

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 30 May 2012

Page

APPLICATION REF. NO:	12/00181/CU
STATUTORY DECISION DATE:	4 May 2012
WARD/PARISH:	NORTHGATE
LOCATION:	29 Corporation Road, Darlington
DESCRIPTION:	Conversion of existing building to form 7 No self contained apartments (additional information received 27 April 2012)
APPLICANT:	Levy Developments

APPLICATION AND SITE DESCRIPTION

The property is a two storey building on the corner of Corporation Road and Elmfield Street. The building was last occupied by the Local NHS Trust which offered assistance to those suffering from substance misuse. The property lies within the Northgate Conservation Area.

The site is within a predominately residential area, although a vacant motorcycle repair depot lies to the east, the ASE Club lies to the south east and St Georges Hall is located to the south.

The proposal involves the conversion of the building into seven one bedroom self contained apartments. The proposal does not include any off street parking and therefore any vehicles would have to be parked on the surrounding streets. There would be no external alterations to the building.

PLANNING HISTORY

92/00654/MISC In December 1992 planning permission was GRANTED for a change of use from a dwelling house to community health care centre

00/00173/FUL In May 2000 planning permission was granted for the erection of a ground floor extension to the rear yard to form a disabled wc and internal alterations for disabled access

PLANNING POLICY BACKGROUND

The relevant planning policies are:

National Planning Policy Framework**Borough of Darlington Local Plan 1997**

E2: Development Limits

H17: Concentrations of Housing in Multiple Occupations

H18: Houses in Multiple Occupation in other areas

Darlington Core Strategy Development Plan Document 2011

Policy CS1: Darlington's Sub Regional Role and Locational Strategy

Policy CS2: Achieving High Quality, Sustainable Design

Policy CS14: Promoting Local Character and Distinctiveness

Policy CS16: Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Seven letters of objection have been received and they can be summarised as follows:

- *This could presumably mean an additional 14 residents at this site. Northgate already has the highest number of multiple occupancy properties in Darlington, with Corporation Road being where there is the highest concentration. This concentration of people living so closely together causes problems in the area which are well known.*
- *The amount of noise from extra residents - and their visitors - with their comings and goings would further disturb settled neighbours who wish to peacefully enjoy their property.*
- *It is impossible to predict whether the residents would have their own transport. It must be considered that they may, in which case the existing parking issues will be made worse. Access from Elmfield Street into Corporation Road (where parking access could be made), will be made worse. This junction has poor visibility.*
- *Northgate (together with Pierremont) is the most crowded area in the town. There is barely an inch of space to spare, so to speak. What is absolutely not needed is any further overdevelopment.*
- *There is little community space, except for the Park, which is very small, especially considering the vast majority of the surrounding homes do not have gardens or any other open space. Increasing the number of residents will put more pressure on this relatively tiny green oasis.*
- *Previous housing surveys have pointed out that the housing need for Northgate is for more accommodation for families and older people.*
- *This is a good quality spacious building with some lovely features, like a bay window. I suggest it would be better developed into two luxury apartments*
- *This Northgate Ward is saturated with this type of dwelling and the application is in direct contradiction of the Council and the areas goals of providing more family housing*
- *The Northgate area is already in the lowest 5% in the whole of the country for deprivation and this type of dwelling encourages further deprivation*
- *Highlighting the word "dwelling" indicates an attempt to undermine the spirit of Policy H17 by means of a technicality. However the development would not be purpose built, spacious apartment block but rather an existing building having seven one bed units squeezed into its modest dimensions. Approval of seven small one bed units makes a mockery of efforts to date to improve housing stock.*

- *Since the area already has a high number of one bed units, this development is contrary to the aim of development achieving a good mix of housing in particular for families and older people*
- *The applicant has provided no evidence of a current or future demand for housing need for more one bed units*
- *There are currently no fewer than twenty one one bedroom flats/houses for sale in DL3 and 19 for rent and a further 16 room shares advertised. Room shares could be considered a much more inclusive and sociable accommodation for single people*
- *The applicant's boast that two appeals have already been won has no bearing upon the merits or otherwise of this application.*
- *The proposed apartments may not constitute a House in Multiple Occupation but the effect in terms of noise, loss of privacy to existing residents; car parking and visitor numbers could be equally onerous. The plans show that only Flats 4 and 5 have their own entrance from the outside and many HMOs contain self contained accommodation with a shared entrance. The difference between the proposed development and a HMO is neither clear nor fundamental.*
- *The appeal for 85 Corporation Road was for the subdivision of a dwelling wherein no extra beds would be created and hence is not relevant to this application whereby seven double beds would be created where none previously existed*
- *The applicant's statement that Policy H17 is out of date is subjective and the success of previous appeals does not surely guarantee success for all subsequent appeals*
- *The surrounding dwellings would be overlooked which represents deterioration in the enjoyment of current residents in their dwellings*
- *I question whether there is sufficient amenity for the needs of up to 14 persons for cycle storage; clothes drying and external smoking areas*
- *The applicants make much of an expectation that occupants will not be car users. The applicant merely assumes that future occupiers have no need for a car, which is misguided. There is no reason why residents would not need or want a car. Car ownership in the UK is at an all time high. Indeed were couples occupying the units, there could be two cars per unit.*
- *The applicant claims that there is little prospect of the property being used for commercial purposes but has provided no proof of this or any evidence of an attempt to offer the property for commercial letting. In the absence of any such information, it is not unreasonable to assume that the property has been acquired for a quick, speculative development to take advantage of the much heralded easing of planning law*
- *Forthcoming reductions in the Housing Benefit mean single occupants will be unable to claim the full cost of the rent. Consequently either the rent for these units will be set so low as to jeopardise good maintenance of the building fabric and common areas or the units will be most attractive to couples and thus the overcrowding issue of 14 occupants will materialise*
- *The units will presumably attract a Band A Council Tax, which single occupants find especially onerous. Benefit recipients may have the Council Tax paid but this will be a deterrent to finding employment if the wage does not overcome the loss of benefit*
- *Nationwide the property market is not strong. Who, particularly if they have a young family, would buy a house adjacent to St George's Hall in one direction overlooking the probation officer in another?*
- *There is a strong possibility that the apartments will be sold to absentee landlords who will not be concerned about who they rent to as long as the money is coming in. As has been seen in other instances, many of these people bring their anti social behaviour with them, have no respect for the area/existing residents and therefore reduce the well being*

of the local residents even further. Anti social behaviour in the area is already rife and while we realise that the Council has no control as to who these properties are sold or let to, we do not want to risk more of the same. Many of us feel like prisoners in our own home

- *There is already a regular presence in the area from the Police and Fire Brigade which is greatly appreciated but it is not so very long ago that this was a desirable area in which to live and Northgate was in fact made into a Conservation Area in 2006. Do we need even more multi occupancy?*
- *Parking is another problem as Elmfield Terrace is congested with cars before 09:00 on weekday mornings, even though the car park at Gladstone Street is more or less empty. The lack of visibility for access onto Corporation Road already causes problems*

An objection letter raising the above issues has been co-signed by eight signatories

An objection letter raising the following issues has been co-signed by four signatories

- *The application is contrary to Policy H17 and H18 which prevent the sub division of property into smaller units in Corporation Road which already has a high concentration of houses in multiple occupations*
- *The fact that the site is not a dwelling is irrelevant since the effect upon neighbouring dwellings would be the same*
- *Noise in and around a small converted building would be excessive thus spoiling the quiet and private enjoyment of other dwellings*
- *There is no spare parking capacity and the applicants claim that the residents will not be car owners is unsubstantiated*
- *Parking is already a problem in the absence of Residents Parking scheme for Corporation Road*
- *The area has housing problems so severe that a post of Housing Support Officer for Northgate has been created. Since his role will be to improve the quality of life for residents and reduce housing related anti social behaviour in Northgate, the creation of more one bed units of which there are already too many, will hinder rather than help this aim.*

Following the submission of the additional Traffic Survey, two further letters of objection have been received and can be summarised as follows:

- *As a resident I have also taken photos of the parking situation over the last week at various times of the day. Unfortunately the times are not printed on the photos but are on file if needed. As you can see the parking situation is horrendous, especially for residents, and approving this application will make it worse*
- *Further to the additional information recently supplied, the photographs were all taken in the early evening. The parking situation is quite different during the day when the people who work in the surrounding offices seek to avoid parking charges by parking in the nearby streets. This makes it difficult for people who live there to park their own cars*

Consultee Responses

Northumbrian Water has raised no objections to the proposal

The **Council's Highways Engineer** has raised no objections to the proposal following the submission of the Parking Survey

The **Council's Environmental Health Officer** has raised no objections to the application subject to the imposition of planning conditions relating to a Noise Impact Assessment and refuse storage

PLANNING ISSUES

The main issues to be considered here are whether or not the use is acceptable in the following terms:

Planning Policy
Residential Amenity
Highway Safety
Impact upon the Northgate Conservation Area

Planning Policy

The proposed site is located in the main urban area within the development limits of the Borough identified on the Local Plan Proposals Map (E2). Policy CS1 of the Core Strategy states that new development in the Borough will be concentrated on sustainable locations within the main urban area where there is actual or potential good accessibility for everybody.

Saved Policy H17 of the Local Plan identifies Corporation Road as an area where there is a high concentration of houses in multiple occupancy. The policy states that the sub division of existing dwellings into smaller dwellings of accommodation will not be permitted in such areas. The building, in this case, is not a dwelling and therefore Policy H17 is not considered relevant to this proposal.

Saved Policy H18 of the saved Local Plan states that the subdivision into small dwellings of non-residential buildings in residential surroundings will not be permitted where this will have a material adverse effect on:

- The quiet and private enjoyment of other dwellings and gardens
- The adequacy of available off street parking and amenity spaces
- The free and safe flow of traffic; and
- The visual and noise characteristics of the surrounding area

The supporting text for Policies H17 and H18 states that areas of high concentration are typically, continuous residential frontages or streets where upwards of a quarter of the original dwellings is in multiple occupation. Corporation Road is identified by Policy H17 as having a high concentration of houses in multiple occupancy and the supporting text states further conversions will not normally be permitted in these areas except in one or more circumstances:

- Where the proposal involves the conversion of self contained dwellings of a property used for accommodation units sharing amenities and registered with the Council;
- Where the property is terraced and already bounded on both sides by properties in multiple occupation and registered with the Council or in non residential use
- Where the property is in mixed residential use and non residential use

The existing property is in non residential use and therefore the principle of the conversion is acceptable in general planning policy terms subject to the criteria of Policy H18 being satisfied.

Whilst planning applications must be determined on their own individual merits, Officers acknowledge that planning permission was granted in 2007 for the erection of a new build apartment building (12 apartments) on the site of the White Bros motor cycle depot on Corporation Road (next door to the application site) and a planning appeal was also allowed in 2007 for the change of use of first floor snooker club to form 4 No. apartments at No 1 Corporation Road.

Residential Amenity

The application site is within a predominately residential area with terraced dwellings to the north and west. The existing building has ground and first floor window openings in the north, east and west elevations and these openings would be utilised as habitable openings for the apartments. The proximity distance between the application site and the existing dwellings on the opposite side of Corporation Road is approximately 16 metres. There are two first floor openings in the main gable elevation of No 31 Corporation Road (on the opposite side of Elmfield Street) which, if they are habitable rooms would be approximately 12.5 metres from the application site and the windows in the rear extension of No 31 would be approximately 15 metres.

Whilst these distances would not comply with the proximity distances that the Council apply between existing buildings and new build developments, officers consider that the overlooking of the neighbouring dwellings will not be made any worse and no new openings would be inserted into the building to increase any levels of overlooking.

The apartments would be either placed on the rental market by the applicant or sold on the open market. The concern made by residents over the potential occupiers of the building is acknowledged but the Local Planning Authority would be unable to place any restrictions on the applicant over whom the apartments are let or sold to.

It is considered that the proposal would not result in significant residential issues, also taking into account the previous use of the building and would accord with points 1) and 4) of Policy H18.

In terms of the amenities of the occupiers of the apartments, it is considered appropriate to impose planning conditions relating to the submission of a Noise Impact Assessment to ensure that the development is not adversely affected by noise from any external receptors such as road traffic noise and the ASE Club

Highway Safety

The parking standard in the Design Guide for flatted development is 1.5 spaces per dwelling and this would equate to a recommended parking provision of 11no spaces. There is no in-curtilage parking provided, residents and visitors can therefore only park on-street. The property is on the periphery of a resident's park zone however residents of the new properties would not be able to apply for resident parking permits. Parking on the site frontage on Elmfield Street is not restricted and there is space for parking for 5/6 vehicles. These spaces are used during the day by commuters and by existing residents/visitors to adjacent premises in the evening. The on-street parking that will be available for residents and visitors to the flats will therefore be limited.

Current car ownership levels for people living in rented accommodation on the fringe of the town centre is between 40% and 50% it is therefore not reasonable to present a scheme that assumes that occupiers are not likely to own a car.

It is acknowledged that the site is in a location that is reasonably sustainable, with the facilities of the town centre in walking distance and a good quality public transport provision and the applicant was requested to submit a Parking Survey to show that there is on street parking available.

A Survey was carried out between Monday 16th April – Wednesday 25 April at various times on an evening which is when the occupiers of the apartments would require parking spaces and it demonstrates that a minimum of ten on street parking spaces will be available in the vicinity of the property in the early and late evening and this number is considered sufficient to cater for the number and type of apartments that are being proposed. The Council's Highways Engineer has raised no objections and the proposal would accord with points 2) and 3) of Policy H18.

Impact upon the Northgate Conservation Area

There would be no alterations to the external appearance of the building and therefore the proposal would not have an adverse impact upon the Northgate Conservation Area, in accordance with the National Planning Policy Framework 2012 and CS14 of the Core Strategy

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

It is considered that the principle of the conversion of the commercial building to apartments is acceptable in general planning policy terms. The proposal would not significantly increase the existing level of overlooking of neighbouring dwellings and does not raise any residential amenity issues. The Local Planning Authority is satisfied that there is sufficient on street parking for the number and type of apartments being proposed. The proposal would not have an adverse impact upon the Northgate Conservation Area and it would thereby accord with the following national and development plan policies:

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RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. Prior to the development being commenced, a Noise Impact Assessment shall be undertaken by a suitably experienced and qualified person in order to assess the impact of noise from noise receptors to be agreed with the Local Planning Authority and road traffic noise potentially affecting habitable rooms. Subsequently, a scheme for the protection of the proposed residential accommodation from noise, if shown to be necessary, shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 30dB(A) LAeq in living rooms and bedrooms and individual noise events not to exceed 42 dB LAFmax in bedrooms. The development shall be completed in full accordance with the approved scheme and the works shall be implemented prior to any part of the development being first occupied or used and shall be thereafter retained.
REASON: In the interests of the amenities of the occupiers of the development
3. Prior to the commencement of the use, precise details for the storage and collection of refuse shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In order to achieve a satisfactory form of development
4. Prior to the commencement of the use, precise details for a secure cycle storage area shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In order to ensure that sufficient level of cycle parking is provided on the site.
5. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

It is considered that the principle of the conversion of the commercial building to apartments is acceptable in general planning policy terms. The proposal would not significantly increase the existing level of overlooking of neighbouring dwellings and does not raise any residential amenity issues. The Local Planning Authority is satisfied that there is sufficient on street parking for the number and type of apartments being proposed. The proposal would not have an adverse impact upon the Northgate Conservation Area and it would thereby accord with the following national and development plan policies:

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that contact must be made with the Assistant Director: Highways, Design and Projects (contact Ms P Goodwill – 01325 388760) to discuss the naming and numbering of the development