

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th August 2020

APPLICATION REF. NO: 19/01165/FUL

STATUTORY DECISION DATE: 11th February 2020

WARD/PARISH: SADBERGE AND MIDDLETON ST GEORGE

LOCATION: DEVONPORT HOTEL 16-18 THE FRONT
MIDDLETON ONE ROW DL2 1AS

DESCRIPTION: Partial conversion of Hotel (Use Class C1) to 6 No. self-contained residential apartments (Use class C3) with separate mangers accommodation, erection of two storey rear extension with glazed balcony, installation of 2 No. windows to basement, 2 No. windows to western elevation, reinstatement of front door and reconfiguration of rear garden, carpark and service yard (Amended site layout plan received 14th January 2019 Amended plans received 9th May 2020)

APPLICANT: MR JONANTHAN HALL

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=Q2NZ6VFPFRJ00>

APPLICATION AND SITE DESCRIPTION

1. The application site consists of a large three storey building situated adjacent to the Devonport Hotel, Middleton One Row. The property was previously part of the hotel, recently gaining consent to be converted into a separate dwelling house (18/00413/FUL). The site is situated within the Middleton One Row

Conservation Area. Grade II listed Buildings are situated to the east and west (12-15, 19, 19A, 22 and 23 The Front). Aside from the Devonport Hotel immediately, adjacent, the site sits within a predominantly residential area.

2. Planning permission is sought for the conversion of the property into six self-contained residential apartments (four x two bed apartments and two x one bed apartments with a manager's studio apartment), involving the following:
 - a) Installation of windows to the basement;
 - b) Low level railings set on a stone wall to the front;
 - c) Reinstatement of the central door and steps;
 - d) Installation of two windows on the western elevation;
 - e) Two-storey extension to the rear consisting of two projections of some 3.85m deep x 4.7m wide, set below low-level hipped roofs with a glazed section in between, with facing brickwork to match existing and dark grey cedar cladding to the rear elevation;
 - f) Reconfiguration of the rear garden and storage area;
 - g) Reconfiguration of the rear car park to allow nine parking spaces for residents of the proposed apartments and the remainder of parking to remain available to patrons;
 - h) Reconfiguration of the service yard of the hotel;
 - i) Provision of a communal garden area;
 - j) Hard and soft landscaping.

MAIN PLANNING ISSUES

3. Planning permission was granted in 2018 for the refurbishment of the Devonport Hotel, which included a reduction in the number of bedrooms and the conversion of part of the Hotel (Oxford House, which is the subject of this application) into a residential dwelling (18/00413/FUL), establishing the principle of residential conversion of the property. The refurbishment work to the Hotel has since been completed.
4. The main issues for consideration are:
 - a) Principle of the development;
 - b) Impact on heritage assets;
 - c) Impact on non-designated heritage assets – Archaeology;
 - d) Scale, design and appearance and impact on visual amenity;
 - e) Impact on residential amenity;
 - f) Highway safety;
 - g) Japanese Knotweed.

PLANNING POLICIES

5. 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);
- Ensures no net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity and the geological network through the design of new development, including public spaces and landscaping (CS15);
- 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);

RESULTS OF TECHNICAL CONSULTATION

6. No objections in principle have been raised by the Council's Highway's Engineer and Environmental Health Officer. The Conservation Officer has raised no objections further to amendments to the scheme.

RESULTS OF PUBLICITY AND NOTIFICATION

7. Ten letters of objection have been received, raising the following concerns:
 - Impact on highway safety / cumulative impact on highway network;
 - Lack of parking;
 - Loss of privacy;
 - Overshadowing;
 - Loss of light;
 - Japanese knotweed;
 - Noise and odour from Devonport;
 - Effect on character of area;
 - Impact on heritage assets;
 - No reference to how impact will be minimised during building works;
 - Precedent for other high-density development on the Front;
 - Other properties of a similar size available in area;
8. One letter of support has been received, stating that the proposal would represent a good improvement to the property.
9. Middleton St George Parish Council has raised no objections to the proposed development.

PLANNING ISSUES/ANALYSIS

(a) Principle of the development

10. The application site is within the development limits and the conversion of the building to residential apartments is acceptable in principle in the context of policy CS1 and E2. 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

11. The site is situated within the Middleton One Row Conservation Area with several Grade II listed buildings close to the site, the most directly related being No 15 The Front to the west and Deanery Cottage 19A The Front to the east.
12. The changes to the front of the property to accommodate the proposals, are fairly minor, and further to amendments sought by the Conservation Officer, which include a low stone wall to the railings, and details of the steps to the main entrance, would be considered to improve the appearance of the building and in turn, sustain the significance of the Middleton One Row Conservation Area and the setting of nearby Grade II listed buildings.
13. The proposals to the rear are more significant in terms of their impact on the building itself, and significant alterations have been sought and received, which act to soften the development, reduce its scale and proportion and utilise traditional materials, including the replacement of the proposed close boarded fencing with a brick boundary wall and natural slate to the hipped roofs. In this context and given the position of these elements of the proposal to the rear of the property, the proposal would not be considered to cause harm to the significance of the Middleton One Row Conservation Area, or the setting of nearby Grade II listed buildings.
14. It is recommended that should planning permission be granted, planning conditions should be attached to secure compliance with the external materials indicated on the plan together with details of the railings, windows, doors, brickwork, stone to be used for the proposed low level wall, and proposed cedar boarding, to ensure that the appearance and detail is appropriate to the area. Subject to this, the proposal does not conflict with Policy CS14 in this regard.

(c) Impact on non-designated heritage assets – Archaeology

15. The area of the development is within the historic core of Middleton One Row, a medieval village, so it is possible remains of medieval activity may survive. Accordingly, the Historic Environment Record Officer has advised that a watching brief should be carried out on the ground disturbing works, those relating to the extension. Subject to a planning condition to secure this, the proposal does not conflict with policy CS14 in this regard.

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

16. Noting the consideration in terms of impact on designated heritage assets above, it is also considered that, further to the amendments made to the proposals to

ensure an acceptable impact on heritage assets, the impact of the proposals is acceptable in terms of its scale, design and appearance and impact on visual amenities of the locality, resulting in an overall positive impact on the appearance of Oxford House in particular, which is currently empty and falling into disrepair. Whilst the rear element is not traditional in terms of its design, it has been significantly improved further to requested amendments and being to the rear of the property has very limited visual impact. The remaining alterations to reconfigure the rear areas of the commercial element of the building are acceptable and will not be highly visible from outside of the site. Planning conditions to secure compliance with stated materials, and details of those not provided, including the stone to the low-level wall, railings and boundary wall, together with joinery details for the windows, are recommended.

17. 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.

(e) Impact on residential amenity

18. The alterations to reconfigure the rear service, garden and parking elements of the commercial element of the site, will reduce the area included within the alcohol licence to the rear of the premises. These elements will not significantly impact existing residents in terms of amenity over and above any existing impacts that arise due to the nature of the business.
19. The main element of the proposal, which converts Oxford House to apartments, proposes a two-storey extension to the rear of the building. It is noted that there are objections which raise concern of overshadowing, overbearingness and reduced light. Considering these concerns, several amendments were made through the application process including a reduction in the length of the extension and the removal of the balcony areas to be replaced with a glazed screen. The projection of 3.85m, whilst representing a change to the existing situation, would not be considered to appear unduly overbearing or overshadow adjacent sites to the extent that planning permission should be refused on this basis. The effect of the windows to provide light to the rear elevations of the building, would result in a similar situation to most rear aspects that are closely related, with some obscure overlooking between sites, but not so significant and direct as to refuse planning permission on these grounds.
20. The removal of the balcony areas and their replacement with full length doors and a glazed screen, ensures that this serves only as a window and residents cannot sit on a projecting balcony or cause any disturbance to existing residents.
21. Another concern raised by one of the objectors is the loss of amenity due to the side (western elevation) windows proposed to the ground and first floor of Oxford House. One objection references an existing bathroom window (which has clear glazing rather than obscured) on the neighbouring wall. These windows are to provide a minimum level of light to bedrooms and are obscure glazed and will not afford any opportunity for looking into nearby properties. It is recommended that

a planning condition be attached to any approval to stipulate that these remain obscure glazed and are hinged to open inwards and are retained as such to protect the amenity of the neighbouring property.

22. The Environmental Health Officer has raised no objections however does consider that the creation of new dwellings next to the commercial element, has the potential for noise to create an observed adverse effect on the amenity of the new residents, and has recommended a planning condition to require soundproofing to the walls.
23. Other concerns regard the noise and fumes and odours from the commercial element. However, a satisfactory solution to this is dealt with within a recent planning application 20/00258/FUL to create a satisfactory environment for both existing and proposed residents in the vicinity of the hotel.
24. Subject to the above conditions, the proposal would have an acceptable impact on the living conditions of neighbouring occupiers and would comply with policy CS2 and CS16 in this regard.

(f) Highway Safety

25. The Current Tees Valley Design guide standards recommend that flatted developments should have 1.5 parking spaces per apartment. The 9 parking spaces demonstrated on plan fully meet this requirement with these standards being advised maximum standards. Where parking standards are met it is not expected that overspill parking is likely to be increased. There is also no reason to suggest that additional traffic generation is likely from this change of use application.
26. The property is served by the number 12 bus with the bus stop within 50m of the site, which connects the site to Darlington, Middleton-St-George and Teesside Airport and ultimately gives sustainable access to a wider range of shops and services as well as transport connections further afield.
27. Whilst traffic generation, road safety and parking concerns are raised in some objections it needs to be considered that these are existing problems associated with the bar and restaurant element of the Devonport which has become busier in recent times. Issues such as illegal parking within the bus stop have been reported and will be addressed by the Highways Authority as part of statutory duty of network management and maintenance. The bus stop marking is considerably deteriorated and due to be remarked shortly, this will make it more visible to drivers to discourage parking within it and enables enforcement by wardens. The Highways Team has recently undertaken a survey of traffic generation and parking along the front and will be reviewing current road markings and restrictions with a view to providing increased passing places. The Front does however benefit from not having many properties directly fronting the highway and is therefore generally available for visitor parking, even considering the bus stop and inclusion of passing places it would be likely to yield space for approximately 60 cars.

28. Police accident statistics show no recorded road traffic incidents associated with the near vicinity of the Devonport over the past 5-year period, indeed only one minor incident is recorded over the length of the Font and is due to a driver attempting to overtake cyclists when unsafe to do so. As such there is no pattern of accident or reason to suggest that highway safety concerns are evidenced.
29. 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 in this regard.

(g) Japanese Knotweed

30. Several objections have indicated the presence of Japanese Knotweed on the site. The photos provided by objectors show Japanese Knotweed and so further information was requested from the applicant who provided further photos of where the Japanese Knotweed previously was. The applicant indicates that they have been spraying and injecting the roots with Glyphosate since August 2018, addressing any small regrowth immediately and have now eradicated the weed.
31. The Council's Ecology Advisor has been consulted and has suggested that to ensure that the plant is absent and to manage any potential spread, which is an offence under the Wildlife and Countryside Act 1981, a planning condition could be attached to any approval to formally confirm the absence of the plant from a suitably qualified organisation, prior to commencement on site, to ensure that due regard has been had to the legislation surrounding Japanese Knotweed. If any presence is found, a management plan would be required to demonstrate a clear methodology to eradicate and prevent any further spreading. Subject to this, the proposal would not conflict with Policy CS15.

CONCLUSION AND RECOMMENDATION

32. 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 or ecological interests. It is therefore recommended that planning permission be granted subject to conditions.

PUBLIC SECTOR EQUALITY DUTY

33. 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.

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:

L019012 – 101 Rev A Block and location plan
L019012-109 Rev B Proposed site layout plan
L019012-105 Proposed basement plan
L019012 – 106 Rev A Proposed ground floor plan
L019012 – 107 Rev B Proposed first floor plan
L019012-108 Rev A Proposed Second floor plan
L019012 – 110 Rev C Proposed elevations

REASON – To define the consent

3. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

REASON - To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

4. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON - To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

5. E2 Landscaping Submission / Implementation
6. Prior to the commencement of the development, a survey of the site shall be carried out by a suitably qualified organisation, to ascertain the presence of Japanese Knotweed on the site. Should any Japanese Knotweed be found on site, a plan shall be submitted to demonstrate the method to be used to prevent further spreading and eradicate the plant and the recommendations of the plan be fully complied with.

REASON – In the interests of ecology.

7. All party walls within the development will be fitted with upgraded sound insulation to achieve a minimum airborne sound insulation value of $53 D_{nT,w} + C_{tr}$ dB. Details of the scheme of enhanced sound insulation, including the specification of materials and proposed installation techniques, will be provided to the Local Planning Authority in writing prior to their installation. Installation of the approved details must be completed prior to occupation of the buildings hereby approved and thereafter shall be retained for the lifetime of the development.

REASON – In the interests of residential amenity.

8. Prior to the commencement of the development the following details shall be submitted to, and approved in writing by, the Local Planning Authority.
 - i) Joinery details (including doors and windows);
 - ii) Stonework and railings;
 - iii) Details of cedar boarding;
 - iv) Boundary treatment, to include brick samples and details of mortar and bonding;

The development shall not be carried out otherwise than in full accordance with the approved details.

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

9. Unless dealt with by condition 8 (above) 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.

10. The windows to the western elevation of the property shall be obscure glazed (hinged to open inwards), as detailed on the drawings referenced in condition 2 of this approval and shall be maintained as such for the lifetime of the development hereby approved.

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.