
Appeal Decision

Site visit made on 17 July 2017

by **Caroline Mulloy BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th August 2017

Appeal Ref: APP/A4520/W/17/3167972

Former Mecca Social Club, 52-60 Dean Road, South Shields NE33 4DZ

- 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 Harley, Dennis Harley Developments Ltd against the decision of South Tyneside Metropolitan Borough Council.
 - The application Ref ST/0047/16/FUL, dated 16 January 2016, was refused by notice dated 21 November 2016.
 - The development proposed is conversion of vacant Mecca Bingo Club to form 5 commercial units and 56 self-contained residential apartments.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of vacant Mecca Bingo Club to provide 43 dwelling units and 4 commercial units (Use Classes A1 and A3), with alterations to the existing access, third floor extension. Provision of 57 space car park (including 14 space park lift scheme) with servicing layby at former Mecca Bingo Social Club, 52-60 Dean Road, South Shields NE33 4DZ in accordance with the terms of the application, Ref ST/0047/16/FUL, dated 16 January 2016, and the plans submitted with it, subject to the conditions set out at the Schedule attached to this Decision.

Procedural Matters

2. I have changed the address of the appeal site to that contained on the Council's decision notice as I consider that this more accurately reflects the location of the appeal site.
3. The proposal was revised during the course of the application to provide 43 dwelling units and 4 commercial units. I have, therefore, utilised the description of the proposal set out in the Council's decision notice in paragraph 1 above which reflects those amendments and I have determined the appeal on this basis.
4. An amended roof plan (L015010-016 revision C) has been submitted since the determination of the application which shows the proposed green roof. The plan does not fundamentally change the nature of the proposal and accepting the plan would not, therefore, prejudice the Council or interested parties. I have, therefore, determined the appeal on the basis of the amended plan.

Main Issues

5. The main issue in this case is the effect of the proposal on highway safety with specific reference to parking and whether the proposal represents overdevelopment of the site.
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Reasons

6. The appeal site is situated on the north side of Dean Road and comprises a four storey vacant building previously in use as a bingo hall. The site has an existing access from Dean Road, leading to a car park to the rear of the site with 44 marked bays. The access also serves Londonderry Hall which has a right of access across the car park to a ramped access serving Londonderry Hall which is occupied by the Reserves Forces and Cadet Association. The site lies within the boundary of the District shopping centre which is centred on the junction of Dean Road and Imeary Street. The Council and existing occupiers are concerned that the proposal would not provide sufficient on-site car parking and lead to over-spill parking on surrounding streets to the detriment of highway safety and that these issues are symptomatic of the proposed over-development of the site.
7. Policy A1 of the Council's Core Strategy seeks to improve accessibility and states that parking standards will apply to new developments. Annex C of Supplementary Planning Document 6 (SPD6) 2010 sets out the detailed maximum parking standards equating to 2 spaces per residential unit plus a third for visitor parking. On the basis of the maximum standards, the proposal would generate a requirement for a total of 100 spaces for the proposed development.
8. The ground floor of the building will accommodate four commercial units including a café, with a park lift scheme for 14 cars in the rear of the building and a further 7 spaces. The existing surface car park is to be rearranged to provide a total of 36 parking spaces associated with the residential development including 1 disabled space. The proposed 57 spaces would provide for one space per unit plus 14 visitor parking spaces, less than the maximum requirement.
9. Paragraph 3.1 of SPD6 states that the precise amount of car parking required or permitted will be determined by the specific characteristics of the development based on its land use and location/zone and will take into consideration particular circumstances such as capacity of the local highway network, accessibility by sustainable modes and any existing parking issues or problems in the vicinity. This approach is consistent with paragraph 39 of the National Planning Policy Framework (the Framework) which states that if setting local parking standards for residential and non-residential development, local planning authorities should take into account, amongst other things, the accessibility of the development.
10. A Transport Statement and an additional technical note have been submitted in support of the application. Attention is drawn in those documents to data from the 2011 Census for South Tyneside which shows that around 39% of households do not have a car and that on this basis the appellant considers that it would be reasonable to suggest that 35 parking spaces would be required. In addition the proposed residential units are small flats, not family housing.
11. Furthermore, the appellant's Interim Travel Plan shows how the proposed development would be managed to reduce reliance on the private car. The site is accessible for pedestrians and cyclists and cycle parking is to be provided within the site. I noted the presence of five bus stops within the vicinity of the site with frequent services to Newcastle city centre, Hebburn, Gateshead and South Shields town centre. In addition, a metro station is situated approximately 460m from the appeal site. Taking into account the relatively low levels of car ownership, the size of the proposed flats and the accessibility of the site by means of transport other than the private car, I consider that the proposed parking provision for the residential units would be sufficient to meet demand.

12. As no parking provision would be made for the proposed commercial units it is necessary to assess whether any harm would arise as a result of any potential over-spill parking on surrounding streets. The units would be part of the existing district centre and customers visiting the units would be likely to be local and making linked trips to other shops. In addition, parking is available at Imeary Street, Ada Street and the public car park at Wawn Street. Dean Road is subject to Traffic Regulation Orders (TRO's) which prohibit or restrict public parking except for loading or unloading.
13. The appellant has undertaken an assessment of on-street parking provision on roads which are at a maximum of 400m away from the site which shows that there is a wide variety of on-street parking spaces in the vicinity. My own observations support this conclusion. I also noted that the Wawn Street public car park is particularly convenient for the site. The amount of commercial space is limited and the units could be serviced from the associated car park which incorporates a service layby. Customers would park within the local vicinity as part of linked trips to the District centre.
14. The Council's Parking and Utilities Manager has suggested that the existing Traffic Regulation Orders alongside the bus stop directly adjacent to the application site on Dean Street for a short distance up to the roundabout will have to be changed to prevent delivery vehicles and blue badge holders from parking in these locations which would ensure the free-flow of traffic on this stretch of Dean Road. Taking into account the accessibility of the location and public car parking in the area, I consider that, on balance, the lack of parking for the commercial units would not result in harm to highway safety.
15. Concerns have been raised regarding the layout of the car park and manoeuvrability within the site; however, I note that the proposed development is in accordance with the car and cycle parking layouts contained within SPD6. Auto-track drawings have been submitted to show how a medium sized car could manoeuvre into the spaces provided, although the spaces adjacent to solid boundaries may be more difficult. Furthermore, changes have been made to the location of the cycle parking in order to enable easier access.
16. A service layby is proposed within the car park to service the commercial units. Vehicle tracking has been provided of the servicing layout and bin stores and auto-track drawings have been produced for a refuse vehicle and fire tender within the car park. On the basis of this evidence, I am satisfied that vehicles would be able to manoeuvre safely within the site.
17. Concerns are raised by the occupiers of the adjacent Londonderry Hall as the proposed parking layout removes the existing access to the rear lane which runs along the east side from Imeary Street so there would only be one access to the serve the proposed development and Londonderry Hall. However, the rear lane is narrow and thus would not be appropriate for significant vehicular use.
18. The hall is well used and I noted that visitors tend to utilise the Dean Road access, cross the appeal site car park and down a ramp to the dedicated car park serving the hall. The appellant has provided vehicle tracks with standard use vehicles which include a minibus and a MAN lorry which show that vehicles would be able to access the site satisfactorily. Furthermore, to ensure that access to the Cadet Centre is maintained, 'Keep Clear' markings will be placed at the access to the Cadet Centre. On the basis of this evidence, I consider that the proposal would not have a harmful effect on the access to Londonderry Hall or result in harm to highway safety.

19. Concerns are raised by the occupier of No 62 Dean Road (No 62) regarding access to the parking space at the rear of his property which he considers to be too tight. However, I note that the revised site layout shows the proposed parking spaces at a greater distance from No 62 than the existing parking spaces.
20. Concerns are also raised regarding the use of the access, particularly by larger vehicles. The proposal includes the widening of the existing access from Dean Road to 6.5m although the width would reduce further into the site. However, the proposal would make provision for an improved access compared to the existing which has been utilised for some time by service vehicles, in association with its previous use.
21. The Council consider that the proposal represents over-development of the site. However, I have concluded that the proposed parking would be sufficient to meet demand and that manoeuvrability within the site would be acceptable. The Council do not raise concerns regarding the design of the development. Nor has it raised concerns regarding the effect of the proposal on the living conditions of surrounding properties. From everything which I have seen in submissions and on my site visit, I have no reason to disagree. The proposal would bring a vacant building back into use and make efficient use of a previously development site. Consequently, I do not consider that the proposal represents over-development of the site.
22. For the reasons stated, I conclude that the proposal would not result in harm to highway safety. It would not, therefore, conflict with criteria G or H of Policy DM1 of the Council's Development Management Document (2011) which seek to ensure that the impact of development is acceptable in relation to highway capacity and safety and provides site layouts that facilitate convenient and safe routes between facilities and prioritises movement by pedestrians and cyclists. Neither does conflict arise with Policy A1 of the Core Strategy or SPD6.

Other matters

23. Concerns have been raised by the occupiers of No 62 that the proposal would result in a loss of privacy and light and noise and disturbance to their property. The proposal has been amended during the course of the application to reduce the height of the proposal. Only a small extension to the third floor is proposed at the east side of the building, but at the west side the building would remain a similar height as the existing and would not, therefore, result in a loss of light compared to the existing situation.
24. The distance between existing and proposed building facades is approximately 20m. The windows in this elevation have been amended to provide either angled windows or obscure glazing to reduce any overlooking of No 62 and I am, therefore, satisfied that the proposal would not result in a loss of privacy.
25. The amount of traffic entering and leaving the site is unlikely to alter significantly from its previous use as a bingo hall and the proposal would not, therefore, have a materially greater effect in terms of noise and disturbance than the existing scheme. A noise assessment submitted in support of the application includes a requirement for sound attenuation measures between the commercial units and residential units and to the building façade facing Dean Road. The operation of the commercial units in the evening is unlikely to have any greater effect than the evening activity associated with the existing commercial units or the previous use of the building as a bingo hall.

26. Attention is drawn to a potential proposal for residential development at Westoe Rugby club which residents are concerned would result in increased congestion and parking problems. However, no details of any such planning application are before me.
27. The proposal would make a significant contribution to housing supply in an accessible location and, therefore, represents sustainable development in accordance with paragraph 14 of the Framework.

Conditions

28. In addition to the standard time limit (1), I have imposed a condition (2) requiring that the development be completed in accordance with the approved plans in the interests of certainty.
29. I have imposed a condition (3) requiring details of foul and surface water drainage to be submitted, approved and completed in accordance with the approved scheme in order to minimise or mitigate flood risk. A condition (4) requiring details of the proposed cycle parking provision is necessary to ensure sustainable transport provision and in the interests of character and appearance.
30. Further conditions (5, 6) are necessary to ensure that satisfactory provision is made for car parking within the site and that the parking is retained for the lifetime of the development. Condition 10 requires the submission and approval of a full Travel Plan to ensure the implementation of measures to promote sustainable transport.
31. Conditions (7, 8) requiring details of the proposed shop fronts and windows are necessary in the interests of character and appearance and to ensure the privacy of adjacent occupiers. Condition 12 requiring that the external brickwork be of a similar appearance to the existing building is also necessary in the interests of character and appearance.
32. A condition (11) requiring submission, approval and completion of a bin storage scheme is required to ensure suitable provision for refuse, to protect the living conditions of existing and future occupiers and in the interests of character and appearance.
33. Conditions (9, 13) requiring an enhanced glazing and ventilation scheme and also requiring details of plant and ventilation equipment, sound attenuation and odour extraction associated with the commercial equipment are necessary to protect the living conditions of existing and future occupiers.
34. Finally I have imposed a condition (14) requiring the completion of the widened vehicular access is necessary in the interests of highway safety.

Conclusion

35. For the reasons stated and taking all other considerations into account the appeal should be allowed subject to the conditions set out the attached schedule.

Caroline Mulloy

Inspector

Schedule

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: L015010-011 Rev F 17.11.16; L015010-005 Rev E 5.10.16; L015010-006 Rev E 27.09.16; L015010-007 Rev F 27.09.16; L015010-008 Rev D 27.09.16; L015010-009 Rev F 5.10.16; L015010-016 Rev C 20.07.16.
- 3) Before the first occupation of any residential or commercial unit, a detailed foul and surface water drainage scheme shall be approved in writing by the local planning authority and then completed in full on site. The agreed details must then be retained and maintained thereafter. Notwithstanding the details submitted to date in respect of the green roof, rainwater harvesting and the Sustainable Urban Drainage Statement, further details of the proposed SUDs scheme and the future maintenance provisions shall be provided as part of the surface water drainage scheme.
- 4) Notwithstanding the details submitted to date, a scheme of secure cycle parking shall be submitted to and approved in writing by the local planning authority and installed on site before first occupation of the residential development hereby approved. The cycle parking shall be retained thereafter.
- 5) The external on-site car parking layout shall be marked out and completed in full on-site in accordance with drawing no. L015010-011 Rev F to coincide with the first occupation of the hereby approved residential development. This car parking layout shall be retained henceforth for its designated purpose.
- 6) Both the Parklift scheme providing 14 car parking spaces and the 7 ground floor parking spaces to be provided within the building, as detailed on drawing no. L015010-005 Rev E, must be completed on-site to coincide with the first occupation of the hereby approved residential development. All 21 of these internal floor car parking spaces must then be retained henceforth for the lifetime of the development.
- 7) Notwithstanding the detail submitted to date, prior to the installation of the proposed shopfronts, precise details of the design and facing materials to be used in their installation/construction shall be submitted to and approved in writing by the local planning authority. The approved details must then be implemented.
- 8) Notwithstanding the details submitted to date, before the installation of any windows to the residential units hereby approved, details of the design, materials and glazing of the windows shall be submitted to and approved in writing by the local planning authority and subsequently implemented. The approved details must then be completed on site before the first occupation of the residential units and they shall be retained thereafter.
- 9) Before first occupation of any residential unit facing Dean Road, an enhanced glazing and ventilation scheme for the building envelope shall be approved in writing by the local planning authority and then completed in full on site. The approved details must then be retained henceforth for the lifetime of the development.

- 10) Before first occupation of the residential units hereby approved, a full Travel Plan which addresses the potential measures and targets set out in the interim Travel Plan shall be submitted to and approved in writing by the local planning authority. The measures approved as part of the agreed Travel Plan shall subsequently be implemented and retained for the lifetime of the development.
- 11) Notwithstanding the details submitted to date, and before the first occupation of the residential units hereby approved a scheme of bin storage for the 43 residential units shall be approved in writing by the local planning authority and then completed in full on site.
- 12) The external brickwork of the development hereby permitted shall be of similar appearance to that used in the construction of the exterior of the existing building on which the extension will form part.
- 13) Before first occupation of any of the hereby approved commercial units, details of the plant and ventilation equipment, sound attenuation and odour extraction associated with these commercial units, and the sound attenuation measures between the commercial units and the residential units above shall be approved in writing by the local planning authority and then completed in full on site.
- 14) Before first occupation of any part of the development, the widened vehicular access from Dean Road as shown on drawing no. L015010-011 Rev F shall be completed in full.