

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 24 September 2008

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APPLICATION REF. NO:	08/00635/FUL
STATUTORY DECISION DATE:	25 September 2008
WARD/PARISH:	HAUGHTON NORTH
LOCATION:	Asda Supermarket, Whinbush Way, Darlington, DL1 3RB
DESCRIPTION:	Erection of a smoking shelter to side of store (north facing elevation) – retrospective application.
APPLICANT:	Asda Stores Limited

APPLICATION AND SITE DESCRIPTION

The application is for retrospective planning permission for a smoking shelter within the curtilage of the Asda store at the junction of Whinfield Road and Whinbush Way. The structure is positioned near to the north facing side of the store on a wide paved area. It is of Perspex construction measuring some 4m x 2.2m.

The shelter faces towards the car parking area on this side of the building beyond which are residential properties in The Firs. To the east lies Whinfield primary school and further dwellings.

PLANNING HISTORY

The Asda site has an extensive planning history, however only the most relevant to the consideration of this application is included here: -

08/355 – In April 2008 an application was submitted for the retention of a smoking shelter within the enclosed landscaped area at the rear (east facing side of the store). This application was withdrawn following the submission of the current one and the shelter repositioned to its present location.

PLANNING POLICY BACKGROUND

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

E38 – Alteration to Business Premises

E46 - Safety and Security

H15 - The Amenity of Residential Areas

T39 - Conditions for Pedestrians

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received from local residents raising the following concerns:

- The shelter is on a busy thoroughfare and has reduced the width of the footpath, which will make it difficult for pedestrians to pass, particularly during the times of the day when children are being escorted to and from school.
- The shelter is a potential hazard for all pedestrians, especially as the nights draw in over the coming months.
- It will be difficult to pass the shelter without having to inhale cigarette smoke
- Adults and children are sheltering in the refuge from the rain while employees are smoking.
- The shelter will be used by teenagers as a place to smoke and drink alcohol resulting in similar unsociable problems that are being experienced at Mowden.
- It will be subject to vandalism as the nearby bus shelters are.
- It is in a position where smokers will be highly visible to children on their way to and from school and will give the wrong message about the acceptance of smoking to the children.

PLANNING ISSUES

The main issues to be considered are:-

- Residential Amenity
- Visual Amenity
- Highway Implications
- Moral Concerns

Residential Amenity

The nearest properties are located to the east, some 31m away but behind the store itself and therefore issues of noise and disturbance are not likely to be of any significance. Similarly, a separation distance of approximately 55m is provided between the shelter and the rear gardens of properties in the Firs (to the north) and one of some 68m to the dwellings themselves. A landscaped buffer also exists between these houses and the intervening car park. Consequently it is considered that the location of the shelter is unlikely to give rise to conditions that would prejudice the amenities of nearby residents.

Neither the Council's Healthy Workplace Officer or Environmental Officer have any objections to the proposal.

Visual Amenity

The proposed shelter is unlikely to have any detrimental impact on the visual amenities of the locality. It is similar in appearance to shopping trolley shelters located in the store car park but is less conspicuous, screened to a large degree by the store and extensive tree cover in the landscaped belt between the smoking shelter and the adjoining car park.

Highway Implications

Objectors concerns regarding a narrowing of the footpath alongside the store are noted. However the Councils Traffic Manager has advised that the width of the footpath alongside the store is of sufficient width to accommodate the smoking shelter and provide a clear passage for pedestrians.

Moral Concerns

Moral issues involving smoking can be given little weight as a material planning consideration unless there is some tangible land use or amenity impacts deriving from the activity, which can be shown. Such impacts have been covered in previous sections of this report and are not considered to be of any significance. Consequently any refusal reason based on the grounds that the smoking shelter would be morally unacceptable in this location for example on grounds that it would encourage under age smoking could not be sustained.

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.

Officers have considered the application in the context of Policy E46 of the Borough of Darlington Local Plan and Section 17 of the Crime and Disorder Act 1998. The objectors comment that the presence of the smoking shelter will result in problems of anti social behaviour and vandalism. Whilst objectors' comments are noted there is no evidence to substantiate that anti social behaviour will result from the development, consequently it is a matter that is not of sufficient weight to justify a refusal of planning permission.

ASDA have stated that the store has management/security personnel in attendance outside of trading times .In addition they have commented that CCTV coverage is in operation at the store, which covers the smoking shelter.

CONCLUSION

It is considered that the proposed scheme is unlikely to result in any material harm being caused to the amenities currently enjoyed by adjoining and neighbouring residents nor is it likely to detract from the visual appearance of the locality. The proposal does not raise any issues in respect of highway safety or crime prevention.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

It is considered that the proposed scheme is unlikely to result in any material harm being caused to the amenities currently enjoyed by adjoining and neighbouring residents nor is it likely to detract from the visual appearance of the locality.

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:

Borough of Darlington Local Plan 1997

E38 – Alteration to Business Premises

E46 - Safety and Security

H15 - The Amenity of Residential Areas

T39 – Conditions for Pedestrians