

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 April 2008

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APPLICATION REF. NO:	08/00166/CU
STATUTORY DECISION DATE:	17 April 2008
WARD/PARISH:	EASTBOURNE
LOCATION:	47 - 49 Brankin Road, Darlington, DL1 4LL
DESCRIPTION:	Change of use to shop (A.1) on ground floor
APPLICANT:	ONKAR SINGH

APPLICATION AND SITE DESCRIPTION

The application site consists of the ground floor of a two-storey building situated on the corner of Brankin Road and Brankin Drive, within a predominantly residential area. The ground floor of the property is currently a vacant shop. Planning permission was granted for its conversion to residential accommodation in 1999, however this was never implemented and the ground floor of the building remains fitted out as a shop. A residential flat occupies the first floor of the building. The shop is attached to a residential property to the south, which is owned and to be occupied by the applicant. The nearest other residential properties are a pair of semis, situated to the west of the building, on Brankin Drive.

Planning permission is sought for the change of use of the ground floor of the building to a shop, to include the relocation of the entrance.

PLANNING HISTORY

89/00799/MISC – In February 1999 planning permission was granted for the change of use of a store to a retail shop (retrospective).

99/00688/CU – In November 1999 planning permission was granted for change of use of vacant shop to residential accommodation.

PLANNING POLICY BACKGROUND

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

S16 – Small Local Shops

H15 – The Amenity of Residential Areas

T24 – Parking and Servicing Requirements for New Development

R2 – Access for People with Disabilities

RESULTS OF CONSULTATION AND PUBLICITY

Two letters of objection have been received from occupiers of nearby properties Brankin Road, raising the following concerns:

- *These types of premises tend to be a magnet for anti-social behaviour and all the problems society has these days (gangs of yobs, underage alcohol selling, etc.). There is already a problem with teenagers hanging around the property – this will only get worse if they have a shop to hang around outside; I live alone and would not feel comfortable with many strangers around my property;*
- *The development will cause parking problems by inconsiderate motorists – this road is busy enough as it is;*
- *The development will cause litter problems;*
- *The development will cause house price deterioration;*
- *The property ceased to be a shop in 1999, resorting to a residential property, therefore in my opinion is not required; There are enough shops within walking distance of this property;*
- *My home is right next door to the proposed shop and I will suffer from constant inconvenience and worry if this application is approved.*

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

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

Darlington Association on Disability has raised no objections to the proposed development however has highlighted that details will be required of the proposed access door.

PLANNING ISSUES

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

- Planning Policy
- Visual Amenity
- Residential Amenity
- Highway Matters

Planning Policy

Policy S16 (Small Local Shops) of the Borough of Darlington Local Plan states that local shops of up to 100m² gross floorspace will be permitted in or adjoining the residential areas provided that there will be no material adverse effect on residential amenity or highway safety.

The development is considered to be acceptable in the context of the above development plan policies. These, together with other matters of detailed development control, will be discussed in the following sections of this report.

Visual Amenity

The application is for a change of use of an existing building with the only alterations relating to the entrance to block up the existing opening and the creation of a new opening to the northern elevation of the shop. The application has been submitted with existing and proposed floor plans

and it is recommended that a planning condition is attached to any approval to require the submission of full detailed elevations to show the new opening at which point the suitability for disabled access, in agreement with Building Control, can be assessed.

Residential Amenity

The premises have been vacant for some time and its permission for conversion to residential accommodation was not implemented. The building is closely related to existing residential properties, however it is not considered that its use as a shop would have a significantly detrimental impact on the residential amenities of neighbouring properties. The building is on a corner site with a forecourt to the entrance and the new entrance would not be immediately adjacent to the street frontages of these neighbouring dwellings.

The Council's Environmental Health Officer has been consulted and has raised no objections to the premises operating as a shop. A separate application has been submitted to the Public Protection Division to apply for a license to open the shop between 6am and 10pm. The Environmental Health Officer has confirmed that he is satisfied that this will not cause undue amenity or disturbance. Furthermore, as part of this application the occupier is required to submit an operating schedule and to fully comply with that in order to remain within the terms of any licence given. As these other statutory controls are in place, it is not considered that it is necessary to include a planning condition to control opening hours. Moreover, deliveries to the shop are likely to be minimal.

Other matters raised by objection relate to potential anti-social behaviour. While it is not possible to predict the behaviour of customers, it is also not appropriate to make assumptions, the principal issue being whether the use of the land for this purpose is acceptable, and not the nature of the customer. It is therefore not considered that this issue can be a determining factor in this case.

Highway Issues

The Council's Highways Officer has been consulted and has raised no objections to the proposed development given that the building was previously used as a shop.

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 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 change of use is considered to be acceptable in this location by virtue of the fact that it would not have an adverse impact on the character or amenity of the area. 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:

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) Prior to the commencement of the development hereby approved, elevations to show the alterations to the shop front, namely the relocation of the entrance door, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of visual amenity and to achieve a satisfactory form of development.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed change of use is considered to be acceptable in this location by virtue of the fact that it would not have an adverse impact on the character or amenity of the area. The proposal does not raise any issues in respect of highway safety or crime prevention. The proposal is considered to comply with the relevant polices in the development plan set out below:

Borough of Darlington Local Plan (1997)

S16 – Small Local Shops

H15 – The Amenity of Residential Areas

T24 – Parking and Servicing Requirements for New Development

R2 – Access for People with Disabilities