

**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 22 July 2020**

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**APPLICATION REF. NO:** 20/00267/FUL

**STATUTORY DECISION DATE:** 31 July 2020

**WARD/PARISH:** Stephenson

**LOCATION:** William House Nursery, The Old Presbytery  
Barton Street

**DESCRIPTION:** Conversion of children's nursery (Use Class D1) to 9 No. self-contained residential apartments (Use Class C3) with alterations to windows and doors, including the insertion of first floor window in the north elevation; alterations to ground floor windows in the east elevation and new window and door to west elevation. Enlargement of existing bin store; creation of private amenity spaces and cycle stores (as amended by plans received 14 May 2020)

**APPLICANT:** Mr and Mrs Boulton

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

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**Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q87WIUFPLKD00>**

**APPLICATION AND SITE DESCRIPTION**

1. William House is located on the corner of Nestfield Street/Barton Street and a housing development known as Church Grove to the north. Gurney Pease School and playing fields are located to the east of the site and the School Chapel, St William and St Frances De Sales Roman Catholic Church, which is a

Grade II listed building, lies to the south on the opposite side of Nestfield Street. The application property is the former Presbytery to the Church.

2. The two storey building was last used as an 86 place children's day nursery that has been closed since the coronavirus pandemic.
3. The proposal is for a change of use and conversion of the nursery to nine self-contained apartments. The apartments are a mix of one and two bed units with three of the units having private amenity space. Two dedicated parking spaces would be provided to the rear of the building by the reconfiguration of the boundary walls. A cycle store would be created, and the existing bin store would be extended. The external alterations to the building would comprise:

*North Elevation*

- Removal of an overhanging canopy at ground floor level and changes to a first floor window to a larger living room window.

*Eastern Elevation*

- The removal of the overhanging canopy
- An existing doorway is to be blocked up and two bathroom windows are to be altered

*Western elevation.*

- Insertion of a new door and first floor bathroom window

*South Elevation*

- No alterations are being proposed

*Bin store*

- The existing bin store at the rear of the premises would be extended to cater for the additional refuse bins. The enlargement would involve the removal of an ornamental tree and the bins would be enclosed by timber fencing, similar to the existing arrangement

*Car Parking*

- An existing boundary wall which was erected to extend the play area to the rear of the building would be removed and realigned with the existing boundary wall in order to create two dedicated parking spaces and to create access to an area for cycle parking within the rear yard.

## **MAIN PLANNING ISSUES**

4. The building was converted to a nursery in the early 1990s (90/00026/CU and 92/00209/FUL). The nursery was subsequently extended by a first floor extension (97/00632/FUL) and by a two storey extension (10/00178/FUL). The boundary walls were altered to enable an extension to the playground area and to reduce the size of existing bin store (11/00748/FUL). The main issues relevant to this application are whether the proposal is acceptable in the following terms:

- a) Planning Policy
- b) Residential Amenity
- c) Highway Safety and Parking Provision
- d) Impact on Heritage Assets
- e) General Design and Impact on the Appearance and Character of the Area
- f) Disabled Access
- g) Contaminated Land
- h) Other Matters

## **PLANNING POLICIES**

5. The site lies within the development limits for the urban area as defined by the Proposals Map of the Borough of Darlington Local Plan 1997 and therefore the principle of the residential use is acceptable (saved policy E2 of the Local Plan and CS2 of the Core Strategy 2011). Local development plan policies relevant to this application are those which consider:
  - The effect on residential amenity, the free and safe flow of traffic, the scale and character of the area and provision of adequate parking and amenity space (saved policy H18 of the Local Plan)
  - The general amenity and health and safety of the local community (CS16 of the Core Strategy 2011)
  - Vehicular access and parking provision suitable for its use and location (CS2 of the Core Strategy 2011)
  - Is within a sustainable location and accessible by various modes of transport, pedestrians and disabled persons (CS2 of the Core Strategy 2011)
  - Darlington's distinctive built characteristics that positively contribute to the character of the local area and its sense of place (CS2 of the Core Strategy 2011)
  - Protection, enhancement and promotion of the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology including buildings, their settings and features of historic and archaeological local importance in conservation areas. (CS14 of the Core Strategy)
6. The National Planning Policy Framework 2019 provides guidance on assessing the impact of new development on the setting of heritage assets, such as listed buildings.

## **RESULTS OF TECHNICAL CONSULTATION**

7. There are no objections to the principal of the change of use from the Council's Highways Engineer, Environmental Health Officer, Conservation Officer or Transport Policy Officer. Their comments are considered in detail in the relevant sections of this report.

## RESULTS OF PUBLICITY AND NOTIFICATION

8. Three letters of objection were received in connection with the original submission and the comments were as follows:
- *This wonderful nursery had taken care of children for generations before it was forced to close due to the unprecedented social distancing measures. Please do not allow this application to take advantage of such an unfortunate situation. Instead, the nursery should be supported to reopen once the pandemic has passed.*
  - *Gate access in Church Grove only used at present as Fire Exit. Flats will mean continuous use of gate. There will also be more traffic, and additional parking issues in Church Grove.*
  - *Additional "bin storage"? Does this mean once again attempt to steal parking spaces at entrance to Church Grove will be made? There will be no reduction of traffic, there will be more long term parking, possibly causing hazard and obstruction to residents exiting.*
  - *Balcony meaning houses overlooked.*
  - *The building is Grade 2 listed*
  - *They want to change the complete building with more cars blocking up the area.*
9. Following the submission of the amended plans, two further letters of objection have been received and the comments are as follows:
- *The plan shows five parking spaces to the side of Church Grove. As residents, we have three of those bays for visitor parking.*
  - *Will those spaces be re-sized to enable the new building to increase their bin storage?*
  - *Will visitor parking will be available throughout the build? During a building extension a few years ago, the bays were blocked off and it led to many residents being blocked in plus lots of congestion in street, cars were parked on paths, restricting the entrance into Church Grove.*
  - *If parking is created on Barton Street, I believe this could be incredibly hazardous as cars from the Church Grove residents would have to pull out into on-coming traffic.*
  - *Parking spaces belonging to Church Grove residents; These are within the deeds of selected properties and they have a covenant on them. Another property legally cannot take these for their own use to incorporate into their 'needed' parking spaces.*
  - *The renovation needed will be extensive and create issues accessing the street, it's a small entrance people need to be able come and go to work.*
  - *Preserve an historically significant building, not create flats*
  - *Too many developments locally, its chaos*

## PLANNING ISSUES/ANALYSIS

### a) Residential Amenity

10. The proposal has been amended to remove a first floor Juliet balcony in the north elevation which has been replaced with a standard window. The existing windows, which would become habitable windows, would not overlook any neighbouring dwellings or their private amenity areas. The new ground floor entrance and first floor bathroom window in the west elevation would not impact on any neighbouring dwellings as this elevation fronts onto playing fields. The four main entrances into the building are all located away from neighbouring dwellings and they should not be adversely disturbed by the comings and goings of the occupants and visitors. There will be more activity at the building on an evening than the previous use as a nursery however not to such an extent that is uncommon in a residential area or would adversely impact upon the living conditions of nearby residential properties.
11. The proposals will create new bedrooms adjacent to Barton Street which is subject to a 30mph speed limit. There is also a bus stop on the opposite side of Barton Street to the development. Road traffic noise on Barton Street is likely to cause an exceedance of recommended internal noise levels without some form of enhanced glazing in the windows on this façade. No noise assessment has been submitted with the application, however in order to ensure that suitable internal noise levels can be achieved within the development the Environmental Health Officer has recommended that a planning condition can be imposed.
12. The proposal would therefore accord with saved policy H18 of the Local Plan and CS16 of the Core Strategy 2011

#### **b) Highway Safety and Parking Provision**

13. The Tees Valley Design Guide advises that flatted developments should generally have parking provision of 1.5 spaces per unit, which gives a theoretical requirement of 13.5 spaces for this proposed use.
14. The nursery has no dedicated in curtilage parking bays. There are three bays to the rear of the building, accessed off Church Grove, and whilst they are within the same ownership as the nursery, they are subject to a separate legal agreement which ensures those three bays are used as part of the parking provision for the Church Grove housing development.
15. Two new parking spaces are to be provided adjacent to these existing parking bays on Church Grove to serve the development. The plans show that Private Parking signs and bollards would be used to ensure that these new parking bays are used for the occupants of William House and not used as additional parking for the Church Grove development, but this would be managed and enforced by the owners.
16. The proposed in curtilage parking provision would largely address the needs of the single bedroom apartments with additional parking being available on Nestfield Street. An additional six on-street car parking spaces could generally

by accommodated without issue as Nestfield Street no longer provides a through route or has other dwellings directly fronting it.

17. While there would be a theoretical shortfall in the number of on-site parking spaces to serve the proposed development, traffic generation associated with the proposed use would be significantly lower than the previous nursery use with staff parking requirements and peak hour pickup and drop-offs being much higher than the proposed use, as such the proposal offers betterment both in terms of parking provision and a lowered demand.
18. The site is in a sustainable location and well served by public transport. The site is within 400m to St Williams RC Church bus stop, which is served by the number 3A, a half hourly service. The site is also on an advisory cycle route and has good connections to the traffic free infrastructure on Haughton Road and the wider cycle network. The building is within walking distance of the town centre and small shops on Haughton Road within the wider Albert Hill area. Car ownership and parking demand is generally lower for single bed apartments particularly in sustainable locations and where alternative modes of travel are available.
19. Should overspill parking become problematic on the junction of Church Grove/Barton Street, it is within the Highways Authority's powers to impose further parking restrictions, although this was never considered necessary under the current use which attracted significantly higher traffic generation and parking demand.
20. Five cycle lockers are to be provided within the rear yard accessed off Church Grove. Whilst the lockers are to be accessed adjacent to a parking bay which may restrict some access when the bay is in use, there is very limited scope to locate the lockers elsewhere and the gate has been located centrally and opens inwards to maintain a route between parked cars.
21. Police accident records confirm that there are no recorded incidents in the vicinity of the site and there is no reason to conclude that there are any inherent road safety concerns at this location.
22. Bin storage is provided and is in a convenient location for presenting for the Council's roadside collection service.
23. Having considered the advice from the Council's Highways Engineer and Transport Policy Officer, the proposed development is acceptable in highway safety terms and encourages the use of alternative means of transport from a site which is in a sustainable location. The proposal would comply with Policy CS2 of the Core Strategy 2011.

**c) Impact on Heritage Assets**

24. William House was the former Presbytery to the Grade II listed Church of St William of York and St Francis de Sales on the opposite side of Nestfield Street.

The two buildings were in the same ownership until the 1990s, but the Presbytery is not considered to be curtilage listed. The proposed change of use and the associated alterations would not harm the setting of the adjacent listed building.

25. William House, whilst quite extensively altered in the past, does have merit both, historically and architecturally as the core fabric and character of the original building has been retained. The most attractive elevation fronts onto Nestfield Street (south) and this frontage would remain unchanged. The removal of an existing canopy would improve the appearance of the northern and eastern elevations and the existing doors and windows to be altered in the same elevations are within the more recent extensions rather than the original building.
26. The Conservation Officer has no objection in principle to the proposed change of use. The majority of the alterations are to the north and east elevations being more recent extensions to the former Presbytery building, however several amendments have been suggested to limit the impact of the proposed alterations. The applicant has considered these proposed revisions: the installation of a rooflight instead of a window in the west elevation, the design of the door on the west elevation and to enclose the bin store with a brick wall, and advises that the inclusion of a rooflight would require significant alterations to the roof and the internal ceiling structure, the proposed new door has been designed to match the existing door on the Barton Street elevation and to allow natural light into the lobby and the bin store is already enclosed by a timber fence and the proposal is an extension and continuation to this area.
27. On the basis of these considerations and the limited extent of alterations, Officers consider the proposed external alterations to facilitate the change of use would not adversely harm the setting of the adjacent listed building and the proposal would accord with policy CS14 of the Core Strategy 2011 and the National Planning Policy Framework 2019.

**d) General Design and Impact on the Appearance and Character of the Area**

28. The building has been the subject of several extensions (1997 and 2010). The external alterations that are being proposed to the building are quite minimal, cosmetic changes and mainly to the sections that are later additions (other than the door and window in the west elevation) and they would not harm the general character and appearance of the building or the wider street scene. The creation of the parking spaces and the extension to the bin store are acceptable in design terms.
29. The change of use of a nursery building into a residential use within an existing residential area is acceptable and would not harm the character of the area.
30. The proposal would accord with policy CS2 of the Core Strategy 2011

### **e) Disabled Access**

31. The existing access ramp at the front entrance (Nestfield Street) would be retained and an internal lift would be provided. Six of the nine flats would be accessible for wheelchair users, however three of the ground floor flats, which would be accessed separately off Barton Street and Nestfield Street respectively, would not be accessible by wheelchair but they could cater for elderly, ambulant disabled persons and visually impaired. They are unable to be made fully accessible for wheelchair users due to the differences in height between the internal floors and the external footways and not being able to place an external ramp on a public footway
32. It is accepted that not every apartment will be fully accessible, however six out of the nine apartments will be and on this basis the proposal is considered to comply with Policy CS2.

### **f) Contaminated Land**

33. The application contains proposals for private amenity areas for some of the ground floor flats with direct access to outside space. This area is currently used to provide outdoor space associated with the children's nursery. It appears that prior to this, the area was used as a garden that formed part of the Presbytery and before that it was agricultural land. For these reasons, the Council's Environmental Health Officer has advised that the application can proceed without the imposition of any contaminated land conditions. The application would accord with CS16 of the Core Strategy 2011

### **g) Other Matters**

34. The proposal will result in the closure of an existing private children's nursery; however, the loss of this facility is not a material planning consideration. There are no planning policies which would seek to retain the nursery as a community facility. The Council's Education Section has also advised that the closure of a private day nursery would be outside of their control and that Darlington Local Authority's 2019-20 Childcare Sufficiency Assessment showed that pre Covid-19, there were sufficient pre-school places in the Borough. The closure of this premises would not result in any pre-school place demand being unmet, but this is being closely monitored. The Families' Information Service would work with parents, signposting to alternative provision with childminders and nurseries in the area for those families affected.

## **THE PUBLIC SECTOR EQUALITY DUTY**

35. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Making the building accessible for disabled persons and the elderly has been



considered in paragraphs 31 and 32 and the loss of the building as a nursery and the ability of children being able to attend this nursery is considered in paragraph 34.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

36. 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 AND RECOMMENDATION**

37. The principle of the proposed use is acceptable in residential amenity terms and the external alterations would not harm the character and appearance of the building, the street scene or the setting of the adjacent listed building. The proposal includes an element of in curtilage parking, however there is sufficient off street parking available and the site is within a sustainable location accessible to bus stops, cycle routes and local facilities. Cycle parking is proposed to encourage alternative modes of transport. The building has been made accessible for disabled persons and the elderly where possible. The proposed change of use would accord with the local development plan and the National Planning Policy Framework 2019.

## **THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. A3 – Implementation Limit (Three Years)
2. Notwithstanding any description of the external materials in the submitted application, details of the doors, windows and brick work to be used in the carrying out of this permission shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.  
REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.
3. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include hours of construction and deliveries, construction traffic routes, material storage areas and measures to ensure the three existing parking bays are always kept available for use during the construction phase. The development shall not be carried out otherwise than in complete accordance with the approved Plan  
REASON: In in the interests of highway safety and residential amenity

4. Prior to the occupation of the first dwelling hereby approved, a scheme for the protection of the residential accommodation from excessive road traffic noise shall be submitted to and approved by the Local Planning Authority. Such a scheme shall be shown to be adequate because the applicant must provide an acoustic report which contains measurements of the current noise levels in the area. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq(16 hour) in living rooms, less than 30 dB(A) LAeq(8 hour) in bedrooms, less than 55 dB(A) LAeq in garden areas and individual noise events shall not exceed 45 dB LAFmax in bedrooms. Any works which form a 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 safeguard the amenities of the future occupants of the building

5. Notwithstanding the details shown on the approved plans, the works required under Section 184 of the Highways Act 1980 (the dropped crossing for the parking bays) shall be completed prior to the occupation of the first unit, unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of highway safety

6. Notwithstanding the details shown on the approved plans, the cycle stores shall be installed and be available for use prior to the occupation of the first unit unless otherwise agreed in writing by the Local Planning Authority. The stores shall remain in situ and available for use thereafter.

REASON: To encourage the use of sustainable modes of transport

7. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- a) Drawing Number L019068-006 Rev C - Ground Floor Plan as Proposed
- b) Drawing Number L019068-007 Rev B - First Floor Plan as Proposed
- c) Drawing Number L019068-008 Rev B - Elevations as Proposed - Sheet 1 of 2
- d) Drawing Number L019068-009 Rev A - Elevations as Proposed - Sheet 2 of 2

REASON – To ensure the development is carried out in accordance with the planning permission

## **INFORMATIVES**

### **Section 184 Crossover**

The applicant is advised that works are required within the public highway, to construct a new vehicle crossing and contact must be made with the Assistant Director :

Highways, Design and Projects (contact Mrs Lisa Woods 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

### **Street Naming**

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.