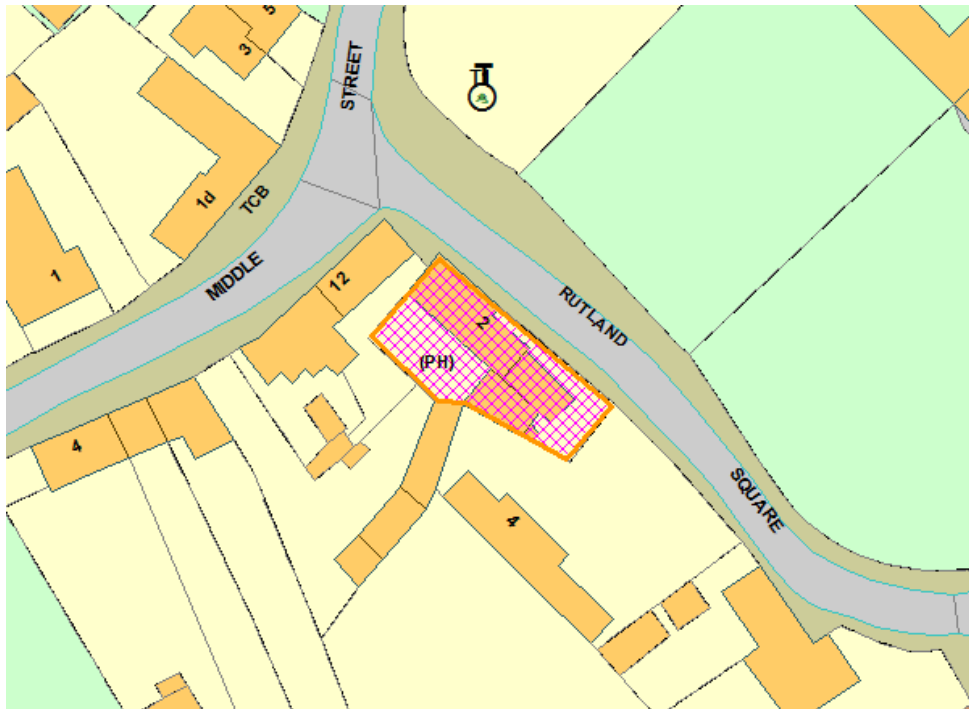


Reference: 16/00809/COU
Date Submitted: 28.10.2016
Applicant: Mr Mike Timson
Location: 2 Rutland Square, Barkestone Le Vale, Nottingham, NG13 0HN
Proposal: Conversion of former public house/restaurant/living accommodation into two dwellings



Introduction:-

The application seeks permission to change the use of the public house into two dwellings.

It is considered that the main issues arising from this proposal are:

- Compliance or otherwise with the Development Plan,
- Impact on the character of the area,
- Impact upon residential amenity,
- Highway safety,
- Loss of the community facility.

The application is required to be presented to the Committee due to the level of public interest.

History:- Planning permission was granted in 2003 for a utility room extension and cellar extension. There is no other relevant planning history for the site.

An application was made in January 2016 to make the property an Asset of Community Value. This was rejected as it was felt that the pub did not fully meet the definition criteria set out in the Community Right to Bid legislation, specifically the Localism Act Part 5, chapters 2 and 3. This states that “a building or other land is an asset of community value if its main use has recently been, or is presently used, to further the social wellbeing

or social interests of the local community and could do so in the future. The Localism Act states that ‘social interest’ include cultural, recreational and sporting interest. It was felt there was insufficient evidence to support this definition.” A further submission was submitted in March 2016 and it was concluded that the nomination was invalid

Planning Policies:-

Melton Local Plan (saved policies)

Policies OS1 and BE1 allow for development within Town and 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 CF4 states that planning permission will not be granted for development which would result in the loss of local community facilities unless there is no local need or replacement sites or buildings can be made available.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are

out -of- date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Paragraph 7 of the NPPF relates to the three dimensions of sustainable development: economic, social and environmental. This also includes “Social – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)

- take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and support thriving rural communities within it
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

On Specific issues it advises:

Supporting a prosperous rural economy

Paragraph 28 of the NPPF states that local and neighbourhood plans should “promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”.

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA’s should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

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.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Promoting healthy communities

Paragraph 70 of the NPPF states “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as public houses) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs; ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.”

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be

approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultation Reply	Assessment of Head of Regulatory Services
<p>Barkestone, Plungar & Redmile Parish Council</p> <p>Object to the conversion of this pub into dwellings because Barkestone would lose a community asset which goes against the NPPF, the current draft Local Plan & the former withdrawn Local Plan. The Parish Council would also like to draw your attention to statements made in the Design & Access statement that are incorrect, there are no shops in Redmile or Plungar & there is a primary school in Redmile (singular) not schools.</p>	<p>Noted comments made. The relevant planning policy for this application has been considered above. Comments made regarding the lack of facilities in local villages have been noted.</p>
<p>LCC Highways</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider, access widths, visibility splays, surfacing and car parking and turning.</p>	<p>Noted.</p> <p>There is currently one parking space at the property, which is proposed to be retained.</p> <p>Although concerns have been raised by local residents regarding a lack of parking provision proposed, it is considered that the proposed use as a dwelling would not result in any greater accumulation in parking than the existing use as a public house.</p>

Representations:-

58 representations of objection have been received for the application. In addition to these representations, The Vale of Belvoir branch of CAMRA have submitted a representation, strongly objecting to the application as the pub has been a key community asset in the village and wish to see this continue. They note that too many pubs are being converted without proper consideration to the permanent loss of the rural community and the loss of the pub would be devastating to the social fabric of Barkestone.

Representations Received	Assessment of Head of Regulatory Services
<ul style="list-style-type: none"> • Poorly designed dwellings • Cramped living accommodation • Inadequate parking provision • Poor parking provision in village • Garden space proposed is too small • All conversions/new builds in the village in last 100 years have included off street parking • Proposed dwellings would not be of benefit to the community • No need for this type of property – several empty dwellings in the village – should fill these first • Loss of amenity • Design does not improve quality of the area. 	<p>The proposal will result in one dwelling with a footprint of 93m² (2 storey dwelling) and a single storey dwelling with a footprint of 77m². It is considered that the sizes of these proposed dwellings are acceptable.</p> <p>Whilst the proposal will only provide one parking space for the two dwellings, it is considered that the proposed use of the property would not result in any more parking demand than the existing use as a pub. LCC Highways have not objected to the proposed development on highway safety grounds and whilst the proposed development would not result in sufficient parking as usually required, it is considered that it would be very difficult to justify a refusal of the application due to a lack of off road parking.</p> <p>Melton Borough Council do not have any minimum garden size standards. Whilst the proposal will result in small gardens, given the constraints of the site, it would not be possible for the applicant to provide a larger garden for proposed residents.</p>

<ul style="list-style-type: none"> • Proposal contrary to Policy C4 • Should give weight to draft policy C7 – requirements of this policy have not been demonstrated • Proposal contrary to paragraph 64 of NPPF (<i>Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.</i>) 	<p>Policies relevant to this application have been considered earlier in the report.</p>
<ul style="list-style-type: none"> • Nearest shop is 5 miles away • Need a place to socialise (no village hall) • Pub can be used for a variety of other uses to the benefit of the community. • Use as a village hub/ pub/ general store/ post office would attract people for other villages • Losing pub makes Barkestone less desirable to live due to lack of community facilities • Property has potential for social/ cultural hub – no community facilities except church • Need to preserve assets • Village can't sustain more occupants – need to sustain village • Village residents keen to explore alternatives • People will have to drive for a drink/meal • Heart of small historic village • Limited public transport, need this facility • Would result in the death of the village • Loss of village would reduce quality of life • More tourism if pub retained in the village • Lack of social events due to lack of facilities – lack of community cohesion • Loss of pub could result in isolation of older people. • Loss of employment • Fail to maintain cohesive, inclusive society 	<p>Noted reasons given. In addition to the public house, there is a Church in the village but severely limited other amenities. There is a bus service which serves the village, however this is not hourly and does not run on Sundays or bank holidays. Therefore it is considered that residents are highly likely to be dependant on the car and therefore the loss of this community asset may result in village residents travelling elsewhere to use this type of facility.</p> <p>Although residents have stated that villagers are keen to explore alternatives, this has not happened. The applicant has stated that the Parish Council has not been forthcoming in purchasing the property as a community facility and that local residents have not supported the business.</p>
<ul style="list-style-type: none"> • No effort has been made from the owner to engage with the local community. • Pub can be run as a viable business – wrong business model has been applied • Pub was previously a successful business • Recent problems with pub – poor management/ ideas • Pub theme discourages use from villagers (didn't make local community priority) • Previous owner left due to personal reasons, not business failure. • Not all options for the property have been explored • Small group of villagers willing to take on the pub • Design and access statement is inaccurate • No efforts made from owner to find a tenant • Site notice not posted on same road • Not all relevant consultees consulted • No robust economic information/ evidence • Information not accurate in Design and Access Statement 	<p>A letter submitted by the applicant has stated that he held a meeting regarding the pub. He has also stated that he tried various initiatives to serve the local community. In addition to this, he has stated that the pub, due to the lack of parking and garden area, is not the most attractive venue.</p> <p>The way in which the pub has been managed is not a material planning consideration.</p> <p>No evidence has been provided for the proposal which demonstrates that efforts have been made to advertise the business for sale or for lease.</p> <p>The site notice was posted on a post by the junction of Rutland Square and Middle Street as there was no structure/ post to attach the notice to on Rutland Square.</p> <p>The statutory consultees have been consulted on this application.</p>

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October 2016 and finished a period of consultation in December 2016.</p> <p>The NPPF advises that:</p> <p>From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Pre Submission version of the Local Plan identifies Barkestone Le Vale as a ‘rural settlement’ in respect of which, under Policy SS3, development of up to 3 dwellings would be acceptable, subject to satisfying a range of criteria specified. In addition to this, Policy C7 New Melton Local Plan (Pre-submission draft) states that support will be given to proposals and activities that protect, retain or enhance existing community services and facilities* or that lead to the provision of additional assets that improve community cohesion and well-being to encourage sustainable development. Proposals for the change of use of community facilities*, which would result in the loss of the community use, will only be permitted where it is clearly demonstrated that either:</p> <ol style="list-style-type: none"> 1. there are alternative facilities available and active in the same village which would fulfil the role of the existing use/building, or 2. the existing use is no longer viable (supported by documentary evidence), and there is no realistic prospect of the premises being re-used for alternative business or community facility use. <p>The proposal must also demonstrate that consideration has been given to:</p> <ol style="list-style-type: none"> a) the re-use of the premises for an alternative community business or facility, and that effort has been made to try to secure such a re-use; and b) the potential impact closure may have on the village and its community, with regard to public use and 	<p>Whilst clearly the Local Plan has progressed by advancing to Pre-submission stage, it remains in preparation and as such can be afforded only limited weight. This is also reduced by the fact that the consultation period has just commenced and as such it is too early to conclude whether objections will be present.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The application is considered to be contrary to the policies in the emerging Plan as there is no evidence of marketing or the investigation of alternative uses.</p>

<p>support for both the existing and proposed use. * including facilities such as community/village halls, village shops, post offices, schools, health services, care homes, public houses, playing fields and allotments.</p> <p>The requirements for this policy include: the loss of the community facility must be fully justified. It must be demonstrated that all options for continued use have been fully explored and that retention would not be economically viable. They must show that there is no reasonable prospect of the established use being retained or resurrected and that there is little evidence of public support for the retention of the facility. (5.11.5)</p> <p>In the case of public houses and shops, it must be demonstrated that all reasonable efforts have been made to sell or let (without restrictive covenant) the property as a public house or shop and that it is not economically viable. (5.11.6)</p>	
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Conclusion

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

The Borough is considered to have an adequate housing land supply. Whilst the site would add two dwellings to this supply, the contribution it would make is limited. It is considered that due to the limited need for further supply and the contribution the development would make, the weight attached to the provision is limited.

Balanced against this, Barkestone Le Vale has a poor range of local facilities and services and therefore is not considered to be a settlement suitable for residential development. Evidence produced in the formulation of the new Local Plan shows that the sustainability ‘credentials’ of Barkestone are very limited and as a result it proposes limited residential development in specific circumstances. In addition to this, the proposed development would result in the loss of a community facility. No evidence has been provided to support the application that efforts have been made to actively market the property for sale or lease as a public house. It is considered that the proposed development is contrary to saved policy CF4 of the Melton Local Plan, Policy C7 of the Draft Local Plan and the National Planning Policy Framework. Whilst it is acknowledged that the applicant has provided some background information regarding the history of the property, it is not considered that this is sufficient to warrant the approval of the application.

In conclusion it is considered that, on the balance of the issues, there are limited benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply. However, the balancing issues – the poor sustainability of the village, loss of the community facility and the conflict with the Pre Submission version of the Local Plan – are considered to outweigh the benefits.

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that on the balance of the issues, permission should be refused.

RECOMMENDATION: Refuse, for the following reason:

The proposed development would result in the loss of a valuable community facility for residents of Barkestone Le Vale to the detriment of the life of the community, contrary to saved policy CF4 of the Melton Local Plan, Policy C7 of the draft Local Plan and the National Planning Policy Framework.

Officer to contact: Miss J Stokes

Date: 07.03.2017