

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**12 November 2020**

<b>Application No:</b>	SMD/2020/0049	
<b>Location</b>	The Biddulph Arms, Congleton Road, Biddulph	
<b>Proposal</b>	Full application for the Conversion of existing public house to 9no. residential units and conversion of existing outbuilding to 1no. residential unit.	
<b>Applicant</b>	Mr Garcha	
<b>Agent</b>	Epoch Architecture Ltd	
<b>Parish/ward</b>	Biddulph	<b>Date registered</b> 26/02/2020
<b>If you have a question about this report please contact:</b> Chris Johnston tel: 01538 395400 ext 4123 or Christopher.johnston@staffsmoorlands.gov.uk		

## **REFERRAL**

This application is referred to the Committee at the request of Cllr Davies so that the highways issues can be assessed.

### **1. SUMMARY OF RECOMMENDATION**

<b>APPROVE, subject to S106 &amp; conditions.</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

1.1 The application site is located within the development boundary of Biddulph and is a short distance to the north of the town centre. It comprises a large former Victorian-style public house/inn on the west side of Congleton Road (A527) and next to the junction of Halls Road, which runs along the north-west boundary of the site. Dwellings fronting onto Halls Road lie to the west. A fast-food takeaway with attached dwelling lies immediately to the south and are within the same ownership as the pub site. There are other dwellings on the other side of Congleton Road to the east. To the north of the site and road junction lies Mow Lane with dwellings to the other side of this road. The area is predominantly residential. Within the site, the pub is in the north part of the site and there is a car park to the south with accesses onto both Congleton Road and Halls Road. There is also an outbuilding with high, steep-pitched roof (similar to the pub building) from the same era as the inn and which adjoins the more modern takeaway building to the other side of the south boundary. The site is within a 'High Risk' Coal Mining Area.

### 3. DESCRIPTION OF THE PROPOSAL

3.1 This is a full planning application for the conversion of the pub/inn building which would not involve any extensions or removal/demolition and with all current openings re-used as doors and windows, although some minor new openings would be added at ground floor level including a couple of rooflights. This would provide nine flats. The outbuilding would also be converted without extension to provide a two-storey dwelling (i.e. with rooms in the roofspace) with single integral garage. There would be seven new rooflights (five would be on the front elevation facing the car park) and a new door on the rear elevation to enter onto a private yard, along with composite cladding (comprising recycled timber) with slim windows to replace the existing timber garage doors.

3.2 There would be 15 car parking spaces to serve the nine flats, in the existing car park. The Halls Road vehicular access would be blocked off via a new boundary wall but a pedestrian access would be formed within the wall so that pedestrians can continue to walk through the car park from Halls Road to access Congleton Road without having to walk further along the road, which has no footway, up to the road junction. The area to the north of the pub next to the road junction would be landscaped. This area is next to the primary/front elevation of the pub, facing the junction although there is another main entrance to the pub on the side elevation, facing Congleton Road and next to a pedestrian crossing. This side entrance would become the main entrance into the building and would provide access to 8 of the nine flats, with unit 4, within the single-storey rear off-shoot, having a separate external access. The existing 'front door' facing the junction would become a kitchen window for one of the apartments but would still appear as a door and re-enforce this elevation as being the primary elevation of the building.

3.3 The flats provided would be as follows:

#### Ground Floor

Unit 1: 1-bedroom 1-person 43 sq.m unit

Unit 2 - 1b 1p - 43sq.m

Unit 3 - 3b 4p - 100 sq.m

Unit 4 – 1b 1p - 39.5sq.m

#### First Floor

Unit 5 – 2b 3p - 61 .5 sq.m

Unit 6 - 2b 3p – 64 sq.m

Unit 7 - 2b 3p - 70 sq.m

#### Second Floor (in the roofspace)

Unit 8 – 2b 3p - 64 sq.m

Unit 9 – 1b 2p - 52.5sq.m

3.4 The application is accompanied by an Ecology Report, Heritage Statement, Transport Statement, Design and Access Statement and Energy and Sustainability Statement. In September 2020, a Building Recording

Report, Bat Activity Survey Report, Construction and Management Plan, Noise Assessment Report and specific details of new doors and windows were submitted.

3.5. The scheme put forward is an amended scheme and differs to the one originally submitted in February 2020. The site plan was amended to show a pedestrian access off Halls Road and an amended re-configuration of the car park. In June 2020, layout changes to six of the flats were made. The layout of the outbuilding has also changed along with minor external changes. There have also been external amendments to the pub building in response to comments from the Conservation Officer.

3.6 The new fenestration for the pub building would be largely the same as existing in terms of size, shape and design but with uPVC frames with a black woodgrain finish.

3.7 The application, the details attached to it, including the plans, comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=132666>

#### **4. RELEVANT PLANNING HISTORY**

None relevant.

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The development plan comprises the new Staffordshire Moorlands Local Plan (adopted September 2020) replacing the Core Strategy Development Plan document.

##### Local Plan (Adopted September 2020)

- SS1 Development Principles
- SS6 Biddulph Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- H1 New Housing Development
- H3 Affordable Housing
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

## National Planning Policy Framework (NPPF)

Paragraphs 1 – 14

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting Health and Safe Communities

Section 12 Achieving well designed places

Section 16 Conserving and Enhancing the Historic Environment

## 6. CONSULTATIONS CARRIED OUT

<b>Neighbour letters</b>	Expiry date for comments in relation to original plans: 02/06/2020 Expiry date for comments in relation to revised plans: 15/10/2020
<b>Site Notice Posted</b>	Expiry date for comments: 02/06/2020
<b>Press Notice</b>	03/03/2020

6.1 One letter of objection was received from a local resident in response to the original plans on the grounds of parking problems on surrounding roads and noise creation due to the provision of as many as nine units.

6.2 No letters of objection were received in response to the amended plans submitted in late September. However, two letters were received from local residents not objecting to the proposal but concerned that the current pedestrian access through the pub car park from Halls Road onto Congleton Road would be blocked, forcing pedestrians to walk up to the road junction considered to be dangerous. One of the writers had raised this issue in response to the original plans.

6.3 One letter of support was received from a local resident in response to the original plans, pointing out that the proposal would make use of an empty property and address housing need and also that the Transport Statement showed a net fall in vehicle movements as a result of the scheme.

### **Biddulph Town Council**

6.4 In response to the original plans, support was given for the proposal. The Town Council commented as follows:

*It's a brownfield site and will help in the Local Plan numbers. There are some comments; perhaps it should be only 3-4 units because of potential parking issues and there is concern that what has become a right of way through the car park to the crossing will be taken away. Town Councillors will be sorry to see it go as a pub, but it is keeping the building in place and since it is not viable as a pub we would support the application.*

6.5 No comments have been received in response to the amended plans but any received will be reported at the Committee meeting.

## **SCC Highways Authority**

6.6 In response to the original plans: Support for the closing of the vehicular access onto Halls Road but a pedestrian route should be retained through the car park as there are safety concerns with walking further along Halls Road to reach Congleton Road at the junction. Parking provision is adequate.

6.7 No consultation response has yet been received for the amended plans. This will be reported at the Committee meeting.

## **Environmental Health**

6.8 No objection subject to standard conditions and also including a condition requiring a Noise and Sound Insulation report to be submitted and approved by the Council.

6.9 No consultation response has yet been received for the amended plans. This will be reported at the Committee meeting.

## **Conservation Officer**

6.10 In response to the original scheme: *“Non-designated heritage asset which is prominently sited on the northern limb of the historic town centre. The building is a key landmark in the area and it is important that if this application is supported it retains its external appearance and the landscaping and boundaries are sensitively handled.”*

6.11 The officer also requests more specific details would need to be agreed relating to window design, bin storage area and building recording including historical features which should be retained including internal details.

6.12 No consultation response has yet been received for the amended plans. This will be reported at the Committee meeting.

## **Staffordshire Wildlife Trust**

6.13 A holding objection was raised in response to the original application as further surveys were required to be undertaken in relation to bats as the pub building is considered to have potential for bat use and the outbuilding, medium potential and therefore Bat Activity Surveys would need to be carried out at the optimal time of year (May to September). The original survey report also confirmed use of the building and the hedge by birds and SWT recommend mitigation measures which can be achieved by way of conditions.

6.14 The consultation response following amended plans (which includes the requested Bat Activity Surveys report) has not yet been received and will be reported at the Committee meeting.

### **SCC Flood Team**

6.15 No objection raised and request that the standard standing advice on flood prevention is taken into account. In response to the amended scheme which included drainage details, no objection was raised.

### **Severn Trent Water**

6.16 No objection subject to condition requiring details of the foul and surface water drainage.

### **Waste Collection Services**

6.17 No issues but communal bin storage area size should be checked.

### **SCC Education/Schools**

6.18 No contributions to schools are required as the number of dwellings proposed is below the threshold of 11.

### **Staffordshire Police Crime Prevention Design Advisor**

6.19 No issues with the scheme and provide advice on measures to further reduce the opportunities for crime.

### **SCC Waste and Minerals**

6.20 No comment to make.

### **SMDC Trees and Landscape**

6.21 Comments awaited and will be reported at the Committee meeting.

### **Coal Authority**

6.22 Although the site is in a High Risk Coal Mining Area, no objection is raised as there are no significant groundworks proposed. The standard standing advice should be taken into account in relation to conversion schemes.

## **7. OFFICER COMMENT AND PLANNING BALANCE**

### **Policy Context**

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development Plan, in this case the recently adopted Local Plan (replacing the former Core Strategy), unless there are material circumstances which indicate otherwise and in determining these applications,

it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

### **Principle of Development**

7.2 The site is within the development boundary of Biddulph and in a sustainable location close to the town centre and therefore the principle of providing housing on this site, including via a conversion scheme, is acceptable in principle providing all other relevant Local Plan policies are complied with.

7.3 With regard to Policy C1, the proposal would lead to the loss of a community facility and the above policy seeks to both provide and retain such facilities. However, Policy C1 allows the loss of a community facility where there is a similar facility nearby of the same type and quality, or if it is demonstrated that the facility is no longer viable for either continued use or as an alternative community facility and also demonstrated its loss would not disadvantage the local community. In this particular case, due to the existence of a number of pubs within a walking distance of the site, including the nearby town centre, it is considered that whilst it's loss would be regrettable, it would not significantly disadvantage the local community as a choice of alternative nearby pubs is still in existence. Under the policy there is therefore no requirement to carry out a Viability Assessment to justify its loss. It is also considered that the disadvantage of the loss of this particular pub, in an urban area with other nearby pubs and other community facilities, is significantly outweighed by the benefits of providing ten new units of accommodation and in particular small units (1 or 2 bed units provided in nine of the ten flats) where there is a particular shortfall. The proposal will also helping to bring back into use an attractive Victorian building in a prominent approach to the town centre, also weighs in favour of the scheme. A long term vacant or derelict appearance for the building would be detrimental to the character and appearance of the area.

### **Affordable Housing and Community Infrastructure Requirements**

7.3 The new adopted Local Plan, in Policy H3, requires an element of affordable housing (in the form of intermediate/starter home units or social/affordable rented units) for all new housing schemes of ten units or over. As the proposal would provide ten units, there is therefore a policy requirement for a third of the units (in this case, three) to be provided as affordable. This differs with the Development Plan requirement at the time the planning application was submitted. The Core Strategy required affordable units to be provided for schemes of 15 units or over in the towns and not 10 and affordable units are now required in order to comply with the new Local Plan. However, as this is a conversion scheme, the proposal could be easily amended to remove one of the units from the scheme to provide nine units, resulting in no requirement to provide affordable units. If this were to occur, some of the units would inevitably be enlarged and less smaller units would be available on the open market. One of the main advantages with the

current scheme is the number of small 1 or 2 bed units to be provided, as this type of unit is particularly in demand, regardless of tenure or availability on the open market. Furthermore, another benefit of the scheme is conversion of a landmark Victorian building.

7.4 Nevertheless this is not sufficient reason in itself to set aside the provisions of the newly adopted local plan policy and not an approach which the Councils Housing Officer would support. She notes that no viability argument has been put forward to demonstrate that affordable housing could not be provided as part of the scheme. She does acknowledge, however, that it may be difficult to interest a Registered Provider in taking only 3 units in the block from a management perspective and has suggested that in this case a financial contribution in lieu would be more appropriate. An amount for this contribution will be confirmed to Members prior to the meeting.

7.5 With regard to other community related provision or contributions, there is no requirement for the scheme to contribute towards school places/education facilities as it is below the threshold for contributions which is 11. In any case, it is also unlikely that families with school-age children would be occupying most of the units on offer. The scheme would also be below the threshold for contributions towards sports and playing fields or children's play space and associated facilities. This threshold is 20 units.

### **The impact on the character and appearance of the area**

7.6 The site comprises a typical Victorian Inn with coach house and has some historic interest. It is in a prominent site on one of the main approaches to the town centre and the imposing appearance of the Inn close to the road junction contributes positively to the character and appearance of the area and is a feature of the area. It maintains a high quality appearance and despite not being listed, is regarded as a "Non-Designated Heritage Asset". The main external alterations comprise the replacement of the windows and there are a minimal number of new openings although these in themselves would not detract from the appearance of the building. The design of the replacement and new external doors and windows is acceptable and would not harm the character and appearance of the building, subject to the finer more specific details of the design of the openings and comments are awaited from the Conservation Officer regarding these and will be reported at the meeting. Overall, the conversion scheme works well with the current form and confines of the building.

7.7 The small area to the "front" of the building, next to the road junction and prominent from the main road, would be landscaped and comments from the Council's Tree and Landscape Officer are awaited regarding the quality of the planting and landscaping scheme.

### **The impact on residential amenity**

7.8 There are no extensions involved and the only new windows would be on ground floor level as all existing openings would be re-used. This ensures

that the residential amenities of surrounding residential properties would not be harmed. The proposed use of the building as apartments would be less likely to lead to significant noise nuisance affecting neighbours than the continued use of the building as a pub both in terms of noise within the building and from vehicles in the car park as a pub is likely to generate more vehicle noise in the evenings than a use of the site as ten small apartments.

7.9 A Noise and Sound Insulation Report has been submitted to assess noise impacts in relation to the new occupants of the proposed apartments. The comments from Environmental Health regarding this are awaited and will be reported at the meeting.

7.10 The revised layouts of the apartments demonstrate compliance with the Nationally Described Space Standards. The apartments are therefore regarded as providing an adequate amount of space for the occupants and therefore sufficient living conditions.

7.11 The conversion of the outbuilding into a two-storey dwelling would also include the provision of a small outdoor amenity space adjacent to it at the rear.

### **The impact on highway and pedestrian safety**

7.12 Concerns have been raised by a number of local residents regarding an existing public route from Halls Road, through the pub car park and onto Congleton Road. Although not a Public Right of Way, the informal route allows pedestrians walking from Halls Road and onto Congleton Road, to access the town centre, a safe passage, as an alternative to walking even further along Halls Road, which has no footway on the section leading up to the Congleton Road junction and this is considered by the local residents and the local Highways Authority (SCC) alike to be unsafe. The original plans showed the Halls Road vehicular access (used by pedestrians to go through the car park) to be completely blocked off via a new boundary wall. However, the amended plans show the formation of a small gap in the proposed wall which would allow pedestrians from Halls Road access through the car park and onto Congleton Road via a route shown on the plans which avoids any of the new parking spaces. The final comments of the local Highways Authority, which has informally agreed to the amendment, are awaited and will be reported at the meeting.

7.13 Although the final highways comments are awaited, the local Highways Authority has confirmed that the parking provision for the ten units, comprising 15 parking spaces, is acceptable.

### **The impact on the ecological value of the site**

7.14 The pub building is considered to have high potential for use by bats, a protected species and the coach house/outbuilding is regarded as having medium potential. Bat activity surveys of both buildings have been carried out and the results are currently being assessed by Staffordshire Wildlife Trust

which will comment on appropriate mitigation measures needed to ensure bats are not harmed by the proposal. Birds have also been nesting at the site and such measures can also be imposed, such as the installation of bird boxes and ensuring works are carried out at a suitable time of year for example.

## **Conclusion & Planning Balance**

7.15 Despite the loss of the pub, this would not significantly disadvantage the local community as there are other pubs nearby. The benefits of the scheme in helping to provide a number of much needed small units of accommodation together with the provision of a new and entirely suitable new use for a non-designated heritage asset building and positive feature of the built environment in this locality, would significantly outweigh the loss of the pub. A financial contribution towards provision of Affordable Housing can be secured by s106 agreement to address compliance with Policy H3 'Affordable Housing' which requires a third of units to be either intermediate/starter home or social-rented units in schemes of ten or more units. The latter would in any case appear to be impractical in a large converted Victorian building".

7.16 The design of the conversion is largely acceptable (subject to comments on the finer details of fenestration by the Conservation Officer) and there would be no harm to the residential amenities of either nearby residents or the future residents of the site, with the safeguard of appropriate conditions. There would no other environmental harms identified, including those relating to ecology or highway safety. The concerns raised by local residents have been addressed by the shown retention of a pedestrian route from Halls Road to Congleton Road via the existing car park.

7.17 Overall, the proposal would provide significant social benefits (via the provision of much needed homes including affordable housing contribution) and economic benefits (through the construction process and support of local services in the town due to the increased number of residents) and without any significant environmental harms. The proposal also has the benefit of reviving a high quality and prominent non-designated heritage asset and preventing its dereliction to the detriment of the character of the local area. It therefore represent sustainable development in line with the main aims of the new adopted Local Plan and the government planning guidance contained in the NPPF.

7.18 Therefore, subject to the further comments from the Conservation Officer, local highways authority, Staffordshire Wildlife Trust, Environmental Health and the Trees and Landscape Officer in response to the amended and additional plans, the application is recommended for approval.

## **7. RECOMMENDATION**

**That planning permission be APPROVED subject to the further comments from the Conservation Officer, local highways authority, Staffordshire Wildlife Trust, Environmental Health and the Trees and Landscape Officer and a Section 106 Agreement to Secure a financial contribution towards affordable housing (amount TBC)**

**and the following conditions:**

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

**Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As Amended).**

- 2. The development hereby approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-**

**224 LP  
223D PBP  
214 A PE S1  
215A PE S2  
216A PE S3  
217A PE S4  
218 CHPFP  
219A PCH PE  
211A  
212A  
213A  
220A ESP**

**Reason:- To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.**

- 3. Before the development is first brought into use, the pedestrian route shown in drawing 223D shall be provided and shall remain in place, unobstructed for the lifetime of the development.**

**Reason:-**

**In the interests of highway safety.**

- 4. Before the development is first brought into use, a wall with pedestrian entrance shall be provided adjacent to Halls Road in exact accordance with details, which shall include building materials, to be submitted to and approved in writing, by the Local Planning Authority.**

**Reason:-**

**In the interests of the appearance of the area and in the interests of highway safety.**

- 5. The existing hedge on the north-west side boundary of the site. If any part of it is removed, dies, becomes diseased it shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.**

**Reason:-**

**In the interests of the appearance of the area.**

- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows or any other openings shall be installed in any part of the development, without prior written consent from the District Council as Local Planning Authority.**

**Reason:-**

**To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and the visual amenities in the area.**

- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no further development as specified in Part 1 Class(es) AA, A to H or Part 2 Class(es) A to C or Part 20 shall be carried out without express planning permission first being obtained from the Local Planning Authority.**

**Reason:-**

**To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents.**

- 8. Any other conditions recommended by the Conservation Officer, local highways authority, Staffordshire Wildlife Trust, Environmental Health and the Trees and Landscape Officer.**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

