

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 30 May 2018

Page

APPLICATION REF. NO:	18/00190/FUL
STATUTORY DECISION DATE:	8 th June 2018
WARD/PARISH:	PIERREMONT
LOCATION:	201 Greenbank Road
DESCRIPTION:	Change of Use of dwelling (Use Class C3) to local convenience store (Use Class A1) with living accommodation above. Erection of single storey extension to the rear to form part of shop and associated internal and external alterations (amended plan and Planning Statements received 11 April 2018 and 13 April 2018)
APPLICANT:	Mr Singh

APPLICATION AND SITE DESCRIPTION

The existing dwelling is a two storey, two bedroomed dwelling on the corner of Greenbank Road and Craig Street. The front gable elevation of the property containing a front porch and bay window, fronts onto Greenbank Road. The property has a single storey flat roofed kitchen/bathroom extension and yard along with a front garden which is enclosed partly by a low brick wall and also a high wall and fence with brick pillars. A lane runs along the south boundary. The surrounding area is predominately residential comprising of traditional terraced dwellings. Brinkburn Dene lies to the north (approximately 20m) and Reid Street School is in close proximity (approximately 100m).

The proposal involves the conversion of the ground floor of the property to a local convenience store with an extension to the existing flat roofed extension (to cover existing yard area and increase the height by approximately 0.6m). The floor area of the convenience store would measure approximately 53m². The first floor would comprise a lounge/kitchen, one bedroom and a bathroom and it would be accessed via a new doorway off Craig Street.

The planning application has been accompanied by a Planning Statement which confirm the following:

- The proposed opening hours of the store are 0700 to 2100 Monday to Saturday and 0800 to 2100 on Sundays;
- The only deliveries to the site will be newspapers which will take place in the early hours of the morning usually between 0500 and 0700 and all other stock will be obtained from a "Cash and Carry" and brought to the site by the applicant. If any deliveries were to take

place, there would be no more than two per day and they would take place during normal working hours. It is envisaged that deliveries would involve the use of transit vans;

- Waste and recycling bins would be kept in the section of the existing garden area behind the high garden walls/fence;
- There would be no external air conditioning or refrigeration equipment on the site;
- Cycle parking would be provided within the section of the front garden enclosed by the low wall;
- A disabled access would be provided via the front entrance.

The proposed plans indicate that there would be illuminated signage on the Greenbank Road frontage. This type of signage would require a separate application for advertisement consent which has yet to be submitted.

The planning application was originally submitted showing an enlargement to the existing flat roof extension which would have covered all of the front garden and created a store with a larger retail floor space than what is now being considered. The larger extension has been omitted by the amended plans.

The planning application is recommended for refusal but as **three letters of support** have been received, the application must be placed before Members of the Planning Applications Committee for determination.

Application documents including Planning Statement, Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the Darlington Borough Council website.

PLANNING HISTORY

90/00121/DM In April 1990 planning permission was GRANTED for the erection of a single storey kitchen, lobby and bathroom extension

PLANNING POLICY BACKGROUND

The relevant local development plan policies are:

Borough of Darlington Local Plan 1997

E2 – Development Limits

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington’s Sub- Regional Role and Locational Strategy

CS2 – Achieving High Quality Sustainable Design

CS9 – District and Local Centres and Local Shops and Services

CS16 – Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Following the initial neighbour consultation exercise, **20 letters of objection** have been received and the comments can be summarised as follows:

Need

- *There is no need for a convenience store in this area*
- *There are plenty of other shops within walking distance*
- *There is no necessity nor viability reason for a convenience store*

- *There is a lack of suitable living accommodation in Darlington and not a lack of convenience stores*
- *The shop will be of little benefit to local residents*
- *There is a vacant chip shop on Greenbank Road which could be converted to a shop*
- *Nos 191, 192 and 185 Greenbank Road could be used as a shop*

Highway Matters

- *Traffic problems will be created in an already busy area*
- *There is already a parking problem with teaching staff and hospital staff parking on Greenbank Road*
- *No 201 Greenbank Road is on the most dangerous corner and having a shop will cause problems*
- *The shop would be located on a three way junction with limited available parking leading to further congestion/road safety issues*
- *Residents would be unable to park near their homes due to customer parking*
- *The streets are very busy at school pickup and drop off times and the extra build up of traffic would make it unsafe for children*
- *There will be an increase in traffic*
- *It would be unsafe for parking*
- *It is located close to Reid Street which would cause issues for parking and congestion and a risk to children*
- *Delivery lorries will need to unload in the street where there isn't anywhere to unload again causing traffic issues*

Amenity

- *There will be an increase in antisocial behaviour*
- *Its location next to the Denes play area will create antisocial behaviour*
- *This will create much more noise at all hours*
- *There will be extra litter and chewing gum on pavements*
- *This will be completely out of character for this street*
- *There is an existing antisocial problem in the Denes and another outlet selling alcohol will lead to a further increase in such behaviour*
- *There is a back lane between us (No 199 Greenbank Road) and the proposed shop. The lane is already used by drunk and drug fuelled rows from passers-by and local residents. The shop would back onto our back bedroom which I would feel unsafe with*
- *There is very little privacy without the shop and the shop would attract more people and increase existing events*
- *Children will congregate around the shop in groups making it very intimidating*
- *The shop frontage will be illuminated which will cast a glare across neighbouring houses*
- *This is a family area which comprises of young and old persons and this would be horrendous for this close knit community*
- *This is a quiet family orientated area of the town*
- *The appearance of the street would change forever*
- *We don't want people hanging around and causing problems as the shop will be open all hours of the day*
- *The proposed development would be out of keeping with the surrounding buildings with the addition of the extension and signage*
- *There will be a loss of privacy for the neighbouring houses*

Other Matters (Not Material Planning Considerations)

- *This will impact on property values*
- *Another shop will have a detrimental effect on existing established shops*
- *This application is approved will impact on my business (No 30 Hollyhurst Road) and employees and family*

Two letters of support and a petition in support of the application with five signatories has been received and the comments can be summarised as follows:

- *I am old and lived at Craig Street for many years. It will be great to have a shop just next to the house where we live, especially at my age and with this weather. It's not every day the opportunity knocks on our door for such an important development*
- *It will be great to have a shop here because we have to walk to Hollyhurst Road which is a busy road and not safe to cross with children. This shop is busy and we need to wait in queues*

Following the submission of amended plans and additional information, a further six letters of objection have been received and the comments can be summarised as follows:

- *This is an unsuitable location on a busy junction*
- *If this shop needs four parking spaces, that is four spaces lost to local residents*
- *I would disagree that there has been on accidents in this area*
- *Where would bikes be stored? They will end up in the rear lane which is already obstructed by bins and vehicles*
- *There will be antisocial behaviour which happens at other existing shops close to the Denes*
- *The Crime Prevention Unit are objecting to the planning application*
- *I could not park my park at all around morning school time due to no parking spaces*
- *Our objection to the plan (amended or otherwise) remains the same for previously expressed reasons*
- *The recycling bins will be unsightly and lead to litter and attract vermin*
- *There is inadequate parking in the area*
- *The principles and guidance of highway management and highway safety are being disregarded*
- *The reason for no accidents being recorded is simply because only accidents where people have been injured and the police have been involved would be recorded*
- *The deliveries will lead to unacceptable increase in noise and disturbance*
- *Residents support the concerns made by the Architectural Liaison Officer*
- *We are adequately catered for regarding local shops and there is no need for another*

Consultee Responses

The **Council's Highways Engineer** has raised no highway objections to the proposed change of use

The **Council's Principal Environmental Health Officer (Commercial)** has commented that the revised scheme alleviates previous concerns over waste storage and external plant and equipment but he is unconvinced that the premises would not act as a focus point for antisocial behaviour despite being advised by the applicant that he does not intend to sell alcohol from the premises

The **Architectural Liaison Officer from Durham Constabulary** has provided comments and raised concerns that the proposed use will attract antisocial behaviour

PLANNING ISSUES

The main considerations here are whether or not the proposed development is acceptable in the following terms:

- Planning Policy
- Highway Safety
- Residential Amenity/Antisocial Behaviour
- Impact on the Character and Visual Appearance of the Building and Surrounding Local Area
- Disabled Access

Planning Policy

The application site is within the urban area and therefore it would comply with saved policy E2 of the Local Plan 1997 and CS1 of the Core Strategy 2011.

Policy CS9 of the Core Strategy 2011 states that individual local shops which meet the day to day needs of the nearby residents without the need to use a car will be promoted. Proposed new shops will be limited to a maximum of 100 sqm gross floorspace unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case stores of up to 400sqm will be permitted.

The proposed store is significantly below the 100sqm threshold and therefore in general planning policy terms the proposed change of use is acceptable.

Highway Safety

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy seeks to ensure that new development provides vehicular access and parking provision suitable for its use and location.

The application was originally for a change of use of the ground floor to a retail store measuring 120 sqm, but this has now been reduced significantly to approximately 50 square meters and would now require just 2 parking spaces to comply with Tees Valley Design Guide standards.

Due to the nature of the building (an end terrace) it is not feasible to provide in curtilage parking but the dwelling benefits from a long frontage facing Greenbank Road which has unrestricted on- street parking which means the highway located adjacent to the frontage of the proposed development would be able to support a small amount of operational and customer parking. This would be deemed acceptable for the scale of the proposed business.

The area is characterised by terraced houses without front gardens; and such very few dwellings have in-curtilage parking and residents rely upon on street parking. The northern end of Greenbank Road is unrestricted with much of the southern end (South of Warren Street) being restricted in the form of residents parking zones (RPZ). Demand for on-street parking has so far not been great enough to require the implementation of an RPZ adjacent to the proposed development, Craig Street and Widdowfield Street also having unrestricted on street parking. Due to the proposed location it is envisaged that many customers will arrive on foot and those who do arrive by car will typically be parked for a short duration enabling a high turnover of customers to park within the available spaces on street. Details of a facility for customers to safely leave cycles securely parked have now been provided and are of suitable scale and location.

With regards to operational parking for the shop, the applicant has assured that delivery vehicle vehicles will not be a problem as the business will operate via the applicant collecting goods from a cash and carry type wholesaler by use of medium “transit” type van rather than large goods vehicles making drop offs. However, it should be recognised that this cannot be controlled by appropriate planning conditions.

Accident statistics for the area taken from crashmap.co.uk show no recorded accidents within 200m of the proposed development in the past five years and no accidents associated with the Greenbank Rd/Craig St/Widdowfield St junctions. Anecdotal evidence of minor incidents involving wing mirrors being knocked off cars etc have been mentioned in objection letters but unfortunately the Council do not have a method of assessing unrecorded incidents.

Bins will be stored within the curtilage of the premises and not on the highway.

The proposed first floor flat above the store does not have provision for in-curtilage parking and it is considered that this cannot be reasonably accommodated given the nature of the dwelling and the character of the local area. The local area provides good access to public transport with the nearest bus stop located within 200m of the site and Greenbank Road forms part of a local cycle network.

The Council’s Highways Engineer has raised no objection to the proposal.

Residential Amenity/Antisocial Behaviour

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes one of the core principles of the NPPF which seeks to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings.

The existing property is a single family two bedroomed household attached to the row of terraced dwellings on Craig Street and the immediate locality is predominately residential. The proposed use has the potential to cause disturbance to neighbours due to noise generated by the comings and goings of staff/deliveries/customers and the operation of any plant or equipment. This can be particularly so at times when neighbours might have a reasonable expectation of quieter conditions at certain times of the day to relax and enjoy their properties.

In his initial response, the Architectural Liaison Officer (ALO) advised the Police had reservations over raising objections as the proposal would create a new business but the Police did believe there would be nuisance and antisocial behaviour issues. Antisocial behaviour is a long term problem in the Denes, which is in close proximity to the site, and the Police could foresee youths migrating from the park to the shop looking for opportunities to shoplift, to congregate outside the shop creating nuisance for the shopkeeper and residents and this would be exacerbated if the store is licensed to sell alcohol. The ALO also advised that parking is an issue within the streets already overcrowded and there may be an issue with vehicles making deliveries to the shop. The ALO questioned whether this would be a sustainable form of development. Following the submission of the amended plans, the ALO made the following further comments:

“With reference to our original comments on this application, we would like to add the following.

In light of the public interest in this application and to help inform the decision by the Planning Authority we would like to clarify our position.

We accept our initial comments were somewhat equivocal and that clarification on our position would be helpful. From a 'Design out Crime' perspective we are opposed to this change of use, we believe that it will have an adverse impact on the residential amenity of the neighbouring residents. In the last 10 years there has been just one call to the Police generated by 201 Greenbank Road during its existence as a dwelling that one call arose last month (March) and related to the new occupation.

We know from experience that convenience stores generate more calls to the Police than the average residential dwelling, they can become a congregating point for young people and shoplifting is a perennial problem, regular Police attendance at a particular location has a tendency to create a fear of crime. A small convenience store within half a mile or so of Greenbank Road has generated 6 calls to the Police in the last 12 months. We have concerns over 201 Greenbank Road being converted to a convenience store because it is very close to a known anti-social hotspot located in the Dene, in our experience this is likely to have an adverse impact on the new business and the amenity of the neighbours. The following are quotes from residents living around the Dene about their recent experiences.

"Last night, between 7 and 10, I phoned 101 to report that youths (about 20-30 of them aged between 15 and 20ish I would reckon) were in the Dene's Park at the bottom of Cartmell Terrace. They were fighting each other then walking up to the streets and trying to kick doors down. Causing a lot of noise and distress."

"There is lots of youths on a night congregating in the Denes Parks causing a disturbance, littering, vandalism, anti-social behaviour, underage drinking."

The Police are very pro-active in addressing this problem and in the instances quoted above dispersal notices were issued however the concern has to be that the introduction of a convenience store so close to the play area will increase the attraction for young people to congregate"

The applicant has advised he does not intend to sell alcohol which may improve the situation with regard to antisocial behaviour but this is not a matter that would fall within the remit or control of this planning application.

The revised application has provided acceptable waste storage facilities and the applicant has advised there would be no external plant or machinery associated with the store. However, the Council's Environmental Health Officer (Commercial) remains unconvinced that a premises such as this would not act as a focus point for the congregation of people and potential antisocial activities (even if there is no sale of alcohol).

The existing residential property will attract a very limited number of "comings and goings" by the occupiers and their visitors and the level of activity will be very similar to the existing neighbouring dwellings in the local area. Whilst the retail floor space on the ground floor of the proposed store has been reduced and will limit the number of patrons that can access the premises at any given time, the number of people visiting the store will still be significantly higher than the number of people which currently visit the property and this activity will occur over a prolonged period of time, early in the morning and later on an evening. The proposal will generate an increase in activity (antisocial or otherwise) and a judgement has to be made as to

the significance of the impact that this increase will have on the amenities of the existing properties.

In recent years, where planning permission has been granted for a change of use of a property on the end of a row of terraced dwellings to a commercial use (mainly a hot food takeaway), it has been where the existing use of the property has been a vacant shop and not a dwelling. Officers consider that, in those circumstances, that fact that the existing use was already commercial (a shop) albeit vacant, it would have previously attracted high levels of footfall, vehicle movements etc, which is not the case with this particular proposal and the retail store could resume operating at any given time.

The new doorway on Craig Street to the upper floor flat would also have an impact (albeit limited) on the neighbouring dwellings as this property has not been previously accessed from this frontage. The impact of this access has to be considered in conjunction with the retail use and it is considered that, in general amenity terms, the proposed development will have an adverse impact on the neighbouring dwellings by virtue of the noise and disturbance caused by the comings and goings and potential congregation of customers and also the additional increase in noise from cars (doors opening and closing, car radios and stereos, cars accelerating etc) at times that existing residents would reasonably expect quieter conditions.

Based on the advice from the ALO and also the concerns raised by the Environmental Health Officer, it is also considered that the proposed use has the potential to result in antisocial behaviour both in the shop and for existing residents in an area where there is already an existing problem. The proposed change of use would be contrary to Policy CS16 of the Core Strategy and one of the core principles of the National Planning Policy Framework 2012.

Notwithstanding the above, it is considered that the proposed enlargement of the existing extension to cover the rear yard would not adversely impact on neighbouring dwellings.

If Members were to approve the planning application, consideration would need to be given to imposing planning conditions to control the hours of operation and deliveries and the potential need for any plant and machinery.

Impact on the Character and Visual Appearance of the Building and Surrounding Local Area

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network

It is considered that the external alterations to the building, including the enlargement of the existing flat roofed extension to facilitate the proposed conversion would not harm the character or appearance of host building or the wider street scene. The existing high wall and fence at the front of the property would be retained which would partially screen the extension and also the bin storage area. If Members decide to approve the application, Officers would advise that a planning condition is imposed to secure appropriate materials for the alterations to the extension.

As previously stated, any new signage would need to be the subject of a separate planning application for advertisement consent.

Disabled Access

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy states that new development must include safe, attractive and accessible access for disabled persons. The submitted plans indicate that disabled access would be achievable through the main entrance but very little detail has been submitted and therefore if Members were to approve the application, Officers recommend that a condition is imposed to secure the details of the appropriate disabled access measures.

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.

CONCLUSION

Having considered the comments from local residents, the Architectural Liaison Officer and the Council's Environmental Health Officers it is the opinion of Officers, that this is an inappropriate location for a new retail store as it would have an adverse impact on the amenities currently enjoyed by local residents and it has the potential to become a focal point of antisocial behaviour in an area that is already known to suffer from such issues.

RECOMMENDATION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

In the opinion of the Local Planning Authority, the proposed development would have an adverse impact on the amenities of the neighbouring dwellings by virtue of noise and disturbance and it has the potential to become a focal point for antisocial behaviour in an area that is known to suffer from such issues. The application site is an inappropriate location for a new retail store and the proposal would be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Planning Policy Document 2011 and the core planning principles of the National Planning Policy Framework 2012 (paragraph 17)