

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/00233/FPA and DM/15/00230/LB
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of extension to rear of Public House, including demolition of existing extensions and refurbishment of property. Erection of two dwellings to the rear.
<b>NAME OF APPLICANT:</b>	J A Property LTD
<b>ADDRESS:</b>	Hope Inn, Front Street, Sedgefield
<b>ELECTORAL DIVISION:</b>	Sedgefield
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site relates to a vacant public house and its curtilage located centrally within the village of Sedgefield. The site is rectangular in shape, with the two storey, Grade II Listed Building of the Hope Inn fronting out on to Front Street. A series of single storey extensions are present to the rear of the building, along with a car park and grassed area previously used as a beer garden. The building itself is in a poor condition and in need of repair and modernisation and the external hardstanding areas and grassed area have an unkept appearance.
2. The site is bordered by predominately commercial properties, although residential dwellings within White House Drive are located to the north. The site is accessed from a private drive which runs along the side elevation of the building serving the carpark which is enclosed at the rear by a stone wall up to 2 meters in height. The application site is located within the Sedgefield Conservation Area.
3. Planning Permission and Listed building Consent is sought for the refurbishment of the public house to form a new restaurant. This would involve the stripping of internal features and the reconfiguration of the internal layout of the building. New single storey extensions to the rear are also proposed. These would extend a maximum of 21.6m in length, 17.8m in width, and would have a maximum height of 5m. These would replace existing single storey extensions of varying scale, design and condition. The extensions would be rendered with a mixture of slate and pantile roofing materials. The extensions would provide additional seating and a new

kitchen. 9 car parking spaces would be retained at the rear of the building for public use.

4. It is also proposed to erect 2no. dwellings to the rear of the site on an existing grassed area. These are required to help subsidise the refurbishment works. The dwellings would be semi-detached, measuring in total 21m in width by 11.5m in length, and 7.4m in height. They would be stone faces with slate pitched roofs, incorporating half dormer windows in the front and rear elevations. Living accommodation would be provided across two floors, with 3 bedrooms on the first floor. Access to the dwellings would be provided through the pub car park which would serve individual driveways and integral garages.
5. This application is being reported to Planning Committee at the request of Cllr Robinson due to concerns raised by the Town Council regarding the loss of long gardens and the proposed materials for the dwellings.

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## **PLANNING HISTORY**

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6. A number of historic planning approvals have been granted for extensions and alterations to building, none of which directly relate to this application. Consent has previously been given to remove a tree damaging a wall within the site and to crown lift a sycamore tree.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
9. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
10. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

11. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
12. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
15. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; 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; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
16. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is referenced where necessary within the report.

#### **LOCAL PLAN POLICY:**

18. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the

degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgfield Borough Local Plan are considered relevant.

19. *Saved Policy E1 – Landscape Protection and Enhancement* – Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
20. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
21. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
22. *Saved Policy E18 – Preservation and Enhancement of Conservation Areas* – Requires that development proposals preserve or enhance the character and appearance of Conservation Areas
23. *Saved Policy E22 – Reuse of buildings forming part of the boroughs Heritage* – Sets out support for the repair and reuse of buildings which form part of the heritage of the borough or significantly contribute to the environmental quality of the locality by normally allowing proposals for appropriate uses that accord with other policies of the plan and their future.
24. *Saved Policy H8 – Residential Frameworks for larger villages* – Outlines that within the residential framework of larger villages residential development will normally be approved.
25. *Saved Policy H17 – Backland and Infill Housing Development* – Sets out that housing development on backland and infill sites will normally be approved providing a satisfactory means of access and adequate parking provision can be achieved, satisfactory amenity and privacy levels for both the new development and adjacent dwellings can be provided and the development is commensurate with the character of the surrounding area.
26. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
27. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
28. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.

29. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

#### **EMERGING PLAN:**

30. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
31. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
32. A neighbourhood plan is in the process of being produced by the community setting out the preferences for how existing land and infrastructure should be used to enable controlled growth and development of housing, amenities and other facilities in the future. However this plan is at the early stages of its preparation with relatively limited consultation and therefore it can be afforded only very limited weight.

*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://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf>*

*and*

*<http://durhamcc-consult.limehouse.co.uk/portal/planning/>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

33. *Highway Authority* – Advise that the proposed development would form an area accessible to the public of approximately 320m<sup>2</sup>. Based on the 2014 DCC Parking Guidelines the development should provide 40 car parking spaces on site (1 space

per 8m<sup>2</sup> of public area). The 9no. spaces proposed falls significantly below the 40 maximum and are not considered sufficient to support the proposed use where potentially 167 customers and staff could be accommodated. It is noted that there is on street car parking in the vicinity of the site. However car parking within the town centre is at a premium and would not likely be able to accommodate the proposed development. As such objections are raised regarding the level of car parking on site. It is suggested that the two properties are removed from the application to the rear and that car parking capacity increased or the proposed extensions significantly reduced in scale.

34. *Northumbrian Water Limited* – Highlight future capacity constraints in Sedgefield in relation to sewerage treatment, however as the proposal only relates to two dwellings, no objections are raised.
35. *Sedgefield Town Council* – Offer support for the refurbishment of the building, however concerns are raised regarding the two proposed dwellings to the rear due to the impact on parking within Sedgefield, the proposed materials of construction and the loss of long gardens which would result in a loss of amenity space with historic value.

#### **INTERNAL CONSULTEE RESPONSES:**

36. *Spatial Policy Section* – Advise that in principle the erection of residential accommodation in this location is considered acceptable in line with local plan housing policies. The site is also considered to be sustainably located, within the centre of Sedgefield with good access to services and amenities. The submitted viability appraisal has been scrutinised and is considered to be sound.
37. *Design and Historic Environment Section* – Advise that this application presents a positive future for the Grade II listed public house with a minimal level of impact upon the character, appearance and significance of the designated conservation area. The scale and design of the new dwellings are considered acceptable, however conditions should be attached relating to the external materials proposed for use, details of render type and finish, all windows and doors, and new surfacing.
38. *Landscape Section* – Advise that the development would result in the loss of several trees on the site, whilst those remaining would need to be significantly reduced in canopy size and spread. The crown reduction would have a negative visual impact on the surrounding townscape as mature tree canopies provide an important green foil to the roofscape of the village and add landscape character to the historic village core. The retained trees would also affect the dwellings and the amenity of occupants principally because of shade and leaf drip by the Sycamore.
39. *Arboricultural Officer* – Raise concerns regarding the likely impact of the development on the trees to be retained on site, given their proximity to the build and future pressures by occupants of the properties. It is advised that the trees are examples of relatively few large trees in the local area and add to the character of the conservation area.
40. *Archaeology Section* – It is recommended that a condition requiring archaeological monitoring and a mitigation strategy to be submitted to and agreed prior to any development commencing as there is a high potential for medieval activity to the rear of the building.
41. *Contaminated Land Section* – Advise that there is no requirement for further consideration of potential contaminated land on site.

42. *Ecology Section* – Advise that the likely risk or presence of bats within the existing building and surrounding trees is low. No objections are raised to the proposals.
43. *Environmental Health Unit* – Advise that full details of any means of extraction associated with the restaurant should be controlled by condition, in order to address potential conflict between the restaurant use and the proposed dwellings. It is also recommended that an acoustic report is undertaken and mitigation including within the development.

#### **PUBLIC RESPONSES:**

44. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. No representations have been received.

#### **APPLICANTS STATEMENT:**

45. The Hope Inn is a Grade II Listed building situated in the Sedgefield Village Conservation Area. The building is currently vacant and has not had a long-term occupier for some time; it has been neglected and is falling into disrepair.
46. It is proposed that there are minimal alterations to the original building; some internal walls and areas of first floor will be altered/removed to facilitate the new layout, but otherwise the internal fabric of the original building will simply be refurbished. A number of recent, unsympathetic and ad-hoc, single storey extensions to the rear of the building are to be demolished and replaced with a new extension that is sympathetic to the character of the host building; and that reflects existing forms, materials and fenestration.
47. In order to finance the refurbishment/development of the Listed building, it is proposed that the land to the rear be developed to accommodate 2no. new dwellings. The applicant has provided the financial information required to support the case for enabling development, which makes the project viable.
48. The costs associated with refurbishing/developing historic and significant buildings are often excessive, many of which are unforeseen at this stage. It would be unfortunate if the scale and quality of the proposal had to be compromised due to insufficient funds.
49. Significant investment from the applicant would not only conserve and enhance this heritage asset, but it would also give new life to the local public house, which is becoming more of a rarity. The new bar/bistro would provide a facility for the community of Sedgefield for which there is a demand.

*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.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NIU1ZXGD0A900>  
and

<http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NIU1ZXGD0A900>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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50. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues raised relate to the principle of development, visual amenity and impact on the Conservation Area, highway safety, amenity of adjacent land uses, ecological interests and other issues.

### The Principle of Development

51. The application site relates to a vacant public house which ceased trading approximately 18 months ago. This scheme in part proposes refurbishments and extensions to the property to facilitate a change of use to a restaurant. This change of use in itself would not require planning permission, being a permitted change from an A4 use (drinking establishment) use to an A3 use (restaurant). The productive re-use of this vacant building to appropriate use within the town centre is considered desirable in the context of the vitality and viability of the village, as promoted by the NPPF. The applicant states that the proposal would also create up to 25 new jobs for the local economy.
52. To the rear of the site in an area previously used as a beer garden, it is also proposed to erect two dwellings. Saved policies H8 and H17 of the Sedgefield Borough Local Plan outlines that planning permission for housing development on backland and infill sites will be supported in principle. This general approach of locating development within sustainable location and the reuse of previously developed land is reflected within the NPPF which also seeks to direct new development to locations with good access to jobs services and community facilities while promoting the reuse of previously developed land. Sedgefield is recognised as a larger village due to the significant population, and wider range of services, employment opportunities and amenities provided.
53. Notwithstanding this policy support for the dwellings, the applicant has made a case that the provision of these two properties is necessary to help finance the refurbishment and alterations and without these the venture would not be viable. To demonstrate this, a viability appraisal was requested setting out the link between the two elements of the development. The submitted appraisal has been assessed by the Council's Planning Policy and Asset Teams who confirm their agreement to the assumptions made and that the enterprise would not likely be financially viable without the funding generated by the sale of the dwellings.
54. Overall it is considered that the development would meet the key locational aims of the NPPF and is in principle in accordance with saved policies of the Sedgefield Borough Local Plan.

### Visual Impact and Impact on Conservation Area

55. Local Plan policy E18 seeks to preserve the historic environment, particularly the character and appearance of Conservation Areas. Policy E22 sets out support for the repair and reuse of buildings which form part of the heritage of the area. The NPPF also seeks to conserve or enhance heritage assets in a manner appropriate to their significance, including Listed Buildings. These policies reflect the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest they possess and paying special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.



56. The application site relates to a vacant public house and its associated curtilage consisting of a hardstanding car park and grassed area to the rear. The pub is a grade II Listed Building dating from the mid 18<sup>th</sup> century and is a former coaching inn. The building itself was listed for its group value, while some historic features remain both internally and externally. The building is located in the historic village core and makes a positive contribution to the character and appearance of the Sedgefield Conservation Area. The impact of various elements of the development on the above heritage assets are appraised in turn below.

#### Extensions

57. In assessing the impact of the development the Council's Design and Conservation Section advise that the existing extensions to the building are of low architectural quality and little historic interest and are not considered to be worthy of retention. The proposed extensions would create a quadrangle arrangement different to the existing L shaped layout of extensions. However it is advised that this layout been created by more recent additions and is not intrinsic to the significance of the building as it has essentially. The additions would not harm the integrity of what remains of the original building as it's form would still be appreciable to the same degree as existing. The extensions would also have a subservient relationship to the main building and would not project outwards beyond the existing building line. The inclusion of variants in the building lines and heights would also assist in reducing the perceived massing of the extensions. A number of elements of the redevelopment scheme are considered to result in a visual improvement, such as the loss of a flat roofed side addition, the poor environment of the open yard area and the relocation of various bins within a contained storage area.
58. Overall it is advised that the extensions would preserve the special interests and setting of the Grade II Listed Building, while enhancing the character and appearance of the Conservation Area in this location.

#### Internal Alterations

59. A number of internal alterations are proposed to facilitate the development, including at first floor level where existing walls forming two bedrooms and the hall/landing area would be removed. The Design and Conservation Section advise that these existing partitions are later insertions and this area was originally a single larger open space. These alterations would revert this area back to its original form which is considered to be a positive change.
60. At a ground floor level a number of internal walls are identified for removal, the Design and Conservation Section view this as acceptable as the original floor plan for the building is not intact. Although the general arrangement would be more open plan, rather than consisting of smaller individual spaces, the change in levels and retention of nibs relating to the individual rooms would allow the original plan form to be appreciated. No features of interest would be lost as a result of these internal works.
61. Although the external and internal works would result in a significant alteration to the property, the proposed investment in the building/business, would bring new life into a vacant and neglected public house. The Design and Conservation Section advise that these buildings are becoming more of a rarity, and the works would help maintain its longer term use, viability and general up keep. The positive benefits of the application are considered to outweigh the level of intervention/alteration proposed.

#### Proposed new housing development

62. The Design and Conservation Section advise that the environment to the rear of the Public House is neutral in its contribution to the conservation area. This due to the age and quality of the pub existing extensions, the absence of historic burgage plots, the extent of hardstanding and the general unmaintained condition of the land. On this basis it is advised that the erection of two modest properties would not harm the historic layout of this part of the village. There is no right of public access to this site.
63. When viewed from the main street, the historic focus of the conservation area, the new buildings would be visible in glimpses from the access road between the public house and the adjacent shop. It is considered that this view is unremarkable with the modern housing estate visible in the background. There would be no clear views gained in the opposite direction from the modern estate into the rear of the site and from other locations views would be restricted by the intervening buildings. The wider visual impact upon the conservation area would therefore be limited.
64. It is advised that there would be no harm to the significance of the frontage of the building as a result of the dwellings in themselves. Being located to the rear with a degree of separation from the main street, the listed public house would be preserved as the dominating feature. The dwellings proposed are comparable to the heights of the predominant built form within the village, while the proposed design is of a more traditional approach that is not at odds with surrounding properties which is considered appropriate. It is also advised that the proposed materials of the building are considered acceptable in this location given the range of material used in the surrounding area, subject to agreeing the finer details by condition.
65. In order to facilitate the erection of the dwellings a number of trees would need to be removed, including a semi mature sycamore. Further crown reduction works would also need to be undertaken on a larger mature sycamore which is to be retained. It is advised by the Council's Landscape Section that this would have a negative impact within the conservation area as these trees provide relief to the built environment, a key component in the conservation area. It is therefore recommended that the two dwellings should be omitted from the scheme.
66. As set out above, the proposed two dwellings to the rear of the public house are necessary in order to make the scheme financially viable. In considering these competing issues the visual impact associated with the works to the trees needs to be weighed against the benefits of bringing the listed building back into use and the associated visual improvements this would entail.
67. While the views of the Councils Landscape Section are appreciated, it is considered on balance that the scheme would result in a visual improvement to the Grade II listed building and on the surrounding conservation area. A viable use would also secure the future of the building in the long term. These factors are considered to outweigh the harm associated with the works to the trees. Overall the development is considered to have a positive impact on the character and appearance of the Sedgefield Conservation area and the Grade II listed building in accordance with policies E18 and E22 of the Local Plan and part 12 of the NPPF. Conditions in relation to the implementation of tree protection measures and foundation detailing are proposed.

#### Highway Safety and accessibility

68. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation.

69. The Public House is served by a customer car park to the rear of the site, which is accessed up the side of the building via a joint access to the Town Council Office. Although the parking spaces in the car park are not currently demarked it has a theoretical capacity of 15 spaces. As a result of the proposed extensions this car parking capacity would be reduced to 9 spaces. The Councils Car Parking Standards (2014) set out that a development of this nature would be expected to achieve a maximum of 40 spaces. While a reduction to this figure may be appropriate, it is advised that the 9 spaces proposed would fall significantly short of the required parking provision and is considered unacceptable from a highway point of view. Although there are a number of spaces directly in front of the building and there is on- street car parking within the village centre, it is advised that on street car parking is often at a premium and could not accommodate additional demand. The Highways Authority therefore object to this application in this respect. It is advised that additional spaces may be achievable to the rear of the site in lieu of the two proposed dwellings.
70. While respecting the desire of the Highways Authority to achieve a workable solution that would more closely reflect highway standards it is noted that this is a commercial centre with parking controls in force around the village that regulate and enforce parking. Parking levels also vary through the day and into the evening. While the proposal may put further pressure on the availability of spaces within the village it is considered that this would not lead to a reduction in highways safety to a level to warrant refusal of the application when considering the benefits of the scheme. It is also anticipated that the enterprise would partially serve the local community and a proportion of patrons would visit my foot. The identified need for the erection of the two dwellings to allow the redevelopment of the site is considered to outweigh the under provision of parking on site. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

#### Impact on amenity of adjacent residents and future occupants

71. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. In assessing the development in this respect, the two dwellings to the rear would meet the minimum guideline separation distance of 21m to the windows of habitable rooms to no.10 White House Drive. The impact of the development would also mitigated by a 2m high boundary wall and vegetation which would help screen views, particularly at a ground floor level. A significant loss of amenity is not therefore expected to arise for adjoining residents in this respect.
72. The proposed restaurant arguably represents a more intensive use than a pub. However it is located within the village centre where there is a degree of established noise and disturbance created by a range of different uses. The Council's Environmental Unit Department raise not objection in this respect but recommend a condition be imposed in relation to the details of any extract and odour abatement system to be installed.
73. The proximity of the proposed dwellings to the restaurant has the potential to cause disturbance and annoyance for future residents. However the Council's Environmental Health Unit advise that a condition to requiring noise mitigation measures, for both the dwellings and the rear of the restaurant would mitigate any impact. Future residents would also be fully aware of the relationship between the two uses.

74. The Council's Land Contamination Officer advises that following a study of historic maps there is no requirement for further consideration of potential contaminated land on site.
75. Overall it is considered that the proposed development would not significantly impact on the level of amenity or privacy experienced by neighbouring residents that would warrant refusal of the planning application. It is also considered that future residents would experience an appropriate level of amenity subject to implementing measures to mitigate noise generated by the restaurant use. The scheme is considered to comply with policy D5 in this respect.

#### Ecology

76. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located either in the buildings or trees on the site.
77. The Ecology Section offers no objection to the scheme, it is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

#### Flooding and Drainage

78. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
79. In terms of the disposal of foul water, Northumbrian Water raise no objections to the scheme. However it is identified that the Sewerage Treatment Works in Sedgefield are nearing capacity with a 300 unit headroom limit. In relation to surface water, it is also recommended to attach a condition to secure where appropriate sustainable drainage techniques, whilst ensuring any drainage does not impact on the trees to be retained.

#### Other Issues

80. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. It is recommended that a condition requiring archaeological monitoring and a mitigation strategy to be submitted to and agreed prior to any development commencing as there is a high potential for medieval activity to the rear of the building.

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## **CONCLUSION**

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81. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the development would represent development in a sustainable location, that would bring a vacant listed building back into a productive reuse, resulting in a positive impact on the conservation area.

82. The need for the two dwellings to the rear of the site has been demonstrated and is considered necessary to viably facilitate the re-use and improvements to the listed building. This would result in a positive contribution to the character and appearance of the Conservation Area, which on balance would outweigh any visual impact associated with the necessary tree works to facilitate the two dwellings. The development is considered to be in accordance with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
83. Despite the views of the Highway Authority, it is also considered in this case that the benefits of bringing the Listed Building back into use and the associated visual improvements, would outweigh the potential demand for additional on street car parking, which given the village centre location and parking restrictions in the area would on balance be unlikely to have a significant impact on highway safety.
84. The development would not significantly impact on the amenities of the neighbouring residents. While future residents would experience an appropriate level amenity subject to implementing measures to mitigate noise generated by the restaurant use.
85. The scheme would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these, subject to the implementation of the mitigation measures set out in the submitted reports.
86. There are no material consideration which indicate the scheme should be determined otherwise and therefore the application is recommended for approval.

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## **RECOMMENDATION**

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Recommendation that application DM/15/00233/FPA is:

### **APPROVED subject to the following conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Proposed Site Plan, Drwg 05, Rev D, Received 27<sup>th</sup> January 2015  
Proposed Elevations, Drwg 06, Rev B, Received 27<sup>th</sup> January 2015  
Proposed Plans and Elevations, Drwg 07, Rev D, Received 27<sup>th</sup> January 2015  
Proposed Floor and Roof Plans, Drwg 04, Rev E, Received 27<sup>th</sup> January 2015

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E18, E22, H17, D1, D2, D3 and D5 of the Sedgfield Borough Local Plan.*

3. No development comprising the erection of the new dwellings shall commence until the substantial completion of the alterations and refurbishment works of the public

house hereby approved in accordance with a phasing scheme to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: Without securing the benefit of the refurbishment works of the Listed Building the proposed dwellings would be considered unacceptable in accordance with policies *D3 and E18 of the Sedgefield Borough Local Plan*.

4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling (including render colour and timber detailing) and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E18 and D1 of the Sedgefield Borough Local Plan.*

5. Notwithstanding the submitted information, full details and specification of any external plant and extraction units shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the residential amenity of existing neighbouring properties and future occupants in accordance with policies D1 and D5 of the Sedgefield Borough Local Plan.

6. Prior to the commencement of the construction of the extensions or dwellings hereby approved, a sound proofing scheme to mitigate the transfer of noise between the restaurant and new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of the residential amenity of future occupants in accordance with policies D1 and D5 of the Sedgefield Borough Local Plan.

7. Notwithstanding the submitted plans full details including materials and colour of all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area in accordance with policies E18, D1 and D5 of the Sedgefield Borough Local Plan

8. Prior to the commencement of development a detailed scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide detail for:-

- The planting of trees and / or shrubs (including species, sizes, numbers and densities) to improve the appearance of the development
- The provision of any fences or walls (including retaining walls)
- Full details of the surfacing any hard standing proposed

The approved landscaping scheme implemented in accordance with the approved details in the first planning season following completion of the development.

*Reason: In the interests of the appearance of the area and to comply with policies E18 and D1 of the Sedgefield Borough Local Plan.*

8. No development shall commence until an Arbocultural Implications Assessment has been submitted to and approved in writing with the Local Planning Authority. Such an assessment shall include, full details of tree protection measures in accordance with BS 5837 (Trees in relation to construction), construction details of the proposed foundations, details of storage areas, location of service runs and details of the construction of areas of hard standing. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E18 and E11 of the Sedgefield Borough Local Plan.*

9. All pruning works required to Tree 6 identified on plan Drg no. 8, received 27<sup>th</sup> January 2015 shall be fully detailed and submitted for approval to the Local Planning Authority prior to the development commencing. Works to the tree shall only be carried out in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E18 and E11 of the Sedgefield Borough Local Plan.*

9. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

*Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policies E18 and D1 of the Sedgefield Borough Local Plan.*

10. No development shall commence until a scheme for the provision of surface and foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with saved policy D1 of the Sedgefield Borough Local Plan and part 11 of the National Planning policy Framework.*

11. Notwithstanding the provisions of Class A, B, C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no external alterations, including extension and formation of windows shall be undertaken at the property.

*Reason: In the interests of visual amenity and in order to safeguard the residential amenity of neighbouring properties having regards to Policies D1 and D5 of the Sedgefield Borough Local Plan.*

Recommendation that application DM/15/00230/LB is:

### **APPROVED subject to the following conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Proposed Site Plan, Drwg 05, Rev D, Received 27<sup>th</sup> January 2015  
Proposed Elevations, Drwg 06, Rev B, Received 27<sup>th</sup> January 2015  
Proposed Plans and Elevations, Drwg 07, Rev D, Received 27<sup>th</sup> January 2015  
Proposed Floor and Roof Plans, Drwg 04, Rev E, Received 27<sup>th</sup> January 2015

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E18, E22, H17, D1, D2, D3 and D5 of the Sedgfield Borough Local Plan.*

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling (including render colour and timber detailing) and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E11 and D1 of the Sedgfield Borough Local Plan.*

4. Notwithstanding the submitted plans full details including materials and colour of all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the visual amenity of the surrounding area in accordance with policies E18, D3 and D5 of the Sedgfield Borough Local Plan*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at the decision to approve the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application in accordance with the NPPF.

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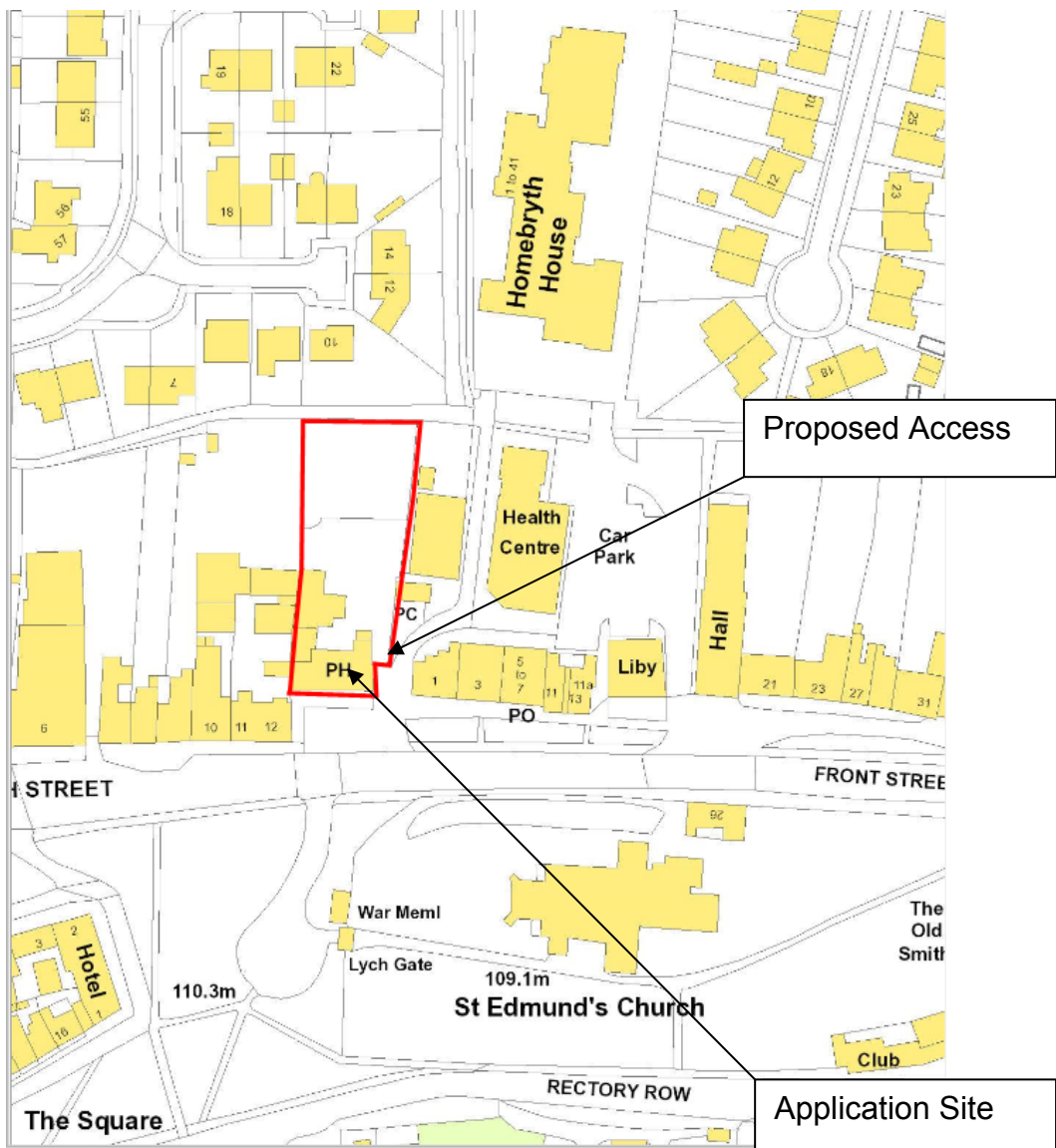
## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Sedgfield Borough Local Plan  
County Durham Plan (Submission version) and  
Statutory responses from Northumbrian Water Limited.  
Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health,



Contaminated Land Section, Ecology Section and Arboricultural Officer. Representations received from other representative bodies  
Planning application file DM/15/00233/FPA and DM/15/00230/LB



**Planning Services**

Erection of extension to rear of Public House, including demolition of existing extensions and refurbishment of property. Erection of two dwellings to rear.

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**Comments**

**Date** 7<sup>th</sup> July 2015

**Scale** 1:1250