

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9 March 2011

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APPLICATION REF. NO:	10/00198/FUL
STATUTORY DECISION DATE:	29 June 2010
WARD/PARISH:	NORTH ROAD
LOCATION:	Rise Carr Club & Institute Limited, Eldon Place
DESCRIPTION:	Conversion of former Working Men's Club to form 18 No. residential flats including external alterations (Resubmission)
APPLICANT:	Mr Dale Henderson Thynne

APPLICATION AND SITE DESCRIPTION

The Club is a three storey building within a predominately residential area and it is situated on the corner of Eldon Street and Eldon Place. The North End Recreation Ground lies to the west of the site.

The proposal involves the conversion of the building to eighteen residential flats, which would be rented accommodation. The external alterations involve the removal of external staircases and pipe work the introduction of timber cladding and directional glazing to the facades. Disabled access ramps would be constructed to the front entrance to aid level access where required. The external areas within the boundary of the application site would be hard landscaped.

PLANNING HISTORY

09/00011/FUL In March 2009 an application for conversion of a vacant working mens club into 18 No residential flats including external façade improvements was WITHDRAWN

RESULTS OF CONSULTATION AND PUBLICITY

A community consultation event was carried out by the applicants, which raised a number of issues.

- Overlooking
- Parking
- Refuse collection
- Security.

Three letters of objection have been received and the concerns can be summarised as follows:

- *We are concerned about the windows planned for the wall which overlooks our garden (124 Eldon Street) as it will invade our privacy even at the angle they are planned*
- *The area is going downhill and this proposal will make it worse*
- *The development will attract undesirable people*
- *The old pubs in the area have already been converted to residential flats*
- *We have a back lane which is as busy as a main road*
- *The existing supply of parking spaces in the area does not meet the current demand for car parking for residents and visitors.*
- *Should there be parking near to the Park gates, there will be health and safety risks for residents and children of the area as residents have to pull out onto the road to enable them to use their radar keys to gain access to the park whilst children are constantly in and out of the park on various modes of transport. Drivers drive past the area at considerable speed without due care and attention thus increasing the risk of fatalities*
- *We are concerned that the introduction of a permit system will result in us having to pay a nominal fee for parking outside our own houses.*
- *Social housing implies that the occupants will be those people who are not employed and who will have their rental paid by government grants. Whilst I appreciate that this is unfortunate and not wanting to discriminate, for those potential residents, it does raise some concerns primarily as we will be overlooked and our movements will become very obvious to others, leaving us potentially at risk of criminal intent. This will have a domino effect of lowering the tone of the neighbourhood.*
- *Due to the volume of proposed residents, we feel that this may increase the noise levels which was something which was not an issue when the property was as a club, for example, loud music and possible other disturbances*
- *The fact the flats will be constructed with bi-directional windows does nothing to reassure us, that we will not be overlooked and our privacy and movements compromised. As the skylights are higher up in the building then residents will be able to look down and see directly inside our property*

Consultee Responses

CE Electric UK have raised no objections to the proposed development

Northumbrian Water has no objections to the proposed development

Northern Gas Networks has no objections to the proposed development

The **Council's Environmental Health Officer** has raised no objections to the proposed development subject to the imposition of conditions relating to securing the submission of a contaminated land report.

The **Council's Highways Engineer** has raised no objections to the proposed development subject to the imposition of planning conditions relating to the provision of a secure cycle parking area and improvement to the footways.

The **Council's Housing Strategy and Renewals Manager** stated that in order to assess whether or not the development should include affordable housing, the applicant must carry out a

financial viability assessment. [This has been undertaken and is referred to further later in the report]

PLANNING ISSUES

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

Planning Policy

This scheme would provide residential accommodation to an appropriate density on brownfield land within the development limits of the town.

Policy H11 of the Darlington Borough Local Plan (Nov 1997) provides the design and layout criteria to which new housing sites should conform.

Affordable Housing Provision

The site is within the North Road area, an area of high affordable housing need as identified within the Affordable Housing Supplementary Planning Document. Policy H9 of the Local Plan stipulates that the Council will seek to negotiate with developers for an element of affordable housing on new housing sites within development limits where a local need has been identified. As this is the case with this site, and as the site is within the main urban area, within the development limits and proposes more than 15 dwellings, an element of affordable housing would normally be a requirement on this site. Based on calculations within the SPD, 5 affordable dwellings would normally be provided. The SPD states that these targets will apply regardless of whether the developer can attract any public subsidy, such as social housing grant, or not.

Section 4.3 of the Affordable Housing SPD states that planning permission will not be granted for applications that meet or exceed the threshold (15 dwellings within the urban area) but do not include any affordable housing or any enabling financial or other contribution to the Council.

The agent for the scheme describes the proposed dwellings to be affordable and of low rent, however it is essential that consideration is given to a proportion of the dwellings remain affordable in perpetuity, and that they will be available at an affordable rate for as long as there is a demonstrable need.

There is provision however within the SPD relating to affordable housing, which states that the affordable housing targets may, exceptionally, be reduced or possibly waived if:

- a) *It can be demonstrated that there are exceptional unforeseen costs associated with the development that, taken together with the provision of affordable housing to the levels set out above, would render the project unviable.*

In order to demonstrate the lack of viability of the scheme, the agent has provided the information as required at Appendix 6 of the SPD and has paid for it to be assessed. The report shows that the provision of any affordable housing as part of the development would render the scheme unviable.

On the basis of the information provided and in the light of the independently assessed information submitted by the applicants, it is considered that the requirement to provide affordable housing as part of this particular scheme would not be appropriate in these

circumstances. Consequently the requirements of Appendix 6 of the Affordable Housing SPD can be set aside.

Highway Safety

There is a presumption that all resident and visitor parking will be on street and the applicant has submitted a Transport Statement indicating that on-street parking is available in the vicinity of the site (on the site frontage and on frontages of the adjacent park and school). There is a real concern that the additional parking generated by the development may introduce road safety problems. However, in making a recommendation the advice in the latest Government guidance in Manual for Streets must be considered. At para 8.3.15 of that document it states that '*In planning for expected levels of car ownership it is not always necessary to provide parking on site (i.e. within curtilage or in off-street parking areas). In some cases it may be appropriate to cater for all of the anticipated demand on-street. This could be the case, for example, with a small infill development where adjacent streets are able to easily accommodate the increase in parking, or where a low car ownership development is proposed*'. The development is predominantly one bedroom flats, the frequent bus services on North Road are easily accessible from the site and the surveys do indicate there is some spare car parking capacity on adjacent streets. Therefore, in light of the guidance, and though there are highway concerns, it would be difficult to substantiate a recommendation for refusal based on lack of parking provision.

It is therefore considered that no highway objection to the proposal could be raised. However, conditions must be included with an approval requiring that secure covered cycle parking for 5no cycles is provided and for improvements to the footways around the site to be carried out (including provision of dropped crossings/tactile paving at all road crossings).

It is also recommended that the following informatives are included, should any permission be Granted:

- *The applicant is advised that works are required within the public highway, to carry out improvements to the footway around the site, and contact must be made with the Assistant Director : Highways and Engineering (contact Mr.A.Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under Sec.184 of the Highways Act 1980 to execute the works.*
- *The applicant is advised that contact must be made with the Assistant Director : Highways and Engineering (contact Ms.P.Goodwill 01325 388760) to discuss naming and numbering of the development.*

Residential Amenity

The proposed development retains the existing building, access routes and open spaces. The proposal does involve the insertion of 6 new windows within the northern elevation of the property at first floor level and the modification of two existing windows. In addition two existing windows at second floor level are to be modified. All of these windows are to be what the applicant's agent describes as uni directional glazed windows, which have no direct views towards the rear of the properties in Landsdowne Street which are approximately 12metres away.

Additional window openings are proposed at the ground floor of the northern elevation and elsewhere in the building, non of these openings are considered to present any overlooking or privacy issues.

Design and Visual Impact on the Surrounding Area

As the fabric of the building remains unaltered, there are no changes to the form and massing of the building. Consequently there are no significant impacts on the visual amenities of the surrounding area. With the agreement with the applicant's agent timber cladding has been removed from the scheme, as it was considered to be an inappropriate material within the context of the area.

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 building which was last used as a working mens club is located within a residential area, within the housing development limits. There is an acceptance of the principle of residential development in this location. Under normal circumstances there would be a requirement to make provision for affordable housing for this type of scheme. However there are provisions within the Affordable Housing SPD which deals with exceptional circumstances where this requirement can be set aside. In this particular case the applicant has submitted a development appraisal which has been independently scrutinised. The report clearly states that the scheme would be rendered not viable should the requirement for affordable housing be insisted upon.. The issue of the potential for the overlooking of nearby property has also been taken fully into account.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials (Samplers)
3. J2 – Contaminated Land
4. The design of the windows located in the Northern elevation shall be fully implemented as shown on the approved plans. The windows shall not be removed without the written consent of the LPA

REASON; To protect the privacy of nearby residents.

5. Notwithstanding the details shown on the approved plans no cladding of any description shall be applied to the external surfaces of the building without the written consent of the LPA

REASON In the interests of visual amenity

6. Prior to the commencement of the development, details showing the provision of a secure cycle parking area and improvement to adjacent footways shall be submitted to and approved by the LPA and thereafter fully implemented in accordance with those approved details.

REASON To ensure that adequate provision is made for cyclists and pedestrians on and around the site

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

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INFORMATIVES TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan and to all relevant material considerations, including Supplementary Planning Guidance:

The applicant is advised that works are required within the public highway, to carry out improvements to the footway around the site, and contact must be made with the Assistant Director : Highways and Engineering (contact Mr.A.Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under Sec.184 of the Highways Act 1980 to execute the works.

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