



Appeal Decision

Site visit made on 17 December 2012

by **Matthew Birkinshaw BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 January 2013

Appeal Ref: APP/N1350/A/12/2180136

Elmfield Centre, 29 Corporation Road, Darlington, DL3 6AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Levy Developments against the decision of Darlington Borough Council.
 - The application Ref 12/00181/CU, dated 8 March 2012, was refused by notice dated 31 May 2012.
 - The development proposed is conversion of the existing building to form 7no. apartments.
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Decision

1. I allow the appeal, and grant planning permission for the conversion of the existing building to form 7no. apartments at the Elmfield Centre, 29 Corporation Road, Darlington, DL3 6AE in accordance with the terms of the application, Ref 12/00181/CU, dated 8 March 2012 subject to the conditions in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Levy Developments against Darlington Borough Council. That application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether or not space available for residents parking in the vicinity of the site would be sufficient, having regard to the effect of additional on-street parking on highway safety and the living conditions of nearby residents; and
 - Whether or not the development would provide acceptable living conditions for future residents of the apartments, with particular reference to internal living space.

Reasons

Availability of Car Parking

4. The appeal site is located within close proximity to Darlington town centre. Several local shops and services are within walking distance, as are bus stops located on Corporation Road and Northgate. In terms of its overall accessibility the appeal site is situated in a sustainable location and would therefore be attractive to future residents without access to a private car. This is

acknowledged by the Council's Highways Engineer, confirming that current car ownership levels for people in rented accommodation on the fringe of the town is between 40 – 50%. The size and type of accommodation proposed, as well as its location is also relevant, and is unlikely to be suited to families.

5. Notwithstanding this, I note the concerns raised that future residents are still likely to own vehicles, that no space is provided within the site for car parking, and the availability of on-street parking is limited due to the terraced nature of properties and existing parking restrictions in the area.
6. When visiting the site and surrounding area on a weekday afternoon I noticed that the surrounding streets did appear relatively well used with several cars parked on the streets immediately surrounding the appeal site. This is consistent with the appellant's car parking surveys and representations from local residents that the area is well used by commuters parking within close proximity to offices and the town centre. However, despite this, I noted that several spaces were also available in areas without any parking restrictions.
7. Although on-street car parking is required by residents at all times of the day, any lack of available spaces during the early evening in a residential area such as this is likely to represent a more pertinent concern, and also have greater implications for highway safety and living conditions. However, the detailed evidence presented by the appellant demonstrates that once commuter traffic has dispersed, additional on-street parking becomes available. Whilst there may not be sufficient parking for every apartment all of the time, the location of the appeal property close to the town centre and the type of accommodation offered is unlikely to generate maximum levels of parking demand. This is consistent with the advice of the Council's Highways Officer and information relating to car ownership for similar developments in the area. Therefore, considering the type of accommodation proposed, the location of the appeal site, and evidence on current car parking space in the surrounding streets outside of business hours, in my opinion there would be sufficient capacity to serve the development.
8. As a result the proposal would not lead to significant highway safety concerns or have a detrimental impact on the living conditions of residents nearby. There is no conflict with saved *Darlington Local Plan* Policy H18 which requires the subdivision of buildings into small dwellings to have adequate car parking arrangements. The proposal is also consistent with the National Planning Policy Framework ('the Framework') which seeks to promote development that maximises opportunities for more sustainable transport choices.

Living Conditions – Future Residents

9. As part of the conversion works a total of 7no. apartments would be created, ranging in size from 27m² to 47m². Although the apartments would be relatively modest in size, they would still provide the necessary facilities expected and required of an apartment in an urban area close to the town centre. Each would have its own private access and there would be no shared or communal living facilities. Furthermore, I note that the Environmental Health Officer has not objected to the proposal subject to installation of the appropriate noise insulation. Although no outdoor space is provided, the appeal site is located within walking distance of a neighbouring park and the leisure amenities within the town centre.

10. In terms of the local standards used by the Council to assess internal spaces, these are only applicable in the assessment of Houses in Multiple Occupation. However, the Council has confirmed that the proposal is not a House in Multiple Occupation. Accordingly, I can attach only very limited weight to these figures and no other standards, or development plan policy or guidance has been provided.
11. Notwithstanding this, whilst some rooms may fall short of recommended sizes, the overall floorspace of each apartment actually exceeds the requirements. Even the smallest apartment proposed, at 27m² would be larger than the minimum recommended size of 19m².
12. In meeting internal space standards, and considering the type of accommodation offered in close proximity to the town centre, the proposal does not represent the overdevelopment of this site and the living conditions of future residents would be acceptable. In this regard there would be no conflict with the Framework's Core Planning Principle (paragraph 17) of ensuring a good standard of amenity for all existing and future occupants of buildings.

Other Matters

13. In coming to my conclusions on the various issues that have been raised, I have taken full account of all the representations that have been made, which I have balanced against the provisions of the development plan. In particular I have noted the representations from local residents concerned with the number of bed-sits, Houses in Multiple Occupation and high density apartment schemes in the area, along with possible increases in anti-social behaviour, noise and disturbance. Local Plan Policy H17 restricts the change of use and subdivision of certain properties in the area in seeking to address this.
14. However, as the change of use of a non-residential building the proposal meets the listed exceptions of Policy H17 and is acceptable in principle. Although there would be additional coming and goings from the building, compared with the current position, this does not outweigh the proposal's compliance with the requirements of the development plan.
15. With regard to anti-social behaviour I have not been made aware of any concerns as a direct result of this proposal by any statutory bodies. Furthermore, it is not possible to restrict ownership of the apartments in this instance, which would also be contrary to the aims and objectives of the Framework to create inclusive and mixed communities.
16. Located in the Northgate Conservation Area I have also had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this respect, as the proposal seeks a change of use only at this stage, and does not involve any external alterations, I am satisfied that it would preserve those interests.

Conclusion and Conditions

17. For the reasons given above, and having regard to all other matters raised, I conclude that on balance, the appeal should be allowed.

18. Aside from the standard time limit condition it is also necessary to list the approved plans, for the avoidance of doubt and in the interests of proper planning. To ensure appropriate noise insulation and attenuation is provided it is also necessary to require submission of a Noise Impact Assessment and scheme of works where necessary. Finally, it is also necessary to require the submission of details relating to cycle and bin storage, in the interests of facilitating more sustainable means of travel and residential amenity, with the agreed details to be retained at all times thereafter.

Matthew Birkinshaw

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; Site Location Plan at scale 1:1250, Existing Ground Floor Plan at scale 1:100, Existing First Floor Plan at scale 1:100, Proposed Ground Floor Plan 'Feasibility II – option B' at scale 1:100, and Proposed First Floor Plan 'Feasibility II' at scale 1:100 (except where directed otherwise by conditions below).
- 3) Prior to the development hereby permitted being commenced, a Noise Impact Assessment shall be submitted to the Local Planning Authority in order to assess the impact of road traffic noise potentially affecting habitable rooms and any other receptors as agreed with the Local Planning Authority. 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 42dB 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 at all times.
- 4) Prior to the development hereby permitted being commenced, details for the storage and collection of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of any of the flats hereby permitted and thereafter the waste facilities shall be retained for their intended purpose.
- 5) Prior to the development hereby permitted being commenced, details for a secure cycle storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of any of the flats hereby permitted and thereafter the cycle store shall be retained for its intended purpose.

