Barnes Way is adopted highway, the road serving the 12 no. industrial units is privately owned and operated. As such the Highways Authority has no control or jurisdiction over this, and any right of access or parking disputes would be a civil matter and something that the Council cannot control via the planning system.

19. The applicant has provided a written statement that clearly outlines that an MOT station of this size, at full capacity, can only accommodate a maximum of 8 MOT tests per day. The main prospective customer subcontracts an average of 4 no. MOT's per day & they do not leave vehicles at subcontract MOT stations all day.

20. At best, the applicant has indicated that there will be four retail MOT's per day. Customers will be encouraged to have MOT's completed on a while-u-wait basis.

21. In conclusion, whilst the objections have been taken into account, the proposal is considered to be acceptable in terms of highway safety and is in accordance with Policy IN4 (Parking Provision) of the Local Plan in the light of the very limited control the Council has on private land.

f. Environmental Health.

22. The Council's Environmental Health Officer has been consulted on the application and has raised no objections.

PUBLIC SECTOR EQUALITY DUTY:

23. 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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998:

24. 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:

25. It is considered that the proposed change of use is acceptable in general planning policy terms and it will not result in adverse amenity, highway or health and safety conditions. The loss of B8 (storage) & sui generis (car valeting bay) use is acceptable owing to the nature of the proposed MOT testing use.

26. The proposal is therefore considered to accord with Policy IN4 of the Darlington Local Plan (2016 – 2036).

RECOMMENDATION:

Grant Permission - subject to the following condition(s) and reason(s) :-

i. A3 Implementation Limit (Three Years)

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.

ii. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:-

Drawing Number:-

- 63/P100 - Existing Floor Plans
- 63/P200 - Existing Elevations
- 63/P300 - Proposed Floor Plans
- 63/P400 - Proposed Elevations

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