

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02154/FPA
FULL APPLICATION DESCRIPTION:	Change of use, partial demolition and rebuild/extension of public house to provide 13 residential units
NAME OF APPLICANT:	Michael Lavender Ltd
ADDRESS:	Shoulder of Mutton, Low Row, Easington, Peterlee, SR8 3AU
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Laura Eden laura.eden@durham.gov.uk 03000 263980

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located within the settlement limits for Easington within a designated conservation area. The surrounding area is mixed use in character comprising of predominantly residential properties however there are some commercial developments and areas of public realm.
2. To the north of the site lies an attached residential property, to the east and south is a modern residential development and to the west lies the village green.
3. The application site itself is a former public house. It is a late Victorian building of some historic and architectural character and although it is not listed it is considered to be a non-designated heritage asset. The pub is now vacant.

The Proposal

4. The application seeks full planning permission for the conversion and extension of the former public house into thirteen one, two and three bedroom flats. The existing shell of the public house would remain including the existing materials and windows however the coach house to the rear would be demolished.
5. The proposals include the erection of a two and a half storey side extension filling in the gap at the frontage between the former public house and the adjacent neighbouring property at 11 Brampton Court. It would be set back slightly from the existing frontage and would have a marginally lower ridge height. Within the extension an archway would be created leading to a rear car parking area accommodating nineteen spaces and two small amenity areas.

6. The building would also be extended to the rear in a variety of three and single storey extensions. Materials and openings would replicate the existing character and design.
7. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

8. An application (DM/15/00960/PND) for the prior notification of the demolition of the building was received earlier this year however was subsequently withdrawn prior to determination.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

9. 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
10. 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’
11. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy 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 below
12. The following elements of the NPPF are considered relevant to this proposal
13. 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
14. 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
15. 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
16. 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.

17. 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, minimising impacts on biodiversity and providing net gains where possible; 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.
18. 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.

LOCAL PLAN POLICY

Easington Local Plan

19. 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.
20. Policy 22 - The character, appearance and setting of the conservation areas will be preserved and enhanced.
21. 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.
22. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
23. Policy 66 - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
24. Policy 96 - Outside of Seaham and Peterlee, conversion or redevelopment resulting in the loss of a community facility will only be allowed where the facility is no longer viable, there is no significant demand, or equivalent facilities are accessible and available or would be made available.

RELEVANT EMERGING POLICY

The County Durham Plan

25. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any 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://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. Northumbrian Water Limited – No comment to make at this stage

INTERNAL CONSULTEE RESPONSES:

27. Archaeology – No objection to the proposal

28. Design and Conservation – Welcomes the retention of the building and overall design which has been amended as per their recommendations.

29. Landscape – Remain unconvinced of the long term chances of survival for the proposed tree

30. Drainage – Raise no objections however further details required to confirm suitability of design

31. Ecology – No objection and recommends a standard bat informative

32. Environmental Health – No objection to the development subject to the imposition of conditions

33. Contaminated Land – No requirement for a contaminated land condition

34. Highways – No objection to the scheme subject to the imposition of a condition requiring the now redundant cellar hatch and an informative regarding the relocation of the vehicular access crossing. Notes that the access to the site is through third party ownership.

35. Sustainable Development – The sustainability statement submitted summarises the proposed approach to energy conservation. The applicant hasn't submitted a design stage SAP assessment however this can be dealt with by means of condition.

PUBLIC RESPONSES:

36. The application has been publicised by way of a press notice and site notice in addition to individual notification letters to neighbouring residents. A letter has been received from the Parish Council neither supporting nor objecting to the proposed development. They have advised that the area of land to the front of the development is within their ownership and that they will liaise with the developer in

this regard. Two letters of objection have been received from local residents raising concerns relating to:

- The principle of development
- Overlooking
- Overshadowing
- Overbearing
- Loss of view
- Property devaluation

APPLICANTS STATEMENT:

37. We are applying for planning permission to convert and extend the Shoulder Of Mutton Public house into 13 residential units with associated parking in the rear courtyard which is accessed through a passageway under the new extension.
38. The Shoulder of Mutton was empty for 23 months and on the market to be sold for a majority of that period clearly demonstrating there was no interest in taking on the property to maintain it as a public house within the area.
39. It is our intention to future proof the original characterful building by retaining this building and extending, whistle changing its use to residential to enhance the conservation area.
40. The building extension is subservient to the original form as it has a lower ridge height and is slightly set back from the pavement, the character of the original building is retained in the extension by copying key features in the new section from the old, i.e. the original dormer window has been copied in the new build section along with some key window surrounds.
41. Extending the building along the street scene fills in the unsightly gap currently in existence rather than going rearwards and building closer to a number of resident's to the rear of the site.
42. Parking has been provided for in the rear courtyard in the same area that was used as parking for the public house so the local residents have minimal change to adjust to, with adequate visitor spaces in accordance with highways policy requirements.
43. Overall we feel that this application provides a positive addition to the conservation area and green by completing the street scene and retaining the original building rather than replacing it, therefore we ask the committee to support their planning officers recommendation for approval of this proposal.

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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NRFC0HGDLGS00>

PLANNING CONSIDERATIONS AND ASSESSMENT

44. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
45. The main considerations in regard to this application are the principle of the development, effect on the character and appearance of the conservation area, residential amenity and highway safety.

Principle of Development

46. The application site is located within the settlement limits for Easington, as defined by the Easington Local Plan Proposals Map.
47. The NPPF promotes the use of previously developed land in sustainable locations. This is a previously developed site, and therefore the proposal is in accordance with national and local policy in this regard.
48. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of services, amenities and employment sites while being in close proximity to public transport networks. Future residents would therefore have ready access to these facilities without the need to utilise the private motor car. The NPPF applies a presumption in favour of sustainable development which this proposal is considered to represent.
49. Both part 12 of the NPPF and policy 22 of the Local Plan advocate a general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of the heritage asset which in this case would be the non-designated heritage asset situated within the conservation area. The development relates to the conversion of an existing building with only minor demolition proposed therefore in principle is considered to meet these aims and objectives.
50. The proposal would result in the loss of a community facility through the conversion of the public house. Policy 96 of the local plan states that permission for the development of a proposal which would result in the loss of an existing community facility will not be granted unless it can be demonstrated that either the facility is no longer financially viable; or there is no significant local demand for the facility; or an equivalent facility is available to meet the local need.
51. The property is currently vacant and there has been a letting board advertising the opportunity to lease the pub however this hasn't generated any interest. There are several other drinking establishments in the surrounding area most notably the Southside Social Club some 60 metres away therefore there is considered to be sufficient provision to meet the local need. The proposal therefore satisfies the requirements of policy 96 in terms of justifying the loss of a community facility.
52. Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. The current proposal includes no provision for play space; as such it is normal practice for the Local Planning Authority to enter into a S.106 agreement with the developer to secure a financial contribution in lieu of onsite play space provision, equating to a total of

£6500 based on £500 per dwelling. The secured finance would be used to improve existing play space within the Easington Electoral Division. The applicant has agreed to enter into such an agreement.

Residential Amenity

53. In terms of neighbouring amenity policy 35 of the local plan aims to ensure that developments have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
54. Distancing standards outlined in the local plan recommend that a minimum of 21 metres is achieved between opposing elevations containing habitable windows. These distances are comfortably achieved between the proposed flats and opposing properties to the east of the site with distances in excess of 30 metres. One neighbouring property is concerned that the upper floor windows of the development could look into his garden. It is accepted that this would be the case however the situation already occurs given his house is currently attached to another property. As a result it is not considered that the proposal would have additional privacy impacts such as to give rise to any significantly increased adverse impact to residential amenity that would justify refusal of planning permission.
55. With regards to the properties situated to the east of the development it is not considered that overshadowing would be an issue for concern given the separation distances. The adjacent property of 11 Brampton Court is situated south of the development site consequently any overshadowing would be minimal given the relative positions of the two developments, and would be limited to the latter part of the day therefore would not give rise to any significant loss of amenity.
56. The public house is proposed to benefit from a two and a half storey side extension which would be higher than the adjacent property. The difference in height would be in the region of four metres however its overall dominance would be limited given the pitched roof design. The extension would project an additional metre past the established front and rear build lines of the adjacent neighbour at no.11, but there would be gap between the two properties of around 1.7 metres. On this basis, it is not considered that they would have any views of the development from within their internal living areas. The development would be most prominent from within their rear garden however given the existing layout of surrounding developments it is not considered that the proposals would give rise to any significant issues of overbearing impact.
57. Whilst the concerns of residents are appreciated and duly noted it is not considered that the proposal would cause overshadowing, overlooking nor would issues of overbearing impact occur to an extent that would justify refusal of the current application.
58. Environmental health officers have been consulted on the scheme. The proposed dwellings are located away from any significant external noise source and in themselves are unlikely to impact on the nearest existing dwellings in this regard given the plant room will not house any potential noise sources. The intention however is to subdivide the building into individual flats therefore noise insulation between each unit needs to be considered. Best practice would be to stack like uses above and adjacent to one another to reduce the conflict of use such as kitchen next to kitchen and so forth. Due to the constraints of the existing building this has not

been possible in this instance and as a result it is possible that the minimum sound proofing insulation required via building regulations will be insufficient to protect against sound transferral. It is therefore recommended that a condition is imposed in relation to submitting and agreeing a scheme for sound proofing.

Impact on the Conservation Area and Street Scene

59. The National Planning Policy Framework in part 12 requires that the impact of the development is considered against the significance of the Heritage Asset which in this case is Easington Village Conservation Area. Part 7 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people.
60. At a local level Policy 22 of the Easington Local Plan is relevant. This policy states that the Council will seek to preserve or enhance the character, appearance or setting of conservation areas by not allowing development that would detract from these aims and by only allowing appropriate development in terms of its siting, scale and appearance. It also seeks to retain important buildings and landscape features which positively contribute to the character and appearance of the area.
61. The aforementioned policies and guidance require the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
62. Saved policy 35 of the local plan is also considered relevant which requires the design and layout of developments to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials.
63. In compliance with both the NPPF and policy 22 of the local plan it is welcomed that this prominent building within the conservation area is being retained. Externally a number of original details of the building will be retained such as timber bargeboards, chimney, mullions, the fascia and so on which is also considered to be appropriate.
64. The side extension is well considered infilling a gap within the street scene and replicating the attractive and appealing design features of merit already present within the existing building. The overall design is well executed and it is good to see there is a slight change of height, with the extension being stepped down while the roof pitch is retained and set back somewhat from the front elevation. The properties within this row and indeed the surrounding area more generally benefit from varying ridge and eaves heights creating a stepped roof line arrangement which contributes to the character of the area. Although the extension to the building will be higher than the adjacent property it is not considered that this would have an adverse impact in terms of the wider streetscape. The through access archway is a well considered feature that contributes positively to the overall appearance of the building.
65. It is disappointing to see that the coach house would be demolished as part of the restoration of the rear elevation. Although it would be preferable to see the building retained, overall the positive gains achieved through the redevelopment of the site are considered to outweigh the loss of this one particular element. The heritage statement submitted in support of the application seeks to address the loss therefore on balance the proposal is considered to meet the requirements of part 12 of the NPPF.

66. During the application process some concerns were raised in relation to the overall design of the rear extensions however these have now been amended in line with advice provided by the design and conservation officer.

Highways

67. The thirteen apartments would be served by nineteen on-site car parking spaces therefore would comply with Durham County Council's residential car parking standards. The secure cycle storage arrangement for 9 bicycles is also welcomed.
68. The public footpath that abuts the front of the public house is public highway and as such the redevelopment of this site will address the redundant cellar hatch opening located just to the south of the main pedestrian front access door. The cellar hatch must be removed and the resulting void beneath filled in correctly with the surface being reinstated in footway materials to match those on either side. The submitted plans include notes to this effect which is deemed to be acceptable. Notwithstanding this however the highways officer recommends a condition to this effect.
69. The creation of the 4.8 metres wide road access will require the relocation of the vehicular access crossing in the existing public footway, which must include the re-use of the existing granite sett kerb materials. This work including the reinstatement of the redundant section of the original vehicular access crossing needs to be carried out in accordance with highways requirements and an informative would be included as part of any approval to direct the developer towards the relevant contact within the highways section.
70. The granite sett access road directly in front of the public house is not public highway therefore must be regarded as a private road, and is within the ownership of Easington Village Parish Council. Both the developer and the land owner are aware of this with the correct notices being served for the purpose of the planning application. It is therefore considered to be a private legal matter between both parties to ensure that vehicular access rights for the future occupants of the dwellings can be established.
71. On the basis of the above the highways officer has assessed the development and offers no objection to the scheme subject to the imposition of both a planning condition and informatives.

Other Issues

72. The site is not considered to be at risk of flooding. Colleagues in the drainage section have been consulted on the scheme and have not raised any objections therefore surface water drainage will be subject to the requirements of building regulations.
73. The Contaminated Land Officer has assessed the available information and historical maps and is mindful that there are no proposed garden areas within the development proposal. As such the section has confirmed there is no requirement for a land contamination condition.
74. Given the nature of the development there is very little scope to provide landscaping within the site and as such a landscaping condition is not considered appropriate. The plans do incorporate some additional tree planting and the species of this has been amended in line with the landscape officer's recommendations to ensure it has the best chance of flourishing. Although he still has concerns about its long term

survival being in such a restricted planting area overall there are no significant concerns with regards to the scheme.

75. Colleagues in ecology have assessed the scheme and offer no objection to the scheme subject to a standard bat informative being added to any approval. The Council can therefore satisfy its obligations under the Conservation of Habitats & Species Regulations 2010
76. The majority of the concerns raised by local residents have been addressed elsewhere in the report. Matters raised regarding the loss of a view and property devaluation are not material planning considerations.

CONCLUSION

77. In conclusion, the location of the proposed development is considered sustainable as it is well related to the existing settlement. It is considered that the site has the potential to be developed without causing a significant adverse impact to residential and visual amenity in addition to highway safety. It is considered that all other matters can be dealt with by means of Conditions and Informatives. As a result, it is considered that the proposal is in accordance with the intentions of the National Planning Policy Framework and saved Policies of the current Local Plan. Whilst objectors concerns are appreciated and duly noted it is not considered they would amount to reasons to refuse planning consent.

RECOMMENDATION

That the application be **APPROVED** subject to completion of a S.106 agreement to secure a financial contribution of £6500 for off-site play/recreation provision, and 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 documents. Heritage statement and design and access statement received 13/07/2015, Contaminated land risk assessment and structural survey received 10/08/2015, Application Form received 26/08/2015, Drg. no. 02 Rev. C received 08/09/2015, Drg. no. 03 Rev. B received 11/09/2015, Sustainability Statement received 15/09/2015, Drg. no. 01 Rev. C received 29/09/2015.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies 1, 22 and 35 of the Easington Local Plan.
3. Notwithstanding any details of materials submitted with the application no development shall commence until a full schedule of materials including external walling and roofing materials, external joinery details, rainwater goods, eaves, parapet details and hardstanding 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 saved Policies 1, 22 and 35 of the Easington Local Plan. Required to be pre-

commencement as construction matters must be agreed prior to development commencing.

4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections and recess details, of the proposed windows and rooflights shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved Policies 1, 22 and 35 of the Easington Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.
5. Prior to the occupation of any dwelling the cellar hatch door opening in the existing public footway must be removed and the resulting void beneath filled in correctly with the surface being reinstated in footway materials, the details of which must first be submitted to and agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety and to comply with saved policy 1 and 35 of the District of Easington Local Plan.
6. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.
Reason: In order to minimise energy consumption and to comply with saved policy 1 and 35 of the District of Easington Local Plan and the aims of Part 10 of the NPPF. Required to be pre-commencement as construction matters must be agreed prior to development commencing.
7. Before any part of the development hereby approved is commenced a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the separate and adjoining properties shall be submitted to and approved in writing by the local planning authority and shall be implemented in complete accordance with the approved details prior to the occupation of any part of the development.
Reason: In order to prevent noise disturbance in accordance with saved policy 1 and 35 of the District of Easington Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.

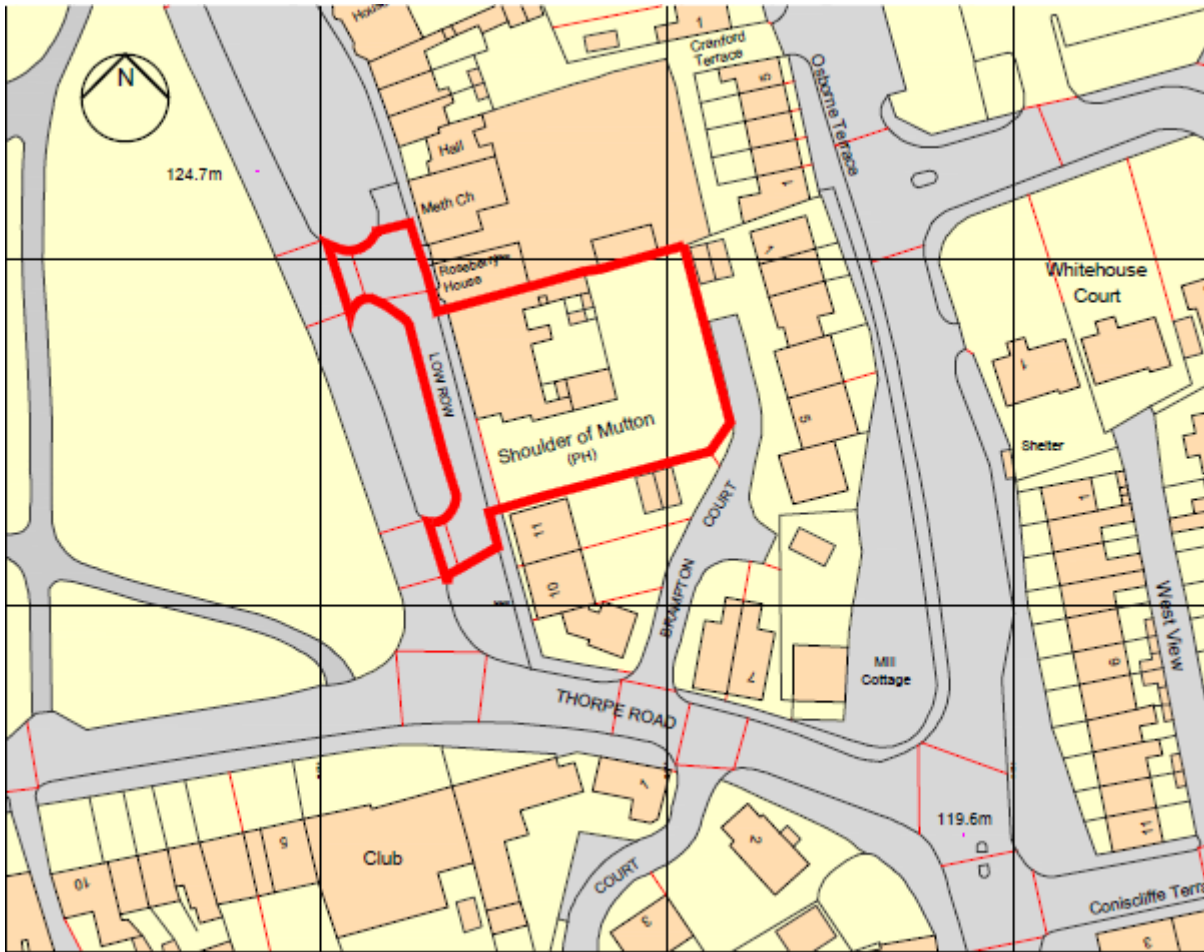
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted Application Forms and Drawings

- National Planning Policy Framework
- Easington Local Plan 2001
- Emerging County Durham Plan
- Consultation Responses



Planning Services

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Comments

Date. 13 October 2015

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