

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 October 2013

Page

1

APPLICATION REF. NO: 13/00504/CU

STATUTORY DECISION DATE: 7 November 2013

WARD/PARISH: CENTRAL

LOCATION: 94 Bondgate, Darlington DL3 7JY

DESCRIPTION: Change of use to provide vintage tea room (A3) retail (A1) and ancillary uses including storage and office (amended description)

APPLICANT: Mr Kevin Hardcastle

APPLICATION AND SITE DESCRIPTION

Change of use from shop (use class A1) to provide vintage tea room (use class A3) with retail and ancillary uses including storage and office.

The proposal is for a vintage tea room on the ground floor with retail on the first floor (sale of vintage teapots). Some rooms may also be used for events commensurate with the A3 use.

The application is a relatively narrow three storey property to the north side of Bondgate.

PLANNING HISTORY

87/00615/MISC, on 13 January 1988 planning permission was granted for a new shop front.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- S5: Town Centre Food and Drink Uses
- S6: Non Retail Uses

Darlington Core Strategy 2011:

- CS1: Darlington's Sub Regional Role and Locational Strategy
- CS7 : The Town Centre

The National Planning Policy Framework 2012 is also relevant.

RESULTS OF CONSULTATION AND PUBLICITY

Letters were sent to neighbouring properties advising of the application and a site notice was also displayed.

Darlington Association on Disability commented that without information of how disabled people will access the premises, DAD would object (there is a step to gain access to the unit).

The **Environmental Health Officer** asked to see more detail regarding extract equipment and refuse storage.

The **Highways Engineer** asked for details of access for deliveries and operational parking to be submitted.

The **Planning Policy Officer** supported the application and provided comments on the proposal which form the basis for the assessment of the planning issues below.

PLANNING ISSUES

The application property is located on Bondgate which is designated as a Secondary Shopping Frontage in the Borough of Darlington Local Plan.

The National Planning Policy Framework (NPPF) states that local planning authorities should support existing business sectors taking account of whether they are expanding or contracting and where possible identify and plan for new or emerging sectors likely to locate in their area.

Policy S5 (Town Centre Food and Drink Uses) of the Local Plan states that additional A3 uses will be permitted in the secondary shopping frontages provided that the overall concentration of non-shop uses in a particular length of frontage would not be such as to undermine its character or vitality as a shopping frontage.

Supplementary Planning Guidance to assist in the interpretation of the issue of concentration in secondary frontages (Guidelines for the Introduction of A2 and A3 uses and Amusement Centres into the Secondary Shopping Frontages of Darlington Town Centre - 1998) states that:

Where a proposal would result in the proportion of class A1 shop uses in the relevant length of frontage falling or remaining below 60%, then the overall concentration of non-shop uses will be considered to be such as to undermine its character or vitality as a shopping frontage.

The relevant length of frontage in this particular case is the north side of Bondgate between St Augustine's Way and Commercial Street. The frontage already has a high number of non retail uses including the Job Centre Plus Office, the Old Yard Tapas Bar and the Tap & Spile Public House. The class A1 units on the frontage (which is some 51.5m in width) presently account for 37% of the length of the frontage. The proposed change of use would reduce this to 29%, below the lowest acceptable threshold of 60% referred to in the supplementary planning guidance.

It can, however, be argued given the low proportion of retail uses that this part of Bondgate no longer functions as a shopping frontage. The level of shopping activity is already well below that necessary to support a viable and lively shopping frontage and it would be difficult to sustain a case that a further reduction would undermine its shopping character or vitality. It should also be noted that the application premises has been vacant for the last 4 years and is of fairly modest size, not one of those known to be in short supply in the town centre. This part of Bondgate is also on the periphery of the defined centre, cut off from other main shopping frontages by Commercial Street and by the broad footway and carriageway of Bondgate. Overall it is considered that the proposal is acceptable notwithstanding the policy background.

The proposal raises no significant issues regarding amenity but conditions for details of extract equipment and refuse storage would be required.

Details are not included in the application as to how access for disabled people would be achieved and therefore a condition requiring these details to be agreed would be necessary.

As this is a change to a use that would be similar to the previous A1 use in terms of footfall and deliveries, the proposal is unlikely to result in any additional highway safety issues. However a condition requiring these details to be confirmed before the change of use commences would be appropriate.

Conclusion

In strict terms the proposal is contrary to local plan policy which seeks to safeguard the secondary shopping frontages primarily for shopping. However, this part of Bondgate no longer functions as an important shopping frontage with level of shopping activity below that necessary to support a viable and lively shopping frontage. Furthermore the relevant local plan policies are now somewhat dated and need to be considered carefully in the context of the aspirations of the NPPF. This document indicates that investment in business should not be overburdened by policy expectations and should allow for changes in economic circumstances.

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.

RECOMMENDATION

It is recommended that planning permission be granted subject to conditions.

1. A3 – Implementation Limit (3 years)
2. D19 – Ventilation Equipment (Details Required)
3. D4 Refuse Storage (Details to be Submitted)

4. Unless otherwise agreed in writing by the Local Planning Authority, the change of use shall not commence until details of access for disabled people have been submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall only take place in accordance with the approved details.

REASON – In the interests of achieving reasonable access for disabled people.

5. Unless otherwise agreed in writing by the Local Planning Authority, the change of use shall not commence until details of access for deliveries and any functional parking have been submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall only take place in accordance with the approved details.

REASON – In the interests of highway safety.

The following policies have been taken into consideration:

Borough of Darlington Local Plan 1997:

- S5: Town Centre Food and Drink Uses
- S6: Non Retail Uses

Darlington Core Strategy Development Plan Document 2011:

- CS1: Darlington's Sub Regional Role and Locational Strategy
- CS7 : The Town Centre