

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6TH November 2024

APPLICATION REF. NO:	24/00863/FUL
STATUTORY DECISION DATE:	13 November 2024
WARD/PARISH:	Pierremont
LOCATION:	11A Brinkburn Road And 2,4,6 Chandos Street
DESCRIPTION:	Enlargement of the internal floor area of the existing shop and alterations including single storey rear extension, new shop front with new entrance and removal of bricked up bay windows. New front access door for first floor flat on east elevation, removal of chimneys, render to north elevation together with associated works; relocation of three existing refrigeration units onto rear elevation at first floor level (Amended plan received 20 September 2024)
APPLICANT:	Mr Jaskaran Singh

RECOMMENDATION: GRANT PERMISSION PURSUANT TO CONDITIONS

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=summary&keyVal=SJ87JWFPKKA00>

1. The planning application site is located on the corner of Brinkburn Road and Chandos Street. The site comprises a mini market shop (Nos 11A Brinkburn Road and Nos 2 and 4 Chandos Street) and a terraced dwelling (No 6 Chandos Street). The first floor accommodation for No 6 Chandos Street extends above part of the mini market. A separate entrance off Brinkburn Road currently leads to a separate first floor flat above the remainder of the mini market.

2. There are yards to the rear of the properties which contain single and two storey extensions and external plant.
3. The existing shopfront and entrance for the mini market is on Brinkburn Road whilst the Chandos Street frontage includes two bay windows and a doorway which have been infilled with brickwork (under planning permission reference number 07/00195/FUL). No 6 Chandos Street has a front door and ground floor bay window and retains its domestic appearance.
4. The surrounding area is primarily in residential use interspersed with retail and hot food outlets on some of the junctions of Brinkburn Road and the connecting streets.
5. Planning permission (ref no: 22/01293/FUL) has been previously granted on the site for alterations and extensions to the existing shop, to convert No 6 Chandos Street into part of the shop at ground floor and to create 2 no. self contained 3 bed apartments above. The permission also included the erection of part two storey, part single storey rear extensions, a new shop front including new entrance and the removal of the bricked up bay windows, alteration/additional first floor windows, a replacement roof and removal of chimneys, render to all elevations and associated works.
6. This is a revised planning application is for the following works:
 - a) Internal alterations and single storey extension to enlarge the mini market floor area by 30m².
 - b) A single storey rear extension to include the extended mini market floor space and to provide cycle and bin storage areas and staff kitchen.
 - c) A new shop front on Brinkburn Road/Chandos Street with the entrance on the street corner
 - d) Removal of bricked up bay windows on Chandos Street to be replaced by part of the new shop front.
 - e) A new front access door for the first floor flat off Chandos Street (replacing the existing door on Brinkburn Road)
 - f) Removal of chimneys,
 - g) Render to Brinkburn Road elevation together with associated works.
 - h) Relocation of three existing refrigeration units onto rear elevation of existing first floor extension
7. No 6 Chandos Street would remain as a dwelling with living accommodation above part of the mini market. A separate flat would remain above the rest of the mini market with access off the new door on Chandos Street rather than Brinkburn Road.
8. Following a site visit, the single storey extension has been built and two of the refrigeration units have already been installed on the rear wall of the existing first floor extension. Amended plans have been submitted to show the extension with a sloping roof and the relocation of three refrigeration units rather than four as originally proposed.

MAIN PLANNING ISSUES

7. The main planning issues are whether the proposed development is acceptable in the following terms.
 - a) Planning Policy
 - b) Residential Amenity
 - c) Impact on Visual Appearance of the Surrounding Area
 - d) Highway Safety and Parking Provision
 - e) Nutrient Neutrality

PLANNING POLICIES

8. The relevant policies within the Darlington Local Plan 2016 – 2036 are as follows:

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC3: Health and Wellbeing

DC4: Safeguarding Amenity

H3: Development Limits

TC5: Retail Impact Assessments

IN2: Improving Access and Accessibility

RESULTS OF TECHNICAL CONSULTATION

9. The Council's Highways Engineer and Environmental Health Officer have raised no objections.
10. The Architectural Liaison Officer from Durham Constabulary has raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

11. Following the Council's publicity and notification exercises, three letters of objection have been received. The objections can be summarised as follows:
 - *The proposal will attract antisocial behaviour.*
 - *The proposal will lead to an increase in children vaping and buying them from the store.*
 - *The proposal will lead to an increase in litter left on the streets.*
 - *The proposal will lead to parking problems for residents.*
 - *An existing bus stop prevents the owner from parking his van and car outside the entrance to the shop.*
 - *The new entrance and external alterations will mean the owner parking on Chandos Street taking away parking spaces for residents of Chandos Street*
 - *Residents cannot park outside their own door due to customers using the shop.*
 - *Parking has already been lost to give buses a clear run down the street.*

- *Unloading taking place at the bus stop is already an issue already as well as children as young as 14/15 filling up the pavement meaning pushchairs and the elderly have to walk on the road.*
- *During the building works there will be more mess than what's there already, the scaffolding will hinder buses and the general public.*
- *Traffic around the area is already quite problematic especially during rush hour traffic with McDonald's and Morrisons around the corner and my fear is that if this goes ahead during the building process it will only become worse.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

12. Planning Law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2021) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
13. The proposed development is located within the development limits of the main urban area of Darlington as set by Policies SH1 and H3 of the Local Plan. The proposed development therefore accords with said policies, which seek to achieve the locational strategy for new development in the Borough by establishing development limits, within which development will generally be acceptable in-principle subject to compliance with other relevant national and local policies .
14. The shop is located outside of Darlington Town Centre and the District and Local Centres identified in the Local Plan. However, the increase in the floorspace of the shop does not exceed the threshold set out Policy TC5 of the Local Plan which requires that proposals for retail (convenience and comparison) and leisure development generating over 500sqm additional floorspace outside Darlington town centre and which are not identified in the Local Plan policies will be required to undertake an Impact Assessment.

b) Residential Amenity

15. The application site is located on the end of a terraced street within a residential area. The previous planning application indicated that the existing hours of operation for the shop are 07:00 to 21:00 Monday to Saturday and 08:00 to 20:00 on a Sunday and Bank Holiday and there is no indication that these would change as a result of the proposed development. Any changes to the opening times of the premises would be a matter for the Council as Licensing Authority.
16. Whilst not a material planning consideration, the applicant is looking to improve the customer experience within the enlarged retail area rather than expand the variety and quantity of products available. The applicant hopes to enlarge the retail area in order to allow for a more spacious arrangement of aisles and merchandise compared to the current layout.

17. With regard to the comments made on the sale of vapes, this is a matter for the applicant to control and to ensure that they follow the appropriate legislation around the sale of vapes and also alcohol. These are not material planning considerations for this planning application.
18. With regard to litter, it is considered that the small increase in retail space that is being proposed will not result in significant levels of litter. There should be an expectation that customers will use the litter bins which can be found in walking distance of the premises or take litter home.
19. With regard to antisocial behaviour, the proposal is to slightly increase the retail area of an existing shop, and it is not introducing a new retail unit into the area. The applicant will have security systems in place and the Architectural Liaison Officer from Durham Constabulary has not objected to the planning application.
20. Having a small section of the shop frontage on Chandos Street would not result in any adverse conditions for the properties on the opposite side of the street in terms of outlook or how the building will be accessed, including noise from the comings and goings associated with the repositioned entrance to the corner of the building.
21. When considering the previous application, it was deemed appropriate to secure sound insulation measures to mitigate the impact of any sound transmissions between the shop and the living accommodation above. A planning condition was imposed and has yet to be discharged and therefore it will be reinstated on any new approval.
22. Amended plans have been received which show the relocation of three refrigeration units onto the rear wall of an existing first floor rear extension. This extension houses the bathrooms for both units of living accommodation above the mini market. The bathroom windows are located on the north and south facing walls of this extension whilst the equipment is located on the west facing solid wall. The Council's Environmental Health Manager has advised that the Environmental Health Team have received no complaints about the units that have already been installed and they have no objections to the overall proposals.
23. It is also considered that the units will not have such an adverse impact on the outlook at the dwellings to the rear on Fairfield Street to merit a reason to refuse the application on such grounds.
24. The proposal no longer includes a first floor extension to the rear and as the first floor is already in residential use, the current situation remains unchanged in terms of privacy impacts with the dwellings to the rear on Fairfield Street.
25. Overall, it is considered that the proposed redevelopment of this site to slightly enlarge the retail area of an existing store in a residential area would not have an

adverse impact on the amenities of the neighbouring dwellings and the scheme would accord with policies DC4 of the Local Plan in this regard.

c) Impact on Visual Appearance of the Surrounding Area

26. The application site is located on a prominent corner. The existing shop front is fairly modern which would be replicated as part of the redevelopment of the building. However, the entrance would be located on the corner of the building and the shopfront would also extend around onto Chandos Street replacing two infilled bay windows (which were previously shop windows and display areas).
27. The loss of the bricked up bay windows would be an improvement for this part of Chandos Street in visual terms and the rendering of part of the building would not have any adverse impact on the street scene as it is an external finish found elsewhere in the locality. The use of render would remove the mismatch of the existing brickwork on parts of the building. The removal of the chimney pots (due to the internal reconfiguration for the apartments) is acceptable and they have already been removed as part of the reroofing of the building. The rear extension has been amended by the inclusion of a pitched roof.
28. The external refrigeration units are positioned at a higher level due to the majority of the rear yard being developed and built over with the single storey extension. The number and type of refrigeration equipment units is not excessive, and they are commonly found on retail premises in urban areas, even at higher levels. The units would not be out of place for this type of premises and would not have an adverse impact on the visual appearance of the area.
29. There are no external alterations being proposed to No 6 Chandos Street and so it would retain its existing domestic appearance.
30. Overall, the external alterations to the building would not have an adverse impact on the visual appearance of the street scene and would accord with policy DC1 of the Local Plan in this regard.

d) Highway Safety and Parking Provision

31. The application site is in a highly sustainable location with a pair of bus stops on Brinkburn Road in very close proximity. The applicant is looking to improve the existing retail unit for the local community who will be able to access the premises on foot.
32. The increase in retail floorspace is very modest and the additional traffic generation from such an increase is not considered to present any traffic impact or significant increase in parking demand and as such can be accommodated on the local highway network without the requirement of further assessment work.
33. In response to the highway related objections, it is correct that private cars or vans are not permitted to park within a bus stop and the servicing of the shop can be

done from the highway from the double yellow lines located on the corner of Chandos Street, as parking on double yellows is permitted provided a vehicle is actively being loaded/unloaded. Should this not be available, the rest of Chandos Street has unrestricted parking, available on a first-come first-served basis.

34. There is a significant amount of on street parking freely available within Chandos Street. Whilst understandably, residents will always wish to park directly outside of their own homes for reasons of convenience and surveillance, parking on the highway is on a first come first served basis with no right to reserve parking outside an individual's dwelling. It is however evident that sufficient capacity is available for residents within the wider street.
35. The Council will prioritise public transport over private car parking and will not remove a bus stop to provide additional on street parking. Busses do not rat-run through residential streets, rather they follow set routes designed to maximise catchment area. The bus stop referred to, is located on the opposite site of Brinkburn Road, and as such provides a different service/destination, it is not a replication of the same provision within 50m.
36. It is considered that the proposed relocation of the entrance door and reinstatement of bricked up windows will not be detrimental to residents parking provision. The proposed extension of the retail space is just 30 square metres. The Tees Valley Design Guide parking standards advise that retail stores under 1000 square metres should have 1 parking space per 30 square metres, which equates to additional parking demand of 1 space. Based on this level of demand, there is no evidence on which to recommend refusal, whereby National Planning Policy Framework 2023 guidance requires a 'severe' residual impact on the highway network. This will also have no impact on residential amenity where existing residents would be inequitably displaced by shop customers given the additional demand only equates to one single parking space.
37. The parking requirements for the reconfigured residential units does not result in the need for an increase in parking provision from the existing arrangement with, 1.5 spaces per apartment being equal to the existing situation. The retail shop will be serviced from the highway as is the existing arrangement, with the double yellow lines across the Chandos Street elevation being available for loading and unloading purposes, ensuring that the bus stop on Brinkburn Road is not obstructed. In curtilage bin storage is available for both the retail and residential elements of the development.
38. The placement of scaffolding on the highway requires a license from the Council and is a separate process outside of the determination of this planning application.
39. The submitted plans show cycle parking for the dwellings within a cycle store in the remains of the rear yard area and parking provision for the shop in a mixed bin store/cycle store within the extended building. The provision is considered to be

acceptable, and a planning condition is recommended which secures the cycle parking being put in place prior to the commencement of the retail use and occupation of the dwellings.

40. The proposal is considered to comply with policies DC1, H8 and IN4 of the Local Plan in this regard.

e) Nutrient Neutrality

41. As this proposal will not result in an increase in the number of residential units, nutrient neutrality would not apply to this application.

PUBLIC SECTOR EQUALITY DUTY

42. 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. Darlington Association on Disability (DAD) has not objected to the planning application provided that the new shopfront incorporates a level access, as per the existing entrance. This can be secured via a planning condition which has been agreed with the Agent, acting on behalf of the applicant and DAD. On such basis, the proposal would comply with policy IN2 of the Local Plan

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

43. 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.

CONCLUSION AND RECOMMENDATION

44. This planning application, which includes a proposal to increase the retail area of an existing shop, is considered to be acceptable in general planning policy terms. The comments made by residents have been taken into account and it is considered that the development does not raise any highway safety and parking concerns or general amenity concerns. The overall appearance of the development is acceptable. The proposed development will accord with the appropriate policies within the local development plan.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:

- a) Drawing Number L022085A 004 Proposed Ground and First Floor Plans
- b) Drawing Number L022085A 007 Proposed Block Plan
- c) Drawing Number L022085A 005A Proposed Elevations
- d) Drawing Number L022085A 006 Existing and Proposed Side Elevation
- e) Drawing Number L022085A 001 Site Location Plan
- f) Marstair Refrigeration Condensing Units Installation and Technical Manual

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

3. Prior to the commencement of the development hereby approved, a scheme of sound insulation measures to mitigate the impact of any potential sound transmission between the shop and first floor apartments, shall be submitted to, for approval in writing by, the Local Planning Authority. Thereafter any agreed mitigation shall be implemented in full and maintained in accordance with the approved details prior to the occupation of the residential apartments, and thereafter shall be retained and maintained for the life of the development.

REASON: To safeguard the amenities of the future occupants of the first floor apartments

4. The cycle parking and bin store provision shown on the approved plans shall be in situ and available to use prior to the first occupation of the apartments and the operational commencement of the extended retail use on the ground floor. Thereafter, the provision shall be retained and maintained for the life of the development.

REASON: To encourage the use of sustainable modes of transport

5. Notwithstanding the details shown on the approved plans, the entrance within the new shopfront shall include a level access into the shop premises. The level access shall be in place prior to the operational commencement of the extended retail use and shall be retained and maintained for the lifetime of the development.

REASON - In order to ensure the retail shop is accessible for all in accordance with Policy IN2 (Improving Access and Accessibility) of the Darlington Local Plan 2016 - 2036

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 applicant is advised that any new signage on the shopfront may require the submission of a separate planning application for advertisement consent.

This approval does not remove the need for the applicant to ensure the development meets with current Building Regulations and has consideration of the Housing, Health and Safety Rating System (HHRS) to ensure that the scheme does not contain any Category 1 hazards. The HHRS was introduced under the Housing Act 2004 and came into effect on 6 April 2006.