

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th August 2020

APPLICATION REF. NO: 20/00266/FUL

STATUTORY DECISION DATE: 3rd July 2020

WARD/PARISH: NORTHGATE

LOCATION: 182 NORTHGATE NORTH LODGE
DARLINGTON

DESCRIPTION: Conversion of building to provide 2 No. retail units (Use Class A1) and 24 No. apartments (Use Class C3) including demolition of delivery/goods bay to rear, erection of second floor extension incorporating mezzanine floor and pitched roof, creation of external amenity areas, cladding to elevations, bin storage, cycle provision, retail storage, access and delivery area and associated internal and external alterations

APPLICANT: PURPOSE BUILD GROUP 2

RECOMMENDATION: GRANT PLANNING PERMISSON SUBJECT TO CONDITIONS (see details below)

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=Q87WF1FPLKB00>

APPLICATION AND SITE DESCRIPTION

1. The application site is a vacant retail premises (formerly Northgate Bedding Centre) situated within the Town Centre Fringe and on the eastern side of the A167 Northgate and on the northern side of the junction of Chesnut Street with Northgate.

2. The building, which represents a mid-20th century redevelopment of the site, is flat-roofed and features extensive areas of glazing to the Northgate frontage and the front half of the Chesnut Street frontage. Whilst mainly two storeys in height, the rear part of the building is single storey.
3. The surrounding area is a mix of commercial uses including shops, restaurants, hot food takeaways, offices, a cinema, a car repair garage; residential flats; and a Salvation Army hostel. Chesnut Street leads to a mixed light industrial area while on the western side of Northgate, behind the street frontage, lies North Lodge Park.
4. The site is situated within the Northgate Conservation Area and within the setting of the Grade II listed United Reform Church and the associated forecourt railings and gate piers, situated immediately to the south of the application site on the opposite corner of the junction of Northgate and Chesnut Street.
5. Planning permission is sought for the change of use, conversion and extension of the building to provide a mixed-use retail and residential development comprising the following:
 - Ground Floor: Two smaller retail units proposed to the Northgate frontage of the building, each with a floor area of 120m² (1,292 sq. Ft); and four apartments (1no. 2-bed and 3no. 1-bed); First Floor: eight apartments (3no. 2-bed and 5no. 1-bed); and Second Floor: twelve duplex apartments (12no. 1-bed), with the en-suite bedrooms provided within the roof space (2nd floor mezzanine).
 - External amenity areas to 16 of the 24 apartments (the four first floor apartments at the rear of the building (apts 8, 9, 10 & 11) and the twelve duplex apartments (apts 13-24 inclusive), the latter being provided with external amenity areas at second floor level);
 - Cycle lockers and 7no. parking bays are proposed at the rear together with a delivery bay for the two retail units and bin storage areas.
 - Walls: Fine textured render (colour to be agreed), fibre cement dark grey cladding; Roof: Marley Modern dark grey concrete tiles; Windows & doors: Dark grey UPVC with opaque coloured panels where applicable; and Rainwater goods: Black UPVC downpipes, gutters and brackets;
 - Landscaping to rear parking area;
6. The footprint of the building would remain as existing other than the single storey delivery/goods handling bay at the rear which is to be removed. The proposal is to extend upwards to provide an additional storey and a pitched roof to the building. The exterior of the building would be remodelled and revitalised with a pitched roof provided above the additional floor with the ridgelines of the roof to be kept below that of the adjoining building to the north in keeping with adjacent property.

MAIN PLANNING ISSUES

7. The main issues for consideration are:

- a) Principle of the development;
- b) Impact on heritage assets;
- c) Scale, design and appearance and impact on visual amenity;
- d) Impact on residential amenity;
- e) Highway safety;
- f) Other matters.

PLANNING POLICIES

8. Relevant Local Plan policies include those seeking to ensure that new development:

- Is located inside the development limits as defined by the Borough of Darlington Local Plan (E2, CS1 and CS10);
- makes efficient use of land, buildings and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (CS2);
- Protects, and where appropriate enhances the distinctive character of the borough's built, historic, natural and environmental townscapes (CS14);
- protects and, where possible improves environmental resources whilst ensuring that there is no detrimental impact on the environment, general amenity, and the health and safety of the community (CS16);

9. Also relevant are saved Policy S9, which allows small new shops, limited extensions to existing shops, and class A2 services within the defined fringe shopping areas, and saved Policy T26, which advises that parking standards may be relaxed within the Northgate Fringe Shopping Area where a significant proportion of employees are able to use public transport or to ensure the retention of an existing building.

RESULTS OF TECHNICAL CONSULTATION

10. No objections in principle have been raised by the Council's Highway's Engineer, Environmental Health Officer, Northumbrian Water or the Local Lead Flood Authority. The Conservation Officer has raised concerns regarding the impact of the proposal on heritage assets.

RESULTS OF PUBLICITY AND NOTIFICATION

11 . Five letters of objection have been received, including one objection from Friends of Stockton and Darlington Railway, raising the following concerns:

- Impact on character and appearance of Northgate Conservation Area;
- Design of proposal does not have regard to nearby historic buildings; and not in keeping with the North Road Rail Heritage Quarter;
- Too many houses in multiple occupation / overcrowded area;
- Too much pressure on already over-stretched infrastructure;
- Why keep the shops as there are too many empty shops already;

- Homes are very small which is not good for health and wellbeing of residents;
- Not enough greenspace;
- Anti-social behaviour due to lack of occupation of similar developments;

12. Comments in support of the application state:

- Design is deliberately contemporary and will be a spectacular feature in the Northgate Conservation Area;
- Will visually improve important route into town;

13. One letter of support has been received from Campaign to Protect Rural England stating:

- the conversion of this redundant building would provide much needed high-density housing in the town centre; and
- It will contribute to the number of dwellings Darlington is expected to provide for, so pressure is taken off greenfield sites.

PLANNING ISSUES/ANALYSIS

(a) Principle of the development

14. The application site is within the development limits and the conversion of part of the building to residential apartments is acceptable in principle in the context of Saved Local Plan Policy E2 and policies CS1 and CS10. Appropriate alterations to the existing commercial element of the building is acceptable in principle subject to other development management considerations set out in the development plan.

(b) Impact on designated heritage assets

15. The site is situated within the Northgate Conservation Area and within the setting of the Grade II listed United Reform Church and the associated forecourt railings and gate piers, situated immediately to the south of the application site on the opposite corner of the junction of Northgate and Chesnut Street.

16. The Conservation Officer has raised no objections to the principle of the conversion of the premises to mixed use, however has objected on the basis of the impact of the proposed alterations on the significance of the Northgate Conservation Area and setting of the Grade II listed United Reform Church and the associated forecourt railings and gate piers.

17. The Conservation Officer considers that the proposed alterations are not appropriate to the character of the area and would lead to harm to the setting of the listed buildings, citing the use of the render and cladding which would create a harsh contrast in the street scene, making the building more visually obtrusive and clearly visible within the sight lines looking from the north and south along Northgate. The Conservation Officer also considers that the addition of the floor

level increases this impact further, as the existing building is more subservient to the church and an increase in height would see this subservience eroded.

18. The comments of the Conservation Officer have been considered carefully and discussions have been undertaken with the agent. The existing building, is a 20th century redevelopment which has no visual or architectural merit in itself, and is falling into disrepair. The current flat roofed, 2-storey building also appears as a somewhat incongruous feature on a prominent, corner site, in between predominantly taller, 3-storey buildings.
19. The proposed conversion scheme has been designed so that the proposed second floor of the building is set back from the existing frontages of the building and the mezzanine floor level is provided within the roof space, with the building still being of a lower height than the adjoining building to the north, so as to reduce any impact on the setting of the church. It is considered therefore that views of the church when travelling along Northgate will not be affected to any significant degree, and views of the Church when travelling northwards will be largely unaffected. Overall, with the limitations that the present building holds, it is considered that the proposed development has been sensitively designed such that the resultant building is of an improved appearance compared to the existing building.
20. Taking into consideration the appearance of the existing building, whilst it is the view of officers that the proposal will have a slight positive impact on the character and appearance of the Conservation Area, and will not adversely affect the setting of the listed buildings, taking into account the differing views of the Conservation Officer, and in line with the NPPF, if harm is found to be caused, it is considered that this would be 'less than substantial'. In this case the LPA must weigh the harm against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. In this case therefore, if harm is considered to be caused, the agent has set out what are considered to be the public benefits arising from the development being;
 - Bringing a vacant building back into use;
 - Retention of two smaller retail units more likely to be attractive to prospective tenants; and
 - The provision of residential apartments in a sustainable location.
21. In this case, taking into account the visual appearance of the existing building, and the views of officers in terms of its limited impact on the Conservation Area and the setting of the listed building, it is considered that if 'less than substantial harm' is caused by the development, that on balance, this would be outweighed by the public benefits identified and that the proposal therefore does not conflict with Policy CS14 in this regard.

(c) Scale, design and appearance and impact on visual amenity

22. Noting the consideration in terms of impact on designated heritage assets above, it is also considered that the impact of the proposals is acceptable in

terms of its scale, design and appearance and impact on visual amenities. The frontage to Northgate and Chesnut Street and the palette of materials proposed is an appropriate response to the site constraints, and will result in an overall improvement to the visual appearance of the building and street scene in which it is located. It is recommended that a condition be attached to any approval stating that materials should be in accordance with those detailed within the application and securing submission and agreement of the colour of the fine textured render to be applied externally and specific details of the proposed limited area of landscaping to the rear.

23. Overall, subject to the above conditions, the proposals are acceptable in respect of their scale, design and appearance and impact on the visual amenities of the locality such that they do not conflict with Policy CS14 or CS2 in this respect.

(d) Impact on residential amenity

24. The site is within a mixed-use area with commercial being the predominant use. There are some properties nearby which have flats above shops to the west and north, with residential apartments at Northbeck House beyond, and given the existing building use, its redevelopment for a similar use with apartments above, is unlikely to impact on the residential amenity of these existing properties. The main issues of residential amenity are therefore related to ensuring an acceptable level of amenity for occupiers of the proposed scheme and ensuring that any construction impacts are within acceptable limits given the presence of existing residential uses in the area.
25. A noise assessment undertaken by Apex Acoustics (2 June 2020 Reference 7923.1 Revision B) was submitted in support of the application. This involved the measurement of existing noise levels in three locations on the site, to assess the impact of road traffic noise on the proposed development, which is the dominant noise source in this location. The assessment also considers the impact of extract ventilation plant servicing adjacent commercial premises as well as noise from within the proposed retail premises on the ground floor.
26. The assessment concludes that with mitigation by way of a certain standard of glazing, installation of a specific standard of trickle vents, as well as a mechanical ventilation strategy, appropriate noise levels in accordance with the guidance can be achieved in internal spaces associated with the development and any adverse impacts on health and quality of life mitigated and reduced to a minimum.
27. In relation to impact of the proposed retail premises associated with the development on the residential properties the assessment concludes that with specific construction of the separating walls and floors the agreed internal noise levels can be achieved in the residential areas. A proposed construction build up for both the separating walls and floors is put forward in the assessment.
28. In view of the above, the Environmental Health Officer has recommended planning conditions 12-16 (below) which aim to ensure the development

incorporates the mitigation set out within the noise report in looking to protect residential amenity.

29. An air quality assessment has also been submitted prepared by Apex Air dated 26 May 2020 (Reference 7923.2, Revision A). The assessment considers potential air quality impacts as a result of the construction and operational phases of the development as well as any impacts on the development itself from existing air quality given the introduction of sensitive receptors.
30. The assessment concludes in relation to the construction phase of the development, with good practice dust control measures, the potential air quality impacts from dust generated during demolition, earthworks, construction and track-out activities are predicted to be not significant. Potential impacts associated with the operational phase of the development (i.e. associated with increased traffic) are also predicted to be negligible and in relation to the proposals having the potential to expose future occupants of the apartments to poor air quality, pollutant concentrations were predicted to be below relevant air quality objectives across the development area. The assessment therefore concludes the site is considered suitable in this location from an air quality perspective. As there are existing residential properties in this area and given the conclusions of the submitted air quality assessment, the Environmental Health Officer has not objected on air quality grounds.
31. Also recommended are planning conditions requiring submission and compliance with a Construction Management Plan, that no external plant associated with the scheme shall be installed until a scheme to reduce noise and vibration has been submitted to the LPA and agreed in writing, and a limit on opening hours of the retail units to between 7:00 and 22:00, with any deliveries and waste collections limited to the same time period.
32. Subject to the above conditions, the proposal would have an acceptable impact on the living conditions of residents and would comply with policy CS2 and CS16 in this regard.

(e) Highway Safety

33. The ground floor frontage is to be retained within retail use however the existing frontage would be split to create two smaller units of 120 sqm. Rear access to the units would be maintained with defined storage areas, commercial bin storage and defined delivery parking complementing the existing arrangements. Customer parking is available nearby both within defined on-street areas on Beck Road and within Garden Street car park which is approximately 150m from the development.
34. The application proposes a total of 24 no. residential apartments, 20 of which are single bedroom and the remaining 4 being 2 bed units. This falls below the threshold for a formal transport assessment. It is likely that this would produce around 10 vehicle trips in the am/pm peak hour and as such it is not considered sufficient to warrant refusal based on traffic impact.

35. The Tees Valley Design Guide advises that generally parking provision should be based on 1.5 spaces per unit for flatted developments giving a theoretical requirement of 36 spaces. However parking provision may be viewed differently for town centre accommodation and areas which have good links to public transport or other alternative means of sustainable travel. It is proposed to provide the development with 7no. dedicated parking spaces, 12no. secured cycle lockers and a dedicated delivery bay for the two retail units. Based on the town centre fringe location and access to sustainable modes of transport the parking proposals are considered to be acceptable.
36. Frequent bus services are located nearby with both inbound and outbound stops on Northgate located within 100m walking distance of the site. A controlled pedestrian crossing facility is also with 50m of the site at a location that would otherwise be difficult to cross safely given the width of Northgate and the high traffic volumes during peak hours.
37. Overall, and taking the above into account, the Highways Engineer has raised no objection to the development on highway safety grounds. The proposal is therefore considered acceptable and does not conflict with Policy CS2 and T26 in this regard.

(f) Other matters

38. One matter raised by objections is the size of the flats and the impact of living in such small spaces on the health and well-being of residents. The flats are part of a high-density development with the provision of a choice of one and two bedrooms, all with living space and kitchen provided on an open plan basis. Whilst there is a demand for this type of living, particularly in central areas, the aim of the plan is to provide a good mix of dwelling type, size and tenure and there is no planning reason to suggest that the size of the apartments proposed would result in an impact on the health and wellbeing of residents who choose to live there. The Private Sector Housing Team has been consulted and has made no comments on the proposals.
39. A further matter raised by objection is a lack of greenspace. Whilst it is acknowledged that the amenity areas of the flats are limited by the nature of the development, and that the proposal does not provide greenspace, the location of the development is such that the residents would have good access to local greenspace at North Lodge Park to the west and other local areas of greenspace beyond.
40. The potential for anti-social behavior due to lack of occupation of similar developments has also been raised as an objection. Whilst this is noted, there is no evidence to suggest that anti-social behaviour will increase as a result of the proposed development, and indeed, the aim of the proposal would be to have occupation of the ground and upper floors of the building which has the potential to reduce any anti-social behaviour in the vicinity of the building due to increased supervision. Durham Constabulary has provided some advice in relation to

measures to reduce crime, such as alarms, security standards for doors and security standards for cycle lockers, which has been provided to the applicant to consider in the development process. One matter raised by Durham Constabulary is a lack of defensible space to the ground floor apartments, with no clear boundary between the street and the residential units aside from the physical structures of the cycle stands and bin storage area. It is recommended that a planning condition be attached to any approval relating to submission and agreement of boundary treatment to the rear of the building prior to occupation.

PUBLIC SECTOR EQUALITY DUTY

41. 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.

CONCLUSION AND RECOMMENDATION

42. The proposed development complies with the relevant policies in the development plan. Subject to the proposed conditions the development would be acceptable in respect of highway safety and residential and visual amenity and would not harm the setting of heritage assets. It is therefore recommended that:

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit 3 Years
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

L019034 – 000 Location and Block Plan
L019034 – 100 Proposed ground floor plan
L019034 - 101 Proposed first floor plan
L019034 - 102 Proposed second floor plan
L019034 – 103 Proposed second floor mezzanine plan
L019034 – 104 Proposed Elevations and section
L019034 - 105 Proposed bin and cycle store
L0190354 – 106 Site Location Plan

REASON – To define the consent

3. All external materials, including rainwater goods and roof materials, shall be as specified in the drawings referenced in condition 2 of this approval, unless otherwise agreed, in writing, by the Local Planning Authority.

REASON – To ensure that the external materials are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

4. Prior to the application of the fine textured render to the external surfaces of the building, details of the colour of the render shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON - To ensure that the external materials are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

5. E2 Landscaping

6. Prior to the occupation of the development hereby approved, details of boundary treatment to the rear of the ground floor flats, shall be submitted to and approved in writing by, the Local Planning Authority. The agreed boundary treatment shall be in place prior to occupation of the development and shall be retained as such thereafter.

REASON - In the interests of residential amenity.

7. No noise emitting fans, louvres, ducts or other external plant associated with this permission shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority.

REASON – In the interests of residential amenity.

8. The opening hours of the retail unit(s) shall be limited to 07.00-22.00.

REASON – In the interests of residential amenity.

9. Times for deliveries and waste collections to the retail units shall be limited to 07.00-22.00.

REASON – In the interests of residential amenity.

10. Construction and demolition work shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON – In the interests of residential amenity.

11. Prior to the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in

writing:

a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

REASON – In the interests of residential amenity.

12. The mitigation measures/minimum façade sound insulation provisions (glazing performance, trickle vent performance, ventilation strategy) as detailed within Table 1 of the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Reference: 7923.1 Revision B) shall be implemented in full prior to the first occupation of the apartments, and thereafter shall be retained and maintained for the life of the development. No changes to mitigation proposals shall be made without the prior written agreement of the Local Planning Authority.

REASON – In the interests of residential amenity.

13. Notwithstanding the mitigation measures outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B), prior to installation precise details of the window glazing as well as any acoustic trickle vents to be installed as part of the development (including their acoustic performance) shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

14. The mitigation outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B) in relation to the wall and floor construction (separating elements) between the retail units and residential apartments shall be implemented in full prior to the first occupation of the apartments. No changes to the proposals shall be made without the prior written agreement of the Local Planning Authority.

REASON – In the interests of residential amenity.

15. At the reasonable request of and/or following a complaint from residents of the proposed development to the Local Planning Authority, the applicant shall

employ a suitably qualified acoustic consultant to carry out an assessment of noise from the retail units on the residential apartments. The sound insulation testing shall be in accordance with the methodology in BS EN ISO 16283-1:2014 (airborne sound insulation) and BS EN ISO 16283-2:2018 (impact sound insulation) and the scope and methodology to be used in the assessment shall be agreed in advance with the Local Planning Authority. The assessment shall demonstrate to the satisfaction of the Local Planning Authority compliance with NR17 inside the residential apartments. If this is not the case, suitable mitigation measures shall be submitted and agreed in writing with the Local Planning Authority including a timescale for implementation.

REASON – In the interests of residential amenity.

16. Notwithstanding the mitigation measures outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B), prior to the installation of any mechanical ventilation strategy, precise details of the system(s) to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of noise and overheating to determine an appropriate strategy with windows closed. It shall be shown to the satisfaction of the Local Planning Authority that the internal noise levels associated with any mechanical units and associated ductwork linked to the system, as well as when combined with other noise sources shall not exceed relevant guidance levels in living rooms and bedrooms. The assessment(s) shall be carried out taking into account the Association of Noise Consultants and Institute of Acoustics 'Acoustics Ventilation and Overheating: Residential Design Guide, January 2020, Version 1.1.' and any associated guidance. The system(s) shall be installed prior to the first occupation of the apartments and in accordance with approved plan and thereafter shall be retained and maintained for the life of the development.

REASON – In the interests of residential amenity.

INFORMATIVES

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.