

Reference: 14/01007/FUL

Date submitted: 16 December 2014

Applicant: Little Britain Pub Company Ltd

Location: The Crown Inn, 7 Debdale Hill, Old Dalby

Proposal: Rear single storey pitched roof extension with porch to the rear entrance, replacement sliding folding windows and brick stall riser to the restaurant extension, new timber pergola structure with polycarbonate and fabric covered roof, new stand alone pitched roof smoke house to garden area.



Introduction:-

The proposal comprises the erection of a rear single storey pitched roof extension with porch to the existing rear entrance, replacement sliding folding windows and brick stall riser to the restaurant extension, a timber pergola structure with polycarbonate and fabric covered roof and a freestanding pitched roofed smoke house to the garden area.

The building comprises a public house on the southern side of Debdale Hill with the access to the east and a beer garden to the rear. A public footpath runs along the western boundary and the area is primarily residential.

It is considered the main issues relating to the proposal are:-

- **The principle of development;**
- **The visual impact on the site and surroundings;**
- **The impact on the residential amenities of occupiers of neighbouring properties;**
- **Highway Safety.**

The application is to be heard by the Planning Committee due to the number of letters of support and objection received.

Relevant History:-

10/00428/FUL – The retrospective installation of a metal storage container and roof mounted cooler module, together with proposed lighting of the car park – pending.

07/00718/FUL – Extension to the public house – permitted.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1 and BE1

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy BE12

Policy BE12 states permission will not be granted for development within a protected open space except where a proposal is in conjunction with an existing use and the development would not adversely affect the intrinsic character of the area.

National Planning Policy Framework – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and business that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- deliver sufficient community and cultural facilities and services to meet local needs;
- conserve heritage assets in a manner appropriate to their significance.

On Specific issues relevant to this application it advises:

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people;
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Old Dalby Parish Council – very concerned about the smoke house and feel that unrestricted use of it and its associated lights would have a detrimental affect/impact on neighbouring residential properties. Also concerned about the impact of lighting in general on the same residential neighbouring properties.</p> <p>Councillors are aware of the problems the pub has faced in the past and consider it an important community amenity. We are hopeful the pub can reopen and be a success but unless these two issues can be resolved object to the application.</p>	<p>The proposed smoke house would be located to the rear of the building, within the curtilage of the pub. The structure would be sited along the boundary with walls to the rear and side elevations and would be opened fronted under a metal profiled cladding sheet roof.</p> <p>Although this part of the site could be used as a beer garden without the need for planning permission it is acknowledged the proposed smoke house is likely to lead to an intensification in the use of this area with a concentration of customers. It is also noted there are neighbouring properties in relatively close proximity and that noise has historically been an issue given the location of the pub and the local topography.</p> <p>Environmental Health has been consulted and responded following discussions with the applicant. They raised no objection subject to the following conditions:</p> <ul style="list-style-type: none"> • the smoke house be precluded from serving food or drink outside the hours of 0700 to 2300 7 days a week; • details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control methods, noise levels, its appearance and finish shall be submitted, approved and implemented; • details of the lighting scheme and predicted light levels at neighbouring residential properties to be submitted, approved and implemented; • a noise management plan setting out the responsibilities and actions of the premises management team in the control of noise from patrons, staff and catering facilities in the external environment to be submitted,

	<p>approved and implemented.</p> <p>It is considered the above recommended conditions would satisfactorily control noise, illumination and odour resulting from the smoke house and ensure the adequate protection of the amenities of occupiers of neighbouring residential properties.</p>
<p>Environmental Health – following discussions with the applicant support the application subject to conditions limiting the hours of use of the smoke house, details of means of ventilation and extraction of cooking fumes, details of lighting required and a noise management plan is required.</p>	<p>Noted. This can be controlled by means of a condition.</p>

Representations

A site notice was posted and neighbouring properties consulted. A total of 16 responses have been received, 12 in support, 1 raising concern and 3 letters objecting on the following grounds;

Representation	Assessment of Head of Regulatory Services
<p>Parking</p> <ul style="list-style-type: none"> The extensions and outside catering area will increase the number of people and therefore cars visiting, at busy times in the past the car park has not been adequate and cars have parked on nearby pavements posing a safety issue for pedestrians and emergency services, only two additional parking spaces have been proposed. 	<p>A total of 21 parking spaces are currently available at the rear and it is proposed to retain these and add 2 disabled parking bays. It is acknowledged that historically overspill parking may have taken place at busy times beyond the confines of the car park. However, the extensions in terms of footprint are relatively minimal compared to the existing footprint and although the intention of the owners is to operate a successful pub such overspill parking could occur without the extensions proposed. Furthermore, temporary catering facilities could operate from the pub grounds without the need for planning permission.</p> <p>The parking provision is significant for a village pub and would be increased by two further spaces. The Highway Authority raised no objection and on balance it is not considered the proposal could reasonably be refused on highway safety grounds.</p>
<p>Noise and disturbance</p> <ul style="list-style-type: none"> Concerns over noise levels from the outside seating and eating areas as the pub lies in a bowl within the village and the noise generated, particularly on summer evenings, can echo around the village causing problems late into the night for nearby properties. Concern over noise from the proposed outside catering area which is adjacent to a dwelling, there have been historic problems and this could lead to a return of such problems with use on a regular basis to the detriment of residential amenity. 	<p>Noted.</p> <p>It is acknowledged the proposal could lead to an increase in activity on the site and could potentially lead to further noise and disturbance. However, conditions can be imposed to control the external noise levels, which would cover the whole of the pub garden, in order to adequately protect the amenity of nearby residential properties.</p>

<p>Character of the area</p> <ul style="list-style-type: none"> Concern that the site for the smoke house is in the conservation area and a protected open area and questions whether it is appropriate for a permanent building to be erected in such a location. 	<p>The site lies within the conservation area and is part of a larger area of protected open space. The NPPF requires consideration to be given to protecting heritage assets and development must preserve or enhance the character and appearance of conservation areas.</p> <p>Policy BE12 states permission will not be granted for development within a protected open space except where a proposal is in conjunction with an existing use and the development would not adversely affect the intrinsic character of the area.</p> <p>The smoke house would be located to the rear of the building adjacent to the site boundary. This boundary runs parallel to the public footpath and a mature hedge provides the separation between the site and path. Although the upper parts of the smoke house would be visible from outside the site the building would be of relatively modest proportions comprising a footprint of 7 metres by 3 metres, eaves of 2.75 metres and a ridge height of 4 metres. The building would be relatively well related to the existing pub and would not be unduly prominent from outside the site.</p> <p>The proposed smoke house would be an ancillary structure operating in connection with the pub activities and would therefore be in conjunction with the existing use. It is not considered the proposal would adversely affect the intrinsic character of the area and therefore would comply with policy BE12.</p>
<ul style="list-style-type: none"> Support the proposal as it represents proposed investment into a local amenity. The building is of significant interest and the proposal will help to renovate and enhance this social community asset and preserve the building, the design is in keeping and the outside works to the car park area will help reduce noise disruption from the gravelled area. 	<p>Noted.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy</p> <p><u>Policies OS1 and BE1</u> allow for development within Village Envelopes providing that:-</p> <p>the form, character and appearance of the settlement is not adversely affected;</p> <p>the form, size, scale, mass, materials and architectural detailing of the development is in</p>	<p>The site is within the village envelope and as such there is a presumption in favour of development subject to certain issues being addressed. It is considered the principle of the development can be supported at this location. Key elements of policies OS1, BE1 and BE12 relate to the visual impact, residential amenity and highway safety and these are broadly compliant with the NPPF.</p>

<p>keeping with its locality;</p> <p>the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,</p> <p>satisfactory access and parking provision can be made available.</p>	
<p>Visual Amenity and Heritage Assets</p>	<p>The site lies within the conservation area with a listed building to the front of the site; the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the character and appearance of the area and the setting of listed buildings under sections 66 and 72 of the Listed Building and Conservation Area Act 1990.</p> <p>The visual impact of the smoke house has been discussed above. The scheme also comprises a new rear entrance, a pergola and alterations to the fenestration of the restaurant. These extensions and alterations are considered suitable for the building and views would largely be restricted to the rear of the site and the adjacent footpath. Subject to a condition to control the external materials it is considered the proposals would be visually acceptable, would preserve the character and appearance of the conservation area and would not adversely affect the setting of the listed building to the front of the site.</p>
<p>Residential Amenity</p>	<p>The impact of the smoke house has been discussed above. The extensions and alterations to the building would add a relatively small footprint to the building and the physical impact of these would be acceptable given the distances to the neighbouring properties. Noise from the outside areas would be covered by a condition to require a noise management plan. Furthermore, a condition would also control external lighting.</p>

Conclusion

The proposal relates to extensions and alterations to the pub. The principle of the development is considered acceptable as the building is within the village envelope and the changes are sought in order to regenerate the pub which is a community asset. The proposals are considered acceptable in visual terms, would maintain the character and appearance of the conservation area and would have an acceptable relationship with neighbouring properties. Conditions can be imposed to manage noise, odour and illumination in order to further protect residential amenity. The proposal complies with Local Plan policies OS1, BE1 and BE12 and the NPPF in terms of principle, visual and residential amenity and highway safety and accordingly the proposal is recommended for approval.

RECOMMENDATION:- Approve subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. This permission relates to the following plans: 2277 207 B, 2277 208 A, 2277 201 A and 2277 203.
3. No above ground construction shall take place until details of the materials to be used on the external elevations (including doors and windows) and roofs have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. Before any of the extensions, outbuildings or structures are first used the additional parking spaces shall have been provided on the site in accordance with the approved plans and shall thereafter remain available for that purpose.
5. The proposed external catering facility known as the ‘smoke house’ is not permitted to serve food or drink between the hours of 23:00 to 07:00, seven days a week.
6. No development shall take place until details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained. The scheme must have regard to DEFRA “Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust System” 2005.
7. No external illumination shall be erected until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
8. No development shall take place until there has been submitted to and approved in writing, by the Local Planning Authority, a Noise Management Plan setting out the responsibilities and actions of the premises management team in the control of noise from patrons, staff and catering facilities in the external environment. The approved noise management plan shall be complied with throughout the duration of the use.

Reasons:

1. To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the Local Planning Authority to review the consent if a further application is made.
2. For the avoidance of doubt.
3. To ensure that the Local Planning Authority can exercise proper control over the materials used and the appearance of the building when completed, in the interest of visual amenity.
4. To ensure the additional parking is provided prior to the use of the additional floorspace, in the interests of highway safety.
5. In the interests of residential amenity.
6. To exercise control over the smells, odour and noise of the external operation, in the interests of residential amenity.
7. In the interests of residential amenity.
8. In the interests of residential amenity.

Officer to contact: **Mr Joe Mitson**

Date: 19.03.2015

