

## **DARLINGTON BOROUGH COUNCIL**

### **PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 26<sup>th</sup> July 2017**

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**APPLICATION REF. NO:** 17/00311/CU

**STATUTORY DECISION DATE:** 11th June 2017

**WARD/PARISH:** Park East

**LOCATION:** Crown Street Priestgate, Darlington

**DESCRIPTION:** Change of use of former TK Maxx ground floor retail unit to four individual units to include use classes A1,A3, A5 and D2.

**APPLICANT:** Mr P Wright.

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#### **APPLICATION AND SITE DESCRIPTION**

The application site is currently vacant and located on the west bank of the River Skerne in Darlington Town Centre. It fronts on to Priestgate to the north and Crown Street to the west. The southern boundary of the site faces the rear of properties which front on to Stonebridge.

The site slopes down from west to east and north to south. There is in excess of 2m difference in levels between the front and rear of the building.

Public access to the unit is via an entrance on the corner of Priestgate and Crown Street where there is also pedestrian access to the multi-storey car park above. Vehicular access to the multi-storey car park is from Priestgate, as is access to the rear service road and yard which serves the property.

There is a landscaped strip running along the bank of the river between it and the service road and yard. The rear yard is enclosed by a high brick wall fronting Priestgate and fencing along the river side.

#### **PLANNING HISTORY**

No relevant planning applications received for this site other than advertisement signs in 2007.

#### **PLANNING POLICY BACKGROUND**

*Darlington Core Strategy Development Plan Document Polices: -*

CS1: Darlington's Sub Regional Role and Locational Strategy

CS7: The Town Centre

## **RESULTS OF CONSULTATION AND PUBLICITY**

Local residents and occupiers were consulted and a site notice posted. No comments were received as a result of this publicity.

**Environmental Health** – No objections to the proposals but require more details on issues relating to fumes/odour control, noise from air conditioning etc. and refuse disposal. This can be achieved by condition.

**The Highways Engineer** – Satisfied that the proposals overall will not cause any material traffic increase over the existing permitted use, however certain details require amendment relating to the service road/access road/cycle parking and pedestrian separation. This can be achieved via condition.

**Sustainable Transport** – Require amended cycle parking location and the submission of a Travel Plan. The location is sustainable in terms of public transport access.

**Conservation Officer** – Supports the proposal.

**DAD** – Require details of disabled access to the development before occupation.

As this is a change of use application with no end users identified at this stage, conditions can be attached requiring the details above to be provided as and when occupiers are identified.

## **PLANNING ISSUES**

Principle of proposed use -

The current approved land use for the application site floorspace is A1 retail. It is proposed to subdivide the floorspace into four separate planning units comprising A1 Retail, A3 Restaurants and Cafes, A5 Hot Food Takeaways and D2 Assembly and Leisure. It is intended that each of the four units has the benefit of all four use classes.

Apart from the need to submit further details before occupancy as noted above, no overriding problems have been identified by consultees. The principle of the change of use as proposed is considered acceptable bearing in mind the town centre fringe location of the building and its existing use as a (vacant) retail shop, with multi storey car park above.

**Visual changes** - The appearance of the building will remain largely the same as existing after the development has been completed. The main difference being the introduction of the covered external walkway with recessed glazed shop fronts to the West, Crown Street elevation.

On the Eastern, rear elevation facing the service area and the river, there will be a new glazed screen with access to a mezzanine deck and external space for customer use.

A new loading bay area will be created on the rear, East elevation underneath the vehicular ramp to the multi-storey car park above. This area will have a stair and lifting platform to access the

unit floor which is at a higher level. There will be a refuse area adjacent to the loading bay which will be screened by a high close boarded timber fence.

Overall therefore it is considered that the proposed change of use is acceptable in planning policy terms and the visual changes to the exterior of the building are considered to acceptable and not have a detrimental impact on the character of either the building or this part of the Town Centre Conservation Area.

## **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.

## **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) A3-Implementation Limit
- 2) The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

P 103 and P104

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

## **REASON**

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

- 3) No noise emitting fans, louvres, ducts or other external plant associated with this permission shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority.

**REASON** – In the interests of residential amenity

- 4) Prior to the use hereby permitted commencing, a scheme shall be submitted to, and approved in writing by the local planning authority for the effective control of fumes and odours from the premises. The scheme shall be implemented prior to the use commencing.

**REASON** – In the interests of residential amenity

- 5) The use hereby permitted shall not commence until details of the arrangements for storing of waste or refuse have been submitted to, and approved by, the local planning authority.

**REASON** – In the interests of residential amenity

- 6) Prior to the commencement of the development precise details showing the rationalization of the servicing and car park access off Priestgate shall be submitted to and approved in writing by the Local Planning Authority.

**REASON** – In the interests of highway safety.

- 7) Prior to the commencement of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** – In the interests of highway safety.

- 8) Before development commences, a Framework Travel Plan shall be submitted for this development. This should include a package of actions to increase the travel choices for proposed staff/visitors in order to reduce the impact of single occupancy car travel.

**REASON** – In the interests of promoting sustainable transport.

- 9) Before development commences, full details of the means of disabled access to the development shall be submitted to and approved in writing by the Local planning Authority.

**REASON** – No such information has been submitted.

### **Informatives.**

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.

The layout proposal includes for works to be carried out within the existing public highway and these will be subject to a Section 278 Agreement under the Highways Act 1980. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 406663) to discuss this matter.