

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE:** 5 May 2010

**Page**

**APPLICATION REF. NO:** 09/00919/DC

**STATUTORY DECISION DATE:** 17 February 2010

**WARD/PARISH:** CENTRAL

**LOCATION:** 11, 12 And 13 Horsemarket, Darlington  
DL1 5PW

**DESCRIPTION:** Change of use from A1(shops) to A2 (financial and professional services) and installation of replacement sliding door to front (amended description, additional plans received 25 February 2010 and amended plans received 21 April 2010)

**APPLICANT:** Director Of Corporate Services

**APPLICATION AND SITE DESCRIPTION**

This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992.

Planning permission is sought for the change of use from a former (currently vacant) hairdressers unit to a 'one stop shop' for Connexions which would provide an advice facility for young people.

In order to make the premises more accessible, the application has been amended to feature a new sliding door that would provide a greater width allowing easier access for people with disabilities including wheelchair users. The internal alterations to the unit also include providing a disabled W.C and a lift (elevator).

The property is located opposite the Old Town Hall and the market building. To the east of the unit (in the same building) is an office which is to be converted into a one stop shop for a family information service run by Children's Service. To the west is a coffee shop.

The former hairdressers unit has a relatively modern shop front and is located within a Grade II Listed Building.

A separate application has been submitted for listed building consent for the works including for the internal alterations to the offices in the same building. This application (Ref: 09/00918/DCLBC) is a separate item on the agenda for this committee meeting.

## PLANNING HISTORY

78/00894/AD, on 10 January 1979 planning permission was granted for the display of one internally illuminated projecting sign.

80/00612/MISC, on 13 August 1980 planning permission was granted for a change of use from ice cream parlour to ice cream parlour with café with seating

86/00065/MISC, on 26 March 1986 planning permission was granted for the change of use from a restaurant / café to a retail shop.

91/00453/MISC, on 16 July 1991 an application was withdrawn for a change of use from retail shop (Class A1) to use for financial and professional services (Class A2).

91/00472/MISC, on 18 October 1991 planning permission was refused for the change of use from Class A1 (retail Shop) to Class A2 (financial and professional services) estate agent.

## PLANNING POLICY BACKGROUND

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

R2 – Access for People with Disabilities

S4 – Town Centre Uses

## RESULTS OF CONSULTATION AND PUBLICITY

Consultation Letters were sent to neighbouring properties and a site notice was displayed. No letters of objection have been received.

**The Highways Officer** raised no objections to the proposal.

**The Environmental Health Officer** raised no objections to the proposal.

**The comments of Planning Policy** are summarised below:

- *When Horsemarket was defined as a secondary shopping frontage in the Local Plan class A1 shops were intermixed with other uses throughout its length to the corner of Feethams. However, reconfiguration of the frontage of the Dolphin Centre in the mid-2000s led to the loss of all of the A1 uses east of Bull Wynd, with the result that the application properties became the end A1 units. That is, they do not comprise any kind of 'bridge' or link in a chain to other A1 shops which might rely on a flow of shoppers along a shopping frontage. The loss of these two units from A1 use would represent a de facto shortening of the secondary shopping frontage (and the town centre's primary shopping area) but, unlike in most other town centre situations, would not bring about a break or interruption in it.*
- *Such a consideration would not be a determining one if harm was nevertheless caused to the vitality and viability of the town centre as a whole by the loss of much-needed shop units. But that is not the situation. Notwithstanding the absence of specific marketing evidence in this case, the town centre, presently and historically, has a high rate of A1*

*shop vacancies (more than 50 units at present, around 12% of the total), with the large majority being in secondary shopping frontages or more peripheral locations. Secondary frontage units also tend to be much slower to re-let than primary locations.*

- *In the particular circumstances of this application there would be no discernible undermining of the character or vitality of a shopping frontage or harm to the town centre as a whole, and the proposed changes of use can therefore be permitted.*

## **PLANNING ISSUES**

The property is located within a town centre secondary shopping frontage, as defined in the Borough of Darlington Local Plan. Policy S4 of the Local Plan is particularly relevant to this proposal, which would result in the loss by change of use of a ground floor class A1 shop.

Policy S4 states that additional A2 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.

The Council has adopted Supplementary Planning Guidance (SPG) to assist in the interpretation of the issue of concentration in secondary shopping frontages (Guidelines for the Introduction of A2 and A3 Uses and Amusement Centres into the Secondary Shopping Frontages of Darlington Town Centre 1998).

The Supplementary Planning Guidance states that where a proposal would result in the provision of class A1 shop uses in the relevant length of frontage falling or remaining below 70% but not below 60% then the overall concentration of non-shop uses will be considered to have the potential to undermine its character or vitality as a shopping frontage. The SPG states that proposals which would result in the location next to one another of three or more non-shop uses will normally constitute an unacceptable concentration.

The relevant length of shopping frontage is the continuous section of Horsemarket and Blackwellgate between Bull Wynd and the junction of Blackwellgate and Houndgate. This consists of twelve ground floor units in a frontage 124m in length. Nine of the units (including the application premises) have established class A1 use, amounting to 75.8% (94m) of the whole. The proposal would reduce the A1 frontage to 80m or 64.5% of the total frontage.

The proposal would not only take the length of A1 frontage below the 70% threshold but would result in the location of three non-shop uses next to one another. The width of the application unit, is not unusually narrow so the proposal would normally be unacceptable on the three-units grounds itself and be refused.

The alterations to the length of secondary shopping frontage that took place in connection with the Dolphin Centre resulted in a loss of A1 units to the east of Bull Wynd. The application property is now, therefore, located towards the end of the effective shopping frontage. In these circumstances the A1 unit (currently vacant) does not form a link to other A1 premises further down the street which would require a flow of shoppers along the shopping frontage. The proposed change of use would represent the shorting of the effective shopping frontage but would not bring about a break or interruption in it.

Taking the SPG into consideration and the specific circumstances of the proposed change of use, it is considered that the proposal accords with Policy S4 (Town Centre Uses) of the Borough of Darlington Local Plan as it would not undermine the character or vitality of the shopping frontage or the town centre as a whole.

There are no issues with highway safety associated with the application.

The proposal would have a minimal impact on the external appearance of the property as the only change would be replacing the existing door with a sliding door to make the property more accessible.

A Disability Equality Impact Assessment has been carried out in relation to the proposed change of use and also in consideration of an office relocation to the upper floors of the building. Some of the positive effects identified in the Disability Equality Impact Assessment in relation to the proposed change of use include improved access from the town centre, the proximity of bus stops, a level access from the pedestrianised area and disabled parking directly outside the building. The amended plans also show the location of a lift in the property.

### **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 proposal would result in the loss of a A1 unit within the secondary shopping frontage. However the proposal would not sever or interrupt a continuous shopping frontage. The property has been selected because its position in the Town Centre is an important part of its functionality. The nature of the proposed use is considered to be acceptable in this location and the proposal is not considered to be harmful to the vitality and viability of the Town Centre.

### **RECOMMENDATION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: [Under regulation 3]**

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

### **Suggested summary of reasons for granting planning permission**

The proposed change of use is considered acceptable and will not cause significant harm to character and vitality of the town centre. The proposal has no significant impacts in terms of residential amenity. The proposal does not adversely impact on highway safety. No issues are raised in relation to crime prevention. The proposal is considered acceptable in light of the following Policies of the Borough of Darlington Local Plan 1997:

R2 – Access for People with Disabilities  
S4 – Town Centre Uses