

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 17th October 2018

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APPLICATION REF. NO:	18/00577/CU
STATUTORY DECISION DATE:	31st August 2018
WARD/PARISH:	SUMMERHOUSES
LOCATION:	Raby Hunt Inn
DESCRIPTION:	Change the use of the adjoining dwelling to create two bedrooms to accommodate diners, plus various internal works.
APPLICANT:	Mr Close

This application was deferred at the 19th September Committee Meeting to enable a site visit to take place on 12 October 2018.

APPLICATION AND SITE DESCRIPTION

It is proposed to carry out internal alterations and a change of use of Hunters End Cottage. This will combine The Raby Hunt Inn and the adjoining Hunters End Cottage, providing additional guest bedrooms, wine storage room, improved guest WCs and Staff facilities. One half of the building currently houses the Raby Hunt Inn and Restaurant and the other (Hunters Cottage) a separate two bedroom cottage. As a whole the property sits on the corner of the B6279 and Old Post Road in Summerhouses.

Previously the cottage formed part of the Public house. The proposed alterations do not increase the covers offered within the restaurant.

PLANNING HISTORY

The most recent relevant planning/Listed Building applications related to the subdivision of the whole building from a single public house to a public house and dwelling. Reference numbers 03/00537/FUL and 03/00536/LBC approved in December 2003.

PLANNING POLICY BACKGROUND

Core Strategy Policy CS6 – Vibrant Cultural and Tourism Offer.

RESULTS OF CONSULTATION AND PUBLICITY

Local residents were consulted and Objections have been received from 11 local residents highlighting the following issues:

- Loss of an existing dwelling not acceptable when there is a shortage in the locality.
- Increase in noise in the locality
- Impact on drains from additional toilets
- Parking problems in the village will increase from additional customers
- Air conditioning units may cause noise nuisance
- Damage caused to block paved driveway will be increased.
- Use of garage for storage will cause noise nuisance.

The Highways Engineer – Comments as follows *The proposal does not show an increase in seating for the restaurant element of the business which would be my primary concern with regard to traffic generation and parking, instead the application is centered on improving the facilities of the existing business and the dining experience. (Wine room & staff room with improved WC facilities) and the creation of an additional two hotel rooms. The Tees Valley Design Guide recommends 1 car space per two bedrooms so ideally an additional parking space should be created to support the development. However given the limited scale of this development and the negligible increase in vehicle trips associated with the two extra bedrooms I do not foresee and traffic/highway issues arising as a consequence, even within the context of the area.*

Robust measures to control parking have previously been implemented including double yellow lines on the adopted highway around the junction of the B6279/Old Post to protect the junction area and keep the area clear of vehicles. The bus stop adjacent to the Raby Hunt has also been marked as a clearway therefore removing any parking (except buses) from this section of highway.

Environmental Health – Requests conditions relating to the installation of air conditioning equipment if it is to be installed.

Parish Council – Object to the proposals on the following grounds:

- Loss of an existing dwelling not acceptable when there is a shortage in the locality.
- Increase in noise in the locality
- Impact on drains from additional toilets
- Parking problems in the village will increase from additional customers
- Air conditioning units may cause noise nuisance
- Damage caused to block paved driveway will be increased.
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PLANNING ISSUES

The main issues to be considered in the determination of this application are: -

- Highway Implications
- Impact on the amenities of local residents.

Before considering the above issues, Members should be made aware of the rebuttal letter submitted by the applicant who requests that it is reproduced for the information of the Committee and it gives a background to the operation of the business.

1. Highways / Parking Provision: Parking: - *Concern is raised over the parking provision for the business. We must however draw your attention to the fact that the current proposals will not alter the number of parking spaces available or required within the curtilage of the Raby Hunt, and neither will they increase the number of potential covers, all of which have been as existing since the applicant purchased the property 7 years ago.*

This was discussed in detail during the pre-app enquiry stage, largely informing the current proposal, as this in no way looks to provide space for extra customers, but does look to improve the facilities offered, and to increase the number of bedrooms as a number of guests currently have to stay in alternate hotels and guest houses give the existing number of bedrooms. This is as agreed and understood within the consultation response from the DBC Highways Engineer.

We would also note the shared private driveway is not included within the boundary of this application, with no intention for this to be used for commercial access other than private vehicle owned and used by the owners of the business.

It should also be considered that Hunters End has provision for 2no. parking spaces to the front, directly off the private road / access

2. Covenants: - *Although covenants are a matter of property law and are not a material planning consideration we feel it beneficial to confirm the situation in relation to this given that the objectors list disregard of covenants. The applicant prior to commencement of the works discussed with their conveyancing solicitor Mr G.K. Robinson of Hodgson & Angus, whom consulted the Title Deeds for Both Properties, and confirmed that;*

a. THE RABY HUNT

'when the property was purchased there was no reference to any restrictive covenants in the title deeds'

b. HUNTERS END

'there is a restrictive covenant affecting the cottage. The covenant provided that alterations to property required the consent of the Raby Estate.'

This application proposes no external alterations to the existing property other than the installation of a personnel door from the existing garage to assist its proposed use as external store and provide access from the garden without accessing the shared driveway. Permission will however be sought for this from Raby Estates as required by the covenant following determination.

3. Use: *Reference is made to the existing use of the cottage being that of the residential, it is also worth noting this is in fact only its more recent use and prior to this was part of the Inn.*

4. Noise: *Concern has again been raised over noise generated from the business which is inevitable, however we must consider that the building is a listed Inn, which has been present within this location since circa 1835 with its current use maintaining this. Having said this the applicant doesn't substantiate the objections in relation to excessive noise from either staff or guests, as they are all made aware of the businesses neighbours and asked to respect them when leaving.*

We also note and agree that a condition is proposed to an approval should it be determined as suggested by the Environmental Health Officer, which require any chillers, or Air Conditioning plant associated with the works to be correctly designed and approved by DBC EH department prior to installation onsite.

5. General: *The applicant and business owners are very aware and sympathetic to their surroundings and neighbours. They operate within the constraints of their License including their customer opening times which are; Lunch Saturdays 12noon – 2pm, Dinner Wednesday – Saturday 6pm – 10:30pm. However as expected with a business of this quality the operational times are far greater than the customer opening times, and do include a number of hours of preparation time before service and clean down time after service.*

The Business also currently has 3no. guest bedrooms, with 2no further being proposed through these applications, which allow dining guests the opportunity to stay on the premises, which would mean that minimal staff also currently stay when residential guests are booked. The times of operation or customer opening are not altered by this application.

Many of the issues raised by the objectors are covered by the notes above, however **the planning implications of the proposals are considered below.**

Highway Implications – It is important to be aware that the two new bedrooms will not cause an appreciable increase in customers/vehicles visiting the Raby Hunt Inn.

The bedrooms will accommodate diners who are already in the restaurant, and rather than them staying at alternative hotels nearby they will stay overnight at the Raby Hunt Inn. No additional dining covers are proposed.

In view of the above therefor it follows that there will be no increase in the current parking problems being experienced in the village. These problems are a matter best approached by the local residents and the operators of the Raby Hunt Inn and are not an issue that can be addressed through consideration of this planning application.

The Highways Engineer is aware of the above and has concluded no objections as noted in his comments above.

Impact on residential amenity – The same points raised above apply equally to the potential impact on local residents. As there will be no appreciable increase in traffic as a direct result of the proposed development, the impacts on local residents of noise, parking and disturbance will remain as now.

Customers will drive to the Inn, have a meal and then either leave the premises late in the evening, perhaps 22:30 or similar or stay overnight and leave in the morning. It could be argued that noise from car doors and lights etc would be more of a problem to local residents at night than it would be in the morning, so the proposals may actually improve matters .

Potential damage to private drives and drains would be a matter for landowners to address. In this case there have been no comments received from the Water Authority on the planning application.

Any air conditioning that is required, full details will have to be submitted to the Local Planning Authority for approval before installation.

CONCLUSION

It is proposed to bring back into public house use an attached single storey building currently used for residential purposes since its conversion in 2003. The additional two bedrooms will provide accommodation for customers who are already dining on the premises – they will not be available as a “bed and breakfast” facility.

In view of the above, there will be a negligible increase in customers visiting the premises, although they may well stay longer (overnight) and leave the premises in the morning as some do already.

It is considered that the impact on local residents and highway congestion will not be material and certainly not sufficient to warrant a refusal of planning permission in this instance.

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.

RECOMMENDATION

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

- 1) A3-Implementation Limit
- 2) The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

P-011 Revision P

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

- 3) No noise emitting fans, louvres, ducts or other external plant associated with this permission shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority

Reason – In the interests of residential amenity.