

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

27 July 2016

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

16/1029/FUL

Fairfield Garage, 318 Bishopton Road West, Stockton-on-Tees

Proposed extension to rear, raising of roof height, installation of retaining wall and 1.8m high timber fence to northern and western boundary

Expiry Date 29 July 2016

SUMMARY

This application seeks permission for the erection of an extension to the rear and raising the roof height of the commercial garage building at Fairfield Garage, 318 Bishopton Road West, Stockton on Tees. It is also proposed to install a new boundary enclosure.

The Highways, Transport and Environment Team raises no objection to the proposal in highway or landscape and visual terms. The Environmental Health Unit has no objections subject to the construction hours being restricted.

Following neighbour consultation there have been 11 letters of objection. The objections principally relate to an increase in the working hours, however this is not for consideration as part of this application. Other concerns relate to noise and parking issues.

In view of the material planning considerations and the commercial nature of the existing site, it is considered the proposed works will not lead to an unacceptable loss of residential amenity, will not have a detrimental visual impact and are acceptable in highway terms.

RECOMMENDATION

That planning application 16/1029/FUL be approved subject to the following conditions and informatives below;

01 Approved plans

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
SBC0001	19 April 2016
PLAN/4	13 May 2016
PLAN/5	13 May 2016
PLAN/2 REV B	22 June 2016

Reason: To define the consent.

02. Materials

Notwithstanding any description of the materials in the application no development shall be commenced until samples of materials to be used in the construction works hereby approved have been approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the proposed development.

03. Hours of construction

No construction works or delivery/removal of materials on/off the site shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.

INFORMATIVES

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

SITE AND SURROUNDINGS

1. The application site is an existing commercial car garage located on Bishopton Road West, Stockton on Tees. The building is set back from the highway with some parking to the front. To the eastern side of the site is a petrol station with a forecourt, shop and car wash area. To the western side is access to the rear of the garage with residential properties beyond. To the rear is a parking area that serves the garage with a residential area beyond.

PROPOSAL

2. This application seeks permission to extend the existing commercial garage to the rear, raise the roof of the building, and small retaining wall with 1.8m high fence above along the northern and western boundaries.

The proposed extension will project out to the rear by 4.04m and will span across the whole width of the property. The roof will be replaced and raised from the current maximum height when viewed from the front of 4.5m to a height of 6.0m approximately. The works will also block up a number of existing openings within the building.

A replacement timber boundary fence with a height of 1.8m is to be installed along the rear boundary and the western side boundary.

An existing container on the site has also been relocated from the north western corner to the north eastern corner of the site.

The plans show details of advertisements on the front of the buildings, the applicant is aware that a separate application seeking consent would be required for the replacement advertisements.

CONSULTATIONS

3. The following Consultations were notified and any comments received are set out below:-

Environmental Health Unit

I have checked the documentation provided, and as the activities of the garage are unchanged and are to be fully enclosed, I do not think that the proposed extension will give rise to increased levels of odours or noise to local residents.

I do however note the objections regarding the proposed extension of hours, and this matter shall be considered on a separate application for variation of the planning condition.

I therefore have found no grounds for objection in principle to the development and do not think that conditions need to be imposed from an Environmental Health perspective. I would however advise the following construction hours in order to minimize the short term impact of noise upon residents.

Advisory

Construction/ Demolition Noise

I am concerned about the short-term environmental impact on the surrounding dwellings during construction/demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend working hours for all Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 ' 18:00Hrs on weekdays, 09.00 ' 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

Highways Transport And Environment

General Summary

Highways, Transport & Environment have no objection to the proposed extension to rear, raising of roof height, new shop front and installation of retaining wall and 1.8m high timber fence to northern and western boundary.

Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011, a garage should provide 3 incurtilage car parking spaces per service/MOT bay plus 1 space per employee. The site currently has 3 bays and 3 employees requiring 12 spaces which are currently provided within the site. This proposal increases the number of bays to 6 and also increases the number of employees to 6; therefore 24 incurtilage car parking spaces are required. The submitted plan shows 23 spaces, although the parking arrangements are constrained and some spaces will be difficult to access, resulting in an under provision of 1 space which is insufficient grounds to object to the proposed development.

Landscape & Visual Comments

This proposal replaces existing timber fences on the northern and western boundaries, parts of which are in need of repair. The new fence will be set on a low retaining wall to achieve satisfactory site levels. The new fence differs slightly in style to the existing fence on the western boundary and is higher, but it will provide for a more effective screening of the garage. It is noted that some sections of the fence on the western boundary have already been erected. The new fence proposed on the northern site boundary appears to

be of a similar type and size to the existing fence. Therefore there would be no landscape and visual objection to the erection of this fence.

There are some existing small fir trees within the site that will be removed as part of the development, but these are not considered worthy of a Tree Preservation Order so there are no landscape or visual objections to their removal.

Councillors

No comments received

PUBLICITY

4. Neighbours were notified and comments received are set out below :-

Mrs Kimberley Cutler

320A Bishopton Road West Stockton-on-Tees

Having bought a new property next door to the business, less than 6 months ago, my concerns are centred around the increase in noise in the local area, and hours of work where this will be happening.

Constant use of mechanical machinery is not what I would like to hear on a Sunday or a bank holiday when myself and my husband are trying to relax.

April McCarthy

320B Bishopton Road West Stockton-on-Tees

Please accept this email as my objection to the proposed extension to rear, raising of roof height and new shop front to Fairfield Garage, 318 Bishopton Road West, Stockton-On-Tees. TS19 7LZ.

We purchased our new build property next door but one to Fairfield Garage and now are very concerned with the proposed extension which we feel should not be in a residential area. The planned increase in business hours will lead to increased noise disturbance, smells and loss of privacy which will be every day of the week.

There will be an Increase in traffic accessing the garage there has already been an increase after the opening of the Nifco shop.

The parking is inadequate for the increase in staff and customers which will lead to parking on Bishopton Road West in itself a Road safety issue.

W Joynes

23 Maria Drive Stockton-on-Tees

Whilst I don't condemn anyone making a living and make good their property I do object to my outlook being changed. This is a residential area, mainly older population, who enjoy the quiet surroundings.

Raising the roof of the garage will impose on the view and privacy of our area.

I will become a noise problem, due to more vehicles passing through. It will increase pollution level and have an effect on our environment and wellbeing.

M Medd

21 Maria Drive Stockton-on-Tees

I wish to object to the application 16/1029/FUL on the grounds that this would increase the noise level to our property we are adjacent to the proposed development, the current fence between our property and the back of Fairfield garage is not an adequate sound barrier at present, if this garage increases his custom this will further increase the noise to what i believe will be an unacceptable level particularly if the garage is to open 7 days a week.

There is also a large container owned by the garage which currently set away from our property we believe this will be moved near to the rear adjacent to our property this is taller than the current fence in place and unacceptable if this is to be moved closer to us, as we are unsure what this container will be used for.

Mr Jackson

7 Maria Drive Stockton-on-Tees

I wish to object on the grounds that the MOT facility would dramatically increase the noise level to our property, we are adjacent to the proposed development.

I understand the garage will be open 7 days a week and find this totally unacceptable for our residential area. By increasing the workforce from 3 mechanics to 12 will increase the hammering and banging level 4 fold. Also I object to the removal of the fir trees as denoted on the drawings (this would allow the noise level to be increased).

Also I would like to think a TPO would apply to the fir trees.

Mrs Marie Birmingham

5 Maria Drive Stockton-on-Tees

I would like it know that I object to the proposed extension to the garage at the rear of my property. This will cause even more noise from both properties as we have noise from the actual petrol station with cars revving and music blaring plus spray from the car wash and people carrying on.

This is a residential area and I moved here for the peace and quiet. It is a lovely estate but would appear that it is to be ruined especially as this business is to extend it's working days within the actual MOT garage to Sundays and Bank Holidays. This would mean we would have no peace at all.

The extension to this business will have most impact on the rear which is Maria Drive.

I am not happy about the underhanded way this application was applied for i.e. speaking to either side bungalows and garages when in fact this has a lot more impact on the people to the rear of this property and not the front as he intends to change the entrance to the rear of this property and extend further back.

Audrey Shutt

4 Maria Drive Stockton-on-Tees

7 day a week business is not good for residential area, too much noise. The fact that they want to move the doors to the back of the garage will impact on us in Maria Drive.

Rob & Pauline Munroe

8 Maria Drive Stockton-on-Tees

We Mr & Mrs RM Munroe of 8 Maria Drive TS19 7JL wish to object to the above application on the grounds that the MOT facility would dramatically increase the noise level to our residential area .

The area of the development is surrounded by mostly bungalows which are lived in by retired people therefore the noise will disturb us all day EVERY Day as the application states trading 7 days a week, we find this totally unacceptable for the area, this development would be more suited to a trading estate type environment rather than a residential area.

We feel it will cause a lot of distress to the residents especially in our road as the units will be next to all our properties, all the residents are very upset with this proposed extension, as at the moment there are 3 mechanics employed which will be increased to 12 if the application is accepted.

With 12 mechanics hammering and banging (as this happens on a regular basis now with 3) also revving of more cars the noise level will be increased 4 fold....
Also the premises would appear to only have enough parking spaces to accommodate the staff if assuming everybody had a car (mechanics & administration staff) which would then lead to customers parking cars on the main road causing safety problems.

Mr And Mrs Morton-Davies
10 Maria Drive Stockton-on-Tees

We would like to say this area is a good residential area that is why we moved here 22 years ago. We can hear the garage when they are hitting a car part or some metal, but if they start to have a tyre bay, the sound from the machine they use to remove and fit the tyres is horrendous and very very loud.

As for opening on a Sunday and bank holidays it's a definite no. They are open 6 days a week. Surely we are entitled to one quiet day a week. Most people here are retired and at home most or all of the time.

We hear noise with 3 people working there, what it is going to be like with 12.

Mr And Mrs D Chantrell
25 Maria Drive Stockton-on-Tees

I wish to object to the application for permission to extend Fairfield Garage. I understand that the intention is to open a major MOT station and tyre bay which will be working seven days a week including bank holidays. As we only live three doors away from the garage, the noise this will create is going to be unbearable. They want to extend the workforce by another nine mechanics so it will be like living on an industrial estate instead of a quiet residential area. We were also given to understand that it is asking permission to remove fir trees which we thought would have a protection order on them. People in this area have lived here for a number of years and do not want to spend their retirement on an industrial estate.

Mrs Linda Brown
223 Bishopton Road West Stockton-on-Tees
OBJECTION

- Not had a verbal consultation with anyone. Which sides have had the consultation, obviously not at the front of the building
- This is a residential area not a trading estate
- Noise levels, the noise echoes which can be heard at the front as well as the back
- Extended working days and hours
- Opening on Sundays and Bank holidays
- The large advertisements at the front of the build which is concerning. Will these will be illuminated which reflects on the properties opposite.

PLANNING POLICY

5. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a)

the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

National Planning Policy Framework

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Paragraph 21: Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;

Paragraph 123: Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;²⁸ and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Local Planning Policy

6. The following planning policies are considered to be relevant to the consideration of this application.

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

MATERIAL PLANNING CONSIDERATIONS

7. The main considerations of this application are the impact on the street scene and character of the area, the impact on the amenity of neighbouring occupiers and the impact on highway safety.

Impact on the street scene and character of the area

8. The visual appearance of the garage will change in both size and material. The roof will be higher and the material changed from painted brick to metal cladding. It is considered the proposed changes to the building are visually acceptable and are in keeping with the existing commercial nature of the building and the wider site. The building will remain set back from the highway by approximately 12.0m and despite having a larger overall appearance it is considered the building will not form an incongruous feature within the street scene.
9. It will be conditioned that the external materials are submitted and agreed to ensure visual appearance will be acceptable.
10. The proposed boundary fencing will replace the existing boundary treatment on site. The Highways, Transport and Environment Team has stated there would be no landscape and visual objection to the erection of this fence. It is considered that due to the location and size of the replacement fencing there will not be a detrimental visual impact.
11. The container that has been relocated within the site remains adjacent to the rear boundary, it is now at the north eastern corner rather than the north western corner. The new location is a slightly higher area of the site however the proposed fencing will provide some screening and it will still be set back from the highway to the rear (Maria Drive) by the grass verge. Taking the above into account, it is considered the visual impact of the container is not significant enough to warrant refusal of the application.
12. Objectors have raised concerns over the removal of fir trees within the site however these are not considered worthy of a Tree Preservation Order and there are no landscape or visual objections to their removal.

Impact on the amenity of neighbouring occupiers

13. 11 objections from surrounding properties have been received to the application. The issues raised and the impact on residential amenity will be considered below.
14. The NPPF seeks to strike a balance between protecting residential amenity and allowing businesses to grow. Paragraph 123 states that planning decisions should avoid significant

levels of noise from new developments from adversely impacting on health and quality of life whilst Paragraph 21 of the NPPF also seeks to “support existing business sectors, taking account of whether they are expanding or contracting; be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances”

15. The works to the building will increase its height and its length. It is considered that due to the location of the building and the siting of neighbouring properties the building will not have a significant overshadowing or overbearing impact.
16. Furthermore, the installation of the fence in the proposed location is considered acceptable in terms of overshadowing and overbearing.
17. With regard to the impact on privacy, the proposal will reduce the number of openings within the building and the fence will help to ensure any overlooking impact is acceptable, specifically along the western boundary where the existing enclosure is lower than the proposed.
18. Within the application the applicant indicated the opening hours would be extended to include Sundays and Bank Holidays. The majority of the objectors raise concerns regarding this; however this is not the subject of this application. The applicant has submitted an application to vary the hours to only include extended working on a Saturday and this will be considered separately.
19. The applicant also indicated that staff numbers would increase to 12, this has since been amended to 5 or 6. Objectors have raised concern regarding the impact of increased business activity on noise from the premises and also the impact of moving the vehicle entrance to the building from the side to the rear elevation. The Environmental Health Unit has provided comments and states no objection to the proposal as the building is to be fully enclosed, and it is not considered the proposed extension will give rise to increased levels of odours or noise to local residents. A condition regarding the hours of construction has been recommended and is detailed earlier in this report.
20. Some concern was raised regarding the tyre fitting element of the business. This is a new aspect of work within the garage however there are no controls on the original planning consent that restrict this type of work and tyre fitting is within the same use class as vehicles repairs and therefore planning consent is not required to add this element of work to the business.
21. Concern has been raised regarding the location of the container in relation to No.21 Maria Drive. The site plan shows the container will be located away from this property which is where it currently stands and therefore will not be brought any closer to this neighbouring property. The container is set away from other residential properties, the side of No.12 Maria Drive faces the location of the container however the highway separates this property from the site. It is considered that due to the location of the container there is not significant detrimental impact on the amenity of neighbouring occupiers.
22. Given the above considerations and subject to the requisite planning conditions, it is considered that on balance the scheme would not result in a significant adverse impact on the amenity of existing and future occupiers of the surrounding neighbouring properties in terms of noise disturbance. The proposal is therefore considered to satisfy the provisions of the NPPF.

23. Overall, taking into account that the existing site is used as a commercial vehicle repair garage and the extent of the proposed changes to the building, it is considered there will be no significant detrimental impact on the amenity of neighbouring occupiers.

Impact on highway safety

24. Objections have stated concern over parking within the site.

25. The site will require 24 spaces, a revised site plan indicating spaces was submitted and the Highways, Transport and Environment Team states the submitted plan shows 23 spaces, although the parking arrangements are constrained and some spaces will be difficult to access, resulting in an under provision of 1 space, these are insufficient grounds to object to the proposed development.

CONCLUSION

26. It is recommended that the application be Approved with Conditions for the reason(s) specified above.

Director of Economic Growth and Development Services
Contact Officer Miss Ruth Hindmarch Telephone No 01642 526080

WARD AND WARD COUNCILLORS

Ward **Fairfield**

Ward Councillor(s) **Councillor W Woodhead**

Ward Councillor(s) **Councillor M Perry**

IMPLICATIONS

Financial Implications: N/A

Environmental Implications: As per report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton on Tees Local Plan Adopted Version June 1997

Core Strategy Development Plan Document March 2010

Regeneration and Environment Local Plan – Publication February 2015.

