



Appeal Decision

Site visit made on 8 July 2008

by **Graham E Snowden** BA BPhil Dip
Mgmt MRTPI

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

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Decision date:
11 July 2008

Appeal Ref: APP/N1350/A/08/2068988

201-209 Northgate, Darlington, County Durham DL1 1UE

- 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 Mr D White against the decision of Darlington Borough Council.
- The application Ref 07/00510/CU, dated 14 May 2007, was refused by notice dated 24 September 2007.
- The development proposed is the alteration of first floor snooker club to form 4 self-contained apartments.

Decision

1. I allow the appeal, and grant planning permission for the alteration of first floor snooker club to form 4 self-contained apartments at 201-209 Northgate, Darlington, County Durham DL1 1UE in accordance with the terms of the application, Ref 07/00510/CU, dated 14 May 2007, and the plans submitted therewith, as amended by plans Ref. 06090/6A and 7A, received 2 August 2007, subject to the following conditions:
 - (i) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - (ii) Notwithstanding any description in the submitted application, details of the following shall be submitted to, and approved in writing by, the local planning authority, before development commences: external materials, including samples, and sections and specifications for all new external windows, which shall incorporate a 12cm external brickwork reveal. The development shall be carried out in accordance with the approved details.
 - (iii) Construction work shall not begin until a scheme for protecting future residents of the permitted apartments from externally generated noise, has been submitted to, and approved in writing by, the local planning authority; all works which form part of the scheme shall be completed before any apartment is occupied.
 - (iv) The apartments hereby permitted shall not be occupied until such time as the existing ground floor motorcycle workshop has ceased operation.
 - (v) Notwithstanding the submitted plans, no development shall take place on site until details of secure cycle storage/parking, have been submitted to, and approved in writing by, the local planning

authority. The development shall be carried out in accordance with the approved details and the storage facilities shall thereafter be retained for their intended purposes.

Main Issues

2. The main issues are:

- the effect of the proposal on the character and appearance of Northgate Conservation Area;
- whether the lack of on-site parking would lead to conditions prejudicial to the safety of highway users;
- whether the development would lead to the unacceptable loss of a building serving a community purpose and
- whether the proposal would lead to an over-provision of flatted accommodation in the area.

Reasons

3. Although the Council's decision notice and the appeal forms refer to the appeal premises as 1 Corporation Road, I have used the address given in the original application form, which appears to reflect the address on the O. S. plan supplied with the application.

Character and appearance of Northgate Conservation Area

4. The Northgate Conservation Area is a large and mixed commercial and residential area, focussed on Northgate, which is one of the main traffic routes into the town centre. Many of the commercial properties, fronting Northgate, have utilitarian ground floor frontages, but unspoilt attractive nineteenth century and early twentieth century facades above. That at the appeal premises is in red brick, with attractive lintel and eaves detailing. The appeal proposal would involve restoration of this and the sensitive achievement of this can be secured through the imposition of conditions requiring approval of details, along the lines suggested by the Council.
5. The blocking of several windows in recessed brickwork would not, in my view, detract from the character of the building and I note that most of the windows on the rear elevation are already blocked in a somewhat insensitive manner.
6. I conclude that the proposed development would not have a detrimental effect on the character or appearance of the Northgate Conservation Area, which would not, therefore, be harmed and there would be no conflict with local and national policy on the protection of conservation areas.

Safety of highway users

7. The appeal premises are located close to local facilities and within walking distance of the town centre. There are nearby bus stops on both the Northgate and Corporation Road frontages of the property and a cycle lane adjacent. Although Policy T24 in the Borough of Darlington Local Plan (Local Plan) would

require one on-site parking space per unit, I note that the accompanying text indicates that the standards will be applied flexibly in the light of particular circumstances, which accords with government advice. On site parking cannot be provided, and in the light of government policy to encourage sustainable transport choices and car free development in appropriate locations, I do not regard the lack of on-site parking to be a critical objection to the proposal, provided that adequate on-site cycle storage can be provided. This can be secured by the imposition of a condition.

8. I note that some roadside parking is possible in the rear lane, and whilst there is clearly pressure on roadside parking on Corporation Road, I consider that the location and type of residential accommodation on offer is likely to prove attractive to non-car owners. Furthermore, I consider that 4 flats would be likely to generate less traffic than the existing use as a snooker club, which appears to draw custom from a wide area. I do not consider, therefore, that the proposed development, which is relatively small in scale, is likely to give rise to conditions prejudicial to the safety of highway users.

Loss of building serving a community purpose

9. Local Plan Policy R26 states that the Council will seek to retain community facilities, where proposals for development would result in the loss of buildings or land which serve community purposes. Policy R25 defines existing buildings for community purposes to include community and youth centres, churches and church halls, education and health facilities, library services, emergency services and local shops and the appellant draws my attention to further clarification of the definition given in the accompanying text. I have sympathy, therefore, with the appellant's contention that the local policy basis is not intended to relate to commercial indoor leisure uses, such as a snooker club. I also note that this interpretation is shared by the Council's case officer, in his/her report to Committee.
10. Whilst I can understand the widespread objection to the loss of a valued leisure facility in the area, I do not consider that Policy R26 is applicable in this instance. Even if this is not accepted, I am not convinced that dismissing the appeal, would secure the long-term retention of the club, which would involve a commercial decision on the part of the appellant, who has control over the premises. I have also taken into account the evidence, submitted on behalf of the appellant, that there are two other snooker clubs in Darlington, one of which is located in the town centre.
11. I conclude, on this issue, therefore, that allowing the appeal would not lead to the unacceptable loss of a building serving a community purpose.

Overprovision of flatted accommodation

12. Local Plan Policy H16, which is cited by the Council, in its fourth reason for refusal, relates to the encouragement of development which secures environmental improvements in older housing areas and I consider it to be of limited relevance in the context of this appeal. Policy H17 seeks to prevent the subdivision of dwellings into smaller units of accommodation in areas, such as

Corporation Road. However, this relates to the subdivision of existing residential accommodation, which does not apply here.

13. The Council acknowledges, in its statement of case, that Local Plan Policy H4 states that the Council will encourage the provision of residential accommodation with easy access to the town centre and the proposal complies with this. The re-use of existing properties in sustainable locations for residential purposes also accords with government advice in PPS3.
14. There is no evidence before me – for example, in the form of an up-to-date housing assessment for the area – to suggest that there is an over-provision of flatted accommodation in the area, or that the proposal would contribute to such over-provision and, given the policy context, I do not consider that there is any requirement placed on the appellant to prove a local need for this form of accommodation.

Other considerations

15. I have taken into account the other objections submitted by local people, including a concern that the loss of the snooker club would deprive local youth of a leisure facility, thereby encouraging anti-social behaviour, but I do not consider that there is a sound planning case for resisting the proposal.
16. The Council has suggested the imposition of 6 conditions, in the event of the appeal being allowed, and I have referred above to those relating to the approval of materials/architectural detail and the provision of cycle storage. The remaining suggestions relate to the protection of future residents from external noise. I note that the Council's Environmental Health Officer has suggested the submission of a noise survey, but is satisfied that mitigating measures are possible to protect residents from noise from traffic and adjacent activities. I shall impose a condition to give effect to the Council's requirements, having regard to recommended wording in government advice in PPG24.
17. The ground floor is occupied by a motorcycle salesroom, with workshop facility. Although no technical evidence is before me, the Council has expressed concern about the potential noise disturbance from the latter. The appellant's agent has confirmed that this facility is to be relocated and a "Grampian" condition preventing occupation of the flats until this takes place is acceptable to both the Council and the appellant. I consider this to be an appropriate precaution and will impose a condition accordingly.

Conclusions

18. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G E Snowdon

INSPECTOR