

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 October 2015

Page

| | |
|---------------------------------|--|
| APPLICATION REF. NO: | 15/00462/FUL |
| STATUTORY DECISION DATE: | 3 July 2015 |
| WARD/PARISH: | NORTHGATE |
| LOCATION: | 120 Gladstone Street DARLINGTON DL3 6JZ |
| DESCRIPTION: | Erection of single storey extension in yard to rear of No.3 Thornton Street to create extension to existing shop at 120 Gladstone Street and creation of bin store with roller shutter door to side (Amended Plans Received 8 September 2015) |
| APPLICANT: | Mr Mohammed Saduddin |

APPLICATION AND SITE DESCRIPTION

This application was deferred from the Planning Applications Committee Meeting on 2 September 2015 to allow for a Member's Site Visit. The application was also deferred from the 30 September 2015 Planning Applications Committee Meeting to allow for clarification to be sought regarding the height of the proposed extension. This will be clarified verbally at the Committee Meeting.

The application was previously amended to feature a bin store accessed from a proposed roller shutter door that would be located next to the proposed extension. The report from the 30 September 2015 Committee Meeting is set out below.

Planning permission is sought for the erection of a single storey extension in the yard to the rear of No.3 Thornton Street to create extension to existing shop at 120 Gladstone Street.

On 1 June 2011, planning permission was granted for the change of use of ground floor of No 3 Thornton Street to retail use and for the erection of single storey extension (Ref: 10/00810/FUL)

On 31 October 2012, planning permission was granted for the erection of roof coverings over existing rear yard to create a storage area for retail shop.

No. 3 Thornton Street is now an upstairs flat. There is a yard to the rear that is bounded by a 2.42m high brick wall. The proposal is to fill in this yard with an extension that would be some

2.46m in width and 7.75m in depth. The extension would be 2.5m in height to a flat roof. A roller door would be installed in the wall bounding the back lane to provide access. This would replace an existing roller door that provides access to the yard.

The application property is a shop located on the corner of Gladstone Street and Thornton Street. There is a back lane to the west.

PLANNING HISTORY

12/00581/FUL, on 20 November 2012 planning permission was granted for the erection of roof coverings over existing rear yard to create storage area for retail shop.

12/00363/FUL, on 17 July 2012 planning permission was refused for the erection of roof coverings over existing rear yard to create storage area for retail shop.

10/00810/FUL, on 31 May 2011 planning permission was granted for the change of use of ground floor of No 3 Thornton Street to retail use; erection of single storey extension to No 120 Gladstone Street and conversion of first floor of both properties to two flats.

07/00351/CU, on 1 June 2007 planning permission was refused for the erection of a ground floor extension to existing retail shop and change of use of the ground floor of No. 3 Thornton Street to a retail shop. Conversion of the first floor above No 120 Gladstone Street to a flat

07/00863/CU, on 8 October 2007. Planning permission was refused for the erection of ground floor extension to existing retail shop. Change of Use of first floor to residential flat. Change of Use of adjoining house ground floor to shop

PLANNING POLICY BACKGROUND

The following policies of Borough of Darlington Local Plan 1997 are relevant:

- E2 – Development Limits
- E38 – Alterations to Business Premises

The following policies of the Darlington Core Strategy Development Plan Document 2011 are relevant:

- CS2 – Achieving High Quality, Sustainable Design
- CS9 – District and Local Centres and Local Shops and Services
- CS16 – Protecting Environmental Resources, Human Health and Safety

The National Planning Policy Framework 2012 is relevant.

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties have been consulted on the proposal and a site notice has been displayed.

Objections have been received from **5, 7 and 9 Thornton Street**. The points raised are summarised as follows:

- *There has already been a loss of sunlight to the back yard of No. 5 Thornton Street and the proposal would make this worse.*
- *People living above 3 Thornton Street use the back yard for storing waste.*
- *There is no fire exit at No. 3.*
- *A blue skip is left out at the top of Thornton Street. The problems with waste being kept in the lane will get worse if the premises are extended.*
- *There would be extra noise, traffic, litter and deliveries.*

Objectors also highlighted that the extension would be built in the yard to the rear of 3 Thornton Street.

The **Environmental Health Officer** raised no objections but recommended a condition for waste storage.

The **Highways Engineer** raised no objections.

PLANNING ISSUES

Policy

Policy CS9 (District and Local Centres and Local Shops and Services) of the Darlington Core Strategy Development Plan Document states that individual local shops which meet the day-to-day needs of nearby residents will be limited to a maximum 100m² gross floorspace unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case convenience shops up to 400m² gross floorspace will be permitted. This also applies to extensions to existing shops as specifically set out in Policy CS9.

The shop (including the yard area) has an area of approximately 155m². The yard can already be used for storage purposes and as the premises has no other outside space, there would be no overall intensification but the storage uses would be inside. The proposal is therefore considered acceptable in principle in relation to Policy CS9.

Residential Amenity

The lane to the rear of Thornton Street is characterised by back yards with high boundary walls. The proposal would increase the height to the boundary wall by approximately 0.08m. Overall the proposal would not result in such detrimental impacts, in terms of light and outlook that would necessitate the refusal of planning permission.

Visual Amenity

The extension would not be highly visible in the area and would be in keeping with its setting.

Highways

The covered yard area that currently has permission can be used for storage, deliveries etc. Therefore formalising the area by means of an extension would not fundamentally affect the highway.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The yard can already be used for storage purposes and as the premises has no other outside space, there would be no overall intensification but the storage uses would be inside. The proposal is therefore considered acceptable in principle in relation to Policy CS9. Overall the proposal would not result in such detrimental impacts, in terms of light and outlook that would necessitate the refusal of planning permission. The extension would be in keeping with its setting. The covered yard area that currently has permission can be used for storage, deliveries. The proposal would not fundamentally affect the highway.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)
2. B5 Detailed Application (Accordance with Plans)
3. B4A Materials (to Match Existing)

The following policies have been taken into consideration in arriving at this decision.

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E38 – Alterations to Business Premises

Darlington Core Strategy Development Plan Document 2011:

- CS2 – Achieving High Quality, Sustainable Design
- CS9 – District and Local Centres and Local Shops and Services
- CS16 – Protecting Environmental Resources, Human Health and Safety