

Committee Date: 11th August 2011

Reference: 11/00381/FUL
Date Submitted: 23.05.2011
Applicant: Mr Fionda
Location: Land to the rear of Berkley Arms, 59 Main Street, Wymondham, LE14 2AG
Proposal: Proposed accommodation to the rear of Berkeley Arms to be used in connection with the public house.



Introduction:-

This application seeks planning permission for the erection of separate accommodation to the rear of the public house to be used in conjunction with the commercial use on site. The building takes the form of a detached dwelling and will contain 3 large bedrooms with en-suite. The site lies within the village envelope and designated Conservation Area for Wymondham.

The proposal is for the erection of additional accommodation which will have a multi functional purpose to be used for staff accommodation; removing the existing managers from the first floor of the public house to allow expansion of the restaurant areas within the first floor area of the public house. The larger than average bedrooms with ensuite will allow for future expansion to be able to cater for Bed and Breakfast accommodation when demand arises.

The application is presented to the Committee following previous Committee involvement.

The main issues are considered to be:

- **Impact on the Conservation Area and Neighbours**
- **Compliance with Local and National policy**

Relevant History:-

10/00531/FUL – Erection of Dwelling – Refused 03.09.10
 10/00732/FUL – Erection of Dwelling – Refused 26.11.10

Both refusals were appealed and dismissed by the Planning Inspector who upheld the Council’s decision in refusing the applications for market housing that did not support the local housing needs as shown in the Council’s evidence and studies.

Planning Policies:-

PPS 1 ‘Delivering Sustainable Development’ - The guidance says that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce the need to travel by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. The Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. Planning authorities should ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper.

PPS 4 ‘Planning for Sustainable Economic Growth’ states that Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. The policy seeks to support rural economic growth which enhances the vitality and viability of market towns and other rural service centres. The village of Wymondham has been categorised as a sustainable location being graded as a category 2 village due to having a variety of services on offer and the presumption is therefore in favour of economic growth in this location which will continue to support the sustainability of the village.

PPS 5 ‘Planning for the Historic Environment’ outlines the Government's policies for effective protection of all aspects of the historic environment stating that Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

“Good Practice Guide on Planning for Tourism” – provides guidance on the role of planning in tourism development. It also underlines the importance of protecting and enhancing the visual quality of sites to ensure the development fits in well with its environs. Annex 1 addresses accommodation and advises:

- Planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites.
- New sites that are close to existing settlements and other services will generally be more sustainable as some local services may be accessed by means other than by car.

The East Midlands Regional Plan - contains advice on regional priorities for tourism. Tourism is a growth industry desirable not only for the economic benefits obtained but also important in improving the quality of life in the region. Day visitors provide economic benefits but also mean that the environmental impact is proportionately large due to additional car traffic. Increasing the portion of visitors who stay overnight is therefore a regional priority. The plan seeks to encourage provisions for additional tourist facilities, including accommodation, close to popular destinations that have adequate environmental and infrastructure capacity, particularly those within walking and cycling distance.

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Town 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.

Local Development Framework Core Strategy ‘Preferred Options’ Seeks to support developments located in the sustainable location that attract a large number of people, especially retail, leisure and office uses to promote the boroughs vitality and viability, social inclusion and promote more sustainable patterns of development.

Consultations:-

| Consultation reply | Assessment of Head of Regulatory Services |
|--|--|
| <p>Highway Authority – no objections subject to conditions requiring the implementation of the one-way entry and exit and the provision of the overflow car parking facilities on the plan.</p> | <p>The site has dual access and has an informal layout in regards to parking. The parking area is fairly large and there is an over flow car park further to the north which has a gravelled surface and is gated and is only opened if demand requires it. Subject to the conditions requiring a one way system around the site the Highways Authority has no objections to the increase in restaurant floor space.</p> |
| <p>LCC Archaeology – No reply. Previously stated:- We have checked the site against the Leicestershire & Rutland Historic Environment Record (HER) and do not feel that any archaeological work is required as part of the scheme.</p> | <p>Noted</p> |
| <p>MBC Conservation Officer – No objections</p> <p>The plans for the proposed dwelling are identical to those submitted under Ref 10/00531/FUL which was subsequently refused and dismissed on appeal. In conservation terms the Conservation Officer offers the same comments which are replicated below:</p> <p>The site is currently the beer garden to the pub which appears to be well tended and partially screened by trees etc. Although not a conservation issue per se the loss of the facility is regretted. The proposed accommodation will be set to the rear of the plot and as such part of the open nature as well as the trees and some of the boundary treatment (fences, walls etc) will be retained.</p> <p>In design terms the building reflects some features of other local properties, notably the plinth and eaves detail. The alien features however are the pitched roof dormers, there are very few dormer windows in the vicinity, those on the nearby Manor</p> | <p>The style of the accommodation replicates the design for the dwelling which was refused and dismissed at appeal (10/00531/FUL). The Planning Inspector did not agree with the Council that the pitched roof dormers were not in keeping with the character of the Conservation Area and it is therefore in light of the Inspectorate’s decision it is considered that whilst the design is not ideal a refusal could not be substantiated in this instance.</p> <p>The Inspector concluded that serious harm to the character and appearance of the Conservation Area would be had due to the possible damage that would be caused to the nearby mature tree with the construction of a car parking space and the question mark this would place over its long term survival.</p> <p>The car parking space has been removed from the proposal and there will be no impact upon any trees in this location. It is therefore considered that the proposal overcomes the recent appeal refusal.</p> |

| | |
|---|--------------|
| <p>House have a flat roof – The Officer would therefore suggest that monopitch roofed dormers would improve the design in this case as they would merge better into the roofline.</p> <p>The building will of course be set back from the highway behind the Post Office and Public House and as such will barely be visible from the highway or beyond the site confines.</p> <p>The Conservation Officer does not feel that this building will adversely affect the setting of the designated heritage asset (conservation area) and raises no objections</p> | |
| <p>Parish Council – No objections</p> | <p>Noted</p> |

Representations:

A site notice was posted and neighbouring properties consulted. As a result 1 objections letters has been received which state:-

| Representation | Assessment of Head of Regulatory Services |
|--|--|
| <p>Impact upon the Character of the Area</p> <p>Brick and tiles are not in keeping with the surrounding properties which are ironstone and slate.</p> <p>The scale and mass is out of keeping with the neighbouring properties.</p> | <p>It is proposed to use reclaimed style red brick and have a plain clay brindle roof tiles. The village of Wymondham has a mixture of styles and construction materials.</p> <p>It is considered that the materials as proposed are acceptable; subject to the submission of samples.</p> <p>The dwelling would be to the rear of the site and will only be partially viewed from the streetscene. Wymondham has a mixture of size, types and styles of dwelling and the proposal is considered to be in keeping.</p> |
| <p>Impact upon Residential amenities of no. 53.</p> <p>Loss of privacy through overlooking</p> <p>Loss of light due to scale and mass which would be over bearing</p> | <p>The two buildings are staggered; no. 53 sits to the west and in front of the proposal. The separation distance from the rear corner of no. 53 and the front corner of the proposal is approximately 4.2 metres. There is one small secondary window on the west elevation of the proposal serving a bedroom which can be conditioned to remain obscurely glazed and non opening to prevent any possible overlooking into the garden areas. No direct overlooking can be created due to the orientation of the two buildings.</p> <p>The proposal takes an L-shape form on plan and has a conservatory to the rear. . The proposal has an overall height of 7 metres sloping to eaves height of 4.4 metres. The west elevation will span</p> |

| | |
|--|--|
| | <p>7 metres. Due to the orientation of the proposed dwelling and location in relation to the neighbours, it is not considered that any appreciable loss of light would result that would warrant a refusal of permission.</p> <p>The scheme is identical to the recent application which was refused and dismissed at appeal, however, the Council nor the Inspector did not consider that the proposal would have a detrimental impact upon any residential amenities. The application was refused due to not meeting housing needs which is no longer a considering factor for this proposal which is to support commercial development for the existing public house.</p> |
| <p>Need not justified</p> <p>The proposal is for a development opportunity rather than for the requirement of the pub which is already a successful business.</p> | <p>The proposal seeks to provide staff accommodation to allow the existing managers to move out of the public house and allow for the first floor to be used as additional restaurant facilities. The dwelling can be tied to the pub and will not be available as market housing. Due to the constraints of the internal layout of the pub, coupled with limited external space to allow for an extension, the only option to provide for further expansion would be to utilise the first floor. At present bookings are being turned away from this popular facility. Larger groups can not be accommodated due to the constrained areas within the existing dining room. The applicant has states that the new dining room will help with the long term viability of the pub whilst providing a more spacious area to allow the local community groups to continue to use the pub without compromising restaurant bookings.</p> <p>The dwelling has been designed with the options of offering bed and breakfast facilities along with providing staff accommodation. This will further aid the viability of the pub which is situated in an attractive area close to an existng tourist attraction; Wymondham Windmill.. The rooms are purposely large with this activity in mind. The large lounge and conservatory will also provide an attractive sitting area for users of the bed and breakfast facility.</p> <p>Many rural businesses are struggling to survive and national policy PPS4 states that Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. The additional accommodation will allow the future expansion of the facility which is considered to be</p> |

| | |
|--|--|
| | <p>an important contribution to the sustainability of the village of Wymondham. Tourism plays a key feature in the borough.</p> <p>The East Midlands Regional Plan contains advice on regional priorities for tourism. Tourism is a desirable not only for the economic benefits obtained but also important in improving the quality of life in the region. Day visitors provide economic benefits but also mean that the environmental impact is proportionately large due to additional car traffic. Increasing the portion of visitors who stay overnight is therefore a regional priority.</p> <p>The plan seeks to encourage provisions for additional tourist facilities, including accommodation, close to popular destinations that have adequate environmental and infrastructure capacity, particularly those within walking and cycling distance.</p> <p>The proposal can be tied to the Public House by condition and will only be available for use as staff accommodation or ancillary functions to the existing business. The Committee may wish to consider the requirement for a legal agreement to ensure that the dwelling will not become separated in the future.</p> |
| <p>Protection of Recreation area</p> <p>The Beer Garden is a valued Green Space for the village and visitors, with a long history of both informal and organised leisure activities.</p> <p>The site has been registered with the County Council as an important local green space.</p> | <p>The County Council are proposing to create a new 'valued green space' designation looking at green infrastructure in the county and ran a public consultation (expired in April 2011) requesting residents to register sites which would benefit local communities. Once sites have been nominated they will then produce a map of the areas which will go to further consultation with local before any designations can be done. This process is in its infancy stage and is not set in any policy.</p> <p>This site is not an area identified as a Protected Open Area in the Local Plan and does not benefit from any statutory protection. Its use for recreation is an informal arrangement and is not protected by any relevant policy</p> |

Other material considerations (not raised through consultation of representation)

| Considerations | Assessment of Head of Regulatory Services |
|-----------------------------------|--|
| Impact on the street scene | The development is set well back from the public highway, although glimpses would be seen through gaps in the built fabric and from other view-points and views in to and out of the Conservation Area |

| | |
|--|--|
| | <p>are material considerations.</p> <p>The design is considered to be acceptable and will not have a negative impact upon the character of the area.</p> |
| <p>Application of the Development Plan policies:</p> <p>Policy OS1 and BE1 seek to ensure development is in keeping with the character of the area and will not result in an unacceptable loss of residential amenities to residents.</p> <p>PPS4 seeks to provide economic development is situated in sustainable and appropriate locations. Favouring town centres first approach. The village of Wymondham has been categorised as a sustainable location being graded as a category 2 village which can sustain infill development due to having a variety of services on offer and the presumption is therefore in favour of economic growth in this location.</p> | <p>The proposal has been design as a large dwelling using construction materials typically found in the village of Wymondham. It is considered that due to the design and location of the proposal that the proposal is compliant with policies OS1 and BE1.</p> <p>The proposal seeks to provide additional accommodation which will be used to support the existing public house; The Berkeley Arms. Currently the staff accommodation is contained within the 1st floor of the public house and there is limited opportunity to extend the pub due to having vehicle accesses on both sides of the building. It is the applicant's intention to provide additional accommodation for staff use in the form of a separate building; designed as a dwelling to preserve the character of the area. The first floor will then be reconfigured to provide additional floor space for the restaurant area aiding to the viability of the business. The separate accommodation may also be used for bed and breakfast facilities to further support the long term viability of the business which since being taken over in 2010 has increased in popularity.</p> <p>Tourism is a key economic activity in the borough and the proposal will provide for overnight stays which in turn could benefit other local attractions by increase the length of stay in the borough.</p> <p>It is considered that the proposal can provide the expansion of the business aiding to its long term future thus aiding to the sustainability of the village of Wymondham. The proposal is considered to comply with the local plan policies OS1 and BE1 and has overcome the recent refusals. Conditions will enable control of the proposal as commercial development preventing a large market dwelling which does not support the borough's housing needs.</p> |

Conclusion

The proposal seeks to support the expansion of The Berkeley Arms public house to aid its long term viability. The site has been subject to a number of proposals for a market dwelling which have not been considered to support the local identified housing need due to them being too large. During recent appeals, information was put forward to stipulate that the proposal would be used in conjunction with the business, however, it was considered by the Council and the Inspector that as the applications had been made for

residential development, it had to be considered as such. The current application is specific in its intentions and these have the effect of removing the potential for the development to form part of the general housing market. Accordingly, the previous reasons for refusal (which were founded upon housing market issues) are not engaged by this application and are considered to have been overcome. It is considered that matters relating to impact upon the character of the Conservation Area have been overcome and there will be no impact upon neighbouring properties.

The proposal will be occupied by staff and used as bed and breakfast facilities and will support the long term future of a rural business. The site has adequate access and parking facilities and accordingly the application is recommended for approval subject to the conditions below. .

RECOMMENDATION:- Approval subject to the following conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission
2. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. The approved landscape scheme (both hard and soft) as shown on drawing no. A1-17-05-2011-1 shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
4. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.
5. The hereby approved dwelling shall remain in connection with the existing public house in perpetuity. The occupation of the dwelling shall be limited to staff responsible for the day to day management and operation of the public house (and their dependants) , patrons of the public house as ancillary accommodation and for use as bed and breakfast facilities. It shall not be sold, leased nor otherwise disposed of separately from, the remainder of the premises.
6. Prior to first use of the development hereby approved a plan showing details of the one way system shall be provided and agreed in writing by the Local Planning Authority and shall remain in operation at all times.

Reasons:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
3. To provide a reasonable period for the replacement of any planting.

4. To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.
5. The development does not support the boroughs identified housing needs as market housing.
6. In the interest of highway safety.

Contact: Mrs Denise Knipe

28th July 2011