

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 July 2014**

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<b>APPLICATION REF. NO:</b>	<b>14/00361/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>5 June 2014</b>
<b>WARD/PARISH:</b>	<b>PIERCEBRIDGE</b>
<b>LOCATION:</b>	<b>Carlbury Arms, Piercebridge</b>
<b>DESCRIPTION:</b>	<b>Erection of a single storey dining room extension to side, single storey kitchen extension to rear and creation of hardstanding area to form amenity space to side (additional heritage statement received 29 May 2014 and amended plans received 10 June 2014)</b>
<b>APPLICANT:</b>	<b>CROWN ALDERNEY LIMITED</b>

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**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for the erection of a single storey dining room extension to the side and a single storey kitchen extension to the rear of the public house. It is also proposed to create a hardstanding area to the east side of the property to form an outdoor seating/amenity area.

The proposed dining room extension to the side is to measure approximately 8.6 metres wide by 7.8 deep under a pitched roof, 4 metres in height at ridge level. The rear elevation will have a solid render-finished wall, with the front elevation having a part-glazed, part-rendered wall. The end, east-facing elevation, will be fully glazed, aluminium bi-fold doors. This extension will have a pitched copper membrane roof. The kitchen extension to the rear will measure approximately 2.4 metres wide by 2.8 metres deep, and will be render finished to match the public house, under a flat roof 2.5 metres in height.

It is proposed to pave an existing grassed area to the side, which is currently used as an informal seating area associated with the public house, to form an outdoor seating/amenity area. A laurel hedge will be planted along the southern boundary of this area and a farm-style gate installed to provide access to the rear of the public house. The plans have been amended since first submitted omitting a rough timber board cladding to the front of the extension extending along the southern boundary of the site to enclose the amenity area.

The application property is a public house and restaurant which is currently undergoing refurbishment. It is located at the northern end of Piercebridge, fronting onto the B6275, within the Piercebridge Conservation Area. The property is also located immediately to the north of Piercebridge Roman Fort, a scheduled ancient monument (SAM). Piercebridge Beck runs in an

east-west direction directly to the rear of the public house and as such the application site is located within Flood Zone 3. Residential properties are located on the opposite side of the road.

A Heritage Statement, which assesses the impact of the proposed development upon the significance of both the Piercebridge Roman Fort SAM and the Piercebridge Conservation Area, has been submitted with the application. A Flood Risk Assessment has also been submitted.

## **PLANNING HISTORY**

79/00332/MISC – Alterations and the erection of an extension to beer cellar. GRANTED  
26.6.1979

## **PLANNING POLICY BACKGROUND**

The following policies are relevant to consideration of the application:

### **Darlington Core Strategy Development Plan Document 2011**

- CS2 – Achieving High Quality, Sustainable Design
- CS14 – Promoting Local Character and Distinctiveness
- CS16 – Protecting Environmental Resources, Human Health and Safety

### **Saved Policies of the Darlington Local Plan 1997**

- E38 – Alterations to Business Premises

National Planning Policy Framework

## **RESULTS OF CONSULTATION AND PUBLICITY**

**Highway Engineer** – In accordance with the Tees Valley Design Guidance the maximum parking requirement would be 33 spaces for the public house and restaurant. As this establishment would also cater for local villagers who would most likely walk to the site, a reduction in parking numbers would seem sensible. The establishment currently has space available for 10 no. off highway car parking spaces, although some of this space is outside of the red line site boundary, resulting in some overspill onto the public highway. The car park is small and on street parking will be inevitable as this currently happens. The access to the external parking area from the highway will remain unchanged. The proposed extension will result in a small increase in overall internal size however the purpose of the application is to provide better circulation space and a more pleasant dining experience, as such the table/seating numbers would not be increasing as a result. As the premises can already operate as a public house with no restrictions, albeit with a slightly smaller bar/circulation area, it would be difficult to substantiate a recommendation for refusal based on lack of parking provision. Careful setting out of the proposed boundary line is essential whereby the proposals do not encroach onto the adopted footway and a clear minimum width footway (ideally 2m) is maintained at all times. There have been no reportable accidents within the vicinity of this junction or premises within the last 5 years and no complaints have been received from local bus operators with regard to limited/difficult access as a result of on-street parking. The parking situation will be monitored and if problems arise, the Council has powers to implement a Traffic Regulation Order to limit parking if safety issues become apparent. On this basis raise no highway objection subject to a condition requiring the submission of a construction management plan prior to the commencement of development.

**Conservation Officer** – Initial concerns regarding the proposed timber cladding and fencing have been allayed by the amended plans. Now satisfied that this proposal should make a positive contribution to local character and distinctiveness of the Piercebridge Conservation Area.

**Environmental Health Officer** – Has no objections.

**Durham County Archaeology** – Subsequent to a site meeting in conjunction with The County Archaeologist, resulting in the submission of further information regarding the finished floor levels of the proposed dining and kitchen extensions, it is likely that the proposed new development may only impact on to previously disturbed ground and thus should not have a significant impact on undisturbed archaeological deposits related to the nationally important Roman Fort of Piercebridge and its civil settlement.

**English Heritage** – After assessing the proposals English Heritage have advised that the development would have no detrimental impact on the setting of the Scheduled Monument. They would therefore not object to planning permission being granted for these proposed works.

**Piercebridge Parish Council** – A rough timber fence is not in keeping with the rest of the village stone wall perimeters. Historically the parking area to the west has been used as public parking for the village, but the plan indicates some parking is within the pub boundary.

Three letters of objection have been received which raises the following issues:

- *Fencing is inappropriate within this setting. A wall would be in line with the character of this very traditional village;[now amended]*
- *Parking and its interaction with the buses and heavy traffic using the village is a constant issue in the village particularly on the corner opposite the pub. Vehicles mounting the pavement and threatening the property is a real issue. Perhaps 2/3 private parking spaces on land to the east of the pub would offer some relief;*

## **PLANNING ISSUES**

The main issues to be considered are whether the proposed extensions and formation of an external seating/amenity area are acceptable in the following terms:

Planning Policy

Impact on Conservation Area and Scheduled Ancient Monument

Highway Matters

Residential Amenity

Flooding

Other Issues

### **Planning Policy**

Saved Policy E38 (Alterations to Business Premises) of the Borough of Darlington Local Plan 1997 states that alterations to retail and business premises will be permitted if there would be no material adverse effect on the character and appearance of the building, or of the street scene in which the building is located, assessed against a list of criteria. The principal of extending the public house and restaurant is considered to be acceptable subject to consideration of the following issues of development management:

### **Impact on Conservation Area and Scheduled Ancient Monument**

The application property is located within the Piercebridge Conservation Area and also immediately to the north of Piercebridge Roman Fort, a Scheduled Ancient Monument (SAM). Paragraph 132 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. A Heritage Statement has been submitted which considers the impact of the proposed development on the significance of these heritage assets.

Policy CS2 (Achieving High Quality, Sustainable Design) seeks to ensure that high quality, safe, sustainable and inclusive design will be promoted in all new developments. Policy CS14 (Promoting Local Character and Distinctiveness) states that the distinctive character of the Borough's townscapes, landscapes and sense of place will be protected, and where appropriate, enhanced by protecting, enhancing and promoting the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology.

The Carlbury Arms is a traditional building lying at the head of the conservation area in a prominent location when entering the village from the north. The proposed dining room extension, being constructed of aluminium framed windows and bi-fold doors under a pitched, copper membrane roof is contemporary in design and is considered to be an acceptable approach to extending this traditional building. The plans have been amended since first submitted to omit the timber cladding to the front (north) elevation of the extension which will now have a render finish to match the rest of the building. The omission of the rough sawn timber board fence along the remainder of the northern boundary to enclose the outdoor amenity/seating area and its replacement with a laurel hedge is also considered to be a more appropriate form of boundary treatment in this prominent location.

The proposed rear kitchen extension is modest in scale and is to have a matching render finish under a flat roof. Being located to the rear of the property it will have little discernible impact upon the character and appearance of the application property or the wider conservation area.

On the basis of the amended plans the proposal is considered to make a positive contribution to the local character and distinctiveness of Piercebridge Conservation Area and is therefore considered to comply with Policies CS2, CS14 and the requirements of the NPPF in this regard.

With regard to archaeology, further information regarding finished floor levels of the proposed kitchen and dining extensions has been provided which confirms that the proposed new development will only impact onto previously disturbed ground and thus should not have a significant impact on undisturbed archaeological deposits related to the nationally important Roman Fort of Piercebridge and its civil settlement. Subject to conditions requiring a scheme of archaeological monitoring to be agreed prior to the commencement of development and the submission of the report, the Archaeology Officer is satisfied that the development can proceed

### **Highway Matters**

The Carlbury Arms is located at the northern end of Piercebridge immediately to the north of the B6275. Bus stops are located to the east and west of the application site respectively. The proposed extension and internal alterations to the public house and restaurant would give rise to a maximum parking requirement of 33 spaces in accordance with the guidance set out in the

Tees Valley Design Guide. However given the village location the Highway Engineer has advised that reduction in parking numbers would be feasible in this instance. A parking area to the west side of the property currently provides space for 10 no. vehicles, however not all of this parking area is in the ownership/control of the applicants, resulting in some overspill parking onto the public highway. Land to the east of the public house, which currently provides some limited off-street parking, will accommodate the proposed dining room extension and outdoor seating/amenity area.

The applicants have confirmed that the total number of covers within the extended public house/restaurant will not increase above the 45 covers that it presently caters for, the purpose of the proposed extension and alterations being to create a more spacious dining environment. In this instance however the extended public house/restaurant could feasibly provide for an increased number of covers resulting in an increase in parking demand. Given that 6 of the 10 parking spaces to the west of the property are on land outside of the applicant's ownership/control which could be taken out of use at any time, should either scenario arise then this could result in a significant shortfall in the number of parking spaces.

While the loss of parking spaces could take place at any time, it should be borne in mind that the public house/restaurant could operate as it currently does without these parking spaces. In addition the Highway Engineer has advised that there have been no reportable accidents within the vicinity of this junction or premises within the last 5 years, nor any complaints from local bus operators with regard to limited/difficult access as a result of on-street parking. Should on-street parking cause a problem in this location then the Highway Department has the powers to implement Traffic Regulation Orders to limit parking if safety becomes an issue.

Nevertheless, should a scenario arise whereby the number of covers increases this will result in a shortfall of parking provision at the premises. Additionally, if the 6 parking spaces were also to be taken out of use then the repercussions for parking could be significant. While there are powers available to prevent parking at the junction, the extra parking demand would have to be accommodated within the village which already has a high proportion of on-street parking serving existing properties. It would seem appropriate therefore to limit the number of covers provided to 45 to ensure that parking associated with the extended property can be accommodated safely within or adjacent to the site. The agent has confirmed that the applicants would be willing to accept such a condition. While there are highway concerns, it would be difficult to substantiate a reason for refusal based on a lack of parking provision subject to this condition. The Highway Engineer has also requested that a condition requiring the submission of a construction management plan be attached.

### **Residential Amenity**

The proposed side extension and external seating area to the east have the potential to impact upon the amenities of residential properties to the south, the nearest of which is located on the opposite side of the B6275 at 33 The Green. While the property itself is located approximately 38 metres away from the proposed extension, the private garden area is located to the north side of the property, which at its nearest point would be approximately 12 metres from the proposed side extension.

The south elevation of the proposed side extension will have a render finished wall up to a height of approximately 1.8 metres with windows above. At this height it is considered unlikely that there would be any unacceptable loss of privacy due to overlooking of the private garden area of 33 The Green to the south, which is enclosed by a stone wall, approximately 1 metre in

height, with coniferous trees planted along the boundary. The use of the external seating/amenity area also has the potential to impact upon the amenities of this property particularly in terms of noise, nuisance and disturbance. The timber fence which was to enclose this area has been omitted following concerns regarding its impact on the character and appearance of the conservation area and replaced with a laurel hedge which will provide little screening in the short term. However this area of land is currently used as an existing outdoor seating area in connection with the public house and there is no control over how intensively it can be used. It is not proposed to increase the size of this area, or to introduce activity into an area which is not currently used by the public house. As such it would be difficult to argue that the proposed alterations to this area would have an unacceptable impact upon the amenities of nearby residential properties. No comments have been received relating to this issue as part of the consultation exercise.

### **Flooding**

Piercebridge Beck is located directly to the rear of the application property and as such the site is located within Flood Zone 3. In accordance with the Environment Agency's Standing Advice for non-domestic extensions providing less than 250 sq. m of additional floor space a Flood Risk Assessment has been submitted confirming that the finished floor levels in the proposed extensions will be set at the same level as those in the existing public house. A condition requiring the submission of details relating to the management of surface water run-off from the proposed hardstanding external seating area is also attached.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed development does not give rise to crime and disorder issues.

### **CONCLUSION**

The proposed extensions and alterations to the external seating and amenity area are considered to be acceptable in terms of their impact on the amenities of neighbouring properties and in terms of their impact on the significance of both the Piercebridge Conservation Area and the Piercebridge Roman Fort, Scheduled Ancient Monument (SAM). Subject to appropriate conditions, the proposal is not considered to give rise to any unacceptable issues of highway safety. The proposal is therefore considered to comply with Saved Policy E38 (Alterations to Business Premises) of the Borough of Darlington Local Plan 1997, Policy CS2 (Achieving High Quality, Sustainable Design), Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document and the requirements of the National Planning Policy Framework (NPPF).

### **RECOMMENDATION**

THAT OUTLINE PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)
2. B4 (Details of external materials to be submitted)

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological monitoring work as defined in a specification prepared by the County Durham Archaeology Team. A written scheme of investigation (WSI) must be submitted by the developer, and approved in writing by, the local planning authority. The written scheme of investigation shall be carried out in accordance with the approved details and timings.

REASON - To comply with Policy CS13(E)(12) of the borough of Darlington Core Strategy Document (2011) and paragraph 135 and 141 of the National Planning Policy Framework as the site is thought to contain features of national archaeological importance.

4. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham & Darlington Historic Environment Record. This may include full analysis and final publication.

REASON – To comply with paragraph 141 of the National Planning Policy Framework to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

5. Notwithstanding the details shown on the approved plans, the public house/restaurant shall cater for a maximum of 45 covers unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interest of highway safety.

6. Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details for a dust action plan, the proposed hours of construction, road maintenance and signage. Should the establishment remain open for business during the works, details of how the works will be kept separate from public access and car parking areas maintained for public use should be submitted to the Local Planning Authority for approval in writing. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interest of highway safety.

7. Prior to the commencement of development hereby permitted details of a scheme for the management of surface water run-off from the proposed hard surfaced outdoor seating/amenity area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved and thereafter be so maintained.

REASON – To ensure that adequate measures are taken for the disposal of surface water.

8. B5 (Development in accordance with the approved plans)

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:**

**National Planning Policy Framework 2012**

**Borough of Darlington Local Plan 1997**

Saved Policy E38 (Alterations to Business Premises)

**Darlington Core Strategy Development Plan Document 2011**

CS2 (Achieving High Quality, Sustainable Design)

CS14 (Promoting Local Character and Distinctiveness)

CS16 (Protecting Environmental Resources, Human Health and Safety)