

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 29th September 2021

APPLICATION REF. NO: 21/00862/FUL

STATUTORY DECISION DATE: 14th September 2021 (EOT Until 1st October 2021)

WARD/PARISH: EASTBOURNE

LOCATION: 366 Yarm Road

DESCRIPTION: Erection of single storey glazed extension to front elevation

APPLICANT: Mr & Mrs. Burrell Graeme & Julie

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QWJTQ2FPH0K00>

APPLICATION AND SITE DESCRIPTION

1. The application site relates to 366 Yarm Road, located at the eastern end of Yarm Road and is to the south west of the McMullen Road/Yarm Road Roundabout. The application property comprises a hot food takeaway at ground floor, currently used as a fish and chip shop, with a self-contained flat above. Planning permission was granted for the hot food takeaway in November 2016 (16/00896/FUL). There is a dedicated parking area to the east of the application site and a forecourt to the front of the existing property. There is a retail shop (McColl's) which adjoins the property to the west. There are other commercial/retail business around the roundabout including a retail park. There are residential dwellings on Yarm Road and McMullen Road immediately beyond the commercial properties. Alderman Crooks Park is located immediately to the South.

2. Planning permission is sought for the erection of a single storey glazed extension to the front elevation. The extension measures approximately 3m in projection x 6m in width x 2.8m in total height. The materials used in the construction of the extension consist of reinforced glass and composite materials. The extension is glazed on all sides as well as the roof. The existing car park to the east of the property would remain available to serve the proposed takeaway.
3. There was a previous planning application (20/00783/FUL) for the change of use from a hot food takeaway (Sui Generis) to mixed use hot food takeaway/café (Sui Generis/Use Class E) and erection of single storey extension to front elevation which was refused on the basis of the impact of the use on parking and highway safety as well as the scale, design and siting to the front of the proposed extension.

MAIN PLANNING ISSUES

4. Site History:

20/00783/FUL. Change of Use from hot food takeaway (Use Class Sui Generis) to mixed use hot food takeaway/cafe (Use Class Sui Generis/E) and erection of single storey extension to front elevation (as amended by plans received 24 November 2020). Refused. 21.01.2021.

16/00898/ADV. Display of 1 No. internally illuminated fascia sign to the front elevation and 1 No internally illuminated sign to the side elevation (amended plans received 11 October 2016). Granted with Conditions. 22.11.2016.

16/00896/FUL. Change of Use from shop (Use Class A1) to Hot Food Takeaway (Use Class A5), installation of a new shopfront; creation of an outdoor seating area, and addition of stainless-steel flue to rear elevation (as amended by plans and additional information received 28 October 2016). Granted with Conditions. 08.12.2016.

04/00020/ADV. Display of one fascia sign to shop front and one projecting sign (description amended by letter 5 February 2004). Granted with Conditions. 19.02.2004.

04/00018/FUL. Installation of 4 no. anti-ram raid bollards (Retrospective application). Withdrawn. 10.02.2004.

01/00475/FUL. Single storey rear extension forming office and store. Granted with Conditions. 16.08.2001.

97/00518/ADV. Continued display of internally illuminated box fascia sign and retention of first floor flank non-illuminated advertisement (amended description). Refused. 01.10.1997.

97/00309/FUL. Installation of a new shopfront (retrospective development). Granted with Conditions. 25.06.1997.

96/00735/CU. CHANGE OF USE FROM BANK (CLASS A2) TO HOT FOOD TAKE-AWAY (CLASS A3).
Granted with Conditions. 13.02.1997.

96/00735/(A). NUMBER 8/96/735/DM DATED 13 FEBRUARY 1997 FOR CHANGE OF USE FROM
BANK (CLASS A2) TO HOT FOOD TAKEAWAY. Approved. 10.09.1997.

87/00355/MISC. ERECTION OF BOLLARDS TO DEFINE CAR PARKING SPACES. Granted with
Conditions. 26.08.1987.

84/00579/AD. THE DISPLAY OF: AN INTERNALLY ILLUMINATED FASCIA SIGN. Granted with
Conditions. 07.11.1984.

5. The main planning issues to be considered are:

- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Parking and Highway Safety
- 4) Other Matters

PLANNING POLICIES

6. The relevant Local Plan policies include those seeking to ensure the proposed development:

- a) Makes efficient use of land, buildings and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (Policy CS2 of the Core Strategy 2011)
- b) Where new shop fronts, or alterations to existing shop fronts are proposed, the development respects the scale, proportions and character of the building and of neighbouring buildings and shopfronts (Saved Local Plan Policy E38)
- c) Protects and where possible, improves environmental resources whilst ensuring there is no detrimental impact on the environment, general amenity, and health and safety of the community (Policy CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Environmental Health Officer has been consulted on the application and has raised no objections.
8. The Council's Highways Engineer has been consulted on the application and has raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

9. There have been 9 letters of objection submitted and the main points are summarised below:

- Parking, congestion and Highway Safety

- Impacts on visual amenity
- Residential Amenity – loss of light/ overshadowing
- Safety of McColl's shop
- Security of glass extension
- Will affect McColl's deliveries
- Long queues affecting access to McColl's
- Too many eating establishments in area

PLANNING ISSUES/ANALYSIS

(a) Visual Amenity

10. The application property is one of a pair of semi-detached commercial properties located in a prominent position on the south side of Yarm Road/McMullen Road roundabout. The ground floors of both properties are currently in commercial use. Both properties have been altered to include shop fronts although the character of the properties is more of domestic scale.
11. The proposed ground floor extension to the front would project approximately 3m into the forecourt area to the front of the property. The proposed extension is a modern structure with floor to ceiling glazed panels, a glazed roof and a glazed door to the front north elevation. It is considered that the scale and design of the proposed extension would not be unduly prominent in context of the existing commercial property and the wider street scene.
12. It is acknowledged that an extension to the front was proposed in a previous application (20/00783/FUL) and was subsequently refused. The proposal subject of this current application has been amended from the last submission and is of a smaller scale and of a modern appearance which, on balance, is not considered to result in a detrimental impact on the character and appearance of the existing property or the surrounding area where there are numerous commercial properties, including Darlington Retail Park located to the north of the roundabout.
13. Owing to the above reasons, it is considered the proposed extension would accord with Saved Policy E38 (Alterations to Business Premises) and Core Strategy Policy CS2 (Achieving High Quality Sustainable Design).

(b) Residential Amenity

14. It is acknowledged that there have been some concerns raised over the safety of staff working in the adjoining convenience store McColl's and the proposed extension restricting views from the shop and impacting their safety.
15. Due to the substantial glazing within the proposed extension, it is not considered that the proposal would result in a significant loss of light or outlook from the adjoining shop premises. While planning policies seek to protect amenities of residential properties and

their private garden areas from development that may be overbearing resulting in loss of light or outlook, the same provisions do not apply to commercial premises.

16. The Council's Environmental Health Officer has raised no objections to the proposal.
17. It is considered that the proposed extension would not result in a loss of residential amenity and would therefore accord with Policy CS2 and CS16 of the Core Strategy 2011.

(c) Parking and Highway Safety

18. The proposed extension shows that it will be used as a space for waiting for orders on one side and a queuing area on the other side. The extension features benches within the extension, located on either side, with no dedicated seating which people could lean against to eat, however it is considered that this would not attract customers to stay for a long period of time. There is also a dedicated car park, which the fish and chip shop business has exclusive access to, located to the east. Therefore customers of the neighbouring McColl's shop have no 'right' as such to use the car park, should the owner not be willing to permit this.
19. A previous application (20/00783/FUL) for an extension with a change of use from a hot food takeaway (Use Class Sui Generis) to a mixed-use hot food takeaway/café (Use Class Sui Generis/E) was refused on highway grounds owing to lack of parking and increased traffic/road safety concerns.
20. The Council's Highways Engineer has been consulted on the application and has considered this current proposal to be fundamentally different to the previous proposal as this application does not provide internal seating and the proposal offers a more customer friendly means of waiting/queuing in inclement weather. In the previous application it was considered that the internal seating element would likely have compromised parking available for the higher turnover of takeaway customers as seated customers will stay for a longer duration.
21. 5-year accident history does show a number of minor collisions, with additional parking on the highway circulatory likely to be an aggravating factor. Increased parking restrictions were implemented as part of the recent works on McMullen Road Roundabout, restrictions now extend to Yarm Road and Salters Lane as well as the circulatory space of the roundabout, with the objective of protecting capacity and visibility to ensure a safe and free moving highway.
22. The hot food takeaway is known to be busy and successful business and generates a significant amount of additional traffic over the previous retail use. It is considered that whilst the car parking is for exclusive use for the fish and chip shop their does appear to be some dispute with the adjoining convenience store over traffic and parking issues, which is a civil matter not a material planning consideration.

23. Owing to the points set out above, the Highways Engineer has set out that they do not consider that this application would create any additional highways impact and therefore has a neutral impact on traffic and road safety. They have raised no highway objections.

(d) Other Matters

24. There have been concerns raised over the security of the proposed glazed extension and the use of glass. The application states that the proposed extension would be constructed of reinforced glass and it is considered that the existing shop front features glazing and therefore there is not an increased concern regarding the security of materials.
25. There has been concern raised over queues from the fish and chip shop extending past the front of the neighbouring convenience store. This is considered to be an existing resulting factor of the fish and chip shop use and it is not considered the proposed extension would result in a further impact above the existing situation.
26. One matter raised by an objector is that there are too many eating establishments in the area. The property is already in use as a hot food takeaway and this application is for an extension to the front only and would therefore not introduce a new use. Notwithstanding this, the Council does not have a policy restricting the number and/or location of new restaurants and takeaways and as such it would be difficult to justify refusal of the application on this basis.

PUBLIC SECTOR EQUALITY DUTY

27. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION

28. The proposed extension to the front of the property would be acceptable in terms of visual amenity its impact on the character and appearance of the existing property and the surrounding area in accordance with Saved Local Plan Policy E39 and Core Strategy Policy CS2. The proposed extension would not result in a loss of residential amenity in accordance with Policy CS2 and CS16 of the Core Strategy 2011.
29. The proposed extension which consists of a waiting and queuing area and no dedicated seating is not considered to result in an increased impact on parking and highway safety above that of existing and to warrant the refusal of this application.

Accordingly, it is recommended **THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON: To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

- Site Location Plan
- 20033 002B Proposed Plan
- 20033 003B Existing and Proposed Elevations
- 20033 004B Existing and Proposed Site Plans
- 20033 005 Detailed Plan
- Visuals and Measurements

REASON: To ensure the development is carried out in accordance with the planning permission.