

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0060
FULL APPLICATION DESCRIPTION	CHANGE OF USE FROM PUBLIC HOUSE TO EDUCATIONAL CENTRE (CLASS D1:NON-RESIDENTIAL INSTITUTIONS)
NAME OF APPLICANT SITE ADDRESS	MR K CHOUDRY MELROSE ARMS OFFICE ROW FRONT STREET, SHOTTON COLLIERY DH6 2NA
ELECTORAL DIVISION CASE OFFICER	Allan Fenwick 03000261957 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

- 1.1 **Site:** The site occupies a relatively central position within Front Street, one of the main access routes through Shotton. There are a mixture of uses within the immediate vicinity of the premises including residential properties, a taxi rank, an industrial estate, a guesthouse and general amenity space.
- 1.2 The building was formerly used as a Public House however has been boarded up for a number of months and the internal fitments stripped. The property as a result looks run down and somewhat of an eyesore.
- 1.3 The property is accessed off the classified C15 Front Street and does not benefit from any dedicated off street parking.
- 2.1 **Proposal:** The proposal seeks permission to change the use of the premises from a public house (A4) to an educational centre (D1). The centre is proposed to be open seven days a week during the day and late into the evening although no specific opening hours have been provided.
- 2.2 The educational centre is described as primarily for the use of the local Muslim Community within Shotton consisting currently of around ten families. The centre would run numerous classes however would not include a Mosque element. The proposed use would have off street parking available at The Albert Guesthouse although this would be an informal arrangement.
- 2.3 The application is being reported to Committee at the request of both Cllr Todd and Cllr Huntington following receipt of representations from a number of local residents

who object to the proposed development. There has also been an objection from Shotton Parish Council.

PLANNING HISTORY

- 3.1 PL/5/2009/0486 – Change of use from public house to prayer hall withdrawn 05/01/2011.
- 3.2 There has been some delay in progressing the current application to Committee due to the application originally being incorrectly advertised as a D2 use (assembly and leisure) rather than a D1 use (non-residential institutions). The D1 use classification includes education and training centres such as the one proposed as part of this application in addition to places of worship, day centres and libraries amongst others.

PLANNING POLICY

4. NATIONAL POLICY:

- 4.1 National Policy Framework
- 4.2 On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

5. REGIONAL PLAN POLICY:

- 5.1 The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
- 5.2 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully

challenged in the High Court in November 2010, thus for the moment reinstating the RSS.

6. LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

Policy 96 - Outside of Seaham and Peterlee, conversion or redevelopment resulting in the loss of a community facility will only be allowed where the facility is no longer viable, there is no significant demand, or equivalent facilities are accessible and available or would be made available.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

7. STATUTORY RESPONSES:

- 7.1 Shotton Parish Council – Object to the planning application as concerned that if Educational Centre approved it would have a D1 use class therefore allowing it to change to a prayer hall without the need for a further planning application.
- 7.2 Cllr Todd – Objects to the application as concerned about the implications of a D1 use class for the premises and the potential car parking issues that could arise as a result.
- 7.3 Shotton Partnership – Welcome the external upgrade of the building however raise concerns that the development will segregate the community, duplicate existing services and the planning application lacks clarity.

8. INTERNAL CONSULTEE RESPONSES:

- 8.1 Environmental Health – No adverse comments
- 8.2 Highways Officer - has concerns about the lack of off-street parking. Would not support use of parking facilities at the Albert Guest House, as offered by the applicant, as this would impact on their own parking needs. Would request conditions to control scale of use:

Limit on number of visitors;

Restriction on use so as not to permit wedding functions, ceremonies, celebrations or other similar events;

Temporary permission for 12 months to assess implications for car parking.

9. PUBLIC RESPONSES:

9.1 The application has been advertised by a site notice and individual letters to residents. Thirteen letters of objection have been received on the grounds of;

- Highways concerns which focus on lack of dedicated parking for the premise therefore visitors to the centre will park on the main road which they feel will lead to increased congestion especially given the existing uses within the street. Residents are worried that this will lead to accidents due to poor visibility.
- That the building will not be for the use of the entire community and only certain members of it.
- The loss of a pub given the lack of facilities elsewhere in the area.
- That this is another way of applying for a prayer hall under the D1 use class.
- That the venture cannot be economically viable.

9.2 In addition a petition signed by 102 local residents has also been received objecting to the proposed development.

9.3 Four letters of support have also been received welcoming the proposal as it will see a prominent, derelict building back in use. One letter has also been received stating that further information is required.

10. APPLICANTS STATEMENT;

10.1 The applicant has opted not to provide a statement for inclusion in the report, preferring to make further representations at the Planning Committee.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=112678>

PLANNING CONSIDERATION AND ASSESSMENT

The main considerations relevant to this application include the principle of development, highway issues, impact on residential amenity and public responses.

11. Principle of development:

11.1 The National Planning Policy Framework (NPPF) is based on the policy of sustainable development and establishes a presumption in favour of this. The proposal is considered to accord with these aims given the site is located within the settlement limits of Shotton therefore is surrounded by a range of different land uses and has good access to public transport.

- 11.2 Policy 96 of the Local Plan aims to protect community facilities, and the loss of such uses through conversion or redevelopment will be resisted unless it can be demonstrated that the facility is no longer financially viable, there is no significant demand or there are equivalent ones located nearby. Concerns have been expressed about the loss of the public house given that there are no similar facilities within Shotton. The agent for the application, however, has provided additional information demonstrating that the pub business was struggling to operate under two previous landlords and then subsequently the brewery struggled to sell the premises on. Furthermore, as the proposed change is to an educational centre for the benefit of the local community the development is not considered to seriously conflict with the local plan. In any event greater weight must be afforded to the NPPF than policy 96 which advocates support for local strategies to improve social and cultural well being by delivering sufficient community and cultural facilities and services to meet local demand. The proposal would result in the replacement of one type of community facility with another, and would therefore be in the spirit of Policy 96.
- 11.3 The former Melrose Arms has stood vacant for several months now and is boarded up causing a visual blight on the area. Not only would the current proposal reuse an existing vacant resource which conforms to wider sustainability objectives of the NPPF (paragraph 17) but it would also help to improve the general appearance of the street scene.
- 11.4 Part 8 of the NPPF, Promoting Healthy Communities, states that in order to deliver the social, recreational and cultural facilities the community needs, planning policies and decisions should, amongst other things, ensure that shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community. It is considered that the proposal would meet this aim by retaining a building in community use and finding a new use for a redundant public house.

12. Highway issues:

- 12.1 Objections have been received about lack of parking and increased congestion. The premises do not benefit from dedicated off-street parking and the proposed use may attract car-borne visitors. However, the lawful use is as a public house, and this could resume without the need for planning permission, potentially creating greater demand for car parking. Any alternative use of the premises would have some parking requirements, and the proposal needs to be considered in this context.
- 12.2 With reference to the Highways Officer's suggested conditions, if the visitors are local as claimed by the applicant, there is not necessarily a direct connection with the number of vehicles at the premises. Given that the lawful use of the property would give rise to impacts on the highway, it would be difficult to demonstrate that the proposed use would involve a level of activity that would generate more parking. On this basis, such a condition would be unreasonable.
- 12.3 A restriction on types of activity may be more appropriate. Whilst the suggested activities would generally be ancillary to the current lawful use, the proposals would introduce a new use to the premises. A use within Class D1 as proposed would normally allow, without the need for a planning application to the Council, other uses including places of worship, health centres and libraries. Such uses could generate a greater requirement for parking facilities. The current proposal is a specific use that, as put forward by the applicant, could operate without significant highways

impacts, serving essentially a local population. In these circumstances, it is considered appropriate and reasonable to limit the use to that specified by means of a planning condition. This would ensure that any other uses would require planning permission from the Local Planning Authority, and due consideration could be given to parking and other issues at the time.

- 12.3 Temporary consent would also be a valid condition, given that the proposed level of activity is difficult to determine at this stage. A temporary approval for 12 months would enable the situation to be monitored and reassessed when an application is made to renew consent, with particular reference to any parking problems that may arise.

13. Impact on residential amenity:

- 13.1 Policy 35 of the local plan requires proposals to have no serious adverse effect on the amenity of people living and working in the vicinity of the development and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. It is considered that the conversion of the building to an educational centre will create less disturbance to the local residents in all these regards compared to the former and still lawful use as a public house.

14. Public responses:

- 14.1 Many of the concerns raised by local residents, the Parish Council and local Members have been addressed elsewhere in this report. Issues surrounding whether the venture can be financially viable are matters that ultimately the market will decide and it is not the role of the planning department to refuse an application on these grounds.

CONCLUSION

15. In conclusion, it is considered that the proposal is in accordance with the National Planning Policy Framework and the relevant regional and local planning policies which do not conflict with the framework.
- 15.1 Although there is some concern about the lack of dedicated off street car parking, given that the premises could reopen as a public house without the need for planning consent, the proposed use is considered to be less intensive than the former. The property is located within a sustainable location close to existing properties and public transport, and it is considered the wider benefits of the proposal outweigh these concerns.
- 15.2 While it is regrettable that the public house will be lost especially given it is the last such remaining facility in the area, it has been shown that the use was no longer viable and the building is sitting derelict. A proposal that sees the property brought back into use as a community facility should be welcomed as it helps to improve a visually prominent eyesore on one of the main routes through Shotton.
- 15.3 In response to concerns that the approval of a D1 use class could result in a change of use to a prayer hall, it is suggested that a planning condition be attached to any grant of planning permission to prevent such a use without a further consent.

15.4 Although the concerns of local residents have been taken into consideration, on balance it is not considered that there would be any adverse impact on surrounding occupiers or highway safety to an extent that would warrant refusal of the planning application, subject to the safeguards suggested by the use of conditions.

RECOMMENDATION

That the application be subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Location plan, Proposed ground floor plan both received 16.11.09

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.

3. This consent is granted for a temporary period of 12 months from the date of commencement of the use hereby approved when, unless the renewal of consent has been sought and granted previously, the use hereby approved shall be discontinued.

Reason: In the interests of the amenity of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used for an educational centre only and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason: To determine the scope of this permission and to prevent the main use of the site being another use in class D1 contrary to policy 36 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN
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NATIONAL PLANNING POLICY FRAMEWORK

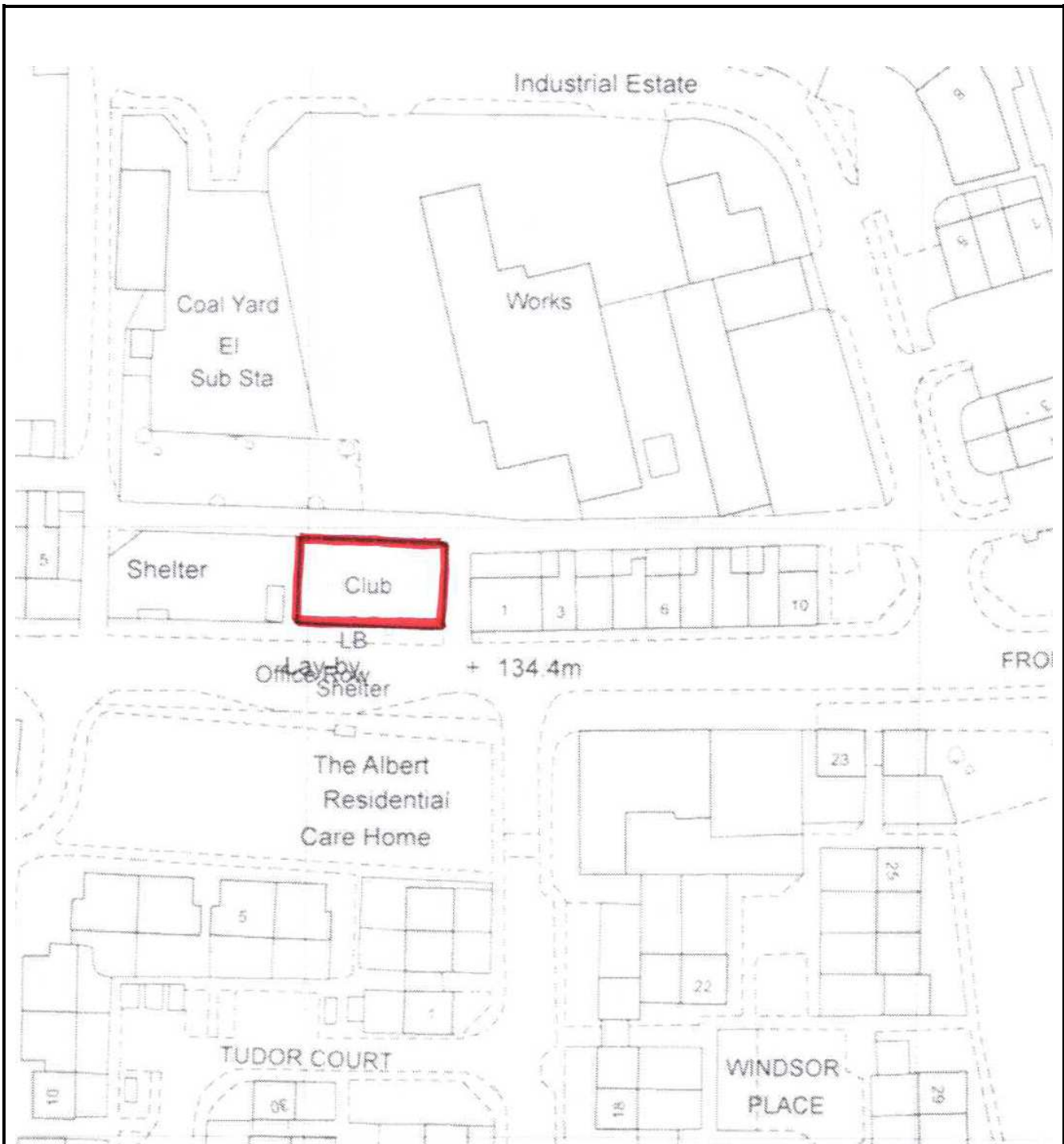
GEN01 - General Principles of Development
ENV35 – Design and layout of development
ENV36 – Access and parking
REC96 – Protection of community facilities

2. In particular the development was considered acceptable having regard to consideration of issues of the principle of development, highways, amenity of neighbours and representation responses.

3. The grounds of objection were not considered sufficient to lead to reasons for refusal, as the benefits of bringing the building back into use were considered to outweigh any potential adverse impacts arising from the development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

PROPOSED CHANGE OF USE FROM PUBLIC HOUSE TO EDUCATIONAL CENTRE (CLASS D1:NON-RESIDENTIAL INSTITUTIONS) at MELROSE ARMS OFFICE ROW FRONT STREET, SHOTTON COLLIERY DH6 2NA PL/5/2011/0060

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Date 8 th May 2012	Scale
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