

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 19 November 2025**

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<b>APPLICATION REF. NO:</b>	25/00913/FUL
<b>STATUTORY DECISION DATE:</b>	26 November 2025
<b>WARD/PARISH:</b>	Pierremont
<b>LOCATION:</b>	11A Brinkburn Road And 2, 4, 6 Chandos Street
<b>DESCRIPTION:</b>	Replacement of 1 No. roller shutter to shop front (Brinkburn Road) together with the installation of 3 No. condensing units to rear elevations at first floor level (Revised Application) (Retrospective)
<b>APPLICANT:</b>	Mr Jaskaran Singh

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**RECOMMENDATION: REFUSE PLANNING PERMISSION**

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**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=T1PG8VFPJ2I00>

**APPLICATION AND SITE DESCRIPTION**

1. The application site is a convenience store located on the corner of Brinkburn Road and Chandos Street. The surrounding area is primarily residential in character interspersed with retail and hot food outlets on some of the junctions of Brinkburn Road and the connecting streets. Customer access into the store is from Brinkburn Road and this entrance is flanked on both sides by a solid frontage with panels advertising goods for sale within the store. There is also a section of panelling on the Chandos Street elevation, also advertising goods for sale.
2. This is a retrospective planning application to retain a replacement roller shutter over the shop front on the Brinkburn Road frontage of the premises and for the installation of three condenser units on the rear elevation.

3. In November 2024 planning permission (ref no 24/00863/FUL) was granted to enlarge the internal floor area of the existing shop and for external alterations including a single storey rear extension, a new shop front and entrance, the removal of bricked up bay windows, a new front access door for first floor flat on Chandos Street, the removal of chimneys, the rendering of the building and the relocation of three existing refrigeration units onto rear elevation at first floor level.
4. In March 2025, a Non-Material Amendment application (ref no 25/00232/NMA) was approved to retain the shop entrance in its original position within new shopfront on the Brinkburn Road frontage.
5. In June 2025, a retrospective Non-Material Amendment application (ref no: 25/00495/NMA) was approved to substitute the glazing within the shopfront with panels with solid blockwork behind.
6. Advertisement consent for the signage on the premises was approved under application reference number 25/00436/ADV
7. A retrospective planning application (reference number 25/00576/FUL) for the installation of a roller shutter on the Chandos Street elevation of the premises, the installation of a replacement roller shutter on the Brinkburn Road frontage together with the installation of the three condensing units to rear elevation at first floor level was refused for the following reason:

*In the opinion of the Local Planning Authority, the replacement and new roller shutter and its external housing by reason of their scale, form, design and materials has resulted in a form of development at odds with the character and appearance of this part of Brinkburn Road and Chandos Street, with resultant adverse impacts on the visual appearance of the application property and immediate surroundings. The proposal is therefore contrary to Policy DC1 (Sustainable Design Principles and Climate Change) of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.*

8. This is a revised application which seeks to retain the roller shutter on the Brinkburn Road elevation only together with the 3 no. condensing units which have been installed to the rear at first floor level. The details of both elements remain unchanged from the previously refused application 25/00576/FUL.

## **MAIN PLANNING ISSUES**

9. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:
  - a) Planning Policy
  - b) Impact on the Visual Appearance of the Building and the Street Scene

- c) Highway Safety
- d) Residential Amenity
- e) Security Concerns.

## **PLANNING POLICIES**

10. The relevant local development policies are:

- a) H3 Development Limits
- b) DC1 Sustainable Design Principles and Climate Change
- c) DC3 Health and Wellbeing
- d) DC4 Safeguarding Amenity
- e) IN1 Delivering a Sustainable Transport Network

11. The National Planning Policy Framework 2024 (NPPF) is also relevant with the key principles relating to shop fronts being of a high-quality design, which has been designed to respect the character of the building and the wider street scene, with consideration given to materials, proportion and layout. The NPPF aims to achieve places that are safe and accessible, considering security measures and their impact on the quality of life and community cohesion.

## **RESULTS OF TECHNICAL CONSULTATION**

12. The Council's Highways Engineer and Environmental Health Manager (Commercial) have raised no objections.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

13. Thirteen Neighbour notification letters were issued. Six letters of support have been received from four different properties. The comments can be summarised as follows:

- *This is a replacement shutter*
- *The shutter is required to keep the premises and neighbourhood safe and secure*
- *The shutter has no impact on anyone*
- *The owner has a right to protect his shop and employees*
- *It is important to protect local shops*
- *The shutter will deter crime; protect public safety and safeguard a valuable local community asset*
- *The shutter will reinforce security and strength of shop entrances and frontages*
- *There have been numerous cases of burglary, vandalism and arson in the neighbourhood*

14. Councillor Durham has also submitted a letter of support, and the comments can be summarised as follows:

- *A number of residents have reached out to me, as this is a well-used local amenity. Its new front although different to the previous is in keeping with modern looks. They would much rather have this well-maintained building offering a service to the community than something rundown, or ever worse a HMO*

## **PLANNING ISSUES/ANALYSIS**

### **a) Planning Policy**

15. 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 (2024) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
16. The application site is within the development limits as identified on the Policies Map of the Darlington Local Plan. Policy H3 of the Local Plan states that development within limits will be acceptable subject to compliance with other relevant national and local policies

### **b) Impact on the Visual Appearance of the Building and the Street Scene**

17. The application site is in a prominent location on the corner of two residential streets which primarily consist of terraced properties. The main customer entrance to the convenience store is on Brinkburn Road with additional solid frontage/display panels on Chandos Street. The panels have blockwork behind, and they display produce and items that would be sold from the premises. There are four panels on the Chandos Street frontage and six on the Brinkburn Road frontage (two to the left hand side of the store entrance and four to the right hand side). The panels were approved under the retrospective Non-Material Amendment application mentioned in paragraph 5 of this report.
18. Three additional condensing units have been added to the rear elevation, at first floor level. These condensing units do not have an adverse impact on the visual appearance of the building or wider street scene due to their location on the building and the presence of existing units in the same location. This form of external equipment is commonly found on commercial properties such as convenience stores.
19. The shutter, which is the subject of this application, covers the full width of the shopfront on Brinkburn Road and is coloured dark grey to match the shutter box above and runners down either side.
20. There has previously been a solid roller shutter and box on the Brinkburn Road shop front which was removed as part of the recent refurbishment works to the premises (planning permission ref no: 24/00863/FUL) and subsequently replaced with the security measures that are the subject of this planning application. The local planning

authority are unaware of when the previous roller shutter was installed as there is no record of a planning approval for it, but it appears to have been in place since 2009 at least.

21. Chandos Street is a residential street consisting of terraced dwellings whilst Brinkburn Road is a mix of terraced dwellings and commercial properties. A modern housing development is to the north of the application site on the opposite side of Brinkburn Road.
22. It is acknowledged that this frontage has previously had a roller shutter and that this form of security is not new to this elevation. However the shutter and roller box, which are subject of this application, are replacements and therefore require planning permission. The application must therefore be considered in accordance with the local development and all other material planning considerations. It should be noted that the retention of the roller shutter on this elevation has been the subject of a recent planning application, 25/00576/FUL, which was refused for the reason set out in paragraph 7 of this report.
23. The roller box and runners are externally mounted to the Brinkburn Road frontage rather than being integrated into the new shop front and the runners are quite significant visual additions to either side of the frontage. The roller box projects approximately 0.4m beyond the shopfront below. The roller shutter would be in a closed position when the store is shut overnight and for part of the early morning (between 9pm and 7am) creating a visually dead, visually unattractive frontage during these hours, which would be heightened by the use of a solid, dark shutter. The fact that the shutter would be in a closed position mainly during evening hours does not lessen the unacceptable visual impact of them.
24. Whilst a security shutter has been in place before, that fact is not outweighed by the visual harm that is caused by this replacement security measure. The roller shutter, when closed, would have a negative and adverse impact on the visual appearance of this elevation of the application property and the wider street scene along Brinkburn Road by virtue of its design, colour and width across the frontage. The projecting shutter box and runners also have an adverse visual impact by virtue of their design, projection, bulk and method of attachment to the building. The fact that the shutters and box and runners are dark grey exacerbates their dominant visual appearance when viewed against the light grey rendered finish of the building. The solid nature and design of the shutter give an almost industrial appearance to ground floor of the property which is not considered to be appropriate in a residential location.
25. The external roller shutters, roller box and runners are therefore once again contrary to Policy DC1 (Sustainable Design Principles and Climate Change) of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.
26. Whilst this application has been considered on its own merits, Members are advised that the Local Planning Authority has recently refused retrospective planning

applications for solid roller shutters at No 36 Cockerton Green (a Pizza shop) and No 33 West Auckland Road (a Nail Bar). The shutters have been removed from No 36 Cockerton Green and planning permission was subsequently granted for an amended shopfront. The applicant for No 33 West Auckland Road has lodged a planning appeal with the Planning Inspectorate and a decision is awaited. These applications are being mentioned to demonstrate a consistent approach to this form of development.

27. Members are also advised that the applicant has not lodged an appeal against the refusal of planning application reference number 25/00576/FUL and discussions have begun with the Local Planning Authority regarding the removal of the existing roller shutter on the Chandos Street elevation as that is now unauthorised development.

**c) Highway Safety**

28. There are no highway objections to the planning application and therefore it would accord with policy IN1 of the Local Plan.

**d) Residential Amenity**

29. When considering planning application reference number 25/00576/FUL, the Council's Environmental Health Manager (Commercial) advised that having reviewed the fan specification submitted in support of that application the units would not give rise to noise complaints. This consideration and response remain unchanged.
30. Whilst the application site is in a residential area and can be seen from neighbouring dwellings, the shutter would not have such an adverse impact on these properties in terms of outlook or noise, for the planning application to be refused on such grounds. The application would accord with policies DC3 and DC4 of the Local Plan.

**e) Security Concerns.**

31. The fear of crime is capable of being a material planning consideration when determining a planning application. However, the fear of crime must be objectively justified; have some reasonable basis and must relate (in planning terms) to the proposed use and site and not be based on assumptions in order to carry sufficient weight to influence the recommendation and determination of a planning application.
32. The Design and Access Statement submitted in support the planning application advises that the applicant requires the roller shutters to provide security and prevent potential burglaries, vandalism and antisocial behaviour when the shop is closed. Subsequently, the applicant has advised that the proposed roller shutter along Brinkburn Road, is in place as a request from their insurance company to provide additional security.
33. The applicant has also subsequently provided screenshots taken from Police.UK crime map which highlights hotspots in the local area and gives a loose idea of where reported

crimes have happened on a particular month of the year. This data shows where crimes have been reported in the local area of the application site.

34. During the determination of planning application reference number 25/00576/FUL, the local planning authority contacted Durham Constabulary, and they advised that there had been instances of antisocial behaviour in the wider area of the application site, but the records showed that none of those incidents explicitly related to the convenience store and this is an important material consideration.
35. The data on Police.UK crime for August 2025 also does not highlight incidents that relate to the application site. It is acknowledged that the data will only show reported crimes and the local planning authority acknowledge that crimes do go unreported, including possibly at the application site, but this is the only data that can be used in the consideration of whether there is a strong enough justification and reason for the premises to install the security measures that are the subject of this planning application. It is clear that various crimes have occurred in the local area, as they do elsewhere in the Borough, but not in relation to the application site and the convenience store.
36. As mentioned in this report, the new shopfront has very limited areas of glazing, unlike the previous shopfront, which had fully glazed display areas either side of the customer entrance door. Having considered the comments made by the applicant along with the letters of support, the officers are sympathetic to the reasons that have been presented but the security measures that have been installed are an excessive response to the security concerns for this property and the supporting information that has been provided does not outweigh the visual harm caused by the shutter on the application building and street scene that has been identified and set out in paragraphs 16 to 24 of this report.

## **THE PUBLIC SECTOR EQUALITY DUTY**

37. 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.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

38. 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**

39. The replacement roller shutter, housing and runners, by reason of their scale, form, colour, design and materials has resulted in a form of development at odds with the character and appearance of this part of Brinkburn Road with resultant adverse impacts on the visual appearance of the application property and immediate surroundings, contrary to Local Plan Policy DC1 of the Local Plan and the NPPF 2024. The local planning authority has considered the security reasons that have been presented to support the retention of the shutter, but they do not outweigh the visual harm caused by the security measures.
40. The retention of the 3 no. condenser units does not give rise to any significant issues regarding visual or residential amenity. Nevertheless, in view of the above considerations regarding the retention of the roller shutter, it is recommended:

## **THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS**

1. In the opinion of the Local Planning Authority, the replacement roller shutter and its external housing and runners has resulted in a form of development at odds with the character and appearance of this part of Brinkburn Road with resultant adverse impacts on the visual appearance of the application property and immediate surroundings by reason of their scale, form, colour, design and materials. The proposal is therefore contrary to Policy DC1 (Sustainable Design Principles and Climate Change) of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.