

DARLINGTON BOROUGH COUNCIL**PLANNING APPLICATIONS COMMITTEE****COMMITTEE DATE: 11 March 09****Page**

APPLICATION REF. NO:	09/00068/FUL
STATUTORY DECISION DATE:	02/04/09
WARD/PARISH:	LINGFIELD
LOCATION:	299 Yarm Road, Darlington, DL1 1BA
DESCRIPTION:	Installation of new shop front
APPLICANT:	Mr Sitnam Singh

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the installation of a new shop front.

The new shop front is of an aluminium construction and is broadly comparable to the previous shop front. The main differences with the previous shop front are that the new shop front frame is coloured green and that the glazing panels are slightly larger.

A separate application for advertisement consent for the signage has also been submitted (Ref: 08/00932/ADV).

The unit has previously been used as a shop (Use Class A1). The use of the unit as a sandwich bar would also be a Class A1 Use. The application does not provide details of any seating areas being provided within the unit. The use would, however, still be considered to be as a shop even if some seating is provided for the consumption of sandwiches on the premises.

The application property is located at the eastern end of the row of two storey flat roofed units within Yarm Road Local Centre. To the east of the unit there are residential properties also fronting Yarm Road. To the rear of the site is a large courtyard area providing vehicular access to the shop units.

The nearest residential property on Yarm Road is located some 5m from the side elevation of the application property.

The works commenced on site after the application was submitted and the new shop front has been installed.

The application initially included the installation of refrigeration and air conditioning plant. The applicant, however, no longer wishes to install this equipment (which has now been omitted from the application).

PLANNING HISTORY

79/00192/AD on 25 April 1979 permission was granted for the display of an internally illuminated fascia sign.

97/00192/CU on 20 May 1979 planning permission was refused for a change of use from Class A1 Retail to Class A3 food and drink

PLANNING POLICY BACKGROUND

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

- E29 – The Setting of New Development
- E38 – Alterations to Business Premises
- R2 – Access For People With Disabilities
- S10 – Safeguarding the District and Local Centres

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties were advised of the proposed development by way of letter and a site notice was displayed.

letters of objection have been received and the points raised are summarised below:

- *The air-conditioning units will be noisy and we do not want to hear it in our garden.*
- *We object to rubbish being thrown about the area.*
- *Most of the units already sell food.*
- *The unit could be open to 10.00pm.*
- *We do not want youths hanging around.*
- *The rear of the building is only a short distance from the front of our house.*
- *We have real concerns regarding the level of noise the refrigeration and air conditioning plant will generate.*
- *We already have to contend with the noise generated by the other businesses as well as the litter and clientele they attract.*
- *We already have to put up with delivery vans.*
- *We understand the opening times will be between 7am and 10pm so this will mean more delivery vans, more noise, more litter and more people visiting the area.*
- *The business opened on 24 February without the refrigeration and air conditioning plant, if they are able to operate the business without the equipment, why is it necessary to install it.*
- *The installation of the new shop front has already been completed, how has this been allowed to happen without the approval of this planning application.*
- *The air-conditioning units on the other units can be quite noisy.*
- *We are concerned about the late opening hours.*

The Environmental Health Officer was consulted on the application and commented that the proposed air conditioning and refrigeration plant (which have now been omitted from the application) would have been acceptable. The specification of the plant and the distances from

residential properties would have been such that no significant issues of noise and disturbance would have been raised.

PLANNING ISSUES

The main issues to be considered here are whether the new shop front is acceptable in terms of planning policy and visual amenity

Policy E29 (The Setting of New Development) of the Borough of Darlington Local Plan ensures that new development will respect the character of its setting in terms of siting, design, materials and landscape.

Policy E38 (Alterations to Business Premises) sets out the criteria against which alterations to business premises should be assessed. Generally alterations to business premises are permissible subject to the development not having an adverse material effect on the character and appearance of the building or the street scene.

The new shop frontage is in keeping with the character and visual appearance of the retail unit and is similar in style and appearance to the other shop fronts in the block which differ in design detail. The development is not considered harmful to visual amenity.

Policy R2 (Access For People With Disabilities) specifies that alterations to existing buildings which the public and employees have access to will be required to provide suitable access for people with disabilities. Level access is provided and therefore the application is in accordance with this Policy.

Policy S10 (Safeguarding the District and Local Centres) states that Council will safeguard and enhance the vitality and viability of Yarm Road Local Centre. The application accords with this Policy as it does not harm the vitality and viability of the Local Centre.

The following comments are made in relation to some of the points raised by the objectors.

The application is not for a change of use and therefore it would not be appropriate to seek to control the opening hours or times of deliveries. It is considered that the application does not, in itself, have any impacts with regard to littering in the area or anti-social behaviour. It is noted that the development commenced before the planning application has been determined.

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 development does not harm the visual appearance of the application property or the visual amenity of the area. The development is not harmful to residential amenity in terms of light, outlook or overlooking. The application is not considered to raise any significant issues in relation to noise or disturbance.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. A3 Implementation Limit (3 years)
2. B5 Detailed Application (Accordance with Plans)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The development is considered acceptable and does not cause significant harm to the character and appearance of the area. The development has no significant impacts in terms of residential amenity. The development does not adversely impact on highway safety. No issues are raised in relation to crime prevention. The application is considered acceptable in light of the following Policies of the Borough of Darlington Local Plan 1997:

- E29 – The Setting of New Development
- E38 – Alterations to Business Premises
- R2 – Access For People With Disabilities
- S10 – Safeguarding the District and Local Centres