

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 26TH August 2009

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APPLICATION REF. NO:	09/00419/FUL
STATUTORY DECISION DATE:	17th August 2009
WARD/PARISH:	Harrowgate Hill
LOCATION:	324 – 326 North Road Darlington
DESCRIPTION:	Convert offices/retail accommodation to 4 flats.
APPLICANT:	LJM Bespoke Kitchens

APPLICATION AND SITE DESCRIPTION

The site lies at the northern end of North Road near the Thompson Street East junction. The application building itself forms part of a small group of shops fronting North Road, each with a small parking space to the front of the shop.

The ground and first floor of the buildings consist of a mixture of offices, retail and storage. This proposal intends to convert the southernmost pair of buildings to four flats with access to a small yard to the rear and car parking to the front as now.

PLANNING HISTORY

The only relevant recent planning application relating to the site was in 2004 in which permission was granted to erect a stockroom/workshop building – 04/00369/FUL.

PLANNING POLICY BACKGROUND

There are no specific development plan policies that directly relate to this site other than Policy S6 - Non Retail Uses which presumes against the loss of retail uses in the primary or secondary shopping frontages of the town centre. This site is well outside such areas so does not conflict with that policy.

Policy H11 relating to new housing development is relevant in terms of the proposed use of the buildings.

RESULTS OF CONSULTATION AND PUBLICITY

Local residents were consulted and a site notice posted – one letter of objection has been received raising the following issues:

- Loss of privacy occurs from existing flats as the occupants climb out of windows and sit on the roof looking into gardens nearby.
- Additional noise will be created if four more flats are created.

Environmental Health Officer –

- No objections provided noise attenuation conditions are appended to any permission granted.

Highways Officer –

- No objections to parking arrangements but some concern relating to access to the bin storage area.

Gas and Electricity utility providers have no objections.

Planning Policy Officer – No objections.

PLANNING ISSUES

The primary planning issue relating to this proposal is that of the impact on the amenities of local residents.

The proposal involves the insertion three ground floor and three first floor bedroom windows into the existing flat roofed extension to the rear. These will overlook what is at present an untidy area of passages and outbuildings but beyond these is a garden area attached to 24 Brian Road. The distance from the proposed windows and the garden area is some 20 metres and considerably further to the dwelling itself.

Under normal circumstances this distance would be sufficient not to result in noise nuisance being caused from the flats in relation to nearby residential property.

Loss of privacy from overlooking is a legitimate concern; it is considered however that the relationship between the windows in this proposal and adjacent residential properties is similar to that of other properties generally.

No balconies are proposed which would encourage casual usage and overlooking of adjacent properties, and the additional windows on the first floor (the ground floor windows will not cause a problem), are for bedrooms from which it is unlikely that sustained overlooking would regularly take place (such as from living rooms for example).

Bearing the above in mind therefore together with the separation distance being similar to that experienced within other residential estate areas, it is considered that in this instance there will be insufficient loss of amenity caused to users of the garden of 24 Brian Road to warrant refusal of planning permission.

An outstanding issue relates to access to the bin storage area; it is hoped that revised details will be available in time for the Meeting.

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 proposed development relates to the creation of four flats in a predominantly residential area but adjacent some existing retail shop units. The loss of shops in this particular location does not raise any planning policy issues and the conversion is therefore considered acceptable in principle.

Issues raised relating to loss of privacy and disturbance to local residents have also been considered and in this instance are not considered to be of sufficient detrimental impact to warrant a refusal of planning permission in view of the separation distance and the nature of the internal accommodation the subject of the development.

RECOMMENDATION

That subject to the receipt of revised plans relating to access to the bin storage area, planning permission is granted with the following conditions :

1. Standard time limit 3 years
2. Traffic noise protection scheme to be submitted
3. Notwithstanding the submitted details, revised plans shall be submitted to and approved in writing by the Local Planning Authority, relating to appropriate access to bin storage areas by occupiers of the proposed flats. These arrangements shall be fully implemented thereafter.

REASON – In the interests of the amenities of residents of the proposed flats.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

- Policy S6 - Non-Retail Uses
- Policy H11 New Housing Development