

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 4 June 2008**

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<b>APPLICATION REF. NO:</b>	<b>08/00376/DC</b>
<b>STATUTORY DECISION DATE:</b>	<b>20 June 2008</b>
<b>WARD/PARISH:</b>	<b>CENTRAL</b>
<b>LOCATION:</b>	<b>High Row, DARLINGTON</b>
<b>DESCRIPTION:</b>	<b>Change of use to allow for the placing of market stalls in all appropriate places of the pedestrianised town centre</b>
<b>APPLICANT:</b>	<b>DIRECTOR OF CORPORATE SERVICES</b>

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**APPLICATION AND SITE DESCRIPTION**

A review has been carried out by Council Officers on the location of market stalls in response to comments and suggestions that the layout of stalls at the different markets needed to be changed. Collectively the concerns were that the stalls:

- Create a barrier between High Row and West Row;
- Obstruct the view of the water feature;
- Restrict access to the steps separating High Row from West Row;
- Restrict the side view of the ramp and frontage of Binns from Horsemarket.

In March 2008 Cabinet resolved to relocate part of the outdoor market layout recommending that planning permission is sought to allow the placing of market stalls in all appropriate places of the pedestrianised town centre for all the markets that may take place. This was to allow the continued support at the market, improve and develop the weekly and themed markets in Darlington and to ensure that open markets are sustainable and contribute to the town centre.

Whilst markets have been held in Darlington for over one thousand years, recent history shows that general markets have been held in the Market Place each Saturday and Monday. These are now supplemented by additional themed markets such as the Crafts Market, Farmers Market, French and Continental Markets, Summer and Winter Events and the seasonal Christingles. Under the provisions of Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995, planning permission is required to use any land for the holding of a market for more than 14 days in total per calendar year.

This application, which is submitted under Regulation 3 of the Town and Country Planning General Regulations 1992, would allow for the continuation of the various market stalls to be placed throughout the town centre, and to allow for any future revisions to the layout.

The town centre has recently been the subject of pedestrianisation and refurbishment and it is located within the Town Centre Conservation Area. The town centre also contains various listed buildings.

## **PLANNING HISTORY**

Various applications have been submitted to as part of the Pedestrian Heart proposal.

## **PLANNING POLICY BACKGROUND**

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

- E16 Appearance from Main Travel Routes
- E29 Setting of New Development
- E46 Safety and Security
- R1 Designing For All
- R2 Access for People with Disabilities
- S2 Safeguarding the Town Centre

Guidance on listed building and conservation area issues is contained within Planning Policy Guidance Note 15 – Planning and the Historic Environment

## **RESULTS OF CONSULTATION AND PUBLICITY**

No letters of objection received

## **PLANNING ISSUES**

The markets require the flexibility of being operated in any part of the pedestrianised town centre. The stalls are in varying sizes and in each case the Council's Markets Manager approves colours, quality and consistency of design,. The markets are of a temporary nature and generally erected and dismantled each operational day, although some such as the Pot Fair may be in situ for up to four days due to the physical built nature of the stalls and the type of goods contained within. The market stalls are carried out in accordance with the Council's Public Events Safety Advisory Group (PESAG) approval with regard to consultation with town centre occupiers, pedestrian and highway safety etc. No highway objections have been raised by the Council's Traffic Manager.

The various markets contribute to the visual appearance, character and function of the town centre and would not have a detrimental impact upon the Town Centre Conservation Area nor the listed buildings contained therein.

## **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**

The various markets contribute to the visual appearance, character and function of the town centre and would not have a detrimental impact upon the Town Centre Conservation Area nor the listed buildings contained therein. The application would allow the continued support, improvement and development of the weekly and themed markets in Darlington and to ensure that open markets are sustainable and contribute to the town centre. The application would accord with the following policies in the Borough of Darlington Local Plan 1997:

- E16 Appearance from Main Travel Routes
- E29 Setting of New Development
- E46 Safety and Security
- R1 Designing For All
- R2 Access for People with Disabilities
- S2 Safeguarding the Town Centre

## **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 AND 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**

The various markets contribute to the visual appearance, character and function of the town centre and would not have a detrimental impact upon the Town Centre Conservation Area nor the listed buildings contained therein. The application would allow the continued support, improvement and development of the weekly and themed markets in Darlington and to ensure that open markets are sustainable and contribute to the town centre. The application would accord with the following policies in the Borough of Darlington Local Plan 1997:

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