



Appeal Decision

Site Visit made on 28 October 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/P2935/W/20/3255461

Wellington House, Blyth, Northumberland NE24 1DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Maddison against the decision of Northumberland County Council.
 - The application Ref 19/04971/FUL, dated 17 December 2019, was refused by notice dated 21 May 2020.
 - The development proposed is change of use to sui generis hostel providing short to medium term lodging includes some internal demolition.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description accurately represents the proposal and I have therefore used it within this decision.
3. The Council's second reason for refusal relates to concerns regarding gas protection measures. However, the appellant has submitted evidence which the Council considers is sufficient to address this reason for refusal. I have proceeded to determine this appeal on that basis.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposal would make suitable provision for car parking;
 - The effect on designated nature conservation sites; and
 - The effect on the character and appearance of the Bondicar Terrace Conservation Area.

Reasons

Car Parking

5. The proposal would include the provision of 19 bedrooms, and it is indicated that this would be used for lodgings for people involved with projects at the Port of Blyth.

6. The Council's Highways Officer refers to the potential of the proposal to generate a high level of single car users. Although the proposal is a sui generis use, the Council refers to parking standards for hotels and houses in multiple occupation which I consider are appropriate comparisons to the proposed use. The proposal would include 7 new off-street parking spaces, which would be significantly below the parking standards referred to by the Council. Due to the number of bedrooms and the nature of the proposed use, I consider that the proposed parking would not be sufficient for the proposal. This would lead to an increase in on-street parking demand in the immediate area. Although there are permit controls on parking in nearby streets during the day, this does not apply during the evening and overnight when residential parking demand is likely to be highest.
7. At the time of my site visit I saw that there were a number of on-street spaces available, although I am mindful that my visit took place during the day when the demand for parking associated with residential uses in this area is likely to be at the evening and weekends. No substantive evidence has been provided to me that the area could absorb the likely level of overflow on-street parking generated by the proposal. Based on the evidence before me, a proposal of this nature and scale could result in on-street parking congestion causing unacceptable risk to drivers and pedestrians as well as to the detriment of parking spaces available to nearby residents.
8. Furthermore, the Council's Highways consultee considers that the parking area is too constrained to effectively provide 7 spaces. I agree with those concerns as the arrangement of the parking spaces and available manoeuvring area would not be sufficient to enable convenient and safe vehicle parking. As well as deterring the parking of vehicles within the site, this is also likely to result in convoluted vehicle manoeuvres thereby increasing the risk of conflict with pedestrians and vehicles within the parking area as well as when vehicles emerge onto the public highway.
9. I acknowledge that the site is close to car parks within Blyth town centre. However, residents of the proposal would be likely to park in the immediate vicinity of the site for reasons of convenience and security. The appellant has provided a Parking Management Plan which includes measures such as a pick-up service and arrangements to park at the Port of Blyth. However, I share the Council's concerns that such measures would be difficult to monitor and enforce, particularly if the circumstances of the business change. As such, it would not be reasonable to require compliance with the Parking Management Plan by condition. I am also mindful that it would not be possible to use planning controls to restrict occupation of the premises to workers associated with the Port of Blyth.
10. The appellant refers to a number of potential uses that the property could be put to under its existing use class and permitted development rights. However, the traffic and parking demand generated by such uses would differ from the residential nature of the appeal proposal, particularly in respect of the peaks of parking demand compared to residential properties in the area. On that basis, consideration of these alternative fallback uses does not lead me to a different conclusion in respect of parking matters associated with the appeal proposal.
11. I conclude that the proposal would not provide suitable car parking provision, with resultant significant harm to highway safety as well as the living

conditions of nearby residents in respect of available parking. The proposal would therefore conflict with the National Planning Policy Framework (the Framework) with regards to highway safety.

Designated Nature Conservation Sites

12. The Council and consultees including Natural England state that the site is within the 'zone of influence' for coastal sites designated at national and international level as Sites of Special Scientific Interest, Special Protection Areas, Special Areas of Conservation and Ramsar Sites. On that basis, the Council requires a financial contribution to be provided to mitigate harm arising from the increase in residential accommodation which would result from the proposal.
13. The appellant contends that the proposal would have no greater impact on ecology than the existing authorised use. However, compared to the extant use as offices/clinic, I consider that future residents of the proposal would be more likely to increase pressure on designated sites due to demand for recreational access. The contribution towards mitigation measures as required by the Council is therefore appropriate and would meet the tests set out in paragraph 56 of the Framework.
14. The appellant has offered to provide a unilateral undertaking to address this matter should I consider that this is necessary. However, I am mindful that even if an undertaking was provided this would not overcome other harm arising from the proposal.
15. I conclude that the proposal would lead to harm to designated sites of ecological and biodiversity importance. In the absence of any mechanism before me to mitigate that harm, the proposal would conflict with policy DC21 of the Council's Development Control Policies Document 2007 (DCPD) with regards to the use of obligations to protect nature conservation interests. The proposal would also conflict with the Framework in respect of conserving and enhancing the natural environment.

Conservation Area

16. I have a statutory duty in respect of any buildings or other land in a conservation area to ensure that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
17. The appeal site is within the Bondicar Terrace Conservation Area, which focuses on the finest lengths of late nineteenth and early twentieth century terraces and detached houses that were built in central Blyth. It is this architectural quality which contributes to the importance of the Conservation Area as a designated heritage asset. The appeal site is a late Victorian building of an attractive appearance, particularly in views from Bondicar Terrace and Wolsley Road, and as such makes a positive contribution to the Conservation Area. This contribution is enhanced due to the prominence of this corner site adjacent to a junction.
18. The appeal site includes an external amenity area facing onto Bondicar Terrace. Although this is enclosed by a relatively high wall with a fence and hedging above which limits views into the site, the original form and function of this area is still apparent. It is proposed to use this area for car parking and create

a vehicular access point. This would lead to a stark and car dominated frontage which would detract from the contribution that this prominent corner site makes to the Conservation Area. Although I saw that there were extents of car parking on former garden areas elsewhere in the Conservation Area, these served to confirm the unsympathetic and harmful effects of this form of development.

19. The Council's Building Conservation Officer has not objected to the proposal subject to conditions. In particular, the Council considers that whilst the loss of the garden is regrettable, this could be mitigated through the provision of appropriate landscaping. However, the submitted plans show that there is little scope for landscaping in association with the area of car parking. Therefore, I consider that the harm arising from the extent of car parking could not be mitigated through landscaping.
20. There is also a mature tree located at one corner of the site near to the junction, which makes an important contribution to the streetscape. Although it is proposed to retain this tree, the proposed extent of car parking and hard surfacing would extend into the tree's root area. Whilst the proposed block paving would be permeable, there is no substantive evidence as to whether the effect of the surfacing works and parking on the health of this tree has been appropriately considered.
21. I have had regard to the benefits of the proposal. The development would bring a vacant property into a productive use and would generate employment. However, it has not been demonstrated that other more appropriate uses could also achieve this, and these matters therefore carry limited weight in favour of the proposal. Therefore, whilst the harm to the Conservation Area would be less than substantial, the public benefits arising from the proposal would not outweigh the great weight to be given to that harm, as well as the wider harm arising from the proposal.
22. I conclude that, due to the harm I have identified in respect of the proposed area of parking, the proposal would fail to preserve the character and appearance of the Conservation Area. The proposal would therefore conflict with policy ENV 2 of the Core Strategy 2007 and policy DC1 of the DCPD which seek to protect the historic environment from inappropriate development. The proposal would also be contrary to the Framework with regards to conserving and enhancing the historic environment.

Other Matters

23. The appellant submits that the proposal is to provide lodgings for persons associated with projects at the Port of Blyth, and I have had regard to the letter from the Port's PR & Communications Manager. However, there is no certainty that this arrangement would endure. In any event, consideration of this matter does not lead me to a different conclusion in respect of the harm that I have identified regarding the proposal.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross INSPECTOR