

<b>APPLICATION NO</b>	<b>PA/2014/0764</b>
<b>APPLICANT</b>	RJE Planning & Developments Ltd
<b>DEVELOPMENT</b>	Planning permission for the demolition of an existing public house, erection of two 4-bedroom semi-detached houses, rebuilding of existing public house to provide a bar, restaurant, B&B rooms, landlord accommodation, 2-bedroom flat, car parking spaces and associated landscaping
<b>LOCATION</b>	The Bay Horse, Shore Road, Garthorpe
<b>PARISH</b>	<b>GARTHORPE/FOCKERBY</b>
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member call-in (Councillor Briggs) – significant public interest

## **POLICIES**

**National Planning Policy Framework:** Paragraph 28 states that to promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as public houses.

Paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Section 7 (Requiring Good Design) states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.

Section 10 (Meeting the challenge of climate change, flooding and coastal change) states that inappropriate development in areas at risk of flooding should be avoided by directing development from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

**North Lincolnshire Local Plan:** Policies H5, H8, DS1, DS16, C2, R14, T1, T2, T6 and T19.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS7, CS8, CS15 CS17, CS19 and CS22.

## CONSULTATIONS

**Highways:** No objections, but recommend conditions requiring the proposed public house and residential units to be set out and established in accordance with the amended details contained within the agent's email of 16/09/2014 and amended drawing number 0525-GA-00-P5. A standard condition is requested stating that the public house shall not be brought into use until such time as the parking, turning and servicing facilities have been provided. Recommend additional conditions HC11, HC13, HC16 and that the car ports serving the proposed dwellings not be enclosed or converted to garages at any time.

**Environment Agency:** No objection, but recommend a condition requiring the development to be carried out in accordance with the mitigation measures set out in the Flood Risk Assessment.

**Environmental Health:** Recommend conditions in relation to hours of construction, deliveries to the public house, that the bed and breakfast accommodation only be for short-term lets and details of the extraction and filtration of cooking odours. Recommend a further condition requiring a contaminated land investigation survey to be undertaken on the site.

**Ecology:** The protected species report submitted with the planning application reveals no evidence of bat roosts and limited potential for nesting birds. There will be a need to secure biodiversity enhancements in accordance with the National Planning Policy Framework.

**Environment Team (Trees and Landscaping):** The applicant needs to submit detailed information in the form of an arboricultural report on the existing trees at the site. Therefore a holding objection is submitted.

**Historic Environment Record:** The proposal does not adversely affect any heritage assets of archaeological interest or their settings.

## PARISH COUNCIL

Object on the following grounds:

- parking provision is inadequate
- more parking within the highway will result in highway safety issues
- the roads around the public house are narrow and not suitable for on-street parking
- how is noise and disturbance going to be kept to a minimum?
- overlooking
- no designated smoking area, this should be shown on the plans.

## PUBLICITY

Neighbouring properties have been notified. Seven letters of objection have been received (including three from one address and two from another) raising similar issues to those raised by the parish council, together with the following issues:

- the ground floor windows in the north-western elevation overlook the objector's property

- the additional ground floor windows should be obscure-glazed
- no alternative but to park within the highway
- method of demolition in relation to the existing wall with the neighbouring property
- recommended that a wall is constructed along the rear of the public house to separate the plots
- reassurance sought that the public house will be replaced and not just demolished
- the public house should be built prior to the housing
- cycle provision not shown
- what is happening to the old cellar?
- where will delivery vehicles park?
- it would be impossible to sustain a public house on local trade alone
- the windows in the north-western elevation of the public house should be reduced or removed
- impact on pedestrian access to the park
- sustainable measures should be incorporated
- the village is not in need of additional housing
- lack of parking provision to support the mix of uses proposed
- the business case for the replacement public house is questioned
- public transport to Garthorpe is limited
- no provision for disabled parking.

In addition, five letters of support/comment have been received raising the following issues:

- retention of a public house in the village
- should be a clause that the pub is completed before the houses
- the village would benefit from a new public house.

## **ASSESSMENT**

The application site is dominated by an existing two-storey public house which is constructed in brick (painted white) with a red clay pantile roof. The public house is set back from the public highway (Island Road) with its north-western elevation abutting the pavement along Shore Road. The principal elevation of the public house spans across the majority of the site with its garages located to the south-east. The area to the front of the

public house is laid to hardstanding, which is used for customer parking and contains two mature trees in its south-western corner. The land is residential in nature and the site is located within the settlement boundary for Garthorpe. At the time of writing this report the public house is vacant.

**The main issues in the determination of this planning application are the principle of development, impact on the character and appearance of the area, parking/highway issues, impact on residential amenity and flood risk.**

The site is located within the settlement boundary for Garthorpe. There is therefore a presumption in favour of development for the erection of dwellings and a replacement public house. Policy CS2 (Delivering More Sustainable Development) of the adopted Core Strategy states that development should be focused on small-scale developments within the defined development limits of rural settlements. Policy CS8 (Spatial Distribution of Housing Sites) of the adopted Core Strategy applies and states that new housing within the rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. The erection of two dwellings on part of the public house site is considered to constitute small-scale infill development on a brownfield site in an area of Garthorpe which is predominantly residential in nature. In light of the above, the principle of residential development on this site is considered acceptable.

Turning to the replacement public house, the proposal will secure the replacement and enhancement of an existing community facility, particularly as the existing public house has been closed for the past 18 months. Policy CS22 (Community Facilities and Services) of the adopted Core Strategy applies and states that the provision of new community facilities or the improvement of an existing community facility which meets the needs of local residents will be supported in principle. The replacement public house will be provided on the same site as the one it is proposed to replace, which is located in the centre of the settlement, inside the development boundary, close to residential properties. The replacement facility will serve the local area and is accessible by the same modes of transport as the existing facility. The applicant has put forward the case for the replacement public house and is confident that the facility can continue to serve the local community. The supporting statement submitted with the planning application states that the existing public house would be costly to renovate, the building is poorly laid out internally and is in poor condition structurally. The introduction of the bed and breakfast accommodation would enable the replacement public house to diversify its income stream. Paragraph 28 of the National Planning Policy Framework (NPPF) supports the retention and provision of community facilities to meet local needs; specific reference is made to a public house as constituting a community facility.

In terms of the provision of guest house accommodation, policy R14 (Hotel and Guest House Accommodation) of the North Lincolnshire Local Plan applies and states that within defined settlement boundaries, bed and breakfast accommodation will be permitted provided that the development proposed is compatible with its surroundings in terms of siting, scale, design, materials and landscaping, and neighbouring residential amenity will not be detrimentally affected. The guest accommodation will be provided within the upper floors of the replacement public house; it will not result in the requirement for additional buildings to be erected within the curtilage of the site. These matters will be discussed in subsequent sections of this report.

## **Character and appearance**

The proposal is for a replacement public house and two detached dwellings on land to the side of the public house. The existing public house occupies much of the site frontage facing onto Shore Road, this gives a continuous built form across a width of 34 metres. The replacement public house, together with the proposed dwellings, will provide a continued built frontage along Shore Road, albeit at a width of 42 metres, with a visible break between the houses and replacement facility. The erection of buildings with a continuous frontage is consistent with the existing street scene along Island Road.

The main public house building is approximately two-and-a-half storeys high, which is consistent with the ridge height of residential properties in this part of Garthorpe. The replacement public house will be built on a similar footprint to the existing facility and its ridge height will be approximately 2 metres higher, however the plans show that the height of the replacement building is consistent with the properties to the north-west on Island Road. The ridge line of the proposed link-detached dwellings is 1 metre lower than the replacement public house. The car ports which link the proposed dwellings have a ridge line 1 metre lower than the houses. It is considered that the varying ridge heights will add visual interest to the character and appearance of Shore Road: it ensures that the principal elevation of the replacement public house will remain visually dominant in the street scene and reinforces the position of this public house as an important local community facility in the centre of the village. The visible break between the replacement public house and the proposed dwellings provides some degree of spacing between the proposed uses.

It is considered that the replacement public house respects the position of the existing facility, however it is accepted that the proposed development will be constructed further forward towards Shore Road. The existing public house is of a gable design with a chimney located at either end of the building. The replacement facility will respect the orientation, scale and design of the existing public house; the exception is a projecting gable feature to the eastern end of the principal elevation. The introduction of this projecting gable is considered to add visual interest to the street scene; in addition it reflects the character and appearance of existing dwellings along Shore Road where protruding features running perpendicular to the main building are a common feature. The replacement public house will re-introduce the chimneys to either end of the roof (i.e. to each gable) and will retain the main entrance framed between two large ground floor windows along the principal elevation. Each of the elevations will be broken up by a mix of door and window openings. Similarly the roof plane will be broken up by rooflights and dormer windows. The proposed facing materials for the replacement public house are white rendered walls and a clay tiled roof. These materials are consistent with both the appearance of the existing building and dwellings close to the site.

Turning to the proposed dwellings, the height of these is considered to be consistent with the ridge line of neighbouring residential properties. The scale of the dwellings is considered to be proportionate to the size of the plots. In addition these houses will be set back from the public highway, which ensures that the principal elevation of the replacement public house remains visually prominent and prevents the houses from competing in a visual context. The proposed dwellings are relatively uniform and balanced in their design and appearance, and the ground floor openings are in vertical alignment with the first-floor windows. Essentially the design of the dwellings is the same, albeit that they are handed the opposite way, which ensures that the front entrance door is closest to the driveway and off-street parking areas. The dwellings are linked by car ports with a bedroom overhanging the respective driveways, and the varying ridge heights add visual interest. The proposed external facing materials are a red brick and a clay pantile, which will ensure that the appearance of the dwellings contrasts with the replacement public house. It is worth noting

that there is a mix of external materials within the immediate area, including pantiles, white render and red bricks. The introduction of stone lintels and a canopy above the front entrance door adds visual interest to the principal elevation of the proposed dwellings. The submission of samples of the external facing materials would be secured by planning condition, which would allow the local planning authority to ensure the appearance of the development is in keeping with the character of the street scene in this part of Garthorpe.

It is noted that the mature trees within the existing car park contribute towards the visual amenity of the street scene but are offered no statutory protection (tree preservation order or conservation area). These trees are shown to be retained as part of the proposals. To protect these trees during the demolition and construction phases it is considered that a condition could be imposed requesting a scheme for the protection of the trees.

### **Residential amenity**

The proposal involves the demolition of the existing public house, which will inevitably result in some disruption to local residents. However this disruption will only occur for a relatively short period and will not affect the amenity of residential properties long-term. The demolition of the public house would involve the removal of part of a wall which forms an outbuilding to a neighbouring property, which would result in the southern wall of this outbuilding becoming exposed. It would be considered prudent to recommend a condition which puts forward a scheme for securing the repair of this wall.

The windows proposed in the upper floors of the replacement public house will overlook an area of unused land to the north and the car park to the south. The windows in the upper floors (1<sup>st</sup> and 2<sup>nd</sup> floor) of the north-western elevation will have an outlook onto the roof of the single-storey section belonging to The Old Plough Inn on Island Road. The ground floor windows in the north-western elevation will serve the lounge area, therefore no overlooking from habitable room to habitable room will take place. There is no requirement, therefore, for these lounge windows to be fitted with obscure glazing. There are two existing windows in the north-western elevation of the public house positioned at ground and first floor. The proposal is not considered to give rise to loss of residential amenity through the effects of overlooking.

The size of the private gardens (60 square metres) proposed to the rear of the residential properties is considered sufficient to meet the needs of the proposed occupants. The erection of any boundary treatment to the perimeter of the dwellings could be secured by way of planning condition. The obstruction of access to the playing fields across private land is not a material planning issue and will not be assessed in this case.

There is sufficient space to the front of the site (i.e. the car park) to accommodate delivery vehicles to the public house. Conditions can be imposed in relation to delivery hours and hours of construction, which will ensure that demolition and construction works, and hours of delivery, take place during social hours of the day (8am to 6pm on weekdays, 8am to 1pm on Saturdays and at no time on Sundays and Public/Bank Holidays) and won't result in loss of residential amenity through noise and other disturbance. These conditions are consistent with those recommended by Environmental Health. The kitchen is proposed within the northern part of the replacement public house, and the installation of extraction and filtration equipment along the northern elevation will ensure that there is no loss of residential amenity through noise or odour (there are no residential properties located in close proximity to the north). Notwithstanding this point, it would be considered prudent to recommend a condition that details of the extraction and filtration are submitted for

consideration. An awning is proposed over the area immediately to the north-east of the main entrance to the public house, which can be used as a smoking shelter.

The erection of the link-detached dwellings is not considered to give rise to loss of residential amenity in this case.

### **Highway issues**

The proposal will result in the loss of space available for parking to the front and side of the public house. It is worth noting that there are no spaces formally marked out on the area of hardstanding that serves the existing facility. The plan shows that the replacement public house will be served by nine spaces in total, including parking for the guest accommodation on the upper floors. It is worth noting that Highways have raised no objection to the level of parking provision on the site. In addition, the plans demonstrate that vehicles can turn within the site and exit in a forward manoeuvre. Inevitably the proposal may result in the parking of vehicles within the highway, but there are no parking restrictions in this part of the settlement, therefore it is the responsibility of vehicle users to ensure that their vehicles are not parked in a dangerous or obstructive manner.

There is sufficient space to the front of the public house to make provision for cycle parking. The level of off-street parking proposed for the link-detached dwelling (two per dwelling) is considered sufficient, and the plans show that there is sufficient space to accommodate this provision.

### **Flood risk**

The south-eastern half of the site is located within Flood Zones 2 and 3 of the North Lincolnshire Strategic Flood Risk Assessment. The north-western half of the site is located in Flood Zone 1, within an area at the lowest risk of flooding. The proposal is for 'more vulnerable' development (this includes the replacement public house and residential properties) as defined within the National Planning Practice Guidance. The application results in the majority of the public house in Flood Zone 1 and both residential properties in Flood Zone 2/3, therefore a requirement exists for the sequential and exceptions tests to be applied and passed for the proposed link-detached dwellings.

The Environment Agency has considered the flood risk assessment (FRA) which has been submitted with the application and raises no objections. A condition is recommended by the Environment Agency that the development takes place in accordance with the recommendations in the FRA, particularly in relation to finished floor levels, flood resilience and resistance measures.

It is worth noting that the majority of the replacement public house is located within an area of low flood risk, therefore it is considered acceptable in flood risk terms. The south-eastern corner of the public house is located within the area of higher flood risk. It is not considered necessary to assess the small section of the replacement public house, or to apply the sequential and exceptions test. However should these be applied it is considered that they would be passed for the replacement public house as the FRA demonstrates that the site is safe from flooding and the provision of a replacement public house would be of wider community and sustainability benefit to Garthorpe and nearby settlements.

The provision of the link detached dwellings needs to be assessed against the sequential and the exceptions test. It is considered that the proposed dwellings could be located within

the part of the site which is at lowest risk of flooding (Flood zone 1) and where development would be considered acceptable in flood risk terms. There are other areas of land within Garthorpe which are at lower risk of flooding (i.e. in Flood Zone 1). These sites have not been sequentially assessed, accounting for their availability, whether they are located within the settlement boundary or whether these sites are appropriate for residential development. For example there is an area of land at lower risk of flooding (flood zone 1) located to the south-west of the site, on Station Road. The exceptions test then needs to be applied for the proposed link detached dwellings. The applicant has provided additional information in support of the planning application. This supporting information states that the additional housing will support local businesses and services within the village and surrounding villages and therefore deliver wider sustainable community benefits in enhancing or maintaining the vitality of this rural community. This is considered to be insufficient justification to demonstrate wider sustainable community benefits which would outweigh the risk of flooding (for example the sale of the dwellings will help facilitate the erection of the replacement public house). Such justification is not site specific or related to a specific benefit and could be applied to any residential development within any small flood risk settlement. The exceptions test must raise exceptional circumstances, not common place material planning considerations. Therefore the exception test is not passed in this case. Consequently the proposal does not comply with policies DS16, CS19 or the NPPF in terms of flood risk.

### **Other issues**

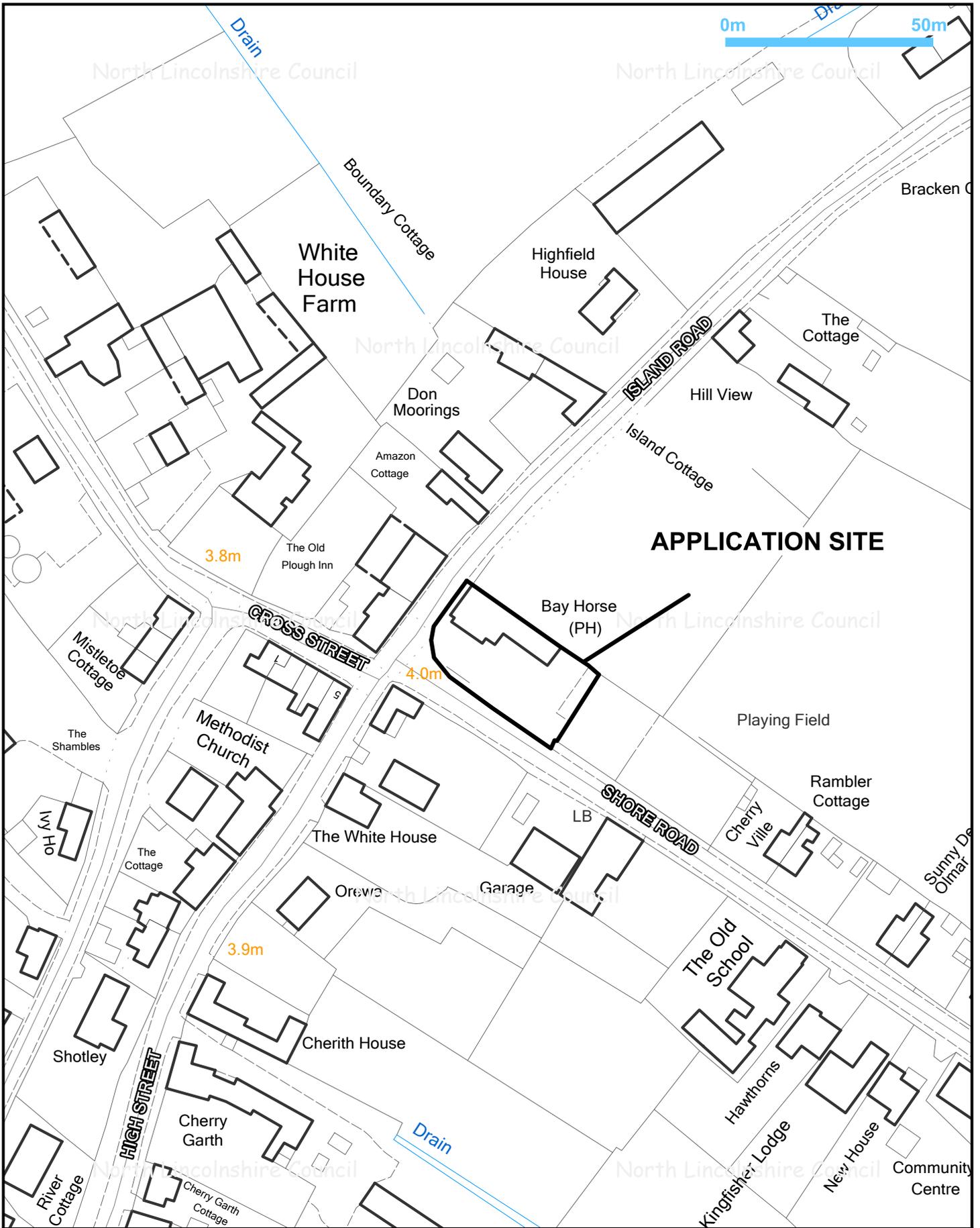
A number of concerns have been raised in relation to the demolition of the public house and a fear that the replacement facility will not be provided on the site. A condition could be imposed that the market housing is not occupied until such time as the replacement public house is constructed on the site. This will prevent the total loss of the public house.

### **RECOMMENDATION      Refuse permission for the following reasons:**

The proposed development is classified as 'more vulnerable' in terms of flood risk and part of the site is located in flood zones 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment. The Planning Practice Guidance states that development should only be allowed where it passes the sequential and exceptions tests. The proposal for the two link-detached dwellings fails to apply the sequential and exceptions test, failing to consider the existence of sequentially preferable sites or justifying wider sustainability/community benefits. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the adopted Core Strategy and paragraphs 100, 101 and 102 of the National Planning Policy Framework.

### **Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



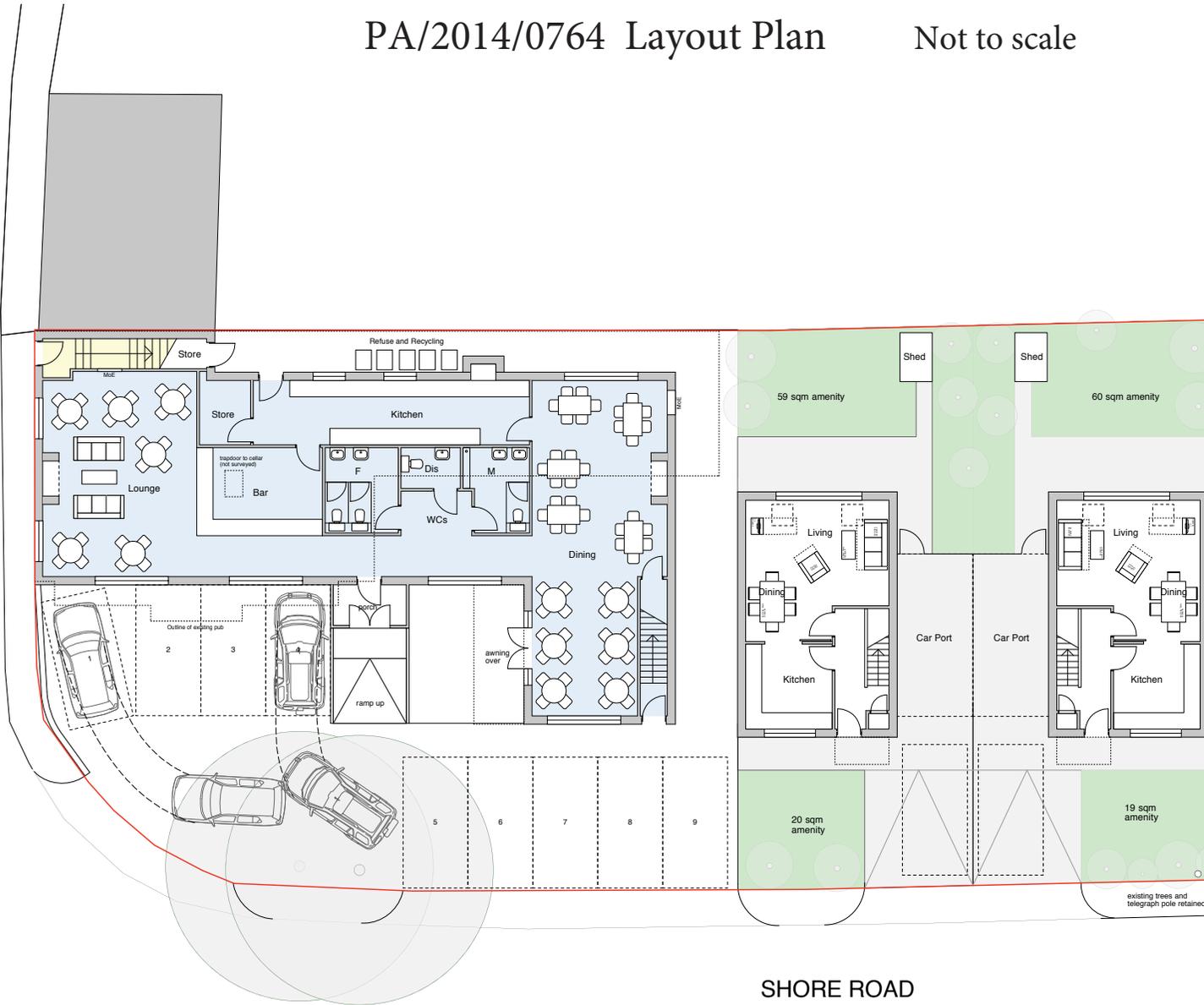
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# PA/2014/0764 Layout Plan

Not to scale

ISLAND ROAD



SHORE ROAD

PA/2014/0764 Proposed Elevations from Shore Road Not to scale



South-West Elevation - Pub and Houses