

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 30 April 2008

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APPLICATION REF. NO:	08/00146/FUL
STATUTORY DECISION DATE:	10 April 2008
WARD/PARISH:	CENTRAL
LOCATION:	106 - 108 Parkgate, Darlington, DL1 1RX
DESCRIPTION:	Change of Use of ground floor from A1 to A3 (Restaurant), demolish rear lean-to extension and replacement erection of two storey extension with two dormer windows using first floor space for 2 No. apartments and new shopfront
APPLICANT:	MR G LEVY AND MISS B DEWING

APPLICATION AND SITE DESCRIPTION

The existing properties are two Class A1 retail shops with storage and workshop space above. There is a single storey extension to the rear. The proposal involves:

- A change of use and conversion of the ground floors of the properties to form one restaurant (Class A3);
- Installation of a new shop front;
- The change of use of the first floor to create two one bedroomed apartments (including the introduction of an internal mezzanine floor to create additional floorspace);
- The demolition of the existing single storey extension and the erection of a two storey extension with dormer extensions.

The Civic Theatre lies to the north and a public car park is to the south. An alleyway runs to the west, which separates the application site from Nos 98/100 and 102 Parkgate. The properties lie within a predominately commercial area although there are some shops and takeaways with residential units at first floor level.

A Design and Access Statement has been submitted and considered by Officers.

PLANNING HISTORY

None relevant.

PLANNING POLICY BACKGROUND

The relevant policies within the Borough of Darlington Local Plan are:

- S18 Food and Drink Uses Outside the Town Centre
- H4 New Housing Development in and Around the Town Centre and Other Centres
- E16 Appearance From Main Travel Routes
- E38 Alterations to Business Premises
- E43 Vacant Upper Floors

RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received raising the following concerns:

- *There is insufficient parking at the rear of the buildings;*
- *There are constant problems with just one car being parked behind 106 – 108 and the other occupants of the Parkgate shops. If two flats are created and another restaurant, parking is even more deprived. We have very limited parking available to the buildings. There is a pay and display car park which would be fine for the customers but the residents and shopkeepers should not be expected to park in the pay and display. We should have easy access to our own parking*
- *We would also object to another restaurant as there is a constant drainage problem behind 106 – 108, 110, 112 – 114, 116 – 118. The drains overflow and cause health and safety issues with our customers. The drain gets cleaned out approximately every 4 to 6 months, another restaurant would put additional pressure on the existing drain systems under the premises.*

PLANNING ISSUES

The main issues to be considered here are whether or not the application is acceptable in the following terms;

- Planning Policy
- Highway Matters
- Visual Appearance and Character of the Area
- Residential Amenity
- Other issues

Planning Policy

The application site lies within a Fringe Shopping Area. Policy S18 (Food and Drink Uses Outside the Town Centre) permits restaurant uses in such Areas provided that they are easily accessible by foot, cycle and public transport and provided that there will be no adverse impacts on residential amenity and highway safety.

Policies H4 (New Housing Development in and Around the Town Centre and Other Centres) and E43 (Vacant Upper Floors) encourage the use of upper floors for appropriate uses including for residential purposes when they are close to the town centre and local shopping and community facilities.

Policies E16 (Appearance From Main Travel Routes) and E38 (Alterations to Business Premises) look to ensure that any external alterations to a building are sympathetic with their surroundings.

Highway Matters

There are a number of similar restaurant uses on this section of Parkgate and this area of Town is well served by public car parks. There are also good public transport links and the site is within walking distance of the town centre.

In relation to the proposed apartments there will be no on-site parking, however the good accessibility of the site will make the apartments attractive for non-car owners. Visitor parking is available in adjacent public car parks. Also, similar residential developments close to the site, with no allocated parking, have already received planning permission. The Council's Traffic Manager has raised no objections to the proposal.

Visual Appearance

No 106 Parkgate has a shopfront with a central entrance and a curved window where it turns the corner with the alleyway. No 108 have a recessed doorway to the side under a canopy it shares with No 110. The upper floor is brick built with ornate features and dormer windows within the roof slope. The existing pebble dashed rear elevation is nondescript with a single storey extension.

Internally, the front area of the ground floor would become one large restaurant area. The alteration to the shop fronts involves the substitution of the side doorway with a continuation of the shop front, the creation of a central doorway and the "squaring off" of the curved window. The upper floor will remain unchanged. These alterations are considered acceptable and would not have an adverse impact upon the street scene.

The first floor would be used for residential purposes with an internal mezzanine floor installed to create a bedroom and bathroom area. To the rear, the single storey extension would be demolished and replaced with a two storey rear extension including two dormer extensions with Juliet balconies from the bedrooms. The rear extension would not have an adverse impact upon the street scene and would be an improvement upon the existing aspect.

Residential Amenity

As the proposal involves the introduction of residential properties at first floor level, it is considered prudent to restrict the hours of operation of the restaurant to 0900 to 2300. The Council's Environmental Health Officer has also requested the imposition of conditions relating to refuse storage; the control of fumes and odours and ventilation equipment

The two Juliet balconies overlook an existing car park rather than other residential dwellings and it is deemed that the proposed development will not have a detrimental impact upon residential amenity.

Other Issues

One of the concerns raised by the objector related to drainage problems in the area and this has been confirmed by the Environmental Health Officer. The views of the sewerage undertaker, Northumbrian Water, as to whether the proposal would have a material impact on the present position are awaited at this time and will be reported to the meeting.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

That subject to the views of Northumbrian Water, the proposed change of use of the building and the associated alterations and extensions are considered to be acceptable in this location by virtue of the fact that it would not have an adverse impact on the character or amenity of the area. The proposal does not raise any issues in respect of residential amenity, highway safety or crime prevention. The proposal is considered to comply with the relevant polices in the development plan set out below:

- S18 Food and Drink Uses Outside the Town Centre
- H4 New Housing Development in and Around the Town Centre and Other Centres
- E16 Appearance From Main Travel Routes
- E38 Alterations to Business Premises
- E43 Vacant Upper Floors

RECOMMENDATION

THAT SUBJECT TO THE VIEWS OF NORTHUMBRIAN WATER PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) D4 Refuse Storage (Details to be Submitted)
- 4) D18 Control of Fumes
- 5) D19 Ventilation Equipment (Details Required)
- 6) The restaurant use hereby permitted shall not operate outside the hours of 0900 to 2300 Monday to Sunday.

REASON: To protect the amenities of the residents of the apartments at first floor level.

- 7) B5 Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

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INFORMATIVES

The applicant is advised that contact must be made with the Assistant Director; Highways and Engineering (contact Ms. P.Goodwill 01325 388760) in relation to naming and numbering of the development.