

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 FEBRUARY 2010

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APPLICATION REF. NO:	09/00845/CU
STATUTORY DECISION DATE:	27 JANUARY 2010
WARD/PARISH:	CENTRAL
LOCATION:	30B LARCHFIELD STREET
DESCRIPTION:	CHANGE OF USE TO (A2) ESTATE AGENCY
APPLICANT:	SSERTROF PROPERTY RENTALS LTD.

APPLICATION AND SITE DESCRIPTION

30B Larchfield Street is a small single storey commercial property located close to the junction with Duke Street. An audio-visual equipment stockist most recently occupied the property however there is no clear evidence of an established use at the premises. The proposal will involve minimal exterior alterations. New signage is to be provided which would be subject to a separate advertisement consent application.

PLANNING HISTORY

None relevant to this application.

PLANNING POLICY BACKGROUND

Duke Street is identified in the Borough of Darlington Local Plan as being an area of 'Fringe Shopping' (Policy S9) as well as being within the 'Central Area Office Development Limit' (Policy EP12). Policy S9 permits the creation of new 'small shops' and class A2 service uses within this area. Traditionally the nearby Duke Street has had a high concentration of Estate Agents and similar A2 usages. The principle of the change of use is therefore considered acceptable.

RESULTS OF CONSULTATION AND PUBLICITY

Seven letters of neighbour notification were issued together with a site notice that expired on 1 January 2010. Two letters of objection have been received on behalf of the Estate Agent Office (45 Duke Street) located immediately opposite the application site.

Objection has been raised on the following grounds:

- *I would have major concerns on the level of parking to this area. We are based on the corner junction of Duke Street and Larchfield Street I have overseen many accidents over the last two years due to cars being parked on both sides of the street, not only this we also have problems with people parking down the side of Larchfield Street and blocking our access areas. The shop unit in question is predominantly within a more residential area being next to apartments and houses. I feel there are not only many letting agents already trading within this area and there are enough units down Duke Street that would be a better location. For this reason I would object to the change of use.*
- *I wish to place a formal objection to the above change of use planning application, on the grounds of potential unauthorised traffic parking, and restrictions to access by such parking to properties on the opposite side of the street, which I manage on behalf of Client's. The majority of Estate and Letting Agents are located in Duke Street, where adequate car parking is available, but this site has been the subject of un-authorised parking for some time, which is likely to increase with such a changed use occupation. Restrictions to the access gate to No. 45 Duke Street, to allow permitted parking have already been experienced and would be likely to be increased.*

Darlington Association on Disability (DAD) initially issued a holding objection to the proposal as no details were provided on the intended means of access. The applicant supplied details that indicated that the access was level. DAD advised that with minor modification when the property is refitted further improvements could be made. The applicant has indicated that they are happy to take these recommendations on board and added to the scope of works prior to the unit being occupied. An appropriate condition is recommended should planning permission be granted.

The Council's Highway Officer raises no objections to the proposal.

PLANNING ISSUES

The area surrounding Duke Street has a diverse range of uses with a mixture of retail, financial, food and drink uses as well as offices and some limited residential accommodation to first floor level. The proposed operation during typical hours of operation (0830 to 1800 Monday to Friday, 0900 to 1600 Saturday and 1000 to 1600 on Sundays and Bank Holidays) does not represent a significant change from what the premises was previously used for, an audio/visual shop.

Objection has been raised that there are existing problems with people illegally parking in this area. Although this situation has undoubtedly caused the neighbouring businesses problems in the past it is not possible for the planning system to enforce individuals parking motor vehicles, this would be for the parking wardens and Police to enforce. A short distance to the east (approximately 35m) there is a council owned car park accessed off Barnard Street with approximately 25 spaces beyond this is an even larger car park accessed off Winston Street. So there is adequate parking provision within a short distance of the application site. It should be noted there is no parking provision directly to the front of the premises as this section of Larchfield Street has single yellow 'no waiting' lines. The councils Highway Department have been consulted with details of the application and do not raise an objection on highway safety grounds. Also its location complies with other requirements of the policy that it is easily accessible by foot and public transport. It would therefore prove difficult to sustain an objection that the proposed change of use would have a detrimental effect on highway safety.

Objection has also been raised on the grounds that being located on Larchfield Street the development has the potential to adversely effect residential amenity. The property is located next to a development of flats (Ashfield Court) on the junction of Larchfield Street and East Raby Street. It is not considered that the proposed use as a letting/estate agent will give rise to significant concerns regarding disturbance to residential properties.

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 application site is located within a fringe retail area of Darlington which is identified as an area also suitable for A2 (Financial and Professional Services) and there are a significant number of similar uses within the vicinity. The proposal to change the use of the small retail unit at 30B Larchfield Street from a A1 shop to an A2 use is unlikely to compromise either residential amenity or highway safety.

RECOMMENDATION

Planning permission BE GRANTED subject to the following conditions:

A3 – Time limit for implementation (3yrs)

B5 – Detailed Application (Implementation in accordance with approved plans)

J1 – Accessible Doorway

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed change of use is considered to be acceptable in this location by virtue of the fact that it would not have and adverse impact on the character or amenity of the area. The proposal does not raise any issues in respect of highway safety or crime prevention. The proposal is considered to comply with the relevant policies in the development plan set out below:

Policy S9 – Fringe shopping areas

Policy R2 – Access for people for disability