

APPLICATION NO PA/2012/0053

APPLICANT Mr S Gorwood

DEVELOPMENT Planning permission to erect extensions to a pub and retain an entrance lobby extension, change the use of part of the pub to a hot food takeaway and tearoom/cafe, and erect an accommodation block (resubmission of PA/2011/1160)

LOCATION Black Bull Inn, Townside, East Halton

PARISH EAST HALTON

WARD Ferry

CASE OFFICER Andrew Law

SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Objection by East Halton Parish Council

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy DS1 (General Requirements), Policy RD2 (Development in the Open Countryside), RD3 (Industrial and Commercial Development in Minimum and Medium Growth Settlements), Policy R14 (Hotel and Guest House Accommodation), Policy S9 (Restaurants and Hot Food Takeaways), Policy T2 (Access to Development) and Policy T19 (Car Parking Provision and Standards).

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire), Policy CS2 (Delivering More Sustainable Development), Policy CS3 (Development Limits), Policy CS5 (Delivering Quality Design in North Lincolnshire), CS15 (Culture and Tourism) and Policy CS22 (Community Facilities).

CONSULTATIONS

Highways: Advise a condition (4).

Environment Agency: No objections or comments.

PARISH COUNCIL

Object on the following grounds:

- The proposed development would result in congestion and parking problems on Townside as a result of people visiting the takeaway.

- There is a history of flooding in East Halton and the drainage system will be unable to cope with the proposed development.
- The parish council has received complaints regarding noise from the pub in the past and the proposed development will result in additional noise and smells from the takeaway.

PUBLICITY

Neighbouring properties have been notified by letter and a site notice posted. Letters of objection have been received raising the following concerns:

- The proposed development would be contrary to policy ST2 (Settlement Hierarchy) of the North Lincolnshire Local Plan as East Halton is a minimum growth settlement and the proposed development goes beyond the retention of existing local facilities.
- The proposed development would be contrary to policy ST3 (Development Limits) of the North Lincolnshire Local Plan as an area of the proposed car parking would be located outside the development boundary for East Halton and the development is not essential for agriculture or to meet a special need associated with the countryside.
- The proposed development is contrary to policy RD3 (Industrial and Commercial Development in Minimum and Medium Growth Settlements) as it would constitute over-intensification of the activity on site to the detriment of residential amenity and highway safety. The site is not within walking or cycling distance of the local workforce and is not capable of being served by public transport.
- The proposed development is contrary to policy R13 (Tourism) of the North Lincolnshire Local Plan as it is of an inappropriate scale for a minor settlement such as East Halton.
- The proposed development would be contrary to policy S9 (Restaurants and Hot Food Takeaways) of the North Lincolnshire Local Plan as the takeaway would not be located in a town, district or local centre and it would result in noise, disturbance, litter and on-street parking.
- The proposed development would be contrary to policy DS1 (General Requirements) of the North Lincolnshire Local Plan as it would not constitute a high standard of design
- The scale of the public house as extended would result in noise and disturbance to neighbours through increased activity inside and outside of buildings and by the comings and goings of patrons at unsocial hours.
- The proposed development would have inadequate parking facilities leading to on-street parking to the detriment of road safety.
- The pub already attracts some antisocial behaviour and the proposal would lead to an increase in this sort of behaviour.
- The proposed development would lead to a devaluation of local properties.
- There is an inadequate drainage system in East Halton as demonstrated by the flooding experienced in 2007. The proposed development would put further strain on this drainage system and may lead to more flooding.

- The barn along the northern elevation is not structurally sound and as such will be unable to be safely converted at first floor level and the proposed extension may result in damage to the adjacent property to the north.
- The proposed extension to the existing cellar area would block light to the hallway of the adjacent property by overshadowing the glazed doorway in its southern elevation.
- There is a gym in The Sensays building that is open to the public and a caravan to the rear of this building which is currently occupied. These are not mentioned on the application. Do they have planning permission?
- Does The Sensays building have the necessary fire doors, smoke alarms etc to comply with the relevant regulations for bed and breakfast accommodation?

A 107-name petition has been received in support of the application. No specific reasons have been given for this support.

ASSESSMENT

The application site is a public house sited on one of the main roads through East Halton (Townside). Access is gained to the premises from Townside and there is an existing parking area to the side of the building. The site at present comprises the public house itself, its associated car parking area, an associated bed and breakfast accommodation block (The Sensays) to the south, and a timber outbuilding to the south of The Sensays. The application site is surrounded by residential properties to north and east and by open fields to south and west. East Halton Post Office and associated shop is located to the north-east of the site. The existing buildings on the site are located within the development boundary for East Halton, however the rear (western side) of the application site is located outside the development boundary and as such is in the open countryside.

This application seeks planning permission to retain an entrance lobby extension, erect first floor extensions for additional bed and breakfast accommodation, erect a small single-storey link extension to the rear, erect a conservatory extension to the side, erect a new detached bed and breakfast accommodation block to the south of The Sensays and erect an extension to the front of the pub to be used as a café/hot food takeaway.

There was a previous application on the site (PA/2011/1160) for a similar development. That application also included a caravan and camp site to the rear of The Sensays. The application was refused on the grounds that the site was an inappropriate location for a new caravan/camp site and because the location of the proposed caravan/camp site and takeaway would result in noise and disturbance to neighbours. The current application has been amended to remove the caravan/camp site and to amend the layout of the takeaway and the location of its entrance. These changes have been made in an attempt to overcome the reasons for refusal on the previous planning application.

The main issues to consider in the determination of this application are whether the proposed development would be harmful to the amenity of neighbouring properties and whether it would result in excessive on-street parking to the detriment of highway safety.

Policy ST2 of the North Lincolnshire Local Plan is no longer a relevant planning policy as it has now been superseded by policies CS1 and CS2 of the Core Strategy for North

Lincolnshire. Policy CS1 aims to support thriving rural communities through the protection and enhancement of local services, creating opportunities for rural economic diversification and the promotion of tourism. It states that development in rural settlements will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development should be in keeping with the character and nature of the settlement. Policy CS2 requires all future development to contribute towards achieving sustainable development and sets out a number of broad sustainability criteria to which all new development should comply. The proposed development comprises the extension and improvement of facilities at an existing business within East Halton. It helps ensure the retention of the existing community facilities on site whilst also allowing expansion and diversification of these existing facilities. The scale of the proposed development is considered to be appropriate for East Halton and would not have a detrimental impact on the character and nature of the settlement.

Policy ST3 of the North Lincolnshire Local Plan is no longer a relevant policy as it has been superseded by policy CS3 of the Core Strategy. Policy CS3 states that development outside defined development boundaries will be restricted to that which is essential to the functioning of the countryside, including that related to agriculture, forestry or development required to contribute to the sustainable development of the tourist industry. The vast majority of the proposed development is located within the development boundary for East Halton, however there is an area of new car parking proposed outside the development boundary to the rear of The Sensays. This car parking will be used by the public house, takeaway and bed and breakfast accommodation and as such is related to the provision of tourism. Additionally this area of car parking does not protrude any further to the west of the site than the existing parking area associated with the public house and will be linked to this. Therefore this relatively small area of hardstanding for car parking will have no adverse impact upon the character and appearance of the open countryside.

The proposed development is considered to comply with policy RD3 of the North Lincolnshire Local Plan. It will result in the intensification of use on the site, however it is not considered to constitute over-intensification of this use. The site is located within the settlement of East Halton and is surrounded by residential properties on two sides. It is therefore within easy walking and cycling distance of the local workforce. Additionally there is a bus stop located very close to the site providing easy access via public transport.

Policy R13 of the North Lincolnshire Plan is no longer a relevant planning policy as it has been superseded by policy CS15 of the Core Strategy. Policy CS15 supports schemes that extend the range of cultural and evening economy uses in rural settlements where they are consistent with the size and function of the settlement, and promotes the protection and enhancement of existing tourist facilities and infrastructure. It is considered that the proposed development would be of an appropriate scale for the size and function of East Halton and would help to ensure that the existing facilities on site are retained and enhanced. Therefore the proposed development accords with policy CS15 of the Core Strategy.

Policy S9 of the North Lincolnshire Local Plan is the most relevant policy with regard to hot food takeaways. Although there is no defined centre for East Halton, the application site is located close to the post office and only shop in the village, and houses the only public house. Therefore the application site is located in the only area that could be considered to be a local centre within East Halton and is the most appropriate location for the provision of additional services such as a takeaway. The proposed development includes a new area of car parking to the rear which can be used by people visiting the takeaway and will reduce

the need to park on the street. The entrance to the takeaway has been moved as far away as possible from the nearest residential property to the north. Additionally an area of landscaping has been provided between this entrance and the neighbour which will prevent people from congregating and help mitigate any noise and disturbance. The council's Highways and Environmental Protection teams have been consulted and are happy with the proposed changes to the scheme. As such the proposed development is considered to comply with policy S9 of the North Lincolnshire Local Plan.

The proposed extensions have been designed to reflect the existing public house in appearance, and the new accommodation block is designed to be similar in appearance to The Sensays. Whilst not of outstanding or innovative design, the proposal has been designed to be sympathetic to the existing structures on site so as to blend in as far as possible. Therefore the proposal is considered to be of an acceptable design that will not be harmful to the character and appearance of the area. It is therefore considered to accord with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy with regard to design.

As stated previously, the council's Environmental Protection team have been consulted on the application and have confirmed that provided adequate conditions are applied and enforced in relation to opening hours then the proposed development would not have an unacceptable impact upon the amenities of neighbouring properties as a result of noise. The proposed takeaway will make use of the existing fume extraction system to the rear of the building, which has not historically resulted in complaints. The entrance to the takeaway has been moved as far away from the nearest neighbour as possible to prevent noise and disturbance. There is a new, large area of parking proposed to the rear of the site that can be used by people using the takeaway, although it is not possible to force people to use the car park. The distance between the entrance to the proposed takeaway and the nearest dwelling (approximately 10 metres), and the restriction of opening hours of the takeaway, are considered to be sufficient to prevent unacceptable noise and disturbance to neighbouring dwellings from the comings and goings of people to and from the takeaway.

The council's Highways team have been consulted on the application and have raised no objections to the proposed development with regard to parking provisions or highway safety. Highways have voiced no concerns over existing on-street parking or any additional on-street parking that may result from the development. Conditions have been recommended with regard to the construction of the new car parking area. Therefore it is considered that the proposed development will not result in a highway safety problem in the area.

With regard to the behaviour of people leaving the pub late at night, this is likely to be a minority of people who use the premises. The public house is an existing feature on the site and there is no reason to believe that the proposed extensions will lead to an increase in antisocial behaviour in the area. Notwithstanding this the licensing regime can monitor and control such matters should they occur.

Anglian Water, as the drainage body for the area, have been consulted on the application and no response has been received from them with regard to drainage. Therefore it has to be assumed that they have no objections to the proposed development and that the drainage system in the area is capable of dealing with any increase in discharge from the site. It should also be noted that the majority of objectors making reference to the inadequacies of the drainage system make reference to the flooding experienced in 2007 to demonstrate this. The flooding in 2007 was caused by extremely heavy rainfall and was

widespread across the country, on its own this is not proof of an inadequate drainage system. The Environment Agency has also been consulted on the application and has raised no objections to the proposal on flood risk grounds.

With regard to the structural stability of the barn along the northern boundary of the site and whether it is capable of conversion, this is an issue that will be dealt with under the building regulations. This issue is not a material planning consideration and as such is not a valid reason for the refusal of planning permission.

The proposed extension to the front of the public house will be close to the neighbouring dwelling to the north and as such may result in some loss of light to the hallway of this property, which is served by a glazed external door. The extension to the front is single-storey and as such any loss of light would be minimal. A hallway is not a habitable room and loss of light to this room will not lead to a loss of amenity to the occupiers of the dwelling and is not a material planning consideration.

One room within The Sensays has recently been converted to a gym. This was originally intended for the use of the patrons of the bed and breakfast accommodation, but has subsequently been opened to the public. There is no planning permission for this change of use, however a planning application has been submitted in this regard and will be determined on its own merits. The gym does not form part of this planning application and as such is not a consideration in its determination.

The caravan to the rear of The Sensays does not have planning permission and is currently being investigated by the council's planning enforcement team. This caravan does not form part of this planning application and as such is not a consideration in its determination.

Fire regulations in relation to bed and breakfast accommodation are dealt with under building regulations and are a separate and unrelated issue to planning. Therefore this is not a material planning consideration and is not a valid reason for the refusal of planning permission.

Devaluation of property is not a material planning consideration and as such is not a valid reason for the refusal of planning permission. There is no evidence to suggest that the proposed development would have an adverse effect on property prices in the area.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason
To comply with section 91 of the Town and Country Planning Act 1990.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: SG/11/1/1, SG/11/1/2, SG/11/1/3, SG/11/1/4, SG/11/1/5, SG/11/1/6, SG/11/1/7, SG/11/1/8, SG/11/1/9, SG/11/1/10, SG/11/1/12 and SG/11/1/13.

Reason
For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

The café/takeaway shall only operate within the following hours:

Monday to Friday: 9am to 10pm

Saturday: 9am to 11pm

Sundays and Bank/Public Holidays: 9am to 8pm.

Reason

To avoid the unacceptable loss of amenity to local residents through noise and disturbance in accordance with policy DS1(iii) of the North Lincolnshire Local Plan.

6.

The external café/takeaway door shall only be used to gain access to and/or exit from the building during the hours stipulated in condition 5.

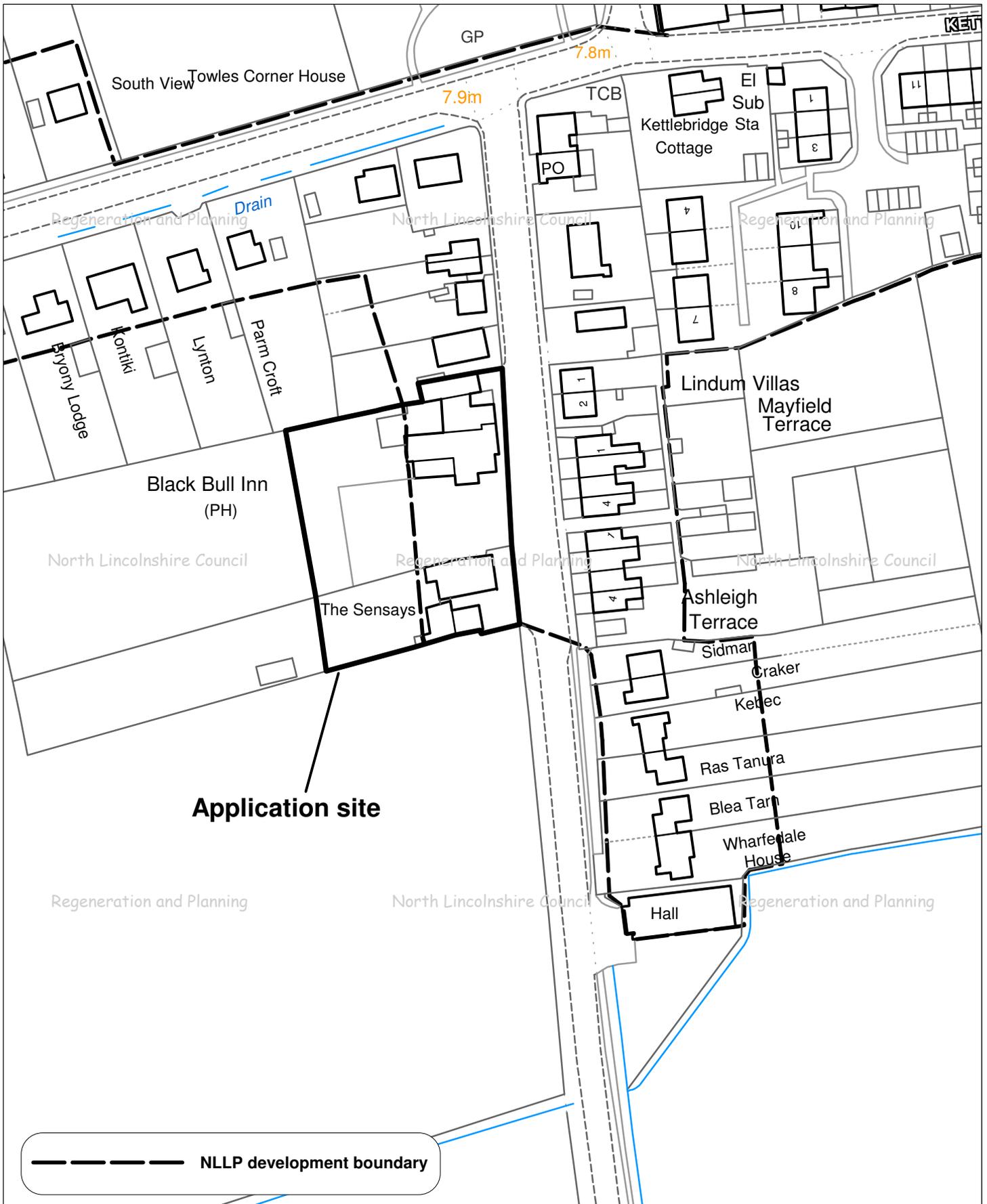
Reason

To avoid the unacceptable loss of amenity to local residents through noise in accordance with policy DS1(iii) of the North Lincolnshire Local Plan.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area, the living conditions of neighbouring occupiers, nor highway safety and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are policies DS1, RD2, RD3, R14, T2 and T19 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3, CS5, CS15 and

CS22 of the North Lincolnshire Core Strategy.



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Regeneration and Planning

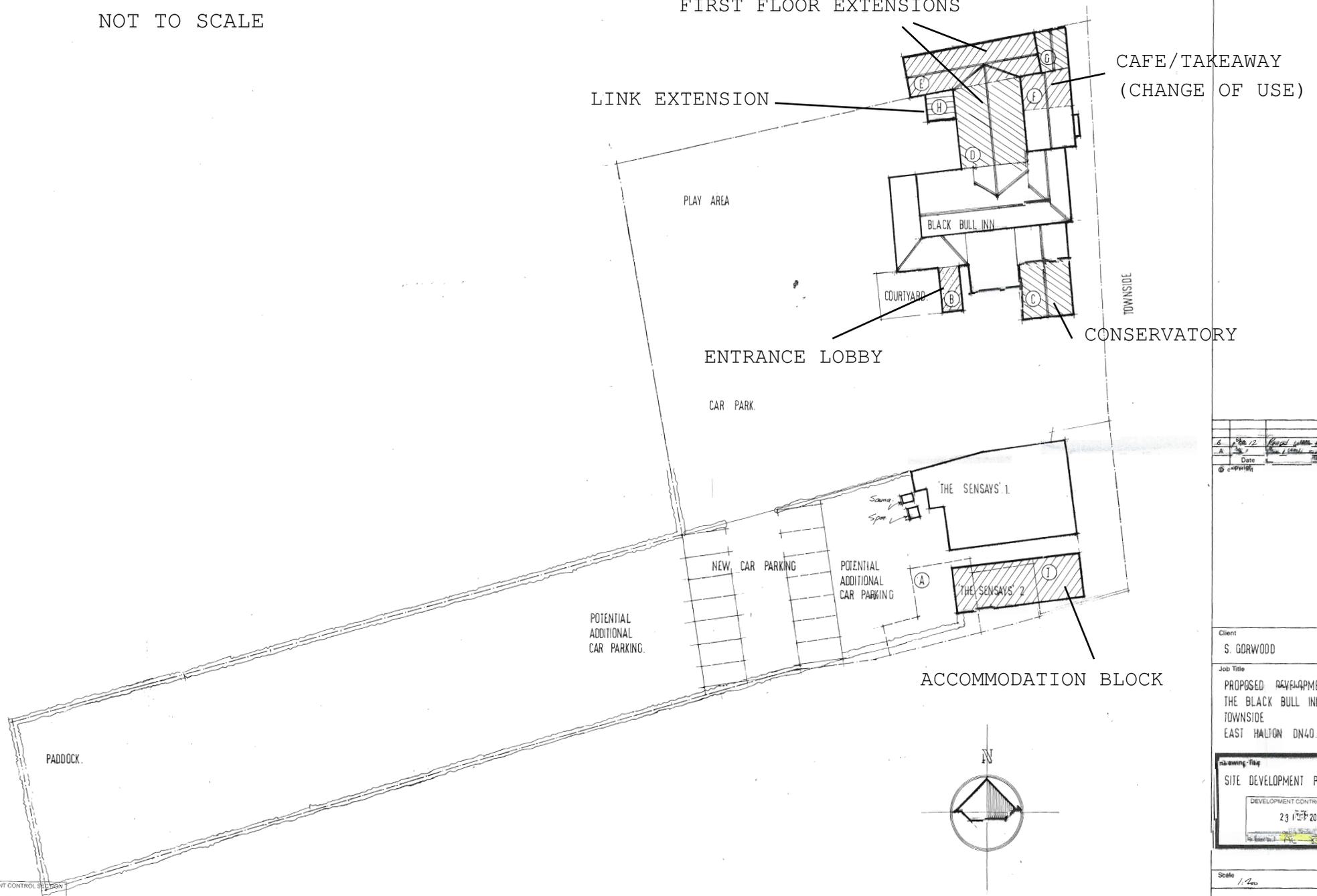
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PA/2012/0053 - PROPOSED SITE DEVELOPMENT
NOT TO SCALE

FIRST FLOOR EXTENSIONS



NOTES:
All dimensions must be checked on site and not scaled from this drawing.

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A			
	Date		

Client
S. GORWOOD

Job Title
PROPOSED DEVELOPMENTS
THE BLACK BULL INN
TOWNSIDE
EAST HALTON DN40 3NL

Drawing File
SITE DEVELOPMENT PLAN
DEVELOPMENT CONTROL SECTION
23 FEB 2012

Scale 1:200

Drawn by
Checked by

Drawn No. SG/11/1/02
Rev. B

DEVELOPMENT CONTROL SECTION
23 FEB 2012
DATE RECEIVED

SITE DEVELOPMENT PLAN - 1:200