

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 15 November 2017

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APPLICATION REF. NO:	17/00712/FUL
STATUTORY DECISION DATE:	28 September 2017
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	Raby Hunt Inn, Summerhouse
DESCRIPTION:	Installation of replacement extraction system, reduction in height of stone boundary wall and insertion of gates between Raby Hunt and Hunters End Cottage, erection of wall and gates along northern boundary of Hunters End Cottage, re-surfacing of car park and installation of 2 no. replacement windows in front elevation (amended Design and Access Statement received 11 September 2017, amended and additional plans showing revised extraction proposals and additional information received 19 October 2017, amended Design and Access Statement, additional Heritage Statement and amended first floor layout plan received 29 October 2017 and amended Design and Access Statement, Heritage Statement and elevations and additional site plan received 1 November 2017)
APPLICANT:	MR JAMES CLOSE

APPLICATION AND SITE DESCRIPTION

Planning permission (16/01154/FUL) and listed building consent (16/01155/LBC) were granted in February 2017 for extensions and alterations to the Raby Hunt Inn. In carrying out these permissions a number of alterations to the approved plans have taken place and this application seeks to address these changes. An associated application for listed building consent (17/00713/LBC) is also on the agenda for consideration.

This application seeks permission for the following changes:

- Installation of a replacement extraction system and the removal of an unauthorised flue and extract grille that have been erected on the north facing gable of the property;
- Reduction in height of a stone boundary wall and installation of a gate within this will on the boundary between the Raby Hunt and Hunters End Cottage;
- Erection of a 1.8 metre high random coursed stone wall and timber gates on the northern boundary of the site between Hunters End Cottage and the communal driveway to the north;

- Resurfacing of the rear car park with a permeable bound slate grey coloured resin;
- Replacement of ground floor timber casement windows in front elevation of the Raby Hunt Inn on a like for like basis incorporating double glazed units;
- Submission of details relating to various pre-commencement conditions attached to the previous planning permission that were not discharged prior to the permission being implemented.

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, which is also covered by the Raby Hunt listing, and is surrounded by residential properties to the rear (west) which border the car park. Hunters End and the converted properties to the rear of the Raby Hunt were formerly part of the public house but were converted to residential use as part of a proposal to subdivide it 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 assessed 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

16/01154/FUL - 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. GRANTED 15.2.2017

16/01155/LBC - Listed Building Consent for single storey extensions to side and rear, removal of window from side elevation, addition of window to rear, demolition of external staircase and internal alterations including removal of stairs, construction of new staircase and creation of new openings and partitions. GRANTED 15.2.2017

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 parking numbers within the site remain unchanged by the proposals. No highway objection.

Environmental Health Officer – No objections.

Historic Assets Officer – No objections to the replacement flue and grille, the replacement windows or the resurfacing of the car park. No objection to the proposed boundary treatment subject to amendments to the materials used in the construction of the new wall.

Summerhouse Parish Meeting – Make the following comments:

- There is no objection to replacement of the extraction system. Please make sure there is a timescale in place for the removal of the horrific noisy monstrosity that was put on the site elevation without planning permission;
- Reduction of stone boundary wall – This was taken down without planning permission. This wall needs to be put back to its original state because of noise, security, lights, and deliveries at unearthly hours when no one is in and covenants which were put in place for the protection of residents. Totally oppose the reduction of the wall;

- Erection of a timber sleeper wall and gates along northern boundary of Hunters End Cottage. Hunters End was bought as a residential property with covenant restrictions. This huge boundary wall and gates would imply that the property is going to be changed into commercial use without planning permission. Totally oppose this sleeper wall and gates;
- Re-surfacing of the car park – no objections given;
- Replacement windows in front elevation – No objections as long as they meet the Conservation criteria for Summerhouse.

A total of 4 no. objections and 1 no. letter of representation have been received and the main points raised are summarised below;

- *In favour of re-siting extraction system;*
- *Temporary structure unsightly and noisy;*
- *Concerned that Hunters End is being incorporated into commercial enterprise of Raby Hunt;*
- *If Hunters End retained as dwelling no need for sleeper wall, wall reduction or gates;*
- *Works contrary to covenants in place;*
- *Reduction in height of wall between Raby Hunt and Hunters End affects residential amenity in terms of noise from deliveries, coming and going of staff and visitors and security of our property from main road;*
- *Residents not taken into consideration in any of the plans and village suffers due to inconsideration;*
- *Enforcement Officer has visited the premises on a number of occasions;*
- *Request consideration of the planning application is delayed until title dispute is resolved;*

PLANNING ISSUES

The main issues for consideration are whether the proposed changes to the approved plans, the replacement of the ground floor windows and resurfacing of the car park are acceptable in the context of their impact on the significance of the Summerhouse Conservation Area and on the amenities of nearby residential properties.

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 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 CS2 (Achieving High Quality, Sustainable Design) states that high quality, safe, sustainable and inclusive design will be promoted in all new developments. In particular all development proposals should reflect and/or enhance Darlington’s distinctive nature, built and historic characteristics that positively contribute to the character of the local area and its sense of place. 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.

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

Extract System

The approved plans showed a roof mounted system on top of the rear kitchen extension to be enclosed by the parapet wall and roof top planting. A condition was attached to this permission requiring further details of the extract system prior to the commencement of development although this condition was not discharged. A large metal flue and intake grill have been installed in the northern gable end of the property without the necessary consents and complaints have been received regarding the impact of this on both visual and residential amenity.

The application proposes relocating the system to within a first floor room above the kitchen. The entire system will be housed internally within the plant room with the exception of a 400mm diameter air supply grill which will be installed within the lower portion of a first floor window opening in the rear of the property. The exhaust terminal will be installed within the rear roof slope of the property and fitted with a mushroom cowl, coloured slate grey. The rear window within which the grill is to be fitted is a modern replica and as such there is no objection to it being altered to accommodate the grill as an alternative to this being placed within the more prominent gable end of the property. A condition is attached requiring the existing unauthorised system to be removed within 6 months and subject to a further condition requiring the colouring of the mushroom cowl and grill and the making good of the gable wall following the removal of the existing system it is not considered that the current proposal will impact upon the significance of the Summerhouse Conservation Area.

Technical details of the proposed replacement extraction system in terms of noise output and attenuation have been provided and the Council's Environmental Health Officer has raised no objection to the proposal on this basis. Subject to a condition requiring the development to be carried out in accordance with this report, the proposed extraction system should not unacceptably impact upon the amenities of nearby properties.

Boundary Treatment

The stone wall separating the Raby Hunt and Hunters End formed part of the approved plans for the subdivision of the public house in 2003 (03/00537/FUL and 03/00536/LBC). While this wall is not original to the property it is located within the setting of the listed buildings. The wall was removed during the construction period and rebuilt to a reduced height of approximately 1.2 metres, incorporating a timber personnel gate to allow access between the two properties.

This falls within the curtilage of the listed building but is a modern wall associated with the 2003 permissions. It is not a historic boundary although does complement those in the locality. It also adjoins the contemporary kitchen extension and does not impact upon the setting of the listed building and on this basis there is no objection to the reduction in height of this wall or to the incorporation of the timber personnel gate.

The occupants of the nearby Westside House have objected to the reduction in the height of the boundary wall separating the Raby Hunt and Hunters End on the basis that this opens up the rear of the property and the rear car park to their property and exposes them to noise and disturbance arising from deliveries and the coming and goings of staff and visitors. The applicant has recently purchased Hunters End Cottage (at the time of the previous applications this was in separate ownership) and it is used as staff accommodation for the Raby Hunt. In planning terms this property remains in residential use and following a number of visits to the premises to investigate complaints regarding the use of these premises in association with the Raby Hunt, Officers are satisfied that no change of use has occurred. Any change in these circumstances would need to be the subject of a further planning application to be assessed on its own merits.

The proposed 1.8 metre high stone wall and gates proposed on the northern boundary will enclose an existing gap in the northern boundary of Hunters End adjacent to the communal driveway between the property and Westside House. The plans have been amended in response to the Historic Assets Officer's comments and now propose a random coursed natural stone wall with timber gates which is consistent with the vast majority of boundaries within the Summerhouse Conservation Area which are built of natural stone. At this height the proposed boundary wall will enclose the rear of Hunters End and provide an appropriate separation between the two residential properties Hunters End and Westside House. It will also protect the occupants of Westside House from activities at the rear of the Raby Hunt.

Replacement ground floor windows

It is proposed to replace the two ground floor casement windows in the front elevation of the Raby Hunt with casement windows to match the design and profile but incorporating 'slimlite' double glazed units within the frames. This will have no impact on the character and appearance of the Conservation Area. A condition requiring the submission of details of the replacement windows is attached.

Resurfacing of car park

The application proposes resurfacing the existing tarmac car park to the rear of the Raby Hunt with a permeable bound slate grey coloured resin. The existing tarmac detracts from the setting of the listed building and subject to a condition requiring the colour of the permeable gravel finish to the agreed this element of the application is considered to be acceptable.

Planning conditions

Details of the external materials used in the construction of the extensions (natural zinc horizontal seam cladding) and details of works for the blocking up of an existing window and the installation of a new window in the south elevation to accommodate the approved side extension have been submitted with this application. These matters were the subject of pre-commencement conditions which were not discharged. The zinc cladding used in the construction of the extensions is acceptable and in accordance with the previously approved plans. Similarly the work carried out to block up the existing and insert the new first floor window is acceptable in terms of its impact on the character and appearance of the Summerhouse Conservation Area.

Other matters

A number of the objections received refer to both the Raby Hunt and Hunters End being subject to restrictive a number of covenants and that some of the proposed alterations and use of Hunters End and its garage are in contravention of these covenants. Restrictive covenants are not

however material considerations to be taken into account in the determination of planning applications.

Notwithstanding this, the agent has provided an e-mail from the applicant's agent which confirms that the Raby Hunt is not subject to any restrictive covenants although Hunters End is subject to a covenant that requires the consent of the Raby Estate for any external alterations to the property.

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 replacement extraction system, alterations to the boundary treatment, replacement windows and the resurfacing of the car park 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 the Summerhouse Conservation Area. Subject to a condition requiring the removal of the unauthorised flue and grill and the installation of the replacement system within 3 months, the proposal is considered to comply with Policies CS2 (Achieving High Quality, Sustainable Design), CS14 (Promoting Local Character and Distinctiveness) and CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011 and the requirements of the National Planning Policy Framework 2012 (NPPF).

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)
2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Proposed Elevations – drawing number 2016-109-115 Rev. G

Proposed Elevations - drawing number 2016-109-014 Rev. G

First Floor Proposal – drawing number 2016-109-012 Rev. G

Site Sketch Proposal – drawing number 2016-109-010 Rev. F

Mechanical Services – proposed ventilation – drawing number 1049(57)002 Rev. CO3

REASON – To ensure the development is carried out in accordance with the planning permission.

3. Within 6 months of the date of this permission the existing ventilation system shall be removed in its entirety from the north gable wall of the application property and the stonework made good in accordance with a scheme which shall first be submitted to and agreed in writing by the Local Planning Authority.

REASON – In the interest of visual amenity.

4. Within 1 month of the installation of the replacement extraction system hereby approved the mushroom cowl and the external louvres of the extract grill shall be painted/powder coated to match the existing roof materials and rear window respectively in accordance with a scheme which shall first be submitted to and agreed in writing by the Local Planning Authority.

REASON – In the interest of visual amenity.

5. Prior to the commencement of development hereby permitted details of the replacement windows hereby approved, at a scale of not less than 1:50 to include sections and profiles of the windows and details of any stone repairs required to the surrounds, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details as approved and thereafter be so maintained.

REASON – In the interest of visual amenity.

6. Prior to the commencement of the development hereby permitted details of the following external materials, to include samples if necessary, shall be submitted to and approved in writing by the Local Planning Authority:
 - (i) Stonework and lime mortar to be used in the construction of the boundary wall to the north of Hunters End;
 - (ii) Colour of the permeable gravel finish.The development shall be carried out in accordance with these details as approved and thereafter be so maintained.

REASON – In the interest of visual amenity.

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

National Planning Policy Framework 2012

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