

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00041/FPA
FULL APPLICATION DESCRIPTION:	Conversion of building to provide 6 no self contained flats
NAME OF APPLICANT:	Mr Andrew Samuels
ADDRESS:	The Forresters Arms, 35 Collingwood Street, Coundon, DL14 8LG
ELECTORAL DIVISION:	Coundon
CASE OFFICER:	Amy Harkness, Planning Officer, 03000 261391, amy.harkness@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to a redundant public house situated within Coundon Village Centre.
2. The property is detached and comprises the original public house with a two storey brick addition to the rear across the full width of the building with pitched roofs perpendicular to that of the original building. Beyond this is a single storey flat roof wc extension to the north eastern corner and rear yard area enclosed by a brick wall of single storey height incorporating out buildings of the same height. The eastern side of the entire building and western gable of the original building are in white render, with other elevations being in brick and stone. Roofs to the main building are pitched in slate with a flat felted roof to the single storey rear wc addition. The building has a timber frontage incorporating access doorway to the primary elevation on Collingwood Street. All existing windows to the building are upvc casements. Large chimneys are attached to the east and west gables of the original building, with a further chimney attached to the two storey rear addition.
3. To the western side of the building is a gravelled parking area and vehicle access to the site is directly into this area off Collingwood Street.
4. Two operational public houses lie immediately to the west and a grassed area of public open space lies to the east on Collingwood Street. Bungalows on Wilson Avenue are situated to the rear of the site and terraced houses are to its front on the opposite side of Collingwood Street.
5. Planning permission is sought for conversion of the building to six self contained, one bedroom flats. Each flat would have a separate living/kitchen area, bathroom and bedroom. Access would be from the front and rear of the building and individual flats would be accessed internally via shared circulation space.
6. Vehicle access to the site would remain as existing off Collingwood Street. The area to the side of the building would have a new tarmac surface and five car parking spaces and bin storage would be provided.

7. The main changes to create the new residential layout are internal but a limited number of external alterations are proposed to facilitate the new use. On the front elevation of the building the timber frontage would be removed, a new stone string course added at single storey height and the entire bottom section of the wall rendered. All existing windows and doors would be replaced and signage and an advertising hoarding to the eastern side would be removed. Existing rendered walls would be made good, brick and stone walls and the slate roofs would be retained as existing.
8. To the rear of the building the wc extension and out buildings would be removed. The external wall around this area would be retained and reduced in height at the eastern side. This space would form an amenity area for occupiers of the flats and provide two of the five proposed car parking spaces. The remaining car parking spaces would be provided in the existing yard to the side of the building.
9. The application is being reported to the Planning Committee at the request of Cllr Charlie Kay who raises concern over traffic generation, highway safety, residential amenity and noise and disturbance.

PLANNING HISTORY

10. Planning permission was granted in December 2015 (DM/15/02846/FPA) to subdivide the first floor into 2 no. flats, retaining the bar area below. There is no other relevant planning history to this site.

PLANNING POLICY

NATIONAL POLICY

11. 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 dependent.
12. 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'. The following elements of the NPPF are considered relevant to this proposal;
13. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in

different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

15. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
16. *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.
17. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity.

LOCAL PLAN POLICY:

18. The development plan is the Wear Valley District Local Plan saved policies:
19. Policy GD1 - General Development Criteria - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
20. Policy H3 - Distribution of Development - New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
21. Policy H18 – Subdivision of Premises – Planning permission will be approved for conversion of premises to flats where they are located in the limits of towns and villages defined by Policy H3, will not be detrimental to the amenity of adjoining residents, suitable access, parking and amenity space is provided, alterations relate to the character of the surrounding area and the criteria of Policy GD1 is met.
22. Policy H24 - Residential Design Criteria - New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
23. Policy T1 – Highways - Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

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/article/3272/Wear-Valley-District-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan

24. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. Highway Authority – Initially commented that the gravelled area to the side of the building would not be capable of having formal demarked spaces and no bin storage was provided. An amended plan showing this area in tarmac with 5 no. delineated parking spaces and bin storage was subsequently provided by the agent. The Highways Officer advised this was acceptable and raises no objections to the proposals subject to a condition being attached to any approval to secure implementation of the car parking area prior to first occupation of the building.
26. Police Architectural Liaison Officer – Has assessed the crime risk of the development as low. The proposal has been considered from a ‘design out crime’ perspective and it is considered there are no grounds for objection by the Police. There are no features of the development considered to generate crime or antisocial behavior. The Traffic Management department raise no objections.

INTERNAL CONSULTEE RESPONSES:

27. Ecology Section – No objections.
28. Environmental Health (Noise) – Consider that the development is unlikely to cause a statutory nuisance issue.
29. Design and Conservation – No objections.

PUBLIC RESPONSES:

30. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. At the time of preparing this report 3 no. individual letters of objection had been received from local residents and an objection petition including 184 names and signatures. The key areas of concern are summarised below:
 - Coundon already has many empty houses and flats
 - The nature of the accommodation and its potential occupants
 - The applicant is not local to the area and would profit from the scheme
 - The vehicle access is hazardous
 - Proposed parking is inadequate and vehicles will park on Collingwood Street close to a pedestrian crossing

- Anti social behavior, noise and disturbance
- Security of neighbouring dwellings and potential for trespassing

31. APPLICANTS STATEMENT:

32. The Foresters Arms, 32 Collingwood Street, is a traditional pub with a single two bedroomed flat at first floor level. In 2015, planning approval was granted to provide an additional flat, Ref- [DM/15/02846/FPA]. Work on the conversion was not started, and vandalism saw the property boarded to prevent further deterioration of the structure. Despite requests by local residential groups, to address problems, the owner of the building could not be contacted. In 2016, the pub and accommodation was repossessed and placed back on the market. The property is still on the open market, however, it currently remains unsold.
33. To maximise the use and interest in the building, a planning application to provide 6 No. apartments has been submitted for approval. Parking within curtilage of the site can accommodate resident parking.
34. We would reiterate, that it is in the interest of all parties, to seek a favourable solution to retain and secure the current use of the building, or to provide a sympathetic conversion to provide residential accommodation within the building.

PLANNING CONSIDERATIONS AND ASSESSMENT

35. 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 relate to the principle of development, scale/design, highway safety, privacy/amenity and ecology.

The principle of the development:

36. Saved policy H3 of the Wear Valley District Local Plan (WVDLP) seeks to direct new housing development to those towns and villages best able to support it, balancing the requirement for new housing with the need to maintain the character of the surrounding countryside. The site falls within the development limits of Coundon and therefore accords with the policy.
37. However, in accordance with paragraph 215 of the NPPF, the weight to be attached to relevant Local Plan policies depends upon the degree of consistency with the NPPF. Para. 49 of the NPPF also states that Local Plan housing policies should not be considered up to date where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. In this respect the settlement boundary policies are housing policies and are not considered to be up to date or compliant with the NPPF, which adopts a more flexible approach and does not seek to restrict the development limits of settlements. The aims of saved policy H3 relating to siting of housing in sustainable locations within settlements best able to support it and the protection of the open countryside are consistent with the NPPF and these aspects of the policy carry some weight.
38. Where local housing policies are not up to date, para. 49 of the NPPF goes on to say that housing applications should be considered in the context of the presumption in favour of sustainable development, which is set out in para. 14. This advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the

policies of the NPPF as a whole. A planning balance test should be applied to assess the benefits and adverse impacts of the development and determine whether the proposal would accord with para. 14.

39. Notwithstanding the above requirement for a planning balance test, the site is situated within the village centre and is well located in terms of access to local services and facilities. As such new residents would not be wholly reliant on private car travel and the proposal is broadly in accordance with the aims of part 4 of the NPPF in respect to transport.
40. Part 6 of the NPPF seeks to achieve a wide choice of quality homes, Para. 17 supports the re-use and conversion of existing buildings and para. 51 applies this principle directly to residential uses. The proposed development involves reuse of a redundant building for residential purposes in a sustainable location at the centre of the village close to local services and public transport. The proposed new residential use would be consistent with existing uses in the surrounding area.
41. Para. 70 of the NPPF states that planning decisions should guard against loss of valued community services and facilities. There are other public houses within the vicinity and the building is not listed on the Council's designated community assets register. It would therefore not result in the loss of a key community facility and its impact to the local community is considered acceptable in this respect.
42. Subject to the outcome of the planning balance test and an assessment of whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, it is considered that the proposal is in broad accordance with the aims of the NPPF.

Scale/Design:

43. Part 7 of the NPPF seeks to ensure good design in new developments and saved Local Plan policy GD1 seeks to ensure good design standards, ensuring new developments are in keeping with their surroundings reflecting the density and character of the locality.
44. The proposed conversion would involve the replacement of windows and doors, removal of dated signage and making good of the elevations, which would result in a substantial improvement to the appearance of the building and its contribution within the street scene in this part of Coundon.
45. Other external alterations to the building to facilitate the new use are of a limited nature. New render and a stone string course would be introduced to the front elevation in place of the existing timber frontage, which is a more recent addition to the building. Reinstatement of the wall behind using materials to match the existing building and introduction of traditional detailing to the door and windows would relate to the character of the building and surrounding area.
46. The modern flat roof wc extension to the rear is of no aesthetic merit and its removal, to leave a lower height boundary wall of 1.7m in height around the rear amenity space would enhance views of the building along Collingwood Street to the east. The other out buildings to the rear are screened in most views by the existing building and are of little aesthetic merit. Their loss to facilitate amenity and parking space would not be detrimental to the character of the surrounding area.
47. The gravelled area to the western side of the building has become over grown with weeds in places and has been subject to littering. This area would be tarmaced to

accommodate parking spaces and a screened bin store. The proposed works would improve the appearance of this area and views into it from Collingwood Street to the south east.

48. The proposal is considered to be well designed and would relate to the character of the surrounding area in accordance with part 7 of the NPPF and saved Local Plan policy GD1.

Highway safety:

49. Para. 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Saved Policy T1 from the WVDLP states that all developments which generate additional traffic should accord with GD1 and provide adequate access, not exceed the capacity of the local road network and be capable of access by public transport networks.
50. Coundon has frequent bus services to nearby towns such as Durham, Spennymoor, Shildon, and Bishop Auckland. Buses run directly past the property or in very close proximity and the nearest bus stop is 60m west of the site. The site is central within the settlement and is in a sustainable location.
51. Five de-marked off street parking spaces and a screened bin store would be provided in the side yard area adjoining the building, that would be resurfaced in tarmac. This represents an improvement upon existing parking provision at the site and encourages use by the occupiers of the flats. As requested by the Highway's Officer a condition would be appropriate to secure implementation of the car park before the building is first occupied.
52. The Manual for Streets (2007) provides key national guidance and good practice on highway safety and design issues. This states that direct vehicular access in urban areas is appropriate on to roads with a 30 mph speed limit with traffic flows of up to 10,000 vehicles per day. The Highways Officer confirms that Collingwood Street, which has a 30mph speed limit, has traffic flows significantly less than 10,000 vehicles per day. Sight visibility at the junction between the vehicle access to the Forrester's Arms and Collingwood Street exceeds guidance contained within the Manual for Streets. The Highways Officer therefore considers that the vehicular access to the site is suitable for the proposed development and would not adversely affect highway safety. The Police Traffic Management Department also do not raise any concerns in terms of road safety.
53. The current use of the building is a public house and if it was re-opened for this purpose, it would have a higher parking demand and associated vehicle movements than the proposed residential use. In addition current permitted development rights would enable the public house to be converted to a restaurant or shop, without the need to apply for planning permission. Such uses are also likely to attract a parking demand and vehicle movements significantly in excess of residential use or the current public house use.
54. The development includes an adequate level of off street parking for the new use and the vehicular junction with Collingwood Street is in accordance with national good practice guidance. The current public house use and permitted alternative uses have potential to result in a significantly higher demand for parking and vehicle movements in excess of the proposed residential use. The proposal would not result in such a severe adverse impact on highway safety to warrant refusal of the

application on highway grounds, in accordance with para. 32 of the NPPF and would accord with saved policies T1 and GD1 from the WVDLP.

Privacy/Amenity:

55. Para. 17 of the NPPF states that new development should maintain a good standard of amenity for all existing and future occupants of land and buildings. Para. 123 specifies that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development and that existing businesses should not have unreasonable restrictions put on them due to changes in nearby land uses. Saved policy GD1 from the WVDLP advises that new development should not disturb or conflict with adjoining uses.
56. Saved policy H24 of the WVDLP defines the expected standards of design for new residential developments and states there should be a minimum distance of 21m between walls of dwellings containing windows to habitable rooms. This policy is only partially consistent with the objectives of the NPPF which is more permissive and therefore does not carry full weight in decision making.
57. The rear wall of the building is 16.5m away from the rear wall of the closest bungalows on Wilson Avenue to the north east. The rear boundary wall of the site enclosing the proposed parking and amenity areas is an intervening feature between the adjacent bungalows. This sits around the same height as the eaves level of the bungalows and would provide effective screening between ground floor windows of both properties.
58. The upper floor windows of the new flats would look down on some areas of the garden and rear wall of the bungalows. However the first floor of the Forrester's Arms has a current residential use and at present windows within the living area, stairwell and bathroom face this direction. This would change to two bedrooms and a living/kitchen area as part of the proposals. The proposed rooms at this side of the building would have a similar level of use and potential for residents looking out of the windows to the existing rooms on this side. Therefore it is considered that the proposal would not lead to any new overlooking issues or loss of privacy to residents of the adjacent bungalows, beyond that of the existing arrangement.
59. The site is situated 7m to the east of the Durham Ox Public House, which is understood to be operational. The Environmental Health Officer has advised that it is possible the new occupiers of the flats could experience noise from amplified music and external plant at the Durham Ox. However it is noted that there are existing dwellings with a similar spatial relationship to this public house as the proposed flats and that there are no records of noise complaints to date. Overall the Environmental Health Officer considers that it is unlikely the development would cause a statutory nuisance and has not recommended any sound attenuation measures. Any noise and disturbance to occupiers of the new flats from the Durham Ox are unlikely to be to a significant level and the amenity impacts in this regard are considered acceptable, in accordance with the aims of para. 123 of the NPPF.
60. Neighbouring residents to the site have expressed concern about potential for noise and disturbance from the new use. However residential use would be less noisy than the current use as a public house, which could play loud amplified music and involve customers gathering externally to smoke and use outdoor areas. In addition the number of deliveries, vehicle movements and overall comings and goings associated with the residential use would be less than the current public house.

61. The proposed outdoor amenity space would be situated to the rear of the building close to the adjacent bungalows. However there are existing external areas to this side of the building which currently has a combination of residential and public house uses. The outdoor amenity space proposed is to a limited size and any potential noise from this area is not considered to exceed that which could currently be generated if the premises were to re-open. It is not considered that the impacts on the amenity of neighbouring residents would change and they are therefore acceptable in this respect, in accordance with para. 123 of the NPPF.
62. Local residents also have concerns about potential anti-social behaviour, security of neighbouring properties and trespassing as a result of the development. The current use as a public house or as a vacant building carries a risk of these issues occurring. The potential for such incidences occurring once the building is used residentially largely relates to the behaviour of individual future occupants which is impossible to predict. Other legislation is in place to control issues of anti-social behaviour and criminality, including trespass, which would be enforced by the Police and other departments within the County Council. The Police Architectural Liaison Officer has been consulted on the application and assesses the crime risk of this development as being low and notes there are no features considered to generate crime or anti-social behaviour.
63. The proposal would not be detrimental to the amenity of surrounding residents and would accord with paras. 17 and 123 of the NPPF and saved policy GD1 from the WVDLP.

Ecology:

64. Paragraph 11 of the NPPF and policy GD1 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests.
65. The Ecology Section have assessed the proposal. Given the location of the building and the proposed minor alterations the risk of roosting bats is considered to be low therefore supporting information is not required to accompany the application. They have however advised that whilst supporting information has not been required there remains a residual risk of bats. An informative is considered appropriate to make the applicant aware of this issue.

Planning Balance:

66. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.
67. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that weight should be afforded to the economic and social benefits the new flats would make to local housing supply, the support new residents would give to local services and economic benefits during construction.
68. It is considered that there are a number of other benefits associated with the development. The proposal offers an opportunity to bring the currently redundant building back into meaningful use, which would improve its external appearance and secure its long term maintenance. The new flats would be in a sustainable location where residents would not be wholly reliant on private car journeys to access local facilities and services and improved parking provision would be provided.

69. The development would not be detrimental in terms of scale and design, highway safety, local amenity or ecology and the relevant internal and external consultees raise no objections to the application.
70. The concern of residents that there are already a number of empty houses and flats in Coundon is noted. However there are no up to date housing policies that address issues of local housing demand and this is not something that can be controlled by the Local Planning Authority at this time. Ultimately market forces will dictate whether there is a demand for this type of housing locally via the uptake of potential purchasers and tenants. Other issues raised by neighbouring residents are acknowledged and have been addressed in detail above.
71. Overall there are not considered to be any adverse impacts associated with the development which would significantly and demonstrably outweigh the benefits of the proposal.

CONCLUSION

72. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.
73. In this instance the development would provide public benefits, the most significant of which would be the contribution the proposal would provide to local housing supply in a sustainable location.
74. On balance, it is considered that the benefits of the development significantly and demonstrably outweigh any potential adverse impacts. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for approval.

RECOMMENDATION

That the application be APPROVED 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:

Site Location Plan – Received 4/1/17

Proposed Elevations – Received 4/1/17

Proposed Ground & First Floor Plans – Received 4/1/17

Existing and Proposed Site Plan – Received 18/1/17

Reason: To define the permission and ensure that a satisfactory form of development is obtained.

3. Full details of hard landscaping works and means of enclosure shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as

approved prior to first occupation of any of the flats. These details shall include details of the surfacing of the parking area, bin storage and boundary treatments including sections and specification of materials.

Reason: In the interests of securing a high quality of development, preserving the character and appearance of the surrounding area and in the interests of highway safety to comply with saved policies GD1 and T1 of the Wear Valley District Local Plan.

Informatives:

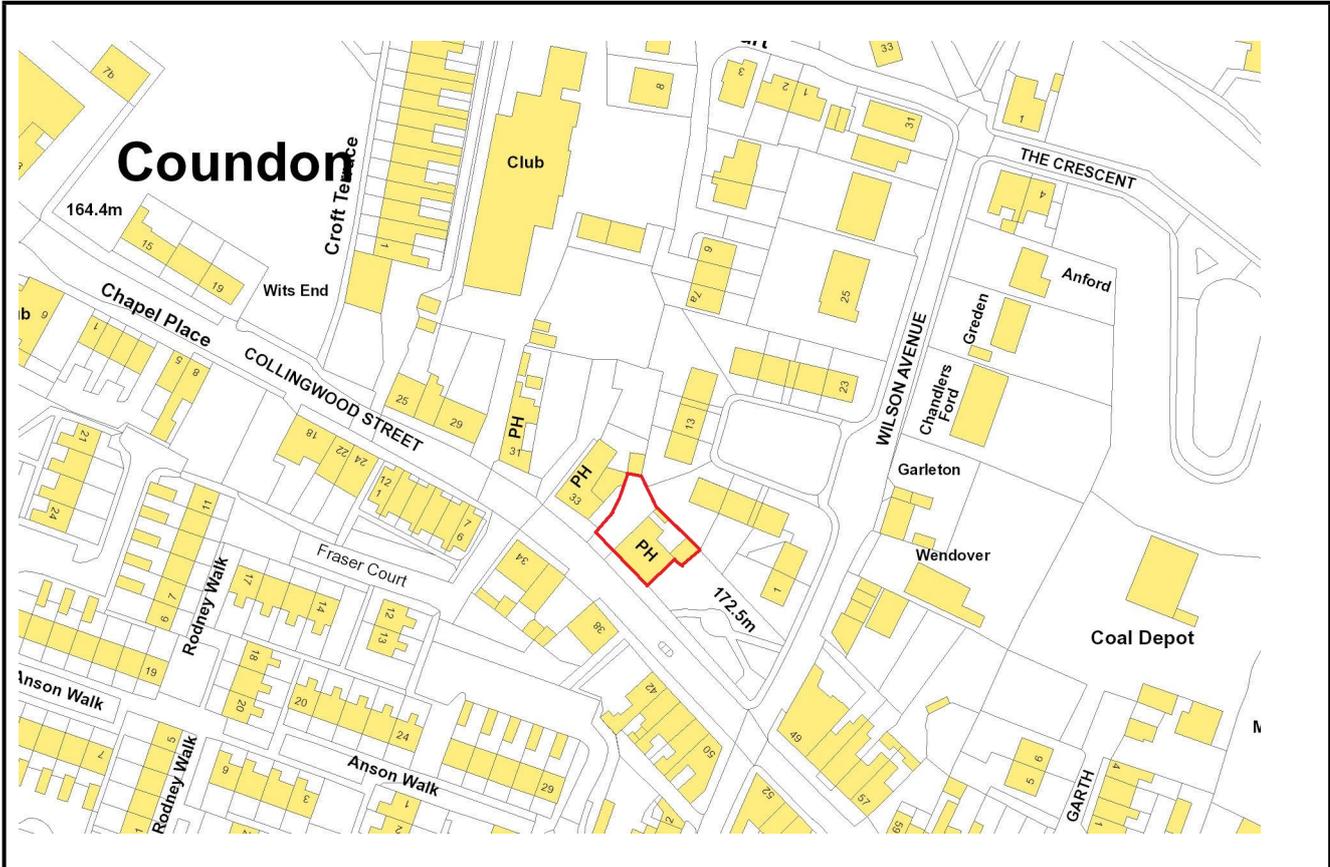
1. Bats and nesting birds are protected under the Wildlife and Countryside Act (1981) and the Conservation (Natural Habitats) Regulations (2007). It is an offence to deliberately capture, injure, disturb or kill bats or damage or destroy a roost or habitat. Therefore close inspection of trees should be undertaken for bats and their roosts, and nests prior to the commencement of any works. This should include any crevices, holes or cracks, especially trunks on large and old trees. If bird nests are evident works to trees should be avoided during the bird nesting season (March-September). If bats are found work should cease until advice has been obtained from Natural England who can be contacted on Tel. no. 0191 229 5500. Information and advice is also available from the National Bat helpline on 0845 1300228.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Wear Valley District Local Plan
Statutory response from the Highway Authority
Internal responses from Ecology, Environmental Health and Design and Conservation
External response from Police Architectural Liaison Officer



Planning Services

Conversion of building to provide 6 no self contained flats

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Comments

Date 23 March 2017