

**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 4<sup>th</sup> December 2019**

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<b>APPLICATION REF. NO:</b>	19/00982/FUL
<b>STATUTORY DECISION DATE:</b>	18 <sup>th</sup> December 2019
<b>WARD/PARISH:</b>	NORTHGATE
<b>LOCATION:</b>	27 Corporation Road
<b>DESCRIPTION:</b>	Erection of canopy to front elevation; the installation of four condensing units on the flat roof; installation of roller shutters (Part Retrospective) (amended plans and additional information received 14 November 2019 and 20 November 2019)
<b>APPLICANT:</b>	Mr Namiq Hama Raouf

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**APPLICATION AND SITE DESCRIPTION**

The application site is a single and 1.5 storey building close to the junction of Corporation Road and Northgate. The building had previously been used as a motor vehicle repair premises and showroom until planning permission was granted in November 2017 (See Planning History) to change its use to a Class A1 retail unit for the sale of animal feed. The animal feed business has recently vacated the unit and it is currently empty. The premises has two flat roofed sections (high and low) with an open forecourt at the front for the parking of approximately 10 cars.

The site is bound by residential terraced dwellings to the north (on the opposite side of Corporation Road); offices/snooker hall to the east; the ASE Club to the south and No 29 Corporation Road to the west, a former NHS building which has planning permission to be converted to seven flats and appears to have been implemented. The wider area includes the retail and commercial units on Northgate (east), the Navy Club on Corporation Road/Northgate junction (North east); St Georges Hall on Elmfield Street which is a building converted to bedsits for vulnerable people (south west) and the continuation of residential dwellings on Corporation Road (west).

The premises are located within the Northgate Conservation Area.

This application is seeking planning permission for external alterations to the building to facilitate its proposed use as a general store (Class A1). The premises are already in

Class A1 use and therefore no change of use of the premises is involved or can be considered as part of the determination of this application.

The application involves the proposed erection of a cantilevered canopy across approximately  $\frac{3}{4}$  of the frontage of the building and the installation of four condenser units of the lower flat roof, which are already in situ. This is therefore a part retrospective planning application.

The front elevation of the building has previously been clad in steel sheeting and roller shutters have been added over the window and door openings. It would appear that the cladding was added to the front elevation over four years ago and therefore it is now immune for any enforcement action. However, this planning application is an opportunity to regularise the roller shutters and these also form part of the application.

A separate planning application (ref no 19/00981/FUL) submitted under Section 73 of the Town and Country Planning Act 1990 to revise the planning conditions attached to planning permission 17/00878/CU which relate to the hours of deliveries and operation is also on this agenda for consideration.

**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**

The relevant entries are:

17/00878/CU In November 2017 planning permission was GRANTED for the change of Use from Vehicle repair/showroom (Use Class Sui Generis) to Animal feed Sales (Use Class A1)

## **RESULTS OF CONSULTATION AND PUBLICITY**

Following the Council's publicity exercises, four letters of objection have been received and the comments which relate to the proposed development can be summarised as follows:

- *The erection of a canopy to the front elevation is not in accordance with the Conservation Area status of this address*
- *There have already been recent contraventions of the Conservation Area status at this address namely, the corrugated façade to the front of the building, window shutter and refrigeration units on top of the building. Therefore, the erection of a canopy to the front elevation is not in accordance with the conservation of this area*
- *I think this is an unsuitable site for a convenience store as it will inevitably generate a large increase in cars and deliveries exacerbating current problems. The site is 100 yards or so from the very busy junction with A167 on a bus route, which currently has a build-up of traffic exiting Corporation Road and about 50 yards west of the site are junctions to Elmfield Street and opposite to Mowden Street. More traffic will exacerbate traffic issues*

## **Consultee Responses**

The **Council's Environmental Health Manager** has raised no objection to the development

## **PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

### **Borough of Darlington Local Plan**

E38 – Alterations to Business Premises

### **Darlington Core Strategy Development Plan Document 2011**

CS2 Achieving High Quality Sustainable Development

CS14 Promoting Local Character and Distinctiveness

CS16 Promoting Environmental Resources, Human Health and Safety

### **National Planning Policy Framework 2019**

### **Other Documents**

Northgate Conservation Area Character Appraisal

## **PLANNING ISSUES**

The main issues to be considered are whether the works are acceptable in the following terms:

- Impact upon the Northgate Conservation Area
- Impact upon the Appearance and Character of the Street Scene
- Residential Amenity

### **Impact upon the Northgate Conservation Area**

The application site is located within the Northgate Conservation Area. The property has previously been the subject of some external alterations, namely the erection of steel cladding on the front elevation and the installation of roller shutters and housing over existing door and window openings. This is an opportunity to regularise the roller shutters but as the cladding was installed over four years ago those works would be immune from enforcement action.

The proposed canopy would measure 18.7m long with a projection of 2m from the front elevation over the forecourt. The overall height of the canopy would be 3.8m with 2.6m of headroom when measured from the ground level. The canopy would be cantilevered and constructed from Grey Plastisol sheeting to match the existing cladding on the building. The canopy would be located over the customer entrance and four double windows and it would provide a visual screen across the roller shutter boxes above the openings.

Four condensing units have been erected on the lower part of the flat roof.

Policy CS14 of the Darlington Core Strategy Development Plan 2011 requires that *“The distinctive qualities of the Borough's built and natural townscapes and landscapes will be*

*protected and, where appropriate, enhanced to positively contribute to the character of the Borough to promote a strong sense of place”.*

In accordance with the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving any features of special architectural or historic interest of buildings and spaces that help establish the special character and appearance of conservation areas.

The National Planning Policy Framework 2019 (NPPF) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, including conservation areas (Para 192)

The NPPF 2019 requires that when considering the impact of development proposals on designated heritage assets such as conservation areas great weight should be given to the conservation of the asset’s significance (para 193).

The NPPF 2019 also requires that if a heritage asset’s significance is likely to be harmed by a development, including harm occurring to its setting, it is necessary to decide whether such works are necessary (para 195) and justified (para 194); whether such harm is substantial or insubstantial paras 195 & 196); and whether the amount of harm can be outweighed or offset by a matching amount of public benefits.

The Northgate Conservation Area extends approximately 800m northwards along Northgate as far as the Darlington to Bishop Auckland branch railway. The Area includes the North Road Station group of buildings at the northern end, Northgate and High Northgate forming the spine of the eastern edge and North Lodge Park to the south.

The Northgate Conservation Area Character Appraisal makes no specific reference to the application site and/or whether the existing building makes a valuable contribution to the visual appearance or character of the Area. The property is a single and 1.5 storey building set behind the “building line” of the more substantial neighbouring buildings (Nos 29 Corporation Road and the Durham Tees Valley Probation Trust building). The property is a brick built building that has had some external alterations carried out to the front elevation over the years and it does not contain any features of historic or architectural interest. The existing building does not make a valuable contribution towards the significance of the Conservation Area.

The introduction of a canopy to the building would make a moderate improvement to the front elevation as it would provide a visual “break” within the flush and plain frontage of the building and it would screen the housing of the roller shutters over the four window openings and customer entrance.

The condenser units are partially visible from the main highway to the front of the property, but they are set against the 1.5 storey section of the building and back from the edge of single storey section of the building.

It is likely that the cladding has been erected on the front elevation for over four years with the roller shutters being a more recent addition. Officers are not aware of any complaints being received when these alterations were being made to the premises, but the alterations are acceptable.

Having considered the cumulative impact of the external works to the building, the significance of the Conservation Area would be sustained in accordance with the NPPF, policy CS14 of the Core Strategy and the Planning (Listed Buildings and Conservation Areas) Act 1990

### **Impact upon the Appearance and Character of the Street Scene**

Saved Policy E38 of the Local Plan states that alterations to business premises will be permitted if there would be no material adverse effect on the character and appearance of the building or the street scene.

The erection of the canopy will result in a moderate improvement to the building by providing a visual break and feature within a nondescript frontage and it would screen the housing of the roller shutters. The condensing units are not significant additions to the visual appearance of the building and therefore it is considered that the proposed works and those that have already been carried out would not have an adverse material impact on the character of the building, which is remains in commercial use, or its appearance. The development would not have an adverse impact on wider street scene.

### **Residential Amenity**

Policy CS16 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 (2019).

The external alterations to the building would not have an adverse impact on the neighbouring dwellings in terms of outlook, loss of privacy or overbearingness due to nature and design of the works and the proximity distance between the site and the dwellings on the opposite side of Corporation Road.

The manufacturers details and information on the noise levels relating to the condenser units have been submitted and the Council's Environmental Health Manager has raised no objections on this basis.

The development would therefore comply with policy CS16 of the Core Strategy.

### **THE PUBLIC SECTOR EQUALITY DUTY**

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. The works would not result in any discrimination between persons who share a relevant protected characteristic and any persons who do not.

## **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**

The existing unit is currently in Class A1 (retail) use. The applicant for this application wishes to operate a convenience store from the premises which can occur without the need for planning permission. This planning permission relates to external alterations to the building which are considered to sustain the significance of the Northgate Conservation Area in accordance with the NPPF and local development plan policy. The external alterations are considered to be acceptable in general design and street scene terms and would not harm the amenities of the neighbouring properties.

Information has been supplied on the noise emissions for the condensing units that have been erected on the roof of the building and they would not give rise to conditions that are prejudicial to the amenities of the neighbouring dwellings.

## **RECOMMENDATION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. A3 – Implementation Limit (Three Years)
2. The four condenser units that have been installed on the premises shall fully comply with the manufacturer details and specifications supplied by J & E Hall on 14 November 2019 and 20 November 2019. The units shall be maintained in accordance with the specifications thereafter

REASON - In the interests of the amenity of the area

3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - a. Drawing Number 02A Proposed Roof Plan of Canopy
  - b. Drawing Number 06 Proposed Ground Floor
  - c. Drawing Number 07 Proposed Part Roof Plan

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

## **INFORMATIVES**

The applicant is advised that the granting of the application does not remove the need to comply with the requirements of the Sunday Trading Act 1994

The applicant is advised that the Council's Environmental Health Section enforces Food Safety and Health and Safety legislation at this premises and the applicant is advised to contact Environmental Health prior to the undertaking of any work to ensure that all legislative requirements are met.

The applicant is advised that the premises may also require a Premises Licence under Licensing Act 2003 if they are to serve alcohol and if this is the case the applicant should contact the Licensing Department for further advice.