

# COMMITTEE REPORT

### AGENDA ITEM NUMBER:

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	4/11/00328/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of two storey building housing 2 no. ground floor flats for holiday let accommodation and 2 no. first floor flats with associated parking and landscaping
<b>NAME OF APPLICANT:</b>	Mrs P Atkinson
<b>ADDRESS:</b>	The Masons Arms Bells Hill Road West Rainton Durham DH4 6SQ
<b>ELECTORAL DIVISION:</b>	
<b>CASE OFFICER:</b>	Henry Jones Senior Planning Officer 0191 3018739 henry.jones@durham.gov.uk

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## 1.0 DESCRIPTION OF THE SITE AND PROPOSALS

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### 1.1. CONTEXT

- 1.1.1. The application relates to land to the north east of the Masons Arms Public House. The land was formally a parking area and parcel of grassed land containing a line of immature trees. A two storey building is currently in the process of being erected on the site following the grant of planning permission in 2010 for a property housing a ground floor health clinic and two first floor flats.
- 1.1.2. The application site lies within the settlement boundary of West Rainton, a village located to the north east of Durham City. The immediate area around the application site is predominantly residential in nature but also contains commercial premises in the vicinity including the Masons Arms itself and a doctors' surgery.

### 1.2. PROPOSAL

- 1.2.1. This application is a resubmission of a previously approved application from 2010 seeking the erection of a two storey building with associated parking and landscaping.
- 1.2.2. Under the 2010 approval the ground floor of the premises would be utilised as a health clinic with the first floor providing two residential flats. Following this grant of planning permission and further agreement of the conditions pertaining to it and a non-material minor amendment to provide modified entrance, the development has commenced and the building is almost complete.

- 1.2.3. However, the applicant now seeks to vary the use of the premises, specifically the ground floor which this application seeks to accommodate 2 no. holiday lets.
- 1.2.4. This aside, the appearance of the building and the associated parking and landscape proposals remain as per the approved applications.
- 1.2.5. The application is being presented to Committee due to an objection being raised from the Parish Council.

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## **2.0 PLANNING HISTORY**

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- 2.1. In 1982 planning permission was granted for a single storey extension to side, rear and front of The Masons Arms. In 2010 planning permission was granted for enclosed timber decking to the rear of The Masons Arms. Later that year planning permission was granted for the erection of detached building comprising health clinic to ground floor with 2 no. self contained apartments to first floor level together with associated parking and landscaping to which this current pending application relates.
- 2.2. Further approvals followed the grant of planning permission for the building in 2010 for a non-material minor amendment to adjust entrance arrangements and to discharge the conditions on the original planning permission.

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## **3.0 PLANNING POLICY**

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### **3.1. NATIONAL POLICY**

- 3.1.1. **Planning Policy Statement 1: Delivering Sustainable Development** sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.
- 3.1.2. **Planning Policy Statement 3: Housing** underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
- 3.1.3. **Planning Policy Statement 9: Biodiversity and Geological Conservation** sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
- 3.1.4. **Planning Policy Guidance Note 13: Transport** seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

- 3.1.5. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

### **3.2. REGIONAL POLICY**

- 3.2.1. **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.
- 3.2.2. In July 2010 the Local Government Secretary signaled 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. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS..Policies of particular relevance to these applications include the following:
- 3.2.3. **Policy 2: Sustainable Development** planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
- 3.2.4. **Policy 7: Connectivity and Accessibility** which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
- 3.2.5. **Policy 8: Protecting and Enhancing the Environment** which requires new development to be of high quality and maintain local distinctiveness.
- 3.2.6. **Policy 24: Delivering Sustainable Communities** planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
- 3.2.7. **Policy 33: Biodiversity and Geodiversity** Strategies, plans and programmes, and planning proposals should ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
- 3.3. **LOCAL PLAN POLICY**
- 3.3.1. **Policy H3: New Housing Development within the Villages** allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
- 3.3.2. **Policy H13: Residential Areas – Impact upon Character and Amenity** states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
- 3.3.3. **Policy T1: Traffic – General** states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
- 3.3.4. **Policy E16 Protection and Promotion of Nature Conservation** is aimed at protecting and enhancing the nature conservation assets of the district. Development

proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

- 3.3.5. **Policy Q3: External Parking Areas** requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
- 3.3.6. **Policy Q5: Landscaping General Provision** sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
- 3.3.7. **Policy Q8: Layout and Design – Residential Development** sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
- 3.3.8. **Policy U8a: Disposal of Foul and Surface Water** requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
- 3.3.9. **Policy V6 Visitor Accommodation within Settlement Boundaries** states that new and extensions to existing visitor accommodation will be granted permission provided the development is appropriate to the scale and character of the area.

*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=494>

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## **4.0 CONSULTATION AND PUBLICITY RESPONSES**

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### **4.1. STATUTORY RESPONSES:**

- 4.1.1. The Highway Authority have commented on the application and consider that the layout of the vehicular access and car park is suitable for the proposed use. Part of the car park for the public house would be occupied by the proposed apartments however, the larger part of the car park would remain in use and this is considered sufficient for the pub. The new footpath crossing will have to be constructed to Durham County Council specification under the terms of S.184(3) of the Highways Act 1980.
- 4.1.2. West Rainton and Leamside Parish Council have objected to the proposal as the original proposal for health clinic provided a welcomed business opportunity and would help to provide a range of services. This application is not in the spirit of that which originally gained planning permission. It is also considered that the development may lead to a further change of use in the future to residential use which is not in keeping with the village. The proposal creates an unnecessary and detrimental precedent for development within the village.

## 4.2. INTERNAL CONSULTEE RESPONSES:

### 4.2.1. None

## 4.3. PUBLIC RESPONSES:

- 4.3.1. One letter of representation has been received from a local resident raising objection to the size and design of the building being erected. It is stated that at the time of the original grant of planning permission the size and impact of the building was not fully appreciated and no objection was therefore raised. However, now the building is being constructed the local resident finds it difficult to understand how a building of such size which takes up land understood to be village green was allowed.

## 4.4. APPLICANTS STATEMENT:

- 4.4.1. The application has been accompanied by a design and access statement which considers that the development respects the surroundings and is also designed so as to meet modern space standards and disabled access arrangements. Parking is provided on site including a disabled space, cycle racks are also to be provided.

*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:*

[http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_searchresults.aspx](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_searchresults.aspx)

*Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.*

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## 5.0 PLANNING CONSIDERATIONS AND ASSESSMENT

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- 5.1. The main planning considerations relating to this application are the principle of development, the impact upon the visual amenity of the area, impact upon the amenity of adjacent and nearby occupiers and highway safety.

### 5.2. Principle of the Development

- 5.3. This application is a revised and resubmitted proposal for a development which previously sought a ground floor health clinic and first floor flats. This proposal now seeks residential development only with that at ground floor to be holiday let accommodation.

- 5.4. Policy H3 of the Local Plan which relates to residential development within villages such as West Rainton does have a presumption in favour of previously developed land and development of greenfield sites is acceptable only in certain exceptional circumstances. PPS3 also has a preference for the development of previously developed land over greenfield land with a national annual target of 60% of new housing to be provided on previously developed land.

- 5.5. The building subject to the application and previous permission is almost complete and the site must now be considered previously developed land. Previously, part of the site was greenfield but through a combination of some of the site already being previously developed, the section of greenfield land not being considered of significant merit, the site being within a sustainable location and through the Local Plan Policy relating to new health clinics (Policy C2) not necessitating land is previously developed for their development, the principle of the development was accepted.

- 5.6. The Parish Council have objected to this application. No objections were raised to the previously approved application as the health clinic use was considered to provide a welcomed business opportunity and would help to provide a range of services in the village. This proposal is not considered to be in the spirit of the original and the development may lead to a further change of use in the future to residential use which is not in keeping with the village. The Parish Council consider that the proposal creates an unnecessary and detrimental precedent for development within the village.
- 5.7. Officers appreciate the view that the formerly proposed health clinic would provide a greater variety of development and service provision within the village. However, substantial objection to this development can only be raised if the development can be demonstrated to be contrary to Development Plan Policies or any other harm can be demonstrated on material planning grounds.
- 5.8. Despite the health clinic no longer forming part of the proposal, the application still represents residential development within a settlement boundary located on land which has been previously developed and sited in a location central to the village with easy access to a range of services, facilities and bus routes. As a result residential development at the site is considered to remain appropriate in principle.
- 5.9. Policy V6 of the Local Plan relates to new visitor accommodation within settlement boundaries and provided that there is no harm to the character of the area and that the development does not conflict with other policies in the Local Plan such developments will be accepted. The development, in part seeking to provide holiday let accommodation is considered to accord with the principles of this policy.
- 5.10. On balance officers do consider that development is acceptable in principle. The objection from the Parish that this development no longer provides that same level of beneficial community facility to the area that the original grant of the planning permission for a health clinic did is understandable. However, the development still results in the development of residential and holiday let accommodation located within a sustainable location, well related to existing facilities and services. As a result officers consider the principle of the development to be acceptable.
- 5.11. Impact upon Visual Amenity
- 5.12. The scale and design of the building subject to this application and currently being constructed on site has already been approved under the previous planning permission for the health clinic and 2 no. residential flats. Minor alterations to the entrance were agreed by way of a non-material minor amendment and the external materials to be used agreed via a discharge of condition application.
- 5.13. At the time officers consider that the building was appropriate in scale and character to the location and suitably integrated into the area.
- 5.14. One letter of objection has been received from a local resident considering that the design is inappropriate, that the building is excessively scaled, is out of place with its surroundings and uses up village green land.
- 5.15. The building subject to the application is a relatively large building, however, officers maintain that the design and impact is appropriate in the area. The building contains architectural features such as bays and half dormers to both add architectural interest and to help break up the massing of the building.

- 5.16. The architect has sought to pick up details from neighbouring traditional buildings using features such as water tabling and the use of stone heads and sills.
- 5.17. The building is set back from the street frontage which helps to ease the impact of the size of the building. Once the building is complete and the landscaping scheme integrated this will add greater maturity to the site.
- 5.18. The parcel of previously undeveloped land which the building sits upon was not designated as village green. In any event, a separate statutory regime exists for resolution of such issues. Accordingly, the alleged village green status of the land is not something which can be afforded weight in the assessment of the planning application. This parcel of land was a small grassed area containing immature trees adjacent to the public house and car park. In accordance with Policy E5A of the Local Plan the land is not considered to possess any significant environmental, functional or visual merit and therefore the development of this small section of a much larger area of open space is considered acceptable.
- 5.19. Overall officers consider that the design and visual impact of the development is acceptable and accords with the most relevant Local Plan Policies H13, Q5, Q8 and V6.
- 5.20. Impact upon Residential Amenity
- 5.21. The building subject to the application benefits from having open space located to one side and a commercial premises located to the other in the form of the public house itself.
- 5.22. Residential properties are located to the north on the opposite side of the road and to the south beyond an open space. In accordance with Policy Q8 of the Local Plan distances of at least 21m will remain from windows within the proposed building and those in neighbouring properties easing privacy concerns. In addition distances of 20m would remain from any point of the proposed building to neighbouring residential property easing concerns with regards to any loss of light, outlook or creation of an overbearing feature. No objections have been received raising concerns with regards to matters of residential amenity.
- 5.23. As a result the development is considered to accord with relevant Policies H13 and Q8 of the Local Plan.
- 5.24. Highways Issues
- 5.25. The Highway Authority have been consulted on the application and the proposed vehicular access and car park layout considered to be satisfactory.
- 5.26. The development does result in some use of parking available for the public house, however, it is considered that ample parking dedicated for the public house would remain and no objections are raised.
- 5.27. Officers concur with these views and the development is considered to cause no harm to highway safety in accordance with Policy T1 of the Local Plan.
- 5.28. Other Issues
- 5.29. Although the proposed development seeks the provision of 2 no. residential flats and 2 no. holiday lets as the application site is considered appropriate for residential

development officers do not deem it necessary to place a condition on any approval restricting occupancy of one or more persons to a specific number of weeks in the year. Such a condition is often necessary within a rural location where regular residential occupancy may be considered unacceptable in principle. In this instance, however, due to the sustainable location within which the accommodation is located adding such a condition would be considered to be unnecessary.

- 5.30. The previously approved application for the health clinic and flats was accompanied by a protected species report. This report found that the likelihood of harm of the development upon protected species was low and the Council's ecologist raised no objections. A condition was attached to that approval stating that the development should be undertaken in accordance with suggested mitigation measures. Within this application, as the development is largely complete the applicant has not resubmitted this report.
- 5.31. In this instance officers raise no objection to this given the findings of the report which considered the risk to protected species was low. The mitigation measures largely related to advice on at what periods to undertake works to trees and recommendations with regards to the landscaping scheme. With the trees removed from site now and with an appropriate landscaping scheme submitted with this application it is not considered necessary to attach any conditions with regards to protected species within this application or raise any objection to the applicant choosing not to resubmit the protected species report from the original planning application.

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## **6.0 CONCLUSION**

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- 6.1. The two storey building subject to this application and associated car parking and landscaping has previously been approved under an approved application from 2010.
- 6.2. This resubmitted proposal no longer seeks planning permission for a ground floor health clinic and now proposes holiday lets. This has attracted objection from the Parish Council considering that this is no longer in the spirit of the original consent. However, officers consider that with the application site being located within a sustainable location well related to the existing built up areas of the village and services, the alternative use of the building proposed causes no demonstrable harm.
- 6.3. The impacts of the building upon visual amenity, residential amenity and highway safety are, as in 2010, considered to be acceptable.
- 6.4. The revised proposal is considered to accord with relevant Development Plan Policies and no objections are raised on other material planning grounds.

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## **7.0 RECOMMENDATION**

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**That the application be APPROVED subject to the following conditions;**

- 7.1. The development hereby approved shall be carried out in strict accordance with the following approved plans.  
8125/01  
8125/05  
8125/02



8125/03

8125/04 all received 4<sup>th</sup> May 2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H3, H13, E5A, E16, Q3, Q5, Q8, V6, T1 and U8a of the City of Durham Local Plan 2004.

- 7.2. All planting, seeding or turfing comprised within the submitted landscaping scheme on plan 8125/05 shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity having regards to Policies Q5 and Q8 of the City of Durham Local Plan 2004.

- 7.3. The development hereby approved shall not be brought into use until the footway crossing has been constructed to Durham County Council standards pursuant to S184 of the Highways Act 1980.

Reason; in the interests of highway safety under saved Policy T1 of the City of Durham Local Plan 2004.

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## **8.0 REASON FOR THE DECISION**

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- 8.1. The development is considered to accord with the aims of Policies 2, 7, 8, 24 and 33 of the RSS and Policies H3, H13, E5A, E16, Q3, Q5, Q8, T1, V6 and U8A of the City of Durham Local Plan 2004
- 8.2. In particular the principle of the development at the site and impact of the development upon visual amenity was considered acceptable.
- 8.3. Objections have been raised to the development due to the health clinic, formerly approved, no longer being sought and that the scale and design of the building is inappropriate. It is considered that the proposed residential and holiday let use remains appropriate in principle at the site with no conflict with the policies of the Development Plan and no demonstrable harm occurring with regards to other material planning considerations. The two storey building is identical to that previously approved and is considered to remain of a scale and design appropriate to the area.

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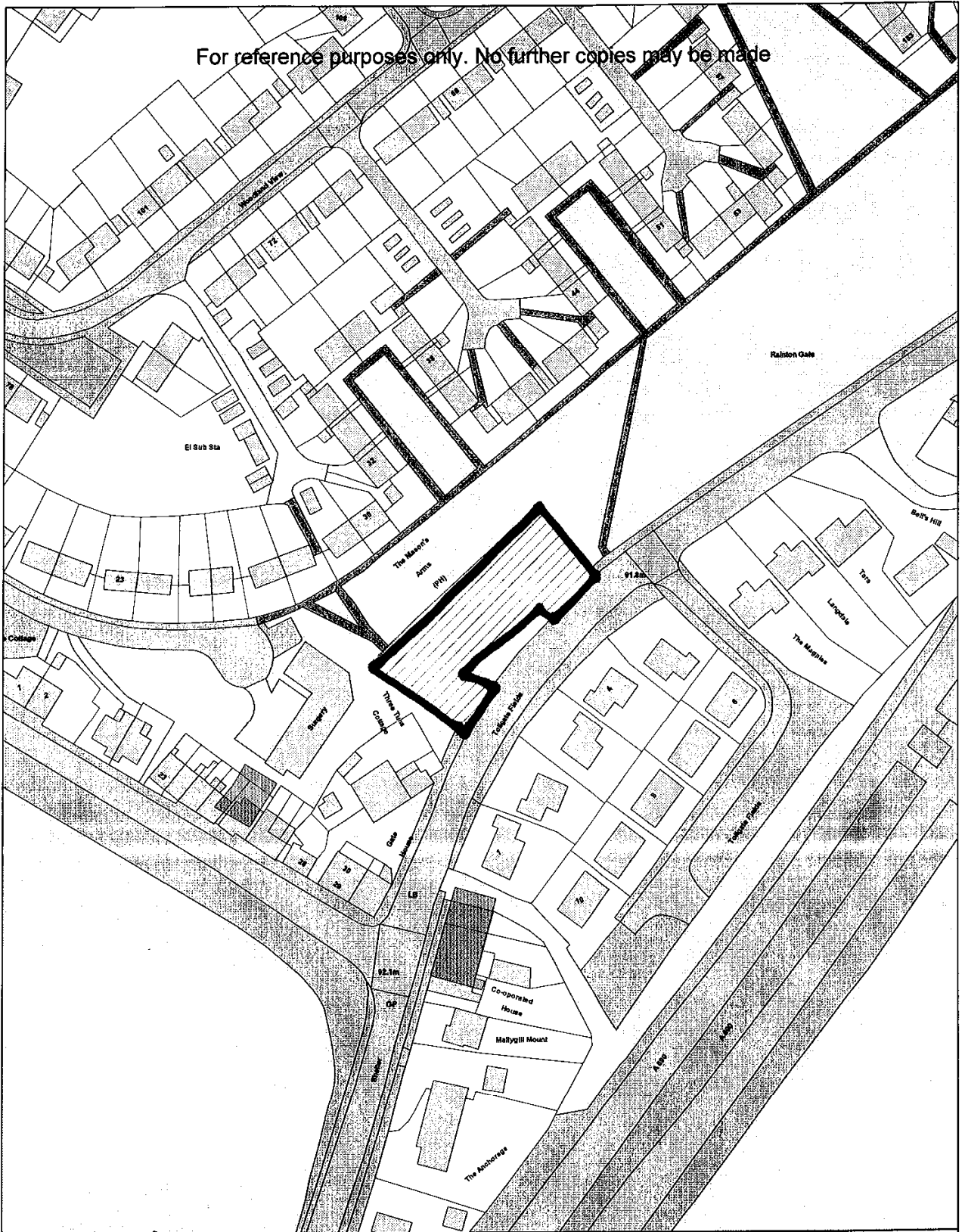
## **9.0 BACKGROUND PAPERS**

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Submitted Application Forms and Plans  
Submitted Design and Access Statement  
City of Durham Local Plan 2004  
Regional Spatial Strategy  
Planning Policy Statements 1, 3, 9 and Planning Policy Guidance Note 13  
Responses from County Highway Authority

Responses from Parish Council  
Public Responses  
Planning Circular 11/95

For reference purposes only. No further copies may be made



**Planning Services**

4/11/00328/FPA

The Masons Arms, Bells Hill Road, West  
Rainton, Durham DH4 6SQ

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**Comments**

**Date**

07 July 2011

**Scale**

1:1250

