

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27th August 2008

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APPLICATION REF. NO:	08/00586/CU
STATUTORY DECISION DATE:	4th September 2008
WARD/PARISH:	CENTRAL
LOCATION:	9-10 Horsemarket, Darlington
DESCRIPTION:	Change of use from A1 (sports shop) to Mixed A1/A3 Use (café/shop) (Retrospective)
APPLICANT:	Café Nero

APPLICATION AND SITE DESCRIPTION

The application site is situated on the southern side of the Market Building on Horsemarket the building is Grade II Listed Building. The site is located within the Town Centre Conservation Area.

Planning permission is sought for the change of use of 9-10 Horsemarket (formerly McGurk Sport Shop) from class A1 (retail) to a mixed class A1/A3 use (retail/café). Associated applications for signage and listed building consent have also been submitted and will be delegated pending the outcome of this application. The application site is also located within what is identified in the Borough of Darlington Local Plan as secondary shopping frontage.

The change of use and associated external alterations have already been carried out.

PLANNING HISTORY

None relevant to current application. The premises has been subject to numerous applications for new shop frontages and signage. There is no evidence of previous change of use applications at the property.

PLANNING POLICY BACKGROUND

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

S5- Town Centre Food and Drink Uses

The following national policy guidance is relevant: -

Planning Policy Statement 6: Planning for Town Centres (2005)

RESULTS OF CONSULTATION AND PUBLICITY

Following submission of this formal application for planning permission, the Council undertook a neighbour consultation exercise together with site notices. One objection has been received to date.

The Council's Environmental Health Officer has been consulted and has raised no objections to the proposed development.

The Council's Highway's Officer has been consulted and has raised no objections to the proposed development.

Darlington Association on Disability has objected to the proposal as no level access is provided. The applicant has been encouraged to provide a revised scheme to incorporate level access. Unfortunately this has not been possible without affecting the fabric of the Listed Building.

PLANNING ISSUES

The main planning issues to be considered in the determination of this application are: -

- Planning Policy
- Highway matters

Planning Policy

9 - 10 Horsemarket is a ground floor shop unit, which was occupied until early 2008 by the McGurk Sports Shop, a class A1 shop use.

Horsemarket is defined in the Borough of Darlington Local Plan as a secondary shopping frontage within the town centre. The application would result in the loss of a class A1 shop unit to mixed class A1/A3. As such Local Plan Policy S5 is relevant. This 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'

The Council has adopted Supplementary Planning Guidance (SPG, 'Guidelines for the Introduction of A2 and A3 Uses and Amusement Centres into Secondary Shopping Frontages of Darlington Town Centre', October 1998) to assist in the detailed interpretation of the policy. The relevant section to this application states that:

'Where a proposal can be implemented without taking the proportion of class A1 shop uses in the relevant length of frontage below 70%, then the overall concentration of non-shop uses will not be considered to be such as to undermine its character or vitality as a shopping frontage. The proposal will thus accord with Policies S4, S5 or S19 of the Local Plan and be permitted.'

Officers consider the relevant length of frontage in this case to be between 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. Ten of the units (including the application premises) have established class A1 use, amounting to 83.9% (104m) of the whole

frontage. The application premises have a frontage width of about 10m so the proposal would reduce the A1 frontage to 94m, or 75.8% therefore complying with the requirements of the SPG.

Highway Matters

Plans submitted with the application indicate the retention of the existing stepped accesses to the frontage of the property. This has raised objection from Darlington Association on Disability and the applicant has been invited to try and resolve this access issue. The shop frontage is an important aspect of the listed building and it is difficult to see how a level or ramped access can be provided to the property. Policy R2 of the Borough of Darlington Local Plan states that:

'Proposals for new buildings or the change of use or alteration of existing buildings to which the general public and employees have access will be required, where practicable and reasonable, to provide suitable access and facilities for people with impaired mobility'.

Facilities have been accommodated within the property for people with impaired mobility however provision of access off Horsemarket is problematic and would likely result in obstruction of the footpath and a detrimental impact on the prominent frontage of the Listed Building.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

In conclusion, there are no planning policy objections to the proposal as it accords with Policy S5 of the Local Plan.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

A3 - Implementation Limit (3 years)

B5 – Implementation in accordance with approved plans.