

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 February 2017

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APPLICATION REF. NO:	16/01154/FUL
STATUTORY DECISION DATE:	5 January 2017
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	Raby Hunt Inn, Summerhouse
DESCRIPTION:	Erection of single storey extensions to side and rear, removal of window from side elevation, addition of window to rear and demolition of external staircase
APPLICANT:	MR JAMES CLOSE

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of single storey extensions to the side and rear, the removal of a window from the side elevation, the addition of a window to the rear elevation and the demolition of an external staircase. A number of associated internal alterations are also proposed to create a pre-dining and preparation area looking into the kitchen at the ground floor and the creation of a third letting bedroom at first floor. These internal alterations are also the subject of a listed building consent application (16/01155/LBC). This is also on the agenda for consideration.

The proposed rear extension is to provide a kitchen extension and is to measure approximately 6 metres wide by 3 metres deep under a parapet roof, 3.5 metres in height. It is to be clad with zinc seam cladding with a green/growing roof above. A timber bin store, measuring 2.2 metres wide by 3 metres deep, is also proposed to the south side of the proposed extension. An existing stone clad external staircase will be removed to accommodate the bin store and an existing door at the top of the staircase will be replaced by a timber sliding sash window. The existing portacabin is also to be removed to make way for the proposed kitchen extension.

The proposed side extension will replace an existing porch extension to the side and is to measure approximately 2.3 metres wide by a maximum depth of 6.3 metres. It is to be splayed at its eastern end to take account of the position of the external stone boundary wall which is to be incorporated as part of the proposals. Once again the extension will be clad with zinc seamed cladding under a parapet roof 3.5 metres in height. The extension is to provide an entrance/meet and great area and will also accommodate part of a pre-dining area to be created as part of the internal alterations. An existing window in the side elevation will be repositioned to take account of the proposed extension.

The Raby Hunt is a Grade II listed, 2 Michelin Star restaurant located at the southern end of Summerhouse, within the village conservation area. The property faces the southern end of the village green and is adjoined on its northern side by a dwelling, Hunters End, and is surrounded

by residential properties to the rear (west) which border the car park. Hunters End and the properties to the rear were formerly part of the Raby Hunt Public House but were converted to residential use as part of a proposal to subdivide the public house back in 2003 (03/00537/FUL). The property is bounded by the B6279 to the south.

A Heritage Statement has been submitted with the application which assesses the significance of the proposals on the Summerhouse Conservation Area and the Grade II listed building.

PLANNING HISTORY

The site has a lengthy planning history, the most relevant and recent of which is set out below:

03/00536/LBC – Listed building consent for the alteration of existing public house to form public house and dwelling, the erection of a new dwelling and the conversion of outbuildings to two dwellings. GRANTED 5.12.2003

03/00537/FUL – Modifications of existing premises to form public house and dwelling. The erection of a new dwelling and the conversion of outbuildings to two dwellings. GRANTED SUBJECT TO S106 AGREEMENT 5.12.2003

09/00317/FUL – Infilling of rear cellar entrance. GRANTED 13.7.2009

09/00318/FUL – Listed building consent for infilling of rear cellar entrance and internal alterations in the form of construction of a partition in existing first floor bedroom to form 2 no. bathrooms; alterations to ground floor WC and kitchen layout and boarding up of fireplaces in first floor bedrooms. GRANTED 13.7.2009

09/00604/FUL – Installation of extract flue on west elevation roof. GRANTED 28.10.2009

09/00605/LBC – Listed building consent for installation of kitchen extract flue (ducted internally) terminating on west elevation roof. GRANTED 28.10.2009

13/00995/LBC- Listed building consent for erection of a single storey extension to rear. GRANTED 12.2.2014

13/00996/FUL – Erection of single storey extension to rear. GRANTED 12.2.2014

15/00138/FUL – Conversion of adjoining Hunters End Cottage to form extension to restaurant incorporating erection of single storey rear kitchen extension and alterations to doors, windows and decking to rear. WITHDRAWN

15/00139/LBC – Listed building consent for alterations associated with conversion of adjoining Hunters End Cottage to form extension to restaurant incorporating erection of single storey rear kitchen extension and alterations to doors, windows and decking to rear. WITHDRAWN

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

- CS6 – Vibrant Cultural and Tourism Offer
- CS14 – Promoting Local Character and Distinctiveness.
- CS16 – Protecting Environmental Resources, Human Health and Safety

National Planning Policy Framework

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer – The proposal is a marginal increase in the ground floor area to incorporate a kitchen extension and a meet and greet area. The proposal would not impact upon the current parking arrangements as there are no covers being proposed in the restaurant therefore raise no highway objection to the proposal.

Environmental Health Officer – No objections.

Conservation Officer – Considers the proposal to be in accordance with the NPPF and Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011 and recommends approval subject to a number of conditions.

Summerhouse Parish Meeting – Object to the application on the following grounds:

1. Impact on privacy and potential change of use;
2. Noise
3. Parking
4. Grade 2 listed building stipulations
5. Comparison to previous building application.

Received complaints regarding the proposed extension to the Raby Hunt (4 no. which have been appended to the Parish Meeting's objection). The majority of these have been with regard to the possibility/probability of exacerbating the negative impact currently being experience by the village with regard to the Raby Hunt's excessive and obtrusive parking of vehicles and the noise emanating from the car park i.e. deliveries, bottles thrown into bins etc. There have also been many complaints with the noise coming from cars connected to the Raby Hunt all around the village i.e. revving up in the early hours of the morning.

A total of 4 no. letters of objection have also been received which raise the following issues:

- *The height of the extension would deprive nearby properties of privacy as it would overlook patios/gardens and kitchens. The proposal states that staff would be on the roof tending plants and would have access by an upstairs window/door. It could also be used for staff breaks or extra covers. It will also block out light to properties in close proximity. We are totally against the Raby Hunt having any means of using the roof for any circumstances. A condition should be attached;*
- *Understand that planning permission was previously granted for a conservatory on the same plot. This is a completely different application with a different proposed change of use. This particular application doubles the size of the kitchen;*
- *Life consists of kitchen noise coming from staff, the smell of cooking all day long, delivery vans at 5am – 10am, parking on the bus stop which hinders any view of oncoming traffic when leaving the village road. The sound of bottles being thrown into the bin in the early hours of the morning (1am) is not unusual;*

- *The water board has been called out to unblock the drainage/sewerage system on numerous occasions for properties connected to the Raby Hunt due to excessive fat deposits. An increase in the size of the kitchen will escalate these factors;*
- *The Raby Hunt has a total of 6 car parking places at the rear and one space at the front. This is completely inadequate for the number of covers. On a daily basis there is usually 6 staff cars parked in the village. On preparation days the members of staff do not use the car park as there are numerous deliveries arriving. Adding restaurant customers into the equation the problem is exacerbated to the extent where residents cannot park near their homes. It is possible for a large party to turn up for a meal, each in their own car. This will be further exacerbated if permission is granted for the extension;*
- *The noise of customers leaving very late at night, disturbs the sleeping residents. Staff always avoid the car park and part around the village green, and add to the nuisance value by leaving via a U turn between 12.00 and 2.00am;*
- *A business enterprise such as this will want to see a return for their outlay. Believe it will eventually lead to more customers and inevitably more nuisance for the residents. It is not simply a case of using the existing planning permission for a kitchen extension to replace the metal storage container, it is a whole new concept with a new usage;*
- *Existing cellars could be used for kitchen storage. The new pre-drinks area appears to have tables of some kind which might eventually turn into more covers for the restaurant;*
- *Noise is a large problem for residents. Deliveries and waste disposal wagons arrive as early as 5am in the morning. Due to the change internally to the property and the probability of opening more often, it will definitely result in more covers, which would be an unbearable burden on the village regarding parking and noise;*
- *There is a number of Grade II listed buildings within the village and several have recently been renovated to a high standard, whilst conforming rigidly to the stipulations imposed by the Planning Department. Will the 'temporary' ugly container be removed;*
- *The contemporary and modern materials proposed do not conform to the requirements of a Grade II listed building and has no place in the village. Also grave concerns with regard to the size and character of the proposed extension windows. All existing windows should be maintained exactly as original and that any further development should not deviate from the guidelines imposed;*

PLANNING ISSUES

The main issues for consideration are:

- Visual Impact and Impact on the Significance of the Summerhouse Conservation Area
- Residential Amenity
- Highway Matters

Visual Impact and Impact on the Significance of the Summerhouse Conservation Area

Paragraph 131 of the National Planning Policy Framework (NPPF) states that 'in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should

be weighed against the public benefits of the proposal, including securing its optimum viable use.

Core Strategy Policy CS14 (Promoting Local Character and Distinctiveness) requires that the distinctive character of the Borough's townscapes, landscapes and strong sense of place will be protected and enhanced by protecting, enhancing and promoting the quality and integrity of the Borough's nationally significant built heritage (listed buildings) and buildings and their settings within Conservation Areas.

The principle of an extension to the rear of the property has already been established by way of the previously approved planning permission and listed building consent (13/00996/FUL and 13/00995/LBC) which remain extant. The extension is to be of the same footprint and of similar height to that approved, albeit that the extension as approved was of stone construction. The main issues are whether the proposed rear extension, in terms of its revised design and use of modern materials, and the proposed side extension would harm the significance of the Summerhouse Conservation Area.

The proposed extensions to the side and rear are to be of a modern design using a palette of contemporary materials, zinc and glazing, with a parapet roof detail to screen services from the kitchen below. Screening would also be provided by planting boxes to enable the restaurant to grow some of its own herbs and produce. The side extension follows the same contemporary approach using the same palette of materials but with a lower overall height and a deep construction to accommodate a green (growing) roof. It would be constructed behind the original boundary wall, which would be unaltered, which would minimise the visual impact on this prominent south side elevation which faces the road.

The Conservation Officer has considered the proposals and advises that this is a contemporary solution acknowledging that it is a new addition to this historic building whilst allowing customers to see the workings of the kitchen through the large opening in the south elevation of the kitchen extension (a similar feature was incorporated in the approved kitchen extension). The proposed side extension would also replace the existing lobby, which is an unattractive pastiche addition to the listed building, with an honest contemporary style extension in keeping with the rear kitchen extension. The proposals would also facilitate the removal of the existing external staircase and portacabin.

The Heritage Statement assesses the impact of the proposals on the significance of the Summerhouse Conservation Area and concludes they will have 'less than substantial harm' to the conservation area. The Conservation Officer agrees with the findings of the Heritage Statement. On this basis the proposal is considered to comply with paragraph 131 of the NPPF and Core Strategy Policy CS14; that it would make a positive contribution to local character and distinctiveness of the Summerhouse Conservation Area.

Residential Amenity

Core Strategy Policy CS16 (Protecting Environmental Resources, Human Health and Safety) states that new development should protect and, where possible, impact environmental resources whilst ensuring that there is no detrimental impact on the environment, general amenity and the health and safety of the community.

The proposed kitchen extension is to be built on the footprint of the previously approved kitchen extension (13/00996/FUL) and is to measure 6 metres wide by 3 metres deep. As such it is not

considered that the proposed extension will have an adverse impact on the amenities of the adjoining property, Hunters End, in terms of loss of light, outlook or privacy. The proposed extension will have a height of 3.5 metres, approximately 0.35 metres higher than the approved extension, although it is not considered that this marginal increase in height will have any significant impact on the amenities of the adjoining property over and above that which may arise from the approved extension.

Concern has been expressed regarding the potential for the flat roof above the rear extension to be used by staff or customers as a balcony, resulting in a loss of privacy to neighbouring properties to the side and rear. The agent has advised that staff will have access to the flat roof via an existing first floor rear window to tend the plants on the roof. This will involve stepping over a 1000mm high sill, with a 'mansafe' system as the proposal includes for a very shallow parapet of 400mm above the finished roof level. Access to pick/tend to the plants on a regular basis will however be via a step ladder secured to the parapet externally. The use of the flat roof as a balcony would require further alterations to make it safe (construction of a balcony, alterations to the window etc.) requiring planning permission and listed building consent. Notwithstanding this, a condition is attached preventing the use of roof as a balcony.

A number of the objections also relate to disturbance arising from the day to day operation of the restaurant which they consider will be exacerbated as a result of the proposed extensions and alterations. Such concerns relate to noise from the comings and goings of staff, customers and deliveries and from cooking smells. Concerns have also been raised regarding parking and this will be considered in the next section of the report.

The use of the former public house (Use Class A4) as a restaurant (Use Class A3) is a permitted change and as such did not require planning permission. Given the long standing use of the public house beforehand no planning conditions are in place relating to opening hours etc. however the applicants are bound by the constraints of their Premises Licence in the same way that the former public house would have been. The agent advises that the restaurant is currently open for lunch on a Saturday between 12.00 – 2pm and for dinner Wednesday – Saturday, 6pm – 10.30pm although the business is operational for longer than the customer opening times taking into account preparation before and clean down times after service. It is not proposed to change the times of operation or customer opening hours as a result of the proposed application.

The agent has also confirmed that there will be no increase in the number of covers provided at the restaurant as a result of the proposed internal and external alterations. A schedule of existing and proposed covers has been submitted which confirms a maximum of 30 covers in the dining room and 6 covers within the pre-dining area which will displace covers lost from the existing bar/pre-dining area. Although an additional letting bedroom is proposed it is not considered that this will result in a significant increase in activity associated with the public house in terms of noise, nuisance and disturbance.

An extract vent serving the kitchen extension is proposed on the roof of the extension. While this will be screened by the parapet roof and roof boxes, conditions are attached requiring details of the proposed extraction and ventilation system to be submitted to and approved in writing. Conditions requiring bin storage facilities to be provided, which are to be sited to the south of the kitchen extension, further away from residential properties should help alleviate any impact from the use of the bins. Subject to these conditions it is considered that the proposal complies with the requirements of Policy CS16.

Highway Matters

Core Strategy Policy CS2 (Achieving High Quality, Sustainable Design) requires new development to provide vehicular access and parking suitable for its use and location, reflecting parking standards set out in the Tees Valley Highway Design Guide.

It is acknowledged that there is currently a shortfall in parking provision serving the application property which gives rise to the issues identified by a number of the objectors. As has already been established, planning permission was not required for the use of the former public house as a restaurant, and the Local Planning Authority is not in a position to refuse planning permission for the proposed extensions and alterations on the basis of any car parking problems which currently exist.

Current parking provision (7 no. spaces in total) will remain unchanged by the proposals and there is no capacity for additional parking spaces to be provided within the application site. The agent has confirmed that there will be no increase in covers as a result of the proposed extensions and alterations and has provided a schedule setting out existing and proposed number of covers. It is however proposed to attach a condition restricting the number of covers to those set out in the schedule to prevent any increase in the number of covers which may therefore have a further impact on parking within and adjacent to the application site.

On this basis the Highway Engineer raises no highway objection.

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 side and rear extensions and associated external alterations are considered to be acceptable in terms of their impact on the amenities of neighbouring properties and in terms of its impact on the significance of the Summerhouse Conservation Area. The proposal is therefore considered to comply with Policy CS2 (Achieving High Quality, Sustainable Design), Policy CS14 (Promoting Local Character and Distinctiveness) and Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document and the requirements of the National Planning Policy Framework (NPPF).

RECOMMENDATION

THAT 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. B11 (Details of windows)

4. Prior to the commencement of development hereby permitted a method statement for the making good of the side and rear elevations following the removal of the existing window and door from the respective elevations shall be submitted to and approved in writing by the Local Planning Authority. The method statement should also include large scale details of the proposed replacement windows including details of the stonework reveal. The alterations shall thereafter be carried out in accordance with the details as approved.

REASON – In the interest of visual amenity.

5. The flat roof above the rear kitchen extension hereby approved shall not at any time be used as a roof terrace, garden or viewing area and no alteration shall be carried out to the main building giving access to that area without the prior written permission of the Local Planning Authority.

REASON – To protect the amenity and privacy of nearby residents.

6. Notwithstanding the details shown on the approved plans, the restaurant shall cater for a maximum number of covers as set out in the document entitled ‘2016-109-The Raby Hunt –Dining/Covers Schedule’ received on 23 January 2017.

REASON – In the interests of residential amenity.

7. D18 (Scheme for the control of fumes and odours)
8. D19 (Scheme for the ventilation of the premises)
9. No fans, louvres, ducts or other external plant shall be installed without the prior written approval of the Local Planning Authority.

REASON – To protect the visual amenities of the area.

10. The refuse storage arrangements, shown on the drawing entitled ‘Ground Floor – Sketch Proposal 2016-109 Drawing No. 011 Rev. C) shall be completed prior to any part of the development hereby permitted being occupied.

REASON – To safeguard the amenities of the area.

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

INFORMATIVES

The applicant is advised that contact should be made with the Council’s Environmental Health Section to ensure that all requirements under the Food Safety and Health and Safety legislation are met.

The premises will also require a variation to the Premises Licence under the Licensing Act 2003 and the application should contact the Council’s Licensing Department for further advice.

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN 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

National Planning Policy Framework