

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/02840/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Conversion of building to 4 no self contained flats
<b>NAME OF APPLICANT:</b>	Mr Andrew Samuels
<b>ADDRESS:</b>	The Forresters Arms, 35 Collingwood Street, Coundon, DL14 8LG
<b>ELECTORAL DIVISION:</b>	Coundon
<b>CASE OFFICER:</b>	Amy Harkness, Planning Officer, 03000 261391, amy.harkness@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to a redundant public house situated within Coundon Village Centre and represents an amended scheme for conversion of the building following an earlier refusal and appeal decision.
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. 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 4 no. self contained, two bedroom flats. Each flat would have living and kitchen areas, a bathroom and two bedrooms. 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 4 no. car parking

spaces and a small bin store would be provided within the amenity space to the rear of the building.

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 a private amenity area of 73 square meters for occupiers of the flats.
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, road access residential amenity and noise and disturbance.

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## **PLANNING HISTORY**

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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.
11. Planning permission (DM/17/00041/FPA) was refused by the Planning Committee on 29 March 2017 for conversion of the building to 6 no. flats. The applicant appealed this decision and the appeal was dismissed on 24 July 2017 on the grounds that the lack of natural light and ventilation to 2 no. central flats and the proposed outdoor amenity space was considered too small for the number of flats, resulting in a substandard level of amenity for future occupiers with associated adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

12. 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.
13. 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;
14. *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.

15. *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.
16. *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.
17. *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.
18. *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:**

19. The development plan is the Wear Valley District Local Plan saved policies:
20. 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.
21. 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.
22. 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.
23. 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.
24. 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

25. 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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

26. Highway Authority – Notes the previous appeal decision where the Inspector confirmed the adequacy of off-street parking provision, on street parking arrangements, and public transport accessibility. The Highways Officer states there is now an improved flat to parking space ration as each flat would have its own individual space. Site visibility at the junction with Collingwood Street is considered acceptable and would exceed requirements of the Manual for Streets. No objections are raised to the application subject to a condition being attached to any approval to secure implementation of the car parking area prior to first occupation of the building.
27. Police Architectural Liaison Officer – Note that the impacts on the general amenity of the surrounding area will depend on the nature of the people who eventually occupy them. In the last 12 months the police have recorded 160 incidents for the whole of Collingwood Street which is not excessive for a main road. Two of these incidents related to youths breaking into this empty building and one related to youths setting a fire to the rear of the property. The longer the building stands empty the more prone it will be to vandalism and in that respect redevelopment is needed. The police are supportive of redevelopment of an empty property and suggest the key to alleviating concerns is to ensure the flats are effectively managed and looked after by the owners.

### **INTERNAL CONSULTEE RESPONSES:**

28. Ecology Section – No objections.

29. Environmental Health (Noise) – Consider that the development is unlikely to cause a statutory nuisance issue and suggest a condition to mitigate any noise impacts to new residents from the adjacent road and public house.

30. Design and Conservation – No objections.

**PUBLIC RESPONSES:**

31. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. At the time of preparing this report 12 no. individual letters of objection had been received from local residents. The key areas of concern are summarised below:

- Coundon already has many empty houses and flats which create eyesores, are subject to vandalism and lower the price of surrounding houses
- Proposed parking is inadequate and will result in on street parking and traffic obstruction
- The nature of potential occupants of the flats
- The way in which the accommodation would be managed
- Anti social behavior, noise and disturbance
- The building should re-open as a pub
- Additional residential properties will put further pressure on local services

**APPLICANTS STATEMENT:**

32. The Foresters Arms, 32 Collingwood Street, was a traditional pub with a single two bedroomed flat at first floor level. In 2015, planning approval was granted to provide an additional first floor flat, Ref- [DM/15/02846/FPA]. Work on the conversion has 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 4 No. apartments with associated amenity space has been submitted for approval. Parking within the curtilage can be accommodated.

34. We would reiterate, that it is in the interest of all parties, to seek a favourable solution to either retain and secure the current use of the building, or to provide a sympathetic conversion to provide residential accommodation within the building.

35. If it was thought that there was a market for retention of the pub and it made financial sense to do so, then we would most definitely consider the same. At this moment in time, there is not sufficient information to make a valued decision on the future use of the building.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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36. 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:

### *The Development Plan*

37. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (DLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
38. The DLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

### *The NPPF*

39. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - ii) specific policies in this Framework indicate development should be restricted.
40. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
41. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.
42. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the DLP are out-of-date where outlined below.

### *Five Year Housing Land Supply*

43. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot

demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date.

44. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:

1,533 dwellings per annum (29,127 houses by 2033)

1,629 dwellings per annum (30,951 houses by 2033)

1,717 dwellings per annum (32,623 houses by 2033)

45. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
46. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.
47. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.
48. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
49. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

*Assessment having regards to Development Plan Policies and the NPPF*

50. 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. However settlement boundary policies 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.

51. 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.
52. 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.
53. 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.
54. 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.

#### *Appeal Decision*

55. The recent appeal decision is also an important material consideration and is therefore included as an appendix to this report. Although the appeal for conversion of the building to 6 no. flats was dismissed, this was solely because the previous internal layout provided a lack of natural light and ventilation to the 2 no. central flats and the proposed outdoor amenity space was considered too small for the number of flats, resulting in a substandard level of amenity for new occupiers, with associated adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. All other material considerations were considered to have a positive or neutral impact by the Planning Inspector. The issues relating to a lack of natural light and ventilation and amenity space have been addressed as part of the current application, with an amended layout proposing a lesser number of flats with larger outdoor amenity space and improved levels of natural light and ventilation.

#### Scale/Design:

56. 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.
57. 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.
58. 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.

59. 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 space would not be detrimental to the character of the surrounding area.
60. 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 tarmacked to accommodate a car parking area. The proposed works would improve the appearance of this area and views into it from Collingwood Street to the south east.
61. The Planning Inspector acknowledges in the recent appeal decision that the proposals would tidy up the appearance of the building and bring it back into a beneficial use, which weighs moderately in favour of the scheme.
62. Overall 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:

63. 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.
64. Coundon has frequent bus services to nearby towns such as Durham, Spenymoor, 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.
65. Four de-marked off street parking spaces would be provided in the side yard area adjoining the building, which would be resurfaced in tarmac. This represents an improvement upon both existing parking arrangements at the site and an improved flat to parking space ratio than that proposed in the previous application. The Planning Inspector considered in the recent appeal decision that the previous provision of 5 no. parking spaces for 6 no. flats was adequate. 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.
66. 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.

67. 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 create a parking demand and vehicle movements in excess of residential use or the current public house use.
68. 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:

69. 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.
70. 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 and a minimum of 25 square meters of private amenity space provided per flat. 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.
71. 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.
72. 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 living and kitchen areas and a bedroom 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. The Planning Inspector noted in the previous appeal decision that the number and position of windows on the first floor in the rear elevation would not change, which remains the case in the current application and that overlooking from the first floor flats would not have a materially greater impact than the public house use with accommodation at first floor. 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.

73. The appeal decision noted that bedrooms to the 2 no. central flats in the previous proposal to convert the building to 6 no. flats would have no windows and as such no natural light or ventilation, resulting in oppressive and gloomy living conditions. All bedrooms, living and kitchen areas within each of the 4 no. flats now proposed would have at least 1 no. window, providing an adequate level of natural light and ventilation and good quality living conditions, overcoming the fundamental reason for dismissal of the recent appeal.
74. An outdoor amenity space of 73 square metres is now proposed to the rear of the building, this is a significant increase on the previous application which included 36 square metres in order to provide an additional 2 no. car parking space behind the building. The Planning Inspector considered that the previous limited amenity space weighed negatively against the scheme. Whilst the area now proposed would not meet the criteria set out in saved policy H24, which would require 100 square metres, these prescriptive requirements are not consistent with the NPPF and carry limited weight. The proposed amenity space would provide a larger area of outdoor amenity space than the previous application to be shared between a lesser number of flats and the site is within walking distance of public areas of open space within Coundon that could be used by residents. As such it is considered that the scheme provides an acceptable level of outdoor amenity space for new residents and overcomes the issues raised by the Planning Inspector.
75. The site is situated 7m to the east of the Durham Ox Public House, which is 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, together with noise from the road to the front of the site. 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, however a condition is suggested to secure the undertaking of an acoustic report, if this confirms that noise in certain rooms would exceed specified levels during different times of the day, a noise insulation scheme would need to be provided and implemented to ensure noise in excess of the specified levels is not experienced by new residents. This condition is considered appropriate to ensure new residents are protected from any unacceptable noise and disturbance at any times of the day from the adjacent public house. Any noise and disturbance to occupiers of the new flats could be controlled by condition and mitigated to an acceptable level, as such the amenity impacts in this regard are considered acceptable, in accordance with the aims of para. 123 of the NPPF. The Planning Inspector considered in the recent appeal decision that as per the experience of existing residents, noise from the adjacent public houses was unlikely to be experienced differently by the occupiers of the new flats and this material consideration was neutral in the planning balance.
76. 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 drink outdoors. In addition the number of deliveries, vehicle movements and overall comings and goings associated with the residential use would be significantly less than the current public house. The Planning Inspector states in the appeal decision that residential conversion is likely to result in an improvement to the amenity of existing residents by reducing the number of public houses in the immediate vicinity.

77. 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. Any potential noise from the proposed outdoor amenity space is not considered to exceed that which could currently be generated if the premises were to re-open as a public house. 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.
78. Local residents have concerns about potential anti-social behaviour as a result of the development. The current use as a public house or as a vacant building carries a risk of this occurring and it is noted by the Police Architectural Liaison Officer that incidences of breaking in to the empty building and arson have been recorded by the police in the last 12 months. It is considered that bringing the empty building back into occupation would help reduce the risk of crime and antisocial behaviour. The potential for incidences of antisocial behaviour occurring once the building is used residentially would be largely dependent on 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, 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 supports redevelopment of the building to alleviate current issues of crime and antisocial behaviour resulting from the empty building. The Planning Inspector considered residential conversion of the building would not result in any antisocial behaviour issues in the recent appeal decision.
79. The applicant is uncertain at the moment about whether the flats would be for private sale or rented and states that this would depend upon market conditions once the development is complete. However it has been advised that in either situation a management company would be appointed to manage and maintain the building to ensure it is well maintained internally and externally. This arrangement would ensure that the condition of the building does not deteriorate in future and become an eyesore and that the visual amenities of the surrounding area are not adversely affected.
80. Concern is also expressed about the additional flats putting pressure on local services such as schools, healthcare etc. Given the small number of flats proposed this is not considered to put a significant level of additional pressure on such services and would bring small economic benefits to local businesses such as shops, public houses etc.
81. 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:

82. 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.
83. The Ecology Section has 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. Despite this low risk an informative is considered appropriate to make the applicant

aware of the procedure that should be followed should any bats or breeding birds be discovered during constructions works.

Planning Balance:

84. 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.
85. 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.
86. 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, secure its long term maintenance and alleviate current incidences of crime and anti social behaviour associated with the empty status of the building. 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.
87. 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.
88. The recent appeal decision for conversion of the building to 6 no. flats was dismissed solely on the grounds that certain aspects of the previous proposal would result in a substandard level of amenity for future occupiers with associated adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. All other impacts were considered to be positive or neutral. This is a material consideration. These matters have been addressed in the current application and the development would not result in any adverse amenity impacts.
89. The concern of residents that there are already a number of empty houses and flats in Coundon is noted. However the demand for the accommodation and the applicants ability to sell or rent the units is not something that can be controlled by the Local Planning Authority. 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.
90. 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.

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## **CONCLUSION**

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91. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.

92. In this instance the development would provide public benefits, the most significant of which would be the contribution the reuse of a redundant building for housing purposes in a sustainable location.

93. 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.

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## **RECOMMENDATION**

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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 24 August 2017

Proposed Elevations – Received 24 August 2017

Proposed Ground and First Floor Plans – Received 24 August 2017

Existing and Proposed Roof Plan – Received 24 August 2017

Existing and Proposed Site Plan – Received 28 September 2017

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

3. Full details of hard landscaping works to the new car parking area including the 4 no. delineated parking bays shown on the Existing and Proposed Site Plan received on 28 September 2017 shall be submitted to and approved in writing by the Local Planning Authority, these works shall be carried out in accordance with approved details prior to the first occupation of the flats. The 4 no. parking bays shall thereafter be used and maintained in such a manner as to ensure their availability at all times for the parking of vehicles only and for no other use.

Reason: In the interests of highway safety and to ensure adequate customer parking is provided at the site, in accordance with saved policies GD1 and T1 of the Wear Valley District Local Plan and part 4 of the NPPF.

4. Full details of all 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 new hard surfaces, 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.

5. No development shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the

development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic/commercial noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

The approved noise insulation scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To ensure new residents do not experience unacceptable levels of noise and the development does not have a detrimental impact to residential amenity in accordance with saved local plan policy GD1 and paras. 17 and 123 of the NPPF.

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.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.

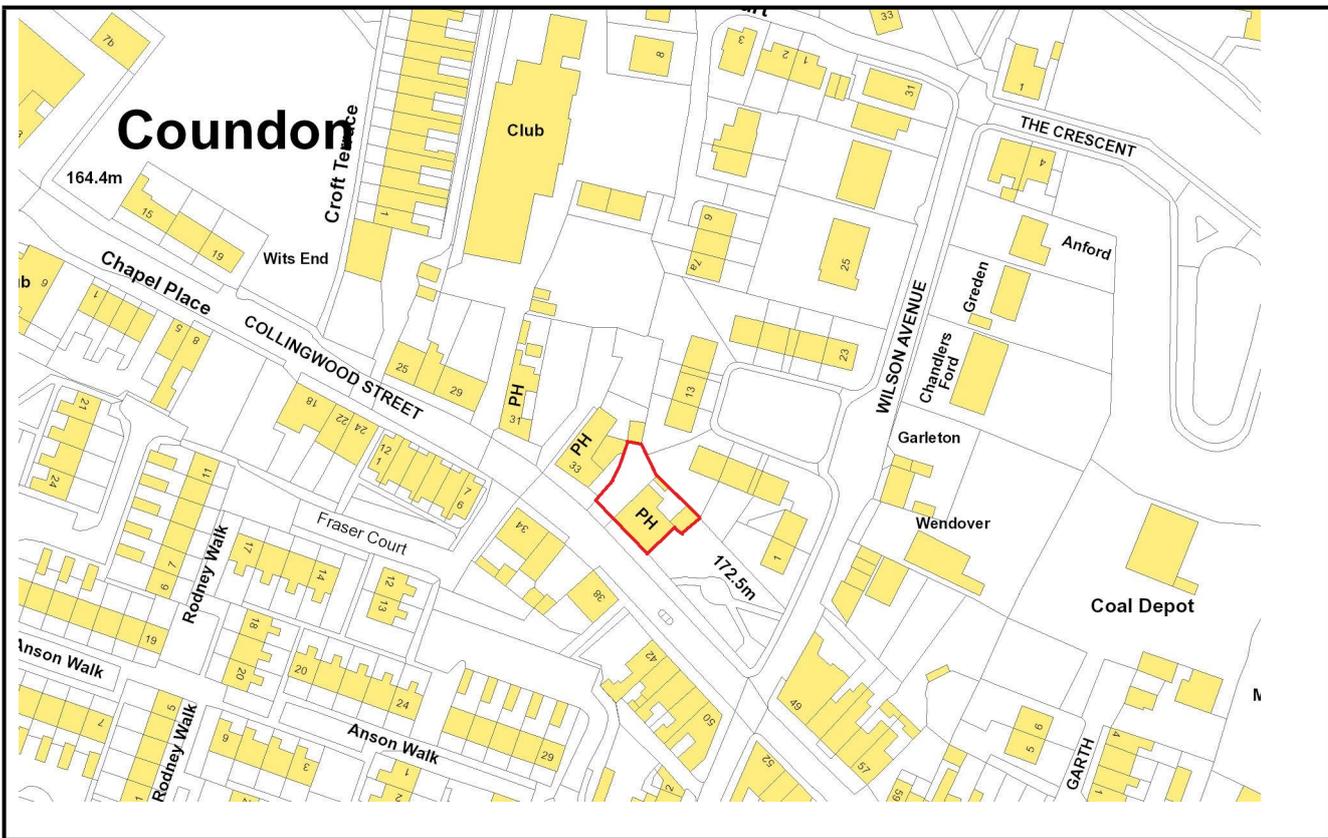
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## **BACKGROUND PAPERS**

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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 4 no self contained flats

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**Comments**

**Date** 19 October 2017