

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | PL/5/2011/0082 & PL/5/2011/0083 |
| FULL APPLICATION DESCRIPTION | CHANGE OF USE FROM RESIDENTIAL TO HOTEL (C3 TO C1) (RESUBMISSION INCLUDING REVISED AND ADDITIONAL INFORMATION) AND ASSOCIATED LISTED BUILDING CONSENT |
| NAME OF APPLICANT SITE ADDRESS | CASTLE EDEN PARTNERSHIP THE CASTLE, THE VILLAGE, CASTLE EDEN TS27 4SL |
| ELECTORAL DIVISION CASE OFFICER | Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

- Site:** The application site lies within the settlement of Castle Eden and is within the Castle Eden Conservation Area. The site is located towards the northern edge of the settlement and is accessed via a long private driveway, which connects into The Village to the south of the site. The Village is lined by St James' Church and a number of residential properties and links onto the B1281, which runs in an east-west direction to the southern edge of The Village. The B1281 provides links with the A19 and A181 in the west and Blackhall Colliery and the coast in the east. The Castle itself is a grade II* listed building and is set in a historic garden. There are other residential properties which adjoin the application site to the north, developed as conversions of a former wing of the castle building.
- Proposal:** The current application proposals relate to the change of use of The Castle from a dwellinghouse (Use Class C3) to a 10-bedroom hotel (Use Class C1). The hotel would involve the creation of a restaurant and bar area along with a commercial kitchen. Access to the hotel would be off the B1281 and along The Village to the south of the site with parking spaces located to the front of The Castle. There are no external alterations proposed, however internally there would be some walls removed and partition walls created.
- The application is being reported to committee as the Parish Council have objected to the proposals and due to the contentious nature of the application.

PLANNING HISTORY

77/286/DM – Demolition of part of Castle. Approved

77/293/CM – Change of use from office to hotel and restaurant. Refused

5/79/319/CM – Change of use from offices to dwellinghouse. Approved.

5/83/847 – Change of use from dwellinghouse to aged persons residence, restaurant with conference facilities and bar. Withdrawn.

84/137 – Change of use to aged persons residence. Refused.

85/367 – Restaurant, bar and lounges. Refused.

99/99 – Change of use from offices to 6 no. dwellings. Approved.

PL/5/2010/0447 – Change of use from residential to hotel. Approved.

PLANNING POLICY

4. NATIONAL POLICY:

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications, and advances a presumption in favour of sustainable development to encourage economic growth.

On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

5. REGIONAL PLAN POLICY

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the

forthcoming Local Government Bill becomes law, and weight can now be attached to this intention.

Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East

Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.

Policy 3 -The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.

Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.

Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

Policy 11 - Strategies, plans and programmes, and planning proposals, should support the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the Region's environmental assets from inappropriate development.

Policy 16 - Strategies, plans and programmes and planning proposals should promote culture and tourism, including provision for sport and leisure.

Policy 32 - Strategies, plans and programmes and planning proposals should seek to conserve and enhance the historic environment of the Region.

Policy 33 - Seeks to enhance and protect internationally and nationally important sites and species, developing habitat creation whilst seeking to reduce the spread of, and eliminate, invasive species

6. LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.

Policy 7 - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.

Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.

Policy 22 - The character, appearance and setting of the conservation areas will be preserved and enhanced.

Policy 24 - Development which adversely affects the character, appearance, special architectural features or setting of a listed building will not be approved. The retention of architectural or historic features will be encouraged. Demolition of a listed building will be only be allowed in exceptional circumstances.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

7. STATUTORY RESPONSES:

Parish Council – objection. Concerns include lack of parking, inadequate access and the loss of residential amenity.

English Heritage – Should be determined in accordance with national policy.

Environment Agency – Objection. No information has been provided to ensure that non-mains drainage is adequate.

Northumbrian Water – No objections

8. INTERNAL CONSULTEE RESPONSES:

Highways Officer – no objections subject to the creation of an adequate visibility splay on the junction of The Village and the B1281.

Design and Conservation – objection. Visibility splay works would have an adverse impact on the conservation area

Ecology Officer – no objections

Tree Officer – objection. Loss of trees required by visibility splay would have an adverse impact on the conservation area

Environmental Health – no objections

9. PUBLIC RESPONSES:

The proposals have been advertised by way of press notices, site notices and letters to individual residents.

Approximately 64 letters of objection have been received from residents some of which have been sent in more than once and some of which are from the same address. In addition to this an objection from the Castle Eden Residents Association on behalf of 17 residents of the Village. The main reasons for objection are summarised below:

Concerns that the description of development on the planning application forms is inconsistent with the scheme described in the Planning Statement and other submitted documents. The forms state a simple change of use to hotel; but the documents disclose that there will be also be a bar and restaurant, open to the public, and functions including weddings will take place in the grounds.

The red line defines the application site and does not include any land beyond the north wall of the Castle. This means the hotel would have no rear access for either servicing or fire escape purposes.

The principle of introducing a new hotel is supported at national level in PPS4 & PPS7 as bringing investment into the area. However there are no figures to indicate what level of investment will be made and any evidence to substantiate the positive benefits claimed. Given this is a modest 10 bed hotel then those benefits could be equally modest.

However policy EC7 of PPS4 only supports leisure developments which benefit communities and enrich the character of the countryside. This scheme would be contrary to both of those criteria.

Castle Eden was designated as a Conservation Area in 1976 and the council has a duty to preserve or enhance the character and appearance of that area.

The existing character of this area is rural tranquil with only residential uses and the church. A commercial hotel would generate a significant level of activity, including residents, visitors to the restaurant and bar, deliveries and functions. This would introduce a discordant element not in keeping with the existing character of the Conservation Area.

The Applicant's Planning Statement has only considered the impact of the physical alterations to the Castle and had completely ignored the harm which would be caused by the significant increase in activity and traffic in the Conservation Area. This scheme would be contrary to Policy C1 of the Local Plan which requires all proposals to preserve or enhance the character and appearance of the village and Policy 22 whereby development will not be allowed if it detracts from the character of a Conservation Area.

Policy C2 permits the re-use of large buildings in Castle Eden but again there would be a conflict with criterion (i) which requires such development not to have an adverse effect on the character of the area.

The access from the B1281 passes along the narrow street with houses built close to the road on either side, through the parkland and then past Holly House and Burdon House into the site. The traffic associated with ten bedrooms, a public bar, restaurant and functions would pass close to the windows of many houses which presently do not have any passing traffic other than to the modest number of neighbouring houses.

The traffic would include deliveries of food and drink, laundry etc and comprise a high proportion of heavy goods vehicles which would cause congestion and further disturbance to residential amenity. The traffic would also be generated over a long working day, from staff arriving early for breakfast service to visitors leaving late or residents returning back after a night out. The impact of this activity on the living conditions of occupiers on a day to day basis would be both chronic and substantial.

The hotel kitchen and other service rooms would be accessed through a courtyard shared by four other residential properties. The comings and goings of a hotel service entrance would be constant and for most of the day and evening

Burdon House and Yew Tree House have party walls with the castle and there would be a close juxtaposition of commercial rooms in the hotel with private living rooms. For example the kitchen would adjoin Yew Tree House and the bar/lounge would adjoin Burdon House. It is completely unacceptable to have this level of noise and disturbance imposed upon private houses.

Furthermore there is a large window in the Castle which lights the main staircase and directly overlooks the rear courtyard. The constant use of this staircase by residents and staff will cause overlooking of private windows and amenity space.

The main entrance to the hotel is through the Orangery / Palmhouse overlooking Burdon House and its only garden area. As the application site shows there is no access from the rear of the Castle so all deliveries will have to be made through the Orangery. This would cause significant harm to the amenity of the occupiers of Burdon House whilst in their house and would make their garden unusable.

The use of the grounds for functions is acknowledged in the Planning Statement as forming part of this application. This could involve hundreds of people in a marquee in the garden with the attendant noise and general disturbance which arises from social functions, the provision of alcohol and loud music.

The close juxtaposition of a commercial hotel and private houses is entirely unsatisfactory for all the reasons outlined above. The change of use would cause a serious adverse impact on the living conditions and amenity of people living next to The Castle and along the access road.

Policy 35 of the local Plan highlights the need for good neighbourliness in planning. This scheme would, for the numerous reasons outlined above, have a serious adverse affect on the living conditions and privacy of occupiers of both adjoining houses and on the access route. This would be contrary to Policy 35 of the Local Plan.

In the submitted documents there is no proper assessment of the likely levels of traffic generation or the impact on the access road and junction with the B1281. Mr Glenwright for the County as Highway Authority suggests that this could be in the region of 200 movements per day. In such circumstances whereby the applicants supporting documents lack credibility the Objectors have commissioned a Transport Assessment. This was undertaken by Charles Thompson BSc(Eng), C Eng, MICE, MCHIT, Dip Trans Eng, RMaPS, MSoRSA. As a Chartered Engineer with over 37 years of experience he is appropriately qualified to assist with highway matters.

The Report of Mr Thompson concludes that the existing transport infrastructure generally operates successfully with church activities being problematic. The visibility at the junction with the B1281 is below the standard required for new developments and is considered inadequate by the LHA for a 7 bedroom hotel. In such circumstances there is a clear conflict with Policy 36 of the Local Plan and the application should be refused for that reason alone notwithstanding any claimed, but completely unsubstantiated benefits.

The applicant does not own and does not therefore have any control over the land to achieve the required splay. The use of a Grampian condition is not therefore appropriate.

There is a complete lack of information in relation to parking provision both for the hotel and for functions. The plans show four parking spaces on land in the ownership of Yew Tree House which is not in the control of the applicant and will not be made available for this development. Ten spaces for ten bedrooms takes no account of visitors using the bar and restaurant and is completely inadequate.

Common sense dictates that people attending a function in a remote location without public transport will travel by private vehicle. The lack of parking facilities for these events would cause complete and utter chaos in the Village and on the surrounding roads.

The applicant has submitted an Ecology Report which purports to assess the impact on bats. It identifies that works in the loft are likely to disturb a bat roost and concludes that "we can not be confident that this proposal will not have an adverse impact on bats" in relation to use of the grounds.

It is incumbent on a decision making authority to properly assess the impact on European protected species at the planning application stage. This involves a survey, identification of potential impacts and in the case of derogation from the statutory duty under the Habitat Regulations any mitigation. This statutory process has not been followed and for that reason alone the application should be refused. The scheme would, for the same reason, also be contrary to Policy 18 of the Local Plan.

The Planning Statement clearly includes reference to outdoor events taking place at The Castle. If a change of use to hotel was granted then part of the grounds could be used for functions, either within the planning unit of The Castle or under Part 4 Class A (Temporary Uses) of the General Permitted Development Order 1995. These functions could accommodate unlimited numbers of guests and, in the case of temporary uses under the GPDO, would have no limit on hours or operation. The impact on the residents of the houses around would be catastrophic. The traffic and noise associated with a wedding party of, say, 200 guests in close proximity to private houses would cause substantial harm to the amenity of the occupiers.

10. APPLICANTS STATEMENT:

It is noted that the application proposals have been subject to a number of objections from local residents. The applicant has sought to engage with the local action group in respect of the objections raised in an attempt to address these issues where possible. However, the action group have formally confirmed in writing that they would be unwilling to discuss their concerns with the applicant. We therefore hope that Members will acknowledge that the applicant has sought to actively engage with the local community in respect of their stated concerns. Notwithstanding this, we do not consider that the issues raised by local residents would outweigh the clear benefits provided by the current application proposals.

It is acknowledged that a number of residents have raised concerns in respect of the impact of the proposed development upon residential amenity. However, The Castle is a substantial property and the owners have hosted a number of large parties and private events in recent years. Over the course of the last five years the owners have hosted numerous private parties for hundreds of guests, which have included catering, music and full occupancy of the rooms. It is understood that no complaints have been submitted to the Council in respect of these functions from local residents and, on this basis, it is not considered that any future functions associated with the proposed hotel would give rise to a significantly greater impact on the amenities of neighbouring residents than the current use. We do not therefore consider that impact upon residential amenity would provide sufficient grounds to withhold planning permission, particularly in view of the significant economic, heritage and highway safety benefits provided by the application proposals. Furthermore, as Members and Officers will be aware, conditions could be imposed on any subsequent planning approval to further mitigate any impacts of the proposed development.

The current application proposals will give rise to a number of direct and indirect economic benefits at the local level. The proposed hotel will create a total of 12 full time jobs and will also offer support to a number of local businesses in the area through increased visitor spend. This would include public houses, restaurants, cafes, shops and visitor attractions within the local area and County Durham as a whole. In addition, it is proposed to source food and drink for the hotel restaurant and bar from local suppliers and the on-going maintenance and management of the hotel would create opportunities for a number of other local businesses and trades, including plumbers, electricians, heating engineers, landscape contractors and domestic services.

The Castle is a Grade II* listed building and therefore forms a heritage asset of national significance. The property currently forms a substantial private dwelling and there are significant costs associated with the general upkeep and maintenance of the building. The application proposals will result in the sensitive conversion of the property, which will retain and restore the key architectural and historic features of the building, and the establishment of a commercial venture in the form of the proposed hotel will enable the essential maintenance and upkeep of this nationally significant building to be undertaken far more readily at the current time, thus ensuring that the building can be adequately maintained and safeguarded for enjoyment by this and future generations. The use of the building as a hotel, as opposed to a private residence, will also make The Castle much more accessible to the general public, ensuring that this Grade II* listed building can be enjoyed and appreciated by more people than is currently the case.

The proposals also include improvements to the existing junction with the B1281. The Local Highways Authority have previously confirmed that the existing junction does not meet modern standards in terms of the visibility splays that are currently available. The proposed highway works involve the realignment of the road and junction improvement works to the B1281 to ensure that the required visibility splays can be achieved and, as

such, the proposed off-site highway works will lead to improved levels of highway safety, not only for guests of the proposed hotel, but also for existing local residents.

It is therefore evident that the proposed boutique hotel at The Castle will provide a number of direct and indirect economic benefits and will improve the tourism accommodation offer in the local area in line with local and national tourism objectives. The proposals will also secure the long term future and maintenance of this Grade II* listed building through sensitive conversion to a hotel and will also provide significant highway safety improvements to the B1281. In light of the significant benefits offered by the current application proposals, it is respectfully requested that the proposed development is supported by Durham County Council through the grant of planning permission subject to any conditions deemed appropriate.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [\(link to webpage\)](#)

PLANNING CONSIDERATION AND ASSESSMENT

11. The main planning considerations relating to this application are the principle of the development, the impact on the listed building and conservation area, impact on surrounding residents, highways issues, ecology, drainage and objections received.

Principle of the development

12. The National Planning Policy Framework (NPPF) provides the most up to date and relevant advice with regard to these proposals. At the heart of the NPPF is a presumption in favour of sustainable development; for decision making this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is silent or relevant policies are out of date, granting permission unless:
 - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
13. Although it could be argued that the proposals are in accordance with part 1 of the NPPF, Building a strong, competitive economy, these potential benefits such as the creation of 12 jobs, tourism and economic benefits to the surrounding area, are considered to be outweighed by the conflict with other specific policies in the NPPF, policies in the Regional Spatial Strategy for the North East and saved Local Plan Policies which are in accordance with the NPPF.
14. In particular, the proposals are not considered to accord with the following parts of the NPPF due to the lack of suitable access, insufficient information relating to non-mains drainage and the impact on the Conservation Area:
- Part 4 of the NPPF requires decisions to take account of whether safe and suitable access to the site can be achieved for all people.
 - Part 11 of the NPPF states that the planning system should contribute and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

- Part 12 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a contribution to or better reveal the significance of the asset should be treated favourably.
15. In addition to the above, the proposals are not considered to accord with the following specific saved District of Easington Local Plan Policies which are consistent with the NPPF due to the impact on the Conservation Area, the affect on the amenity of residents and the lack of a suitable access:
- Policy 22 states that the council will seek to preserve or enhance the character, appearance or setting of the district's conservation areas by:
 - Not allowing development which would detract from the character, appearance or setting of the conservation area;
 - Protecting important views into and out of the conservation area
 - Protecting trees, hedgerows, open spaces and other landscape features which contribute to the character or appearance of the conservation area and its setting.
 - Policy 35 requires the design and layout of development will be required to:
 - Have no serious adverse affect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation;
 - Policy 36 requires development to provide Safe and adequate access capable of serving the amount and nature of traffic to be generated.
16. It is not considered that the proposals are in accordance with the above specific policies from both the NPPF and saved Local Plan policies. As such, the proposals are not considered to be acceptable in principle and any potential economic benefits which may arise from the scheme would be outweighed by the conflict with policy.

Impact on the Listed Building and Conservation Area

17. Although the Design and Conservation Officer has no objections to the proposed internal works to the listed building itself, there have been objections with regard to the creation of the visibility splay on the B1281.
18. It is considered that the internal alterations would have no adverse impact on the special interest of the listed building and therefore the listed building consent would be acceptable. The internal alterations would provide for additional bathroom facilities to the hotel rooms and are not contentious, having no significant impact on the historic floorplan. The changes to the ground floor to provide a new kitchen area are less appropriate, requiring the removal of a section of curved historic wall to provide a small increase in kitchen workspace. It would be preferable to see this omitted from the proposals, but in isolation the loss of this section of wall would not justify the refusal of the Listed Building Consent application in its entirety.
19. The issues with the application for planning permission are less straightforward and involve significant works to the highway at the junction of The Village and the B1281 taking part of the verge to widen the road. These works would involve the removal of 12 trees and a high retaining bank would be formed opposite the junction extending approximately 100m to the eastern edge of the conservation area. The tree lined route into and out of the conservation area is an important part of its setting and relationship between the village and the wider countryside, and the loss of trees and

introduction of a high retaining bank would undermine this as well as the appearance of the road.

20. It is therefore considered that the proposed highway improvement works and associated loss of trees would have an adverse impact on views in and out of the conservation area, and would not preserve or enhance the appearance of the area contrary to saved Local Plan policies 1, 22 and 35 and part 12 of the National Planning Policy Framework.

Impact on surrounding residents

21. The most relevant policy with regard to residential amenity is saved Local Policy 35. This policy states that development should have no serious adverse affect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
22. In terms of traffic generation, the access from the B1281 runs along The Village which is a fairly narrow lane with houses built close to the road on either side, in essence this becomes a single lane road when cars are parked along its route. The traffic associated with a ten bedroom hotel, a public bar, restaurant and functions would create significant noise and disturbance to these properties along with properties which adjoin The Castle. This traffic is also likely to include delivery vehicles which may cause congestion and further disturbance to residential amenity.
23. In terms of noise, there are residential properties which directly adjoin The Castle, namely Burdon House and Yew Tree House. These properties would be directly adjoined to the kitchen, bar and lounge areas and therefore would be subject to significant noise and disturbance from residents, staff and other users of the facilities. Moreover, there is likely to be an adverse affect on the amenity of these residents and residents of The Village in terms of noise and loss of privacy due to the comings and goings of staff, residents and the public, especially when events such as weddings are taking place, attracting large numbers of visitors.
24. The main entrance to the hotel would be adjacent to Burdon House and its garden area. The proposals would cause significant harm to the amenity of the occupiers of Burdon House in terms of loss of privacy, noise and visual intrusion due to the comings and goings of visitors and staff using the main entrance and the car park which would be located to the front of the property.
25. In light of the above, it is considered that the proposals would have an adverse impact on residential amenity for both residents of The Village and residents of the properties which adjoin The Castle itself in terms of increased traffic, parking, loss of privacy, visual intrusion and general noise and disturbance associated with the activities in the proposed hotel, bar and restaurant, as well as functions held in the grounds. As such, the proposals are not considered to accord with saved Local Plan policy 35.

Highways Issues

26. The proposals for a 10 bedroomed hotel are similar to those considered under the previous planning application for a 7 bedroomed hotel which was withdrawn, to which a highways objection was raised on the grounds of a substandard junction

- sight visibility splay to the west at the approach from The Castle onto the road junction with the B1281.
27. However, information submitted with the current application has made reference to ancillary outdoor events linked to the primary hotel use which may take place within the grounds, and this potential for outdoor events adds further justification to the need to improve the substandard junction sight visibility splay to the west at the approach from The Castle onto the road junction with the B1281.
 28. The Highways Officer has suggested that the proposed hotel could add an additional 43/46% vehicles per weekday/Saturday respectively, on the public highway through The Village down to the junction with the B1281, and depending on which peak hour is assessed the proposed hotel could on average add an additional 1 vehicle every 10-12 minutes inbound and an additional 1 vehicle every 12-15 minutes outbound.
 29. As stated above the highway grounds for objection to the 2010 planning application were based on the grounds of a substandard junction sight visibility splay to the west, at the approach from The Castle onto the road junction with the B1281 and as a result the applicant's Consulting Engineers have submitted various highway improvement schemes in an attempt to overcome the original highways objection to the 2010 planning application.
 30. In February 2012 the applicant's Consulting Engineers submitted an Engineering Layout. These plans were the most comprehensive received and resulted in generally overcoming the junction sight visibility problem as the 2.4 x 129 metres junction sight visibility splay was fully enclosed within the existing public highway. However the plans would need to be subject to some minor amendments, further details of the retaining wall would be required plus agreement to a commuted sum in relation to the replacement of the retaining wall after its 120 years design life and ongoing maintenance costs during its lifespan.
 31. Although the highway improvement scheme is acceptable to Highways Officers, it would result in the loss of 12 no. existing trees in the southern embankment to the east of the junction, as well as resulting in a significant retaining wall structure to support the southern embankment. This would result in an adverse impact on the character and appearance of the Conservation Area and has led to objections from both the Design and Conservation Officer and the Tree Officer.
 32. Notwithstanding the above, the applicants have failed to provide evidence that they have sufficient control over the land required for the necessary highways visibility splay works to be carried out. Therefore the required visibility splay works could not be secured through a planning condition and as such, there is no guarantee that these works could be carried out contrary to saved Local Plan Policy 36. On this basis, the proposals would be unacceptable in terms of highway safety if the visibility splays could not be provided.
 33. Even if the applicant could prove sufficient control over the land, the submitted highway improvement scheme would be deemed to be unacceptable in terms of its impact on the Conservation Area contrary to saved Local Plan Policy 22.

Ecology

34. The Ecology Officer has confirmed that the ecology surveys submitted to inform the application are satisfactory although any planning approval would need a condition in order to ensure the suggested mitigation measures.

35. In terms of bats, evidence of a bat roost has been found which would require a European Protected Species Licence before any works could be undertaken. As part of this License application, the applicant would need to produce a detailed Method Statement that outlines all survey results, and how they would safeguard the favourable conservation status of bats at the site. The applicants' latest survey report gives a summary of the proposed mitigation and compensation strategy and although it does not give the fine details required for the European Protected Species Licence it gives a summary of the proposals which the Ecology Officer confirms is sufficient to inform the application.
36. A Great Crested Newt pond is present to the south of the B1281 where highways improvement works are proposed. The Ecology Officer has confirmed that the submitted surveys have adequately addressed the potential for Great Crested Newts being present in the pond in the farmland adjacent the proposed road realignment and that no further surveys are necessary, although the suggested mitigation should be conditioned as part of any planning consent.
37. The Ecologist has also confirmed that the surveys in respect of the roadside trees are sufficient to inform the application.

Drainage

38. An objection has been received from the Environment Agency with regard to non-mains drainage. To date the applicant has not provided sufficient information which would ensure that the method of non-mains drainage would be adequate.

Objections received

39. There have been a significant number of objections from local residents and the Parish Council. These objections are mainly based upon the loss of residential amenity, traffic issues and ecology, all of which have been covered in this report. It is considered that the Parish Council and public objections add weight to the reasons for refusal as outlined below.
40. With regard to the concern that the application was not advertised properly due to the reference to a bar and restaurant not being in the title, it is considered that these elements of the proposal are ancillary to the main hotel use and would normally be included in such developments. In addition, the Council has advertised the application several times in the press, and by way of site notices along with a number of letters to residents. It is considered that the proposals have been properly publicised in accordance with statutory requirements.
41. With regard to the concern that part of the grounds could be used for functions, either within the planning unit of The Castle or under Part 4 Class A (Temporary Uses) of the General Permitted Development Order 1995, this is not considered to be the case. This part of the Order only permits events to take place on open land and not within the curtilage of a building, which is the case here.

CONCLUSION

42. In conclusion it is considered that the proposals are unacceptable due to the impact on residential amenity, highway safety, inadequate drainage and the potential

adverse impact on the Conservation Area. These issues have been highlighted in the significant number of objections from both the Parish Council and nearby residents.

43. As stated above the required highways visibility splay would have an adverse impact on the character and appearance of the Conservation Area due to the loss of trees and retaining wall structure. Notwithstanding this, the applicant has not provided evidence that they have a sufficient level of control over the land required to achieve the visibility splay and therefore would result in highway safety issues.
44. In addition to this the noise and disturbance relating to the activities in the hotel and the increase in traffic generation would have an adverse impact on the residential amenity of the properties adjoining the application site and the residents of The Village.
45. The planning proposals are therefore not considered to be in accordance with the relevant saved Local Plan Policies, the Regional Spatial Strategy for the North East or the National Planning Policy Framework.
46. With regard to the listed building consent it is considered that the internal alterations would have no adverse impact on the special interest of the listed building and therefore the listed building consent would be acceptable.

RECOMMENDATION

That the planning application be **REFUSED** for the following reasons;

1. The Local Planning Authority are not satisfied that the applicant has sufficient control over the land required for the necessary highways visibility splay works to be carried out contrary to saved Local Plan Policy 36, North East of England Regional Spatial Strategy Policy 7 and the National Planning Policy Framework part 4. Notwithstanding this, the necessary highways visibility splay, if implemented, would have an adverse impact on the character and appearance of the Conservation Area by reason of the loss of trees and the visual impact of the retaining wall, contrary to saved Local Plan Policies 1, 7, 22, C1 and C2, North East of England Regional Spatial Strategy Policy 32 and National Planning Policy Framework part 12.
2. The proposal would have an adverse impact on adjacent and nearby residents in terms of increased traffic generation, noise and disturbance resulting from the hotel activities contrary to saved Local Plan Policies 1, 35, C1 and C2.
3. The application has not been accompanied by adequate information or justification on the use of non-mains drainage and in turn the application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development, contrary to part 11 of the National Planning Policy Framework.

That the Listed Building Consent be **APPROVED** subject to the following conditions;

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.
Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No development shall commence until a photographic record of the interior of the building has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the character of the Listed Building is recorded on the Historic Environment Record in accordance with Local Plan Policy 24 and National Planning Policy Framework part 12.
3. Notwithstanding the submitted information, details of the replacement glazing to the roof of the orangery shall be submitted to and approved by the Local planning Authority before the development commences. Thereafter the development shall be completed in accordance with the approved details.
Reason: To safeguard the character of the Listed Building in accordance with Local Plan Policy 24 and National Planning Policy Framework part 12.
4. Notwithstanding the submitted information, details of the proposed modification of garden doors to the orangery shall be submitted to and approved by the Local planning Authority before the development commences. Thereafter the development shall be completed in accordance with the approved details.
Reason: To safeguard the character of the Listed Building in accordance with Local Plan Policy 24 and National Planning Policy Framework part 12.
5. Notwithstanding the submitted information, details of the proposed handrail to the cellar at a scale of 1:20 and including method of attachment to the existing walls and steps shall be submitted to and approved by the Local planning Authority before the development commences. Thereafter the development shall be completed in accordance with the approved details.
Reason: To safeguard the character of the Listed Building in accordance with Local Plan Policy 24 and National Planning Policy Framework part 12.
6. Notwithstanding the submitted information, details of the new bar counters within cellar room 32 and ground floor room 7 as identified on the submitted plans including method of attachment to walls and floors shall be submitted to and approved by the Local planning Authority before the development commences. Thereafter the development shall be completed in accordance with the approved details.
Reason: To safeguard the character of the Listed Building in accordance with Local Plan Policy 24 and National Planning Policy Framework part 12.
7. Notwithstanding the submitted information, details of the junction of the new partition walls to first floor room 12, first floor room 16 and second floor room 24 as identified on the submitted plans and any associated additional cornice or skirting details shall be submitted to and approved by the Local planning Authority before the development commences. Thereafter the development shall be completed in accordance with the approved details.
Reason: To safeguard the character of the Listed Building in accordance with Local Plan Policy 24 and National Planning Policy Framework part 12.
8. Notwithstanding the submitted information, a method statement for the making good of any damage caused during removal of the existing walls to ground floor room 6, second floor room 31 as identified on the submitted plans and the glazed screen overlooking the main stairwell shall be submitted to and approved by the Local planning Authority before the development commences. Thereafter the development shall be completed in accordance with the approved details.

Reason: To safeguard the character of the Listed Building in accordance with Local Plan Policy 24 and National Planning Policy Framework part 12.

9. Notwithstanding the submitted information, the existing panelled doors between first floor rooms 12 and 13, and between second floor rooms 24 and 25 as identified on the submitted plans are to be retained and reused within the building. Further details of the architraves for the new door openings to these rooms at scale 1:20 are to be submitted to and agreed in writing by the Local planning Authority before the development commences. Thereafter the development shall be completed in accordance with the approved details.

Reason: To safeguard the character of the Listed Building in accordance with Local Plan Policy 24 and National Planning Policy Framework part 12.

10. Notwithstanding the submitted information, a method statement for the infilling of the existing doorway between second floor room 28 and the adjacent hallway as identified on the submitted plans, and details of the storage or reuse location for the panelled door to this room shall be submitted to and agreed in writing by the Local planning Authority before the development commences. Thereafter the development shall be completed in accordance with the approved details.

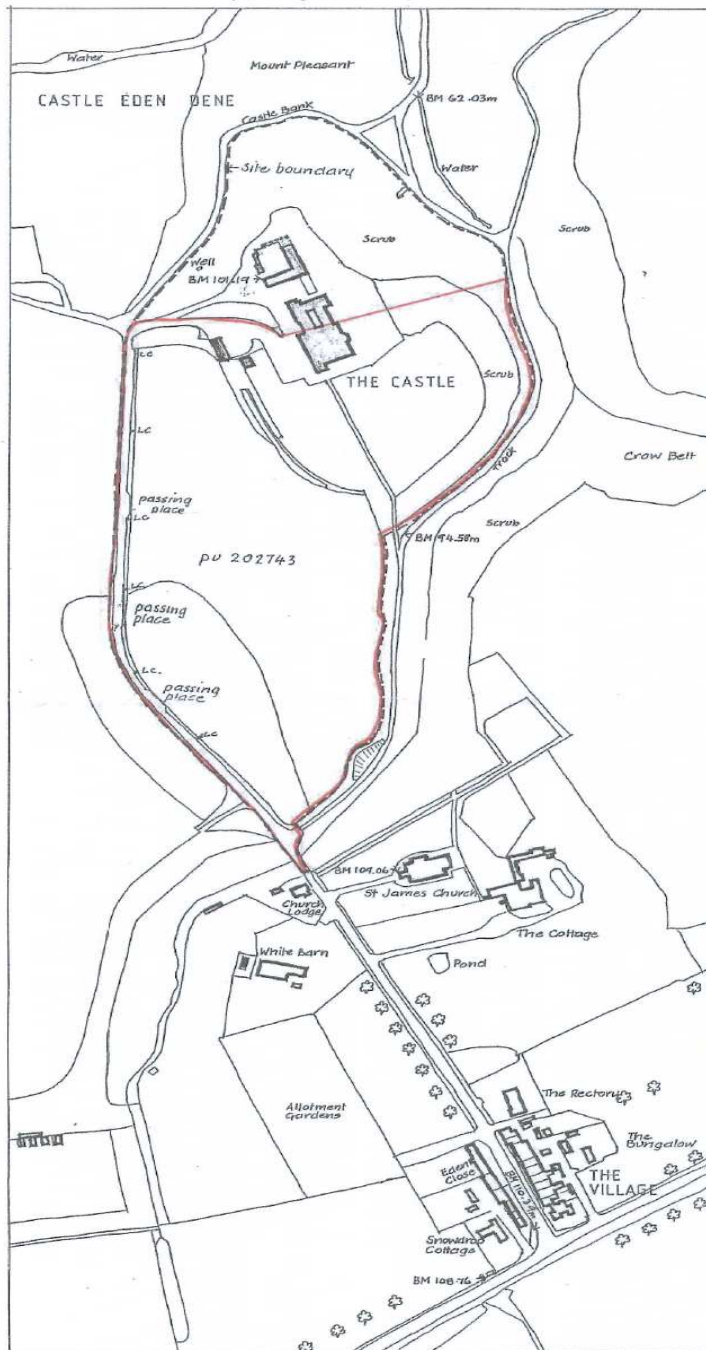
Reason: To safeguard the character of the Listed Building in accordance with Local Plan Policy 24 and National Planning Policy Framework part 12.

11. Notwithstanding the submitted information, details of the new door to cellar room 35 as identified on the submitted plans shall be submitted to and agreed in writing by the Local planning Authority before the development commences. Thereafter the development shall be completed in accordance with the approved details.

Reason: To safeguard the character of the Listed Building in accordance with Local Plan Policy 24 and National Planning Policy Framework part 12.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

CHANGE OF USE FROM RESIDENTIAL TO HOTEL (C3 TO C1) (RESUBMISSION INCLUDING REVISED AND ADDITIONAL INFORMATION) at THE CASTLE THE VILLAGE, CASTLE EDEN TS27 4SL PL/5/2011/0082

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Comments

Date 8th May 2012

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