

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02276/FPA
FULL APPLICATION DESCRIPTION:	Conversion of an Existing Cycle and Management Store into Studio Apartment and Associated Works
NAME OF APPLICANT:	Adderstone Developments Ltd
ADDRESS:	Angerstein Court, Broomside Lane, Carrville, County Durham, DH1 2QD
ELECTORAL DIVISION:	Carrville
CASE OFFICER:	Susan Hyde Planning Officer 03000 263961 susan.hyde@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to an existing three-storey apartment block of eleven residential units with associated car parking located along Broomside Lane, Carrville. The block comprises of eight two-bedroom apartments, three one-bedroom apartments, management store, cycle store accessed via the walkway to the east side of the building and bin store to the front of the application site.
2. The block is faced in red brickwork complemented with contrasting light coloured render and the pitched roof is finished in grey slate tiles complemented with dormer windows at intervals accommodating habitable rooms within the roof space. All doors and windows are finished in white UPVC.
3. Access is taken directly from Broomside Lane immediately to the north of the application site. Vehicular access is achieved via an arched entrance leading to the on-site residential car parking to the rear. Pedestrian access to the two-bedroom apartments is direct from the rear car park with access to the one-bedroom apartments achieved by means of a walkway to the east side of the application site.
4. The existing bin, cycle and management stores are located within the eastern section of the building separated from the existing ground floor apartments by the gated vehicular entrance.

The Proposal

5. Full planning permission is sought for conversion of an existing cycle and management store to a single one-bedroom studio apartment. Additional works will involve the relocation of the existing cycle and management stores.
6. The application is reported to the Planning Committee at the request of Belmont Parish Council because of concerns about the inadequate scale of the proposed property and the loss of an integrated bike store, and by Councillor Patrick Conway for similar reasons including the proposed apartment not being in character with others in the block and the loss of green space.

PLANNING HISTORY

7. N/A

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. The following elements are considered relevant to this proposal;
11. NPPF Part 1 – Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
12. NPPF Part 4 – Promoting Sustainable Transport. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

13. NPPF Part 6 – Delivering a Wide Choice of High Quality Homes. The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
14. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. NPPF Part 8 – Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. Part 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

City of Durham Local Plan

17. Policy H2 (New Housing within Durham City) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with saved Policies E3, E5, E6, Q8, R2, T10 and U8A.
18. Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
19. Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
20. Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

21. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
22. Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
23. Policy Q9 (Alterations and extensions to residential dwellings) states that proposals should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.
24. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

EMERGING POLICY:

25. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. Parish Council: Belmont Parish Council has requested the application is refused and in view of strength of objection by occupants of existing apartments and referred to Committee with particular regard to the amenity of existing residents and the amenity of the in-coming resident

INTERNAL CONSULTEE RESPONSES:

27. Environment, Health and Consumer Protection: No objection subject to condition requesting the submission of a scheme of sound proofing before any part of the development is commenced

28. Highways Development Management: The development as a whole satisfies the parking standards of Durham County Council. However the relocation of the cycle store should be in a prominent secure location. In this instance it is tucked in the corner of a car park and is unlikely to benefit from casual observance of passers by. The Highway Officer therefore objects to the position of the relocated cycle store.

29. PUBLIC RESPONSES:

The application was advertised by means of a site notice and by letter to eighteen neighbouring properties within the area. Seventeen letters of objection have been received from 8 addresses raising concerns relating to:

- Loss of a fully integrated weatherproof bike store to the existing apartments.
- The existing management store has useful communal facilities that would be lost.
- The proposed apartment is too small to accommodate someone with a reasonable level of residential amenity and is completely out of scale with the rest of the apartments.
- The proposal leads to the loss of a parking space and no parking provision for the new apartment.
- Belmont Parish Council – object to the inadequate scale of the accommodation, the loss of the green space and the loss of an integrated bike store.
- Cllr Conway has objected on the grounds of the studio apartment being an inadequate size and out of keeping with the other apartments in the development, loss of the green space and the loss of an integrated cycle store.

- APPLICANTS STATEMENT:

30. The Agent acting on behalf of the Applicant was invited to submit a statement in support of this application. At the time of report preparation, no statement has been received

PLANNING CONSIDERATIONS AND ASSESSMENT

31. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, residential and visual amenity, sustainable transport, environmental health and parking.

Principle of Development

32. There is a presumption in favour of sustainable development and the government is committed to ensuring the planning system does everything it can to support sustainable economic growth at the heart of the National Planning Policy Framework (NPPF). It is essential that social, economic and environmental issues are supported in equal measure. The NPPF's twelve core planning principles state that the planning process should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. These aims are also reflected in the current saved Policies of the City of Durham Local Plan.
33. Paragraph 50 of the NPPF acknowledges the need for local planning authorities to deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In turn, Paragraph 56 of the NPPF suggests great importance shall be attached to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should positively contribute to making places better for people. In addition, Paragraph 60 further suggests planning policies and decisions should not attempt to impose architectural styles or particular tastes or stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Furthermore, Paragraph 61 also acknowledges whilst visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
34. Similarly, saved Policy H2 of the current City of Durham Local Plan suggests new housing development comprising of windfall development of previously developed land and conversions will be supported subject to the protection of both the character and setting of Durham City whilst also according with relevant design and traffic saved policies. In turn, saved Policy H13 suggests planning permission will not be granted for new development that would have a significant adverse effect on the character or appearance of residential areas, or the amenities of adjacent residents. This is discussed below.
35. Therefore, it is considered the principal accords with the aims and objectives of the National Planning Policy Framework and the relevant saved policies of the current City of Durham Local Plan which promote sustainable economic growth in town and city centres.
36. The site is located within a predominantly residential area surrounded by residential properties. The site is located within a sustainable location being close to shops, services and public facilities. Public transport is also within close walking distance. It is therefore considered that the principle of development is acceptable and the proposed development would be in accordance with the sustainability principles of the NPPF.

Residential and Visual Amenity

37. The proposal is to convert the existing cycle and management stores to a studio apartment that creates one room for a bedroom, kitchen and living room and one shower room. The room would achieve natural light and outlook with one window adjacent to the bed that looks onto the car park and one smaller window to illuminate the living space that looks out onto a fence at a distance of 1.5 metres away. The standard policy distance in policy Q8 requires a minimum distance of 6 metres to a single storey structure, such that the fence would be considered to have an overbearing impact. It is also relevant that the main living space is served by one window only which would be expected to be used for ventilation and outlook in the usual way to ensure a reasonable level of residential amenity, as the larger window adjacent to the bed could not be easily accessed. The standard of residential amenity for the property is therefore considered to be unsatisfactory.
38. The limited size of the dwelling also contrasts with the level of residential amenity provided in the remainder of Angerstein Court and the floor area of the studio apartment will be significantly less than that of the existing apartments. The existing apartments measure an approximate floor area of at least 45m² whereas the proposed floor area of the studio apartment will be 15m². Saved Policy Q8 also sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings should be appropriate in scale, form, density and materials to the character of their surroundings providing adequate amenity and privacy for each dwelling ensuring the impact upon the occupants of existing nearby properties should be minimised. The scale of this property is therefore considered to be out of character with the remainder of this residential block by introducing a different type of accommodation, in conflict with Policy Q8.
39. The cycle storage for existing residents is to be relocated to an external covered store within the south west corner of the landscaping area in the existing car park. As such the cycle store will lead to the loss of this landscaped area on a site that already has little landscaping.
40. Overall, it is considered that the proposed development would not provide an adequate level of residential amenity for existing or proposed occupiers, and the proposed dwelling would be contrary to Policy Q8 of the Local Plan. In addition the limited floor area is considered out of character with the existing apartments in Angerstein Court and the cycle storage would lead to loss of one of the few landscaped areas available in the parking area which would detract from the residential amenity of the area. Therefore, the proposal would be contrary to Policies Q8 and H13 of the City of Durham Local Plan.

Sustainable Transport

41. The NPPF places significant weight on the need to support cycling as a sustainable mode of transport. The existing development at Angerstein Court has an integrated cycle store within the existing brick building which

is secure, easily accessible and integrated into the existing building. The proposed replacement cycle store is located in the south west corner of the car park making it less convenient for local residents. The County Highway Officer has objected to the movement of the cycle storage facility because cycle storage should be in a prominent secure location. In this instance it is tucked in the corner of a car park and is unlikely to benefit from casual observance of passers by which makes the new location less secure. Although some apartment windows overlook the parking area, it is considered that the relocated store would be largely obscured from view by parked vehicles. It is also noted that existing residents, the users of the facility, consider the proposed location to be less satisfactory

Environmental Health

42. The Senior Environmental Health Officer has offered no objection to the introduction of a studio apartment. However, in order to ensure that noise transmission from the bedroom and bathroom from the existing apartment directly above is minimised, they would recommend a planning condition.

Parking

43. The Highway Development Manager has confirmed the level of car parking provision will be above the current minimum standards as set out within Durham County Council, Residential Car Park Standards.

CONCLUSION

44. The site is within a sustainable location being close to shops, service and public facilities. Public transport is also within close walking distance. It is therefore considered that the principle of development is acceptable and the proposed development would be in accordance with the sustainable principles of the NPPF.
45. Notwithstanding this, the limited scale of residential accommodation is considered out of keeping with the existing apartments in Angerstein Court and is also considered to provide unsatisfactory standards of residential amenity for the prospective occupiers, contrary to Policies Q8 and H13 of the Local Plan.
46. The relocation of the cycle storage facilities is onto an area of open space that provides one of the few limited areas of green space for the residential apartments. In addition the new position of the cycle storage facilities is considered to be in a location that is less convenient for the residents. The County Highway Officer is also concerned that the cycle storage area is not an adequately secure location. The reduction in the quality of the cycle storage is considered to be contrary to the significant weight the NPPF places on supporting sustainable transport in paragraph 34 and 35.

RECOMMENDATION

That the application be REFUSED for the following reasons:

1. The level of residential amenity for the proposed dwelling is not considered to be adequate due to its limited size and unsatisfactory outlook, and is also out of character with the accommodation in the apartment block, contrary to Policies Q8 and H13 of the City of Durham Local Plan 2004.
2. The proposed development would have a significant adverse effect on the residential amenity of the existing residents of the apartment block due to the loss of an existing landscaped area and the introduction of replacement cycle storage which is both less convenient and less secure by virtue of its location in the south west corner of the car park. This is contrary to Policy H13 of the City of Durham Local Plan 2004 and paragraphs 34 and 35 of the NPPF.

ADDITIONAL MATTERS

N/A

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. However, it has not been possible to achieve an acceptable form of development in this case. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Drawings
- Design and Access Statement
- City of Durham Local Plan
- National Planning Policy Framework
- Consultation Responses



Planning Services

Conversion of an existing cycle and management store into a studio apartment and associated works.

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