

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16 December 2009

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APPLICATION REF. NO:	09/00590/FUL
STATUTORY DECISION DATE:	4 January 2010
WARD/PARISH:	NORTHGATE
LOCATION:	Caledonian, 72 High Northgate
DESCRIPTION:	Change of use of ground floor of public house to 3 no. flats, installation of 2 no. window openings in north elevation and alterations to front elevation (additional information received 2.12.09)
APPLICANT:	MR R CHHINA

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the change of use of the ground floor of the property from a public house to 3 no. flats and the installation of 2 window openings in the north elevation. The proposed conversion would create three, one and two bedroom flats on the ground floor, which would be accessed via a shared entrance off Northgate. There is an existing flat at first floor level. Cycle parking and bin storage areas would be provided in the rear yard. Work had started in advance of the application being submitted although has now ceased pending consideration of the application. The application also relates to works already undertaken to the front elevation of the property in the form of re-painting the property, the fitting of timber shutters to the ground floor windows and timber architrave around the first floor windows.

The application property is a mid-terraced property located on the east side of Northgate, roughly opposite its junction with Station Road, within the Northgate Conservation Area. The application site also lies within Flood Zone 2. Accordingly, a Design and Access Statement and a Flood Risk Assessment have been submitted with the application.

PLANNING HISTORY

None relevant

PLANNING POLICY BACKGROUND

The following policies of the Borough of Darlington Local Plan 1997 are relevant to consideration of the application:

H4 – New Housing Development in and Around the Town Centre and Other Centres
H11 – Design and Layout of New Housing Development

H18 – Houses in Multiple Occupation in Other Areas
E29 – The Setting of New Development
T24 – Parking and Servicing Requirements for New Development

Planning Policy Guidance Note 15 – Planning and The Historic Environment is also relevant

RESULTS OF CONSULTATION AND PUBLICITY

Northumbrian Water

No objections to the proposed development.

Northern Gas Network

No objections to the proposals.

CE Electric UK

No objection.

Environment Agency

The Flood Risk Assessment indicates that there will be no change in floor levels as part of the development. Therefore, the Environment Agency has no objections to the proposed development.

DBC Highway Engineer

The submission refers to the availability of 1 no on-site parking space. This is to the rear of the building, accessed by a narrow back lane and it would appear that there is no access to the rear area from the proposed flats. Suspect therefore that any occupants of the flats would not regularly use this. Also, on-street parking is not available on the frontage to the property. Notwithstanding this these are small flats and it is in an area where most existing residential premises do not have any in-curtilage parking. The property is well served by public transport and secure covered cycle parking is to be provided. Suggest that a condition is included requiring the siting and design of the cycle parking be the subject of discussion with the Council (The Transport Policy Section). Similarly no bin stores are indicated on the submitted plan, a condition should therefore be included requiring that provision is made for storage of refuse as part of the design. Provided the above conditions are included with an approval no highway objection is raised to the proposal.

DBC Environmental Health Officer

As the proposed dwellings are to be on a main road a condition should be included requiring the submission of a scheme to protect the accommodation from excessive traffic noise. Assume that Building Control will make recommendations regarding the internal sound insulation between the proposed properties.

A letter of objection has been received from the owner of the neighbouring property at 68-70 High Northgate, which raises the following issues:

- *The property was numbered 72-76 when it was sold. What has happened to the rest of the property as it hasn't been mentioned? There is a residential flat on the first floor, which is accessed from the ground floor. Shouldn't this be shown on the plans?*
- *The rear courtyard has been designated as four separate waste storage areas. As there is already a big problem with litter and rubbish being put out in this area. The consequential problems with rats and loose rubbish may be exacerbated by this extra*

waste. I have children and pets that play in our yard area and I am worried that this may be problematic.

- *Expect there to be problems in the collection of waste which takes place to the front of the property unless access to the rear alley is available.*
- *Although the replacement to the windows at the front of the property is sympathetic to the area it isn't shown on the plans. Likewise some of the windows at the back of the property where the ladies and gents toilets were have been changed and are no longer sash windows with frosted glass. They overlook my property and invade my privacy.*
- *It is noted that a parking space and cycle parking will be provided to the rear of the property. Currently the only way that this area can be accessed is over my land. I intend to install a wall/door restricting access from the alleyway to create a safe and secure area for my house and family. Although I gave permission for Mr Chhina to cross my land during his development, access across my land without permission is no longer an option. Concerned that there will not be sufficient space for car and cycle parking and bin storage as the rear courtyard does not appear to be that large.*
- *It is noted that the fire escape on the plans is on the lower ground floor and accessed directly onto my property. I have informed Mr Chhina that this will no longer be accessible to the four properties at 72-76 High Northgate. Also concerned that Mr Chhina has made no attempt to install an alternative fire escape for the residents of his development.*

PLANNING ISSUES

The main planning issues to be considered in the determination of the application are:

- Planning Policy
- Highway Safety
- Impact on Residential and Visual Amenity
- Other Issues Raised by Objectors

Planning Policy

Local Plan Policy H18 (Houses in Multiple Occupation in Other Areas) states that the subdivision of large dwellings into small dwellings, dwellings unsuitable for single family occupation, or non-residential buildings in residential surroundings will not be permitted where such a proposal would have an 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 surroundings.

The application property is a former public house and is therefore considered suitable for conversion, in principle, subject to consideration of the following development control matters:

Highway Safety

Local Plan Policy T24 (Parking and Servicing Requirements for New Development) requires that new development should provide safe space for vehicle parking within the site. The application proposes that a single parking space will be provided within the rear yard area of the property for the development. The Council's Highway Engineer has considered the application and advises that, in his opinion, the proposed parking space would be unlikely to be used regularly and there is no on street parking available at the front of the property. Notwithstanding this, these are to be small flats in an area where most existing residential properties do not have any in-curtilage parking. The property is well served by public transport and secure cycle

parking is to be provided. Subject to conditions requiring the approval of details regarding the location of cycle parking and bin storage, the Highway Engineer raises no highway objection.

Impact on Residential and Visual Amenity

Policy H18 (Houses in Multiple Occupation in Other Areas) states that such proposals should not have an adverse impact on the quiet and private enjoyment of other dwellings and gardens or the visual and noise characteristics of an area and should provide adequate amenity spaces. The two window openings, which have been created in the north elevation, will look onto property owned by the applicant. The occupier of the neighbouring property to the south, 68 High Northgate, has objected to the application on the grounds that the windows in the south elevation which previously served the gents toilets and formerly obscure glazed have since been replaced with clear glass. These windows now serve a kitchen, w.c. and shower room in flat one. The applicant has agreed that these windows can be obscure glazed and a condition is attached accordingly.

While concerns have been expressed regarding the additional activity levels associated with the proposed flats, it is not considered that the use of the ground floor of the property as three flats, compared to its former use as a public house, would adversely impact upon the living conditions of the neighbouring property so as to warrant refusal of the application on this basis. Indeed it is considered that the proposed residential use should result in an improvement in residential amenity compared to the public house in terms of an overall reduction in activity levels particular during the evening. Provision is to be made within the rear yard for bin storage and cycle parking associated with the development. While the objector at 68 – 70 High Northgate considers the rear yard area to be too small, conditions requiring details of cycle parking and bin storage are attached. Any issues regarding the storage of waste and vermin, arising from this is a matter for Environmental Health under the Environmental Protection legislation. The objector also comments that the bin storage facilities are to be provided to the rear of the property but that collection takes place to the front of the property. This is the same for all properties within the vicinity of the application site, with occupants required to bring refuse to the front of the property on collection day.

The Council's Environmental Health Officer has suggested a condition requiring the submission of a scheme to protect the proposed flats from excessive traffic noise arising from the A167 (North Road) which runs directly to the front of the property. Sound insulation between properties will be dealt with under the Building Regulations. The proposal is not therefore considered to harm the living conditions of the neighbouring property.

The application property is located within the Northgate Conservation Area. The alterations already undertaken to the front of the property in the form of the painting of the exterior of the property, the fitting of timber shutters to the ground floor windows and architrave around the first floor windows therefore needs to be assessed in terms of its impact on the character and appearance of the conservation area.

PPG 15 'Planning and the Historic Environment' requires that in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the desirability of preserving or enhancing a conservation area should be a material consideration in the determination of a planning application for development within such areas. Policy E29 (The Setting of New Development) also requires that new development, including alterations and extensions to existing buildings, will be required to respect the intrinsic character of its townscape setting in terms of its siting, design, materials and landscaping.

The painting of the exterior of the building in itself is considered to preserve the character of the conservation area. The former timber pub frontage has been retained, although painted white, and some cosmetic alterations have been undertaken in the form of timber panelling placed over some of the existing windows to reduce the amount of glazing to flat two. Timber architrave has been fitted around the original first floor windows. These alterations, while not entirely sympathetic to the character of the building do retain the original timber pub frontage and windows at the front of the property, and are reversible. The Council's Conservation Officer has on this basis raised no objections to these alterations, which are considered to preserve the character of this part of the Northgate Conservation Area.

Other Issues Raised by the Objector

A number of issues are raised by the objector that are not planning matters, most notably relating to land ownership issues at the rear of the property. Access to the rear of the property is gained via a door in the south side of the property, which exits at the lower ground floor and also serves as a first escape for an existing first floor flat. The objector considers however that the applicant does not have a right of access over land to the side of the property. This is however an on going matter between the applicant and the objector at 68-70 High Northgate and is a civil matter between the two parties. Notwithstanding the outcome of this matter, the applicant will need to provide an adequate fire escape to satisfy the Building Regulations. However, neither of these matters is a planning matter which can be taken into account in determining the application.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The change of use of the ground floor of the former public house is acceptable in this location by virtue of the fact that it would not have an adverse impact on the character and amenity of the area, or on the living conditions of the occupants of neighbouring properties. The proposal does not raise any issues in respect of highway safety. The alterations that have been undertaken to the front of the property are considered to preserve the character and appearance of the Northgate Conservation Area. The proposal is therefore considered to comply with Policies H18 (Houses in Multiple Occupation in Other Areas), E29 (The Setting of New Development) and T24 (parking and Servicing Requirements for New Development) of the Borough of Darlington Local Plan 1997 and Planning Policy Guidance Note 15 – Planning and The Historic Environment.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard Time Limit)
2. Prior to the development hereby approved being commenced, a scheme for the protection of the proposed residential accommodation from excessive traffic noise 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 35 dB(A) L_{Aeq} in living rooms, less than 30 dB(A) L_{Aeq} in bedrooms, less than 55 dB(A) L_{Aeq} in

garden areas and individual noise events not to exceed 45 dB L_{AFmax} in bedrooms. Any works, which form part of such a scheme, shall be completed in accordance with the approved scheme and prior to any part of the development being first occupied or used.
REASON - To protect the future residents from excessive noise from traffic using Northgate.

3. D4 (Details of Refuse Storage)

4. Within one month of the date of this permission, the windows formed in the south elevation shall be obscure glazed to the satisfaction of the local planning authority and shall not be repaired or replaced other than with obscure glazing.

REASON – To protect the amenities of the nearby residential properties.

5. Prior the flats hereby approved first being occupied, details of secure cycle storage to the rear of the property shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle storage shall be provided and shall remain available for use at all times in accordance with the approved details.

REASON – To encourage access to the site by sustainable means of transport.

SUGGESTED REASONS FOR GRANTING OF PLANNING PERMISSION

The change of use of the ground floor of the former public house is acceptable in this location by virtue of the fact that it would not have an adverse impact on the character and amenity of the area, or on the living conditions of the occupants of neighbouring properties. The proposal does not raise any issues in respect of highway safety. The alterations that have been undertaken to the front of the property are considered to preserve the character and appearance of the Northgate Conservation Area. The proposal is therefore considered to comply with Policies H18 (Houses in Multiple Occupation in Other Areas), E29 (The Setting of New Development) and T24 (parking and Servicing Requirements for New Development) of the Borough of Darlington Local Plan 1997 and Planning Policy Guidance Note 15 – Planning and The Historic Environment.

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that contact must be made with the Assistant Director – Highways and Engineering (contact Mrs P Goodwill 01325 388760) to discuss naming and numbering of the development.