

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 7 May 2014**

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<b>APPLICATION REF. NO:</b>	<b>13/01015/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>12 February 2014</b>
<b>WARD/PARISH:</b>	<b>SADBERGE AND WHESSOE</b>
<b>LOCATION:</b>	<b>Kings Arms Hotel, Glebe Road, Great Stainton Stockton-on-Tees TS21 1NA</b>
<b>DESCRIPTION:</b>	<b>Erection of 3 No. detached houses and car park.</b>
<b>APPLICANT:</b>	<b>C G Robinson Limited</b>

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**APPLICATION AND SITE DESCRIPTION**

This application was deferred at the Committee Meeting of 2 April 2014 to allow for amendments to be made to the car parking capacity at the rear of the public house and to the design of the dwellings.

Planning permission is sought for the erection of three detached 4-bedroom houses. Two of the houses would each be 12m in width at ground floor level and 7.6m in depth not including the integral garages. The other proposed house, located towards the northern part of the site, would be some 9m in width and 7.8m in depth. The proposed houses have been reduced in height by between 0.3m and 0.6m following the previous Committee meeting.

. The proposed houses would face east onto Glebe Road but would be accessed from a shared drive to the rear. This drive would also provide access to an area where 28 car parking spaces are proposed (this is an amendment to the 20 spaces previously proposed and considered by the Committee). These spaces would serve the existing public house.

The application site consists of land to the side of the King's Arms Public House located centrally within Great Stainton. Most of the site consists of a gravelled car park bounded to the east and south by a grass verge which contains trees and shrubs. Part of the application site (where the car park is proposed) consists of a grassed area to the rear of the public house.

Site levels decrease from north to south. The nearest property to the north of the site is a detached bungalow which has a large window on its south side elevation. To the east of the site, opposite Glebe Road, is a row of four terraced houses.

## PLANNING HISTORY

Planning permission was granted on 11 September 1985 for an extension of the existing car park at the Kings Arms Public House (Ref: 85/00245/DM).

## PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011:

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS16 – Protecting Environmental Resources, Human Health and Safety

The National Planning Policy Framework 2012 is also relevant. The above policies are considered to be compliant with the National Planning Policy Framework.

## RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties have been consulted by way of letter and a site notice has been displayed. Additional consultations have taken place following the amendments to the application. This Committee Report has been finalised before the latest consultation period has expired and any new points not already raised will be reported verbally at the Planning Applications Committee Meeting.

Objections have been received from the occupiers representing of 17 neighbouring properties. The points raised are summarised below.

- *Great Stainton already has several houses that have been for sale for well over a year. This indicates there is no market in the village for more houses.*
- *23% of properties in Great Stainton are for sale or rent.*
- *The proposal would overshadow the houses in The Glebe.*
- *The proposal will overlook and overshadow No. 1 Glebe Road.*
- *We would want to see details of unobtrusive lighting and ground makeup.*
- *Views from neighbouring houses would be compromised.*
- *The site is on an elevated position and will block light to properties to the south and east.*
- *There would be disturbance issues caused by people visiting the pub parking on the road.*
- *The featureless design of the proposed houses does little to reflect or improve the old fashioned character of the village.*

- *The new build properties are not in keeping with the existing original properties and will detract from the old fashioned character of the village.*
- *The uniform design of the proposed three houses is not in keeping with the village.*
- *Little consideration has been given to the rural environment that is Great Stainton. The proposal would have a towering effect over the once farm cottages on the opposite side of Glebe Road.*
- *The houses developed to the north of the site were required to be less regimented in appearance.*
- *The proposal would represent the overdevelopment of a small village.*
- *In the past two decades has been the beneficiary of five new dwellings all of individual style.*
- *The timber fence to the rear will be on open view spoiling the visual amenity. Recent developments in the village have had brick perimeter walls.*
- *The Kings Arms is a grade II listed building and the design of future dwellings should be harmonious with this.*
- *Two old Sycamore trees were removed from the site prior to the application being submitted.*
- *Trees should not be removed unless they are dangerous to the public.*
- *The Sewage farm to the south of the village may struggle to cope.*
- *There are no amenities in the village other than the public house.*
- *The car parking to the public house would be greatly reduced thereby encouraging customers to park on the highway causing an obstruction.*
- *The entrance to the car park could be blocked by cars from the proposed dwellings.*
- *An upturn in business would generate more cars.*
- *The public house was extended to include a restaurant and at this time a larger car park was provided.*
- *Village footpaths will be obstructed as happens when the local hunt set off forcing people to walk in the road.*
- *The car park is currently larger than stated.*
- *The Highways Engineer's report has failed to correctly apply the Tees Valley Design Guide.*
- *The Highways Engineer's report acknowledges that the restaurant is capable of seating 60 persons but takes a view from the applicant that due to kitchen's size it is not capable of catering for 60 persons at once. This ignores the potential for buffet type functions.*
- *There should be two additional disabled parking spaces.*
- *No account has been taken of the drinking areas within the Kings Arms which amount to circa 75sqm which would require an additional 15 parking spaces.*
- *The current car park can accommodate coaches where as the proposal could not.*
- *Creating a bylaw and physical barriers to stop parking on the green would be expensive.*
- *Cars already park on the roadside, village green access roads and grassed areas.*
- *Parking on Glebe Road would prevent gritting during the winter.*
- *It will not be possible for people to park outside their houses due to the displaced parking from the Kings Arms.*
- *More vehicles will cause an obstruction to emergency services.*
- *There will be costs to the public policing the peace and hazards associated with the heavy use of the carriageway.*
- *The proposed new car parking spaces are totally inadequate given the site currently has approximately 34 spaces.*

- *There appears to be no provision for siting of a large refuse skip and commercial rubbish containers that currently are located on the existing car park.*
- *There should be a new rear access to the pub created if planning permission is granted.*
- *Public transport is community operated and very limited.*
- *The new properties would create a blind spot.*
- *Police records will show an increase in the number of accidents around this area and the nearby crossroads.*
- *More housing will mean more commuters at rush hour.*
- *I wouldn't feel happy about children playing out with the increased traffic.*
- *The lack of parking could have an adverse affect on the volume of trade at the Kings Arms Pubic House.*
- *The plans show the northern car park area close to our boundary and hence building foundations is a concern. We need to know what methods will be adopted by the developer to ensure continued structural integrity.*
- *There will be increased noise from traffic using the car park close to our shared boundary.*
- *It appears that the proposal impinges on an area which has always been deemed to be village green.*
- *The proposal includes land not owned by the applicant.*
- *No access details are apparent.*
- *The access across the village green is for parking and not a new access point for new development.*
- *There are no street lights in Great Stainton.*
- *A further planning application may be made for residential development if the Kings Arms public house becomes unviable due to the reduced parking,*
- *The proposal does not accord with Darlington Core Strategy, or the Design Supplementary Planning Document.*
- *Not enough houses were consulted and the notice was not well positioned.*

The **Campaign to Protect Rural England** objected to the application and raised the following points:

- *The development will result in the loss of an open space and change the character of the village at this point.*
- *The proposal represents overdevelopment of the site in our opinion. The three properties are very close together and are not well endowed with garden and parking space.*
- *The effect of the development on the listed building must be considered.*
- *We also have concerns that the elevation of the site will result in buildings dominating the road which is on a lower level.*
- *In view of the land heights there is concern adjacent properties will overlook the site to the detriment of the new dwellings privacy.*
- *The loss of this much public car parking will be detrimental to the village. We do not consider the proposed amount of parking behind the Kings Arms will be adequate and will result in on road parking on a busy road by a bend.*
- *The rear access to the proposed houses and pub car park would not be safe.*
- *We are concerned that the amount of car parking allocated within the development will not be adequate as executive type housing is often associated with multi car ownership.*
- *It is understood access to the site is over the village green and this must be considered and dealt with.*

- *The need for the housing is questioned as there are currently 6 of the 23 properties in the village for sale, some of which have been on the market for a considerable time.*

**Great Stainton Parish Council** objected to the application making the following comments:

- *The attendants (at Great Stainton Parish Meeting) wished to express concern that the proposed plans were only communicated to the immediate houses in the vicinity of the development by the planning department, when the proposal for intense development in the centre of the village was an issue for all the villagers with its potential to impact significantly on the future character of the village. The planning letters erected within the village were considered not well positioned to be very visible.*
- *The attendants of the meeting and residents who had sent prior apologies, all unanimously objected to the plans submitted and the common themes recorded, which are largely endorsed in individual objections, were as follows:*
- *Significant reduction of parking spaces will result in overspill of parking onto the village green with the resultant nuisance to residents of the village through obstruction to access properties, as well as the inevitable effect on traffic and pedestrian safety. On the basis of the issues the Village Meeting voted that they would not support any potential developments on land that would reduce car parking capacity and significantly impact adversely on the character of the village.*
- *Plans appear to encroach onto what is commonly believed to be village green on the road verges. The current access to the car park crosses over what was village green, and this access was granted by the village meeting in the mid 1980s to ensure off street parking for the pub when the pub popularity was causing significant parking issues in the village.*
- *The proposed car parking area is approximately half the existing area. The planned access is one way and is likely to cause people to avoid using it as well as risking collisions. The inevitable consequence is that visitors will park on the village green causing damage to the green, mud on the roads, blocked entrances and a hazard to pedestrians. There is concern that the red area marks the area for development which would essentially close a much wanted pub in the village. It includes the unlisted part of the pub.*
- *The proposed houses are totally out of keeping with the rest of the village. Additionally they would infringe on the curtilage of the listed public house building.*

**Northern Gas Networks** has no records or apparatus in the area.

The **Arboricultural Officer** commented that the proposed house to the north of the site may impact on the root area of a mature Sycamore tree to the north east of the site.

**The Highways Engineer** raises no highway safety concerns subject to conditions. Considers proposal is unlikely to generate a significant increase in traffic. Parking surveys have been carried out which demonstrate proposed levels of parking provision for the public house would be sufficient.

The **Conservation Officer** raised no objections after the scheme was amended (to set the dwellings back from the building line of the Kings Arms). The Conservation Officer also commented that the fenestration details could be improved. A condition regarding this would be advisable.

The **Environmental Health Officer** raised no objections but asked for conditions to be placed on the granting of any permission regarding contamination and noise from the public house.

**Northumbrian Water** commented that the proposed development can be accommodated and treated by NWL's network.

## **PLANNING ISSUES**

The main issues to be taken into consideration are:

- Planning Policy
- Visual Amenity
- Impact on Listed Building
- Residential Amenity
- Trees
- Highways Matters
- Village Green

### Planning Policy

The application site is located within the identified development limits set out in the Borough of Darlington Local Plan 1997. Policy E2 (Development Limits) of the Local Plan indicates that most new development should take place within the development limits as this will help to maintain well defined settlement boundaries and to safeguard the character and appearance of the countryside. The proposal is therefore acceptable in principle subject to other considerations.

### Visual Amenity

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that compliment the built form; and relate well to the Borough's green infrastructure network.

The proposal is for three houses of a relatively traditional design. There is quite a wide variety of styles of houses in Great Stainton including bungalows, terraced houses and larger detached houses. The proposal would be in keeping with this mix of styles and periods. The layout of the houses is such that front elevations would face towards Glebe Road, addressing the street scene facing the two storey terraced houses opposite.

### Impact on Listed Building

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected.

The application site lies immediately to the north and east of (and within the setting of) the grade II listed Kings Arms Public House. This is not considered to prohibit development but does restrict its layout, form and design, particularly because the Kings Arms setting has seen little change over the years. It is important that new development in this location takes consideration of its historic neighbour and is clearly subordinate.

The design of the proposed dwellings is broadly traditional and suitable for its setting. The proposed houses would be set behind the building line set by the Kings Arms and overall would be subordinate to it. The proposal is not, therefore, considered to be harmful to the setting of the neighbouring listed building.

The car parking area would be located directly behind part of the listed part of the public house building but this is not considered harmful to the setting of the building.

### Residential Amenity

The Council's Design of New Development Supplementary Planning Document 2011 states that there should be 21m separation distance from elevations with habitable rooms facing other elevations with habitable rooms.

There would be some 13m from the detached bungalow to the north of the site to the nearest proposed property however there would be a relatively oblique angle between the two properties. Furthermore the applicant has agreed to amend the scheme so that the nearest upper floor windows would serve non-habitable rooms and would be obscure glazed.

There would be a distance of some 25m between the proposed dwellings and the existing houses to the east and there would be over 30m to the nearest window on the dwelling to the south. Although there are differences in ground level with the application site being higher than existing dwellings to the south and east, the size of the proposal (two storey dwellings) and the distances from these houses would be such that the development would be in keeping with separation standards set out in the Council's design guidance and no significant issues would be raised with regard to overlooking or creating an overbearing development. Overall the proposal would not result in any significant detrimental impacts, in terms of light, outlook or overlooking issues, to neighbouring residential properties.

With respect to the concerns raised about noise from comings and goings of vehicles in the car park, at present there is likely to be some experience of this from the existing car park. However due to the proximity between the proposed parking spaces and the adjacent bungalow to the north it is considered prudent to require some acoustic fencing along the boundary to mitigate this.

### Trees

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees on and adjoining application sites. Although the trees on and adjacent to the site are not covered by tree preservation orders (and the area is not a conservation area), the trees contribute to the visual amenity of the area.

An Arboricultural Report was submitted with the application which identifies that there is a Rowan tree located to the east part of the site and a Cherry tree, Sycamore tree and Birch tree located to the southern part of the site. A condition for details of tree protection measures to be submitted and agreed would be appropriate to protect trees during construction works. A condition requiring details of the proposed landscaping scheme (which includes tree planting) would also be appropriate.

The proposed northern dwelling and associated earth works to create a retaining wall may have a slight impact on the root area of a mature Sycamore tree located outside of the application site.

This tree is not subject to a tree preservation order and would not need to be felled to allow for the development. The impact on this tree would not be so significant as to require the refusal of planning permission.

### Highways Matters

Three parking spaces would be provided for each of the proposed dwellings. The development as amended would now result in only a small reduction in car parking spaces serving the public house, from around thirty to twenty-eight. This level of parking provision is considered to be acceptable taking into account maximum parking guidelines for this sort of use and survey information gathered on the use of the car park over a period. The survey period included Mothers Day (when a high demand for use of the car park would be expected) and a further special occasion on a week day evening. For both events the maximum number of vehicles recorded in the pub car park was 20 and 26 respectively. On this basis the proposed car parking capacity is considered to be adequate. The design of the proposed development would allow for access for emergency vehicles.

### Village Green

None of the application site is within the ownership of the Council. There is no registered village green at Great Stainton. The application has been amended as originally it impacted on part of the grass verge not owned by the applicant.

### Other Matters

The relative supply of houses on the market in the village and concerns about loss of view would not be material planning considerations. Concerns that a proposal may follow to turn the pub into residential development would need to be considered at the time should this situation arise in the future. The importance of ensuring that the proposed development does not undermine the stability of the adjoining property would need to be addressed as a civil matter through the Party Wall Act rather than as a planning consideration in this case. Provision for refuse can be subject to a planning condition. It is understood that there is no legally documented right of way over land situated between the highway and the application site. This has the potential to constrain the disposal of the site however is not a material planning consideration in this case. Notwithstanding this it would be prudent to alert the developer to this situation by way of an informative on the decision notice.

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

The contents of this report have 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. It is not considered that the contents of this report have any such effect.

## **CONCLUSION**

The proposed development is considered acceptable and will not cause significant harm to the character and appearance of the area. The proposal has no significant impacts in terms of



residential amenity. The proposal does not adversely impact on highway safety. No issues are raised in relation to crime prevention.

## **RECOMMENDATION**

It is recommended that planning permission be granted subject to conditions.

### **CONDITIONS**

1. A3 Implementation Limit (3 years)
2. B5 Detailed application (Accordance with Plans)
3. B4 Details of Materials (samples)
4. Notwithstanding the submitted plans, no development shall commence until details of the fenestration arrangements for the properties have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

Reason – In the interests of visual amenity

5. J2 (Contamination)
6. E2 Landscaping (Submission)
7. No development shall take place until details of tree protection measures during construction works, regarding all the trees on site to be retained and all other trees adjacent to the site, have been submitted to and approved, in writing, by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

Reason – To protect the trees on and adjacent to the site in the interests of visual amenity.

8. No development shall commence until a scheme specifying the provisions made for the control of noise emanating from the King's Arms Public House has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

Reason – In the interests of the amenities of occupiers of the properties hereby permitted.

9. Unless otherwise agreed in writing with the Local Planning Authority the new car park serving the public house, hereby approved shall be constructed and laid out in full prior to work being commenced on any of the dwellings hereby approved. The car park shall thereafter be made available solely for patrons of the public house.

Reason – In order to ensure adequate provision for off street car parking.

10. Details of provision for refuse facilities for the public house shall be submitted to and agreed in writing with the local planning authority. The development shall be carried out in accordance with the agreed details.

Reason – In the interests of making suitable provision within the site for refuse.

11. C5 Restriction of permitted development rights (residential).
12. Details of all boundary / screen fencing to dwellings to be agreed.

Reason – In the interests of visual amenity.

13. Unless otherwise agreed in writing with the local planning Authority details of acoustic fencing to the northern car park boundary shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be constructed prior to car park being brought into use and retained thereafter.

Reason – In the interests of protecting residential amenity.

14. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The plan should also demonstrate how the day to day running of the Public House and space for patron car parking will be provided and kept separate from the construction activities. The development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interests of highway safety and residential amenity.

15. Prior to the commencement of the development precise details showing the improvement works to the existing vehicular access and proposed access road to serve the new dwellings from Glebe Road shall be submitted to and approved in writing by the Local Planning Authority. These works should also include the provision of a footway leading across the frontage of the new dwellings. The agreed details shall be implemented prior to the occupation of any of the dwellings.

Reason – In the interests of highway safety.

16. No development shall commence until details of details of disabled parking (three widened disabled bays) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

Reason – In the interests of highway safety.

## **INFORMATIVES**

1. Regarding Condition 4, four and six pane sliding sash uPVC windows with external glazing bars would be suitable rather than top hung casements.
2. Regarding Condition 5, the desk-top study submitted with the application will be sufficient to satisfy the requirements of part (a) Preliminary Risk Assessment of the condition. In this situation it would be acceptable for the subsequent reports to be combined into one statement showing how the site investigation into the pond feature has been undertaken together with any necessary remediation and verification of the works

which were carried out. Any material brought onto site to raise site levels or as topsoil in garden areas will be subject to the verification requirements set out in the YAHPAC guidance. The YAHPAC “Development of Land Affected by Contamination” Technical Guidance for Developers Landowners and Consultants provides further advice and information to assist in complying with the requirements of the condition.

3. The applicant is advised that contact be made with the Assistant Director : Highways, Design and Projects (contact Ms. P. Goodwill 01325 388760) to discuss naming and numbering of the development.
4. The applicant is advised that works are required within the public highway, to construct a new pedestrian drop crossing and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr. S. Pryke 01325 388582) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.
5. The applicant is advised that the Local Planning Authority understands there to be no legally documented right of way over land situated between the highway and the application site.

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**

**Borough of Darlington Local Plan 1997:**

E2 – Development Limits  
E12 – Trees and Development  
E14 – Landscaping of Development

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

CS1 – Darlington’s Sub-Regional Role and Locational Strategy  
CS2 – Achieving High Quality, Sustainable Design  
CS10 – New Housing Development  
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