



Appeal Decision

Site visit made on 30 November 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/B1930/W/20/3254904

6 Adelaide Street, St Albans AL3 5BH

- 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 D. Skinner against the decision of St Albans City & District Council.
 - The application Ref 5/20/0784, dated 1 April 2020, was refused by notice dated 27 May 2020.
 - The development proposed is described as change of use from nightclub (sui generis) to residential use (C3), comprising four 2-bedroom flats, two 1-bedroom flats and alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from nightclub (sui generis) to residential use (C3), comprising four 2-bedroom flats, two 1-bedroom flats and alterations at 6 Adelaide Street, St Albans, AL3 5BH in accordance with the terms of the application, Ref 5/20/0784 dated 1 April 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6ASSA:1250 – 500, 6ASSA.PLAN 1, 6ASSA.PLAN 1 Exg, 6ASSA.PLAN 2 Exg, 6ASSA.PLAN 2.2, 6ASSA.PLAN 3.2, 6ASSA.PLAN 4.2 and 6ASSA.PLAN 5.
 - 3) No development affecting the exterior of the building shall take place until samples of all external facing materials, including doors and windows, have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Procedural Matters

2. Both parties have made submissions with regards to this appeal. However, there are discrepancies in the Council's submitted evidence, including the citing of a reason for refusal relating to heritage concerns in their officer's report and appeal statement that is not included in the decision notice. In addition, the Council have cited an incorrect reference number in their submissions, suggesting that there is some confusion with an earlier application on the appeal site. I am nevertheless satisfied, based on the decision notice and other evidence submitted, that the Council has addressed the principal controversial

elements in their submissions. Consequently, I am able to determine the appeal based on the evidence before me.

3. The Council's emerging Local Plan has been withdrawn from examination. Its policies therefore attract no weight in the determination of this appeal.

Main Issues

4. The main issues are:

- The effect of the development proposed on the character or appearance of the St Albans Conservation Area and the character and appearance of the locally listed building,
- Whether it would provide a sufficient parking provision to meet the needs of future occupiers,
- Whether it would provide acceptable living conditions for future occupiers; and,
- Whether it would provide acceptable refuse storage facilities.

Reasons

Heritage assets

5. Although not given as a reason for refusal in their decision notice, the Council has expressed concerns about the effect of the development on this locally listed building and the wider St Albans Conservation Area (the CA), specifically the alterations to the front ground floor elevation. I have paid special attention to the requirements of section 72 of the Planning (Listed Buildings and Conservation) Act 1990 in determining this appeal.
6. The building is a converted former warehouse of local significance due to its previous industrial use, and contributes to the significance of the CA as a historic building that retains its original form. It is taller than the neighbouring commercial buildings, and a prominent feature in the surrounding street scene. The introduction of additional glazing to the ground floor elevation would detract from its simple form and the interpretation of its significance.
7. The alterations to the ground floor elevation would cause modest visual harm to the character and appearance of building, and therefore also to the character and appearance of the CA. However, the resulting harm would be experienced only in the immediate vicinity of the building as it would be localised to a part of one elevation of a building located on a side street. The harm would therefore be less than substantial, when weighed against the significance of the CA taken as a whole and the harm to the character and appearance of the building would be modest. I shall return to this matter below.

Parking provision

8. Parking standards for residential development are set out in Policy 40 of the St Albans Local Plan 1994 (the LP). Between 11 and 13 spaces are sought for development of the scale proposed. Policy 39 of the LP and the Revised Parking Policies and Standards 2002 (the RPPS) do allow for the circumstances of individual developments to be taken into account, including provision below the

standards. Nevertheless, the development would provide no parking spaces for future occupiers.

9. The proposed residential use of the building would replace an existing nightclub. Car parking associated with that use would cease, and at peak demand is likely to exceed 13 cars. However, in my experience such uses typically only operate at night time and attendees are typically prepared to park in car parks or use public transport. The nature of parking demand is therefore not comparable with that of a residential use, where residents will expect to park close to their home and to be able to do so at all times of day.
10. The absence of parking provision associated with the appeal proposal is therefore likely to result in future occupiers parking in surrounding streets. This would displace existing resident parking, resulting in harm to their amenities.
11. The development proposed would therefore conflict with Policies 39 and 40 of the LP and guidance in the RPPS, the requirements of which are set out above.

Living conditions

12. Policies 69 and 70 of the LP seek an adequately high standard of design of all development, including acceptable levels of daylight and sunlight as well as the inclusion of defensible space around windows to habitable rooms.
13. This section of Adelaide Street is pedestrianised and used as a through route from Drivers Way onto St Peters Street. The windows to the ground floor apartments would look directly onto the public highway. These windows would face the hotel on the opposite side of the street, which is of a similar height to the appeal property. Adelaide Street is sufficiently wide that the windows would receive natural light without the hotel being unduly oppressive.
14. The development proposed would include triple glazing to the ground floor windows, privacy film and railings to provide future occupiers with privacy and security, and to prevent undue disturbance from highway users. While these measures would provide some degree of security and privacy, there would be no meaningful separation between the apartments and highway users. However, Policy 70 recognises that exceptions may be made where it is necessary to accord with local character. In this instance, on balance, the measures proposed would provide a tolerable level of security and privacy for future occupiers of the ground floor apartments.
15. The appeal proposal would therefore accord with the requirements of Policies 69 and 70 of the LP, which are set out above.

Refuse storage

16. The Council states that the development should provide four 180 litre bins for general waste, three 360 litre bins for recycling and one 240 litre bin for food waste. Space for these bins is shown in the proposed communal bin and cycle store on the ground floor of the building.
17. The development proposed would therefore accord with the requirements of Policy 69 of the LP, which requires that all development shall have an adequately high standard of design.

Planning balance

18. There would be harm arising from the appeal proposal due to the lack of off-street parking. In addition, there would be some harm to the significance of the CA and the locally listed building, which must also be weighed in the balance.
19. The most important policies in the determination of this appeal are Policies 40, 70, 85 and 87 of the LP. These address matters of parking and the character and quality of development, including its impact on heritage assets of national and local significance. The appeal proposal conflicts with these policies, taken as a whole.
20. The Council cannot demonstrate a five year supply of housing land, and the appellant contends that the most important policies of the LP are out of date. In such circumstances the presumption in favour of sustainable development identified in Paragraph 11 of the National Planning Policy Framework (the Framework) applies unless the application of policies in the Framework provide a clear reason for refusing the development proposed.
21. Policies 70, 85 and 87 collectively seek to ensure that new housing development enhances or preserves the appearance of the CA and locally listed buildings. These aims are consistent with the Framework and the conflict with these policies attracts substantial weight.
22. As there would be harm to the CA from the development proposed it is necessary to determine whether the public benefits would outweigh the harm. The development would cause less than substantial harm to the CA and, given the relatively modest scale of works which would only affect a part of one elevation to a building on a side street, the harm would be at the lower end of the spectrum.
23. Similarly, the harm to the character of the locally listed building would be modest, as it would only affect part of one elevation of the building. A balanced judgment is required having regard to the scale of harm to its significance.
24. Set against this harm, the development proposed would create six new flats, supporting the Government's objective of significantly boosting the supply of homes. As there is a shortfall in the Council's supply of housing land, this carries substantial weight, and the public benefits would outweigh the harm to heritage assets in this instance.
25. Policy 40 sets parking standards for residential development. While Policy 39 and the RPPS acknowledge that some flexibility in parking provision may be acceptable, but the policies do not allow for car-free development in areas where the availability of and opportunities for public transport may allow it. The conflict with this policy therefore attracts limited weight, given the importance in the Framework of promoting sustainable transport.
26. The appeal proposal would provide six new units of housing in a town centre location with access to public transport in its immediate vicinity and the inclusion of a secure cycle store within the building. There would be an economic benefit from the introduction of new dwellings in this location to support the town centres shops and services, which will typically be closed during the nightclub's operating hours. The development would create a more active frontage in this location, where otherwise this section of Adelaide Street is a relatively inactive area used for passing through from Drovers Way to St

Peters Street. These benefits attract significant weight, particularly considering the Council's shortfall in housing land and the Government's objective of significantly boosting the supply of homes.

27. Overall, the cumulative harm from loss of significance of heritage assets and lack of parking arising from the appeal proposal would not significantly and demonstrably outweigh the benefits that would result from it, when assessed against the policies of the Framework taken as a whole.

Conditions

28. I have had regard to the Council's suggested conditions and, where necessary, altered these to better reflect national Planning Practice Guidance.
29. I have imposed standard conditions relating to the commencement of development and confirming the approved plans for the sake of certainty.
30. A condition requiring approval of external materials is necessary to ensure that the development would appear acceptable in the CA and would not harm the character of this locally listed building.
31. The recommended condition relating to sound insulation is not reasonable, as it does not specify precise standards for achieving compliance and it is also not clear that there would be an unacceptable issue of noise in its absence.
32. A condition relating to storage and management of waste at the site is not necessary as the bin store is specified on the approved plans, and the bins could be collected from the pedestrianised street without obstructing the highway.

Conclusion

33. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR