

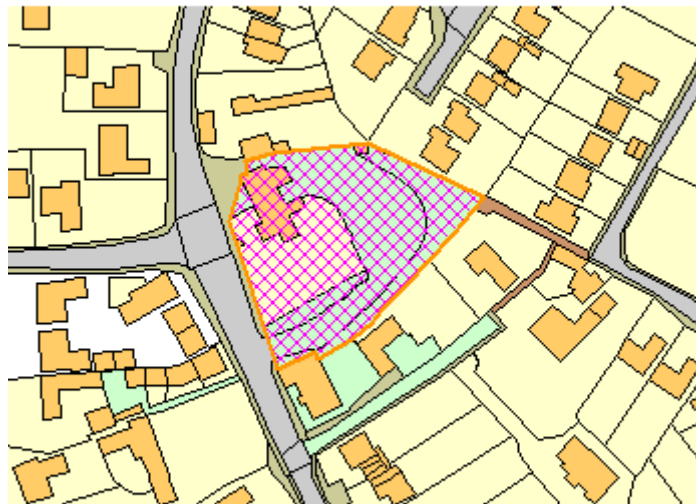
Reference: 15/00154/FUL

Date submitted: 11 March 2015

Applicant: Mr S Mann – Marstons

Location: Nags Head Inn, 20 Main Street, Harby

Proposal: Alterations to beer garden with the addition of pathways, feature external dining areas, additional bench seating with feature planter boxes.



Introduction:-

The application comprises alterations to the beer garden to include the provision of additional pathways, feature external dining areas, the formation of screens and illumination. A gazebo is proposed within the existing pub garden together with landscaping and boundary treatment.

The site is to the south of the pub, which is grade II* listed building, and is already in use as a beer garden.

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

- **The visual impact on the building and locality, including on the setting of the listed building;**
- **The impact on the residential amenities of occupiers of neighbouring properties.**

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

Relevant History:-

There is a detailed history on the site. This includes:

00/00396/LBC – proposed refurbishment and stabilisation of the gable wall facing Main Street - approved.

06/00455/LBC – stabilisation and repair of the gable wall facing Main Street - approved.

06/01047/ADV – fascia boards, amenity signs, one hanging sign, trough lighting and floodlighting - approved.

06/01048/LBC – new signage scheme comprising fascia boards, hanging sign, trough lighting and flooding - approved.

14/00776/FUL - retrospective application for a replacement extraction fan – refused.

14/00872/LBC – retrospective application for a replacement extraction fan – refused.

14/00894/FUL – addition of an external chimney for the extractor fan – refused.

14/00912/LBC – construction of a chimney to surround an existing extraction fan – refused.

15/00195/FUL - alterations to existing ventilation system to catering kitchen – pending.

15/00221/LBC - alterations to existing ventilation system to catering kitchen – pending.

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.

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. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 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.

- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

- 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.

- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Clawson, Hose & Harby Parish Council – objects as the hedge should be kept to a minimum of at least two metres, measured from inside the garden. This is on the grounds of a high hedge being part of the historic street scene, it shields customers in the garden from the road, it shields the properties the opposite side of Main Street from noise, cigarette smoke, balls from ball games in the garden going onto the road and their properties.</p>	<p>The proposals include the reduction of the hedge fronting the highway together with changes to other boundaries. It is considered a condition can be imposed to require the submission of alternative boundary treatment proposals which could be used to agree a minimum height to maintain the hedge and to agree details of the alterations to the existing fence and details of the new fence to the rear. It is considered securing the hedge at a height above the proposed 1.2 metres would maintain the street scene and provide further protection to users of the beer garden and occupants of neighbouring properties.</p>

Representations

A site notice was posted, the application advertised and neighbouring properties consulted. Representations from six households have been received, five objecting and one in support of the proposal.

Representation	Assessment of Head of Regulatory Services
<p>Visual Impact/Heritage Impact Object to the lowering of the height of the hedge from the existing 2.2 metres to 1.2 metres, the hedge has been a feature of the village since at least the 1930's according to old photographs, the reduction of the hedge would make the beer garden and car park more visible.</p> <p>Disappointed by the removal of trees, turning a delightful country pub garden into a typical Marstons urban garden, not in keeping with the pub, the trees have already been drastically pruned.</p>	Noted. The issue of the hedge has been addressed above and the visual impact/heritage assets issues are discussed further below.
<p>Residential Amenity The current hedge provides privacy and some protection from noise from the beer garden and gives some protection to customers in the beer garden from traffic fumes and dirt etc. from the road. Following the pruning of trees suffer very bright light outside the pub French doors shining into an adjacent dwelling</p>	The suggested condition to agree a greater minimum height than proposed for the hedge along the site frontage would provide greater protection to occupiers of the beer garden and to local residents. As the site is currently used as a beer garden it is not considered there are grounds to refuse the proposal on residential amenity grounds.
<p>General The proposal will be yet another improvement to the public house which is now excellently managed and a credit to the village, this improvement will further enhance its appeal to the community.</p>	Noted.

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> <ul style="list-style-type: none"> 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. <p><u>Policy BE1</u> allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural 	The site lies within the village and the main issues to be considered under these policies are the visual impact, including the setting of the listed pub, and impact on the residential amenity of neighbouring properties. These are discussed above.

<p>detailing;</p> <ul style="list-style-type: none"> • The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight or daylight; • Adequate space around and between dwellings is provided. 	
<p>Heritage Assets</p>	<p>As a listed building the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the building and its setting (s 66 of the LB and CA Act 1990).</p> <p>The building is grade II* listed and the beer garden forms an important element to the setting of the building. The proposals would maintain the use of the pub garden and therefore retain the sense of openness. The proposal would introduce additional benches and planting together with the erection of a pergola. It is considered the proposals would not have a detrimental impact on the site, street scene or on the setting of the listed building as it would retain the character of a pub garden and the open aspect would remain.</p> <p>It is concluded there would be less than substantial harm caused to the listed building by the proposals, all of which are reversible. In such cases any harm must be weighed against the public benefits of the proposal including securing its optimum viable use. The visual impact of the proposals would be minimal and would benefit the community facility.</p>

Conclusion

The application seeks approval for alterations to the beer garden which include providing new structures and changes to the boundary treatment. The additional structures are considered to be visually acceptable and would maintain the openness of the site and not be harmful to the setting of the grade II* listed building. A condition can be imposed to secure alterations to the boundary treatment which can include agreeing a minimum height for the hedge along the site frontage. It is considered the proposals are visually acceptable, would not be unduly harmful to residential amenity and would not be harmful to the heritage asset.

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: 1:1250 Location Plan, 2350-02C and 2350-04.
3. Notwithstanding the details submitted, and before the commencement of development, the following details shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details:
 - a) Details of the cladding to be used for the fencing along the southern boundary of the pub garden;
 - b) Details of the picket fencing to be used along the northern boundary, adjacent to the pub garden; and
 - c) Details of the minimum height the hedge along the site frontage is to be maintained (it is expected this would exceed 1.5 metres).

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. In the interests of visual and residential amenity, to ensure adequate protection to the setting of the grade II* listed building and as further clarification is required on these elements of the scheme hereby approved.

Officer to contact: **Mr Joe Mitson**

Date: 21.05.2015