

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 March 2010

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APPLICATION REF. NO:	09/00847/FUL
STATUTORY DECISION DATE:	22 March 2010
WARD/PARISH:	LASCELLES
LOCATION:	155 Neasham Road
DESCRIPTION:	Installation of externally mounted air conditioning unit to rear
APPLICANT:	L Rowland & Co Retail Ltd

APPLICATION AND SITE DESCRIPTION

The application premises is a two-storey mid terrace building on the eastern side of Neasham Road. The terrace comprises of four retail units; the application site itself, a tanning studio, a café, and a hardware shop. The surrounding area is otherwise predominantly residential in character although there are several more commercial premises interspersed amongst the dwellings along this part of Neasham Road. Traditional two storey terraced properties lie adjacent to, and to the rear of the site. The modern Windermere Court housing development, comprising of detached dwelling houses is situated opposite the site, on the western side of Neasham Road.

The proposal is for the installation of an externally mounted air conditioning unit to the rear of the building.

PLANNING HISTORY

92/539 – Planning permission was granted in November 1992 for an extension to the premises.

01/895 – Advertisement was refused in February 2002 for the display of a freestanding double sided internally illuminated 6 sheet advertisement.

PLANNING POLICY BACKGROUND

The following policies in the Borough of Darlington Local Plan are relevant : -

E38 – Alterations to Business Premises

E48 – Noise-Generating/Polluting Development

RESULTS OF CONSULTATION AND PUBLICITY

One letter has been received from a local resident simply stating that there is an objection for a number of reasons including that the proposed development would be visible from an upstairs window.

The letter does not expand on what the other reasons are.

PLANNING ISSUES

The main issues to be considered in the determination of this application are: -

- Visual Amenity; and
- Residential Amenity

Visual Amenity

The proposed air conditioning unit would be sited on the rear main wall of the building above an existing flat roofed extension to the premises and beneath a first floor window cill. The unit is relatively small and would not be particularly visible within the street scene, being screened to a degree by two storey extensions on properties either side and the gable end of a two storey end terrace house beyond a narrow back lane. Consequently public viewpoints of the unit would be limited, namely from a few vantage points on Langdale Road, to the south. Therefore it is considered that there is unlikely to be an significant impact on the visual amenities of the area.

Residential Amenity

The Council's Public Protection Division are satisfied that the proposed air conditioning unit would not result in noise nuisance problems, subject to the unit operating only during business opening hours, which are given in the application as 8.45am –5.45pm, Monday to Friday and 9.00am – 12pm.Saturday. The application states that the unit will be turned off outside of these hours. However, it may be prudent to attach a condition restricting the unit to the stated opening hours to enable the authority to control the hours of operation.

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

It is considered that the proposed air conditioning unit would not harm the visual amenity of the area or result in conditions that may harm the amenities of nearby residents.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

- 1) A3 – Implementation Limit (Three Years)
- 2) B5 Detailed Drawings (Accordance with Plan)

- 3) The air conditioning unit hereby approved shall only operate between the hours of 8.45am –5.45pm, Monday to Friday and 9.00am – 12pm.Saturday, and not at all on Sundays.

REASON – In order to safeguard the amenities of nearby residents.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

It is considered that the proposed air conditioning unit would not harm the visual amenity of the area or result in conditions that may harm the amenities of nearby residents. No issues are raised in relation to crime prevention. The proposal is considered acceptable in the light of policies E38 (Alterations to Business Premises) and E48 (Noise-Generating/Polluting Development) of the Borough of Darlington Local Plan 1997.