

11 DCCW2009/0568/F - CONVERSION AND ALTERATIONS OF PUBLIC HOUSE TO FIVE FLATS AT VILLAGE INN, MORETON ON LUGG, HEREFORD, HEREFORDSHIRE HR4 8DE

For: Upper House Properties per David Glasson Planning Ltd., 119 Northover Road, Westbury-on-Trym, Bristol, BS9 3LG

Date Received: 20 March 2009 Ward: Sutton Walls Grid Ref: 50545, 45668

Expiry Date: 15 May 2009

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 The application site is comprised of a substantial 2½ storey building situated on the southern side of the principal road running through the settlement of Moreton-on-Lugg, adjacent to St. Andrews Church and village hall.
- 1.2 The property presently comprises a hot foot takeaway (A5), hairdressers salon (A1), both located at the front of the property, a licensed public house (A4) to the rear, and a self-contained flat on the top floor. The property is served by a large area of off-street parking located to the southeast, which is accessed by two separate tracks, one runs immediately alongside the flank of the building, the other emerging to join the highway on the other side of the properties known as The Beeches, a little way to the east.
- 1.3 The application seeks permission to convert the part of the premises used as the public house into five self-contained flats. The fish and chip shop, hairdressers and the attic flat will remain and are unaffected by the proposed development.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking

Policy TCR14 - Village Commercial Facilities

3. Planning History

- 3.1 CW2002/0727/F Change of use from C5 to (A5) takeaway and (A1) hairdressers. Approved May 2002.
- 3.2 CW2003/2039/F Change of use of former school rooms into (A4) public house. Approved November 2003.
- 3.3 CW2003/3438/F Change of use to create self-contained residential flat. Approved February 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Cymru Dwr Welsh Water: No objection, but suggest the use of standard conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to the use of standard highway conditions but suggests that a one-way system be implemented due to the available width of both access points.
- 4.3 Environmental Health & Trading Standards Manager: I can confirm that I have had opportunity to consider this proposal and the representations from the adjoining farm and am of the opinion that the design of the proposed development is such that the flats will receive protection from potential nuisance caused by the farming activities, i.e. the southern elevation does not have any window openings for the proposed flats and the flats are separated from the gable by the proposed bin and cycle store. I can also confirm that this section has not received any complaints about the farming activities from existing residents.

5. Representations

- 5.1 Moreton-on-Lugg Parish Council: The Parish Council feels that the loss of the Village Inn as a public house has not demonstrated a sufficiently determined effort to sell or lease the premises as a viable public house because the selling price and lease were too high for viability. In the event of approval the parish council would like to see the following conditions:
 - (1) During construction deliveries of materials and equipment should be between 10.00 a.m. and 3.30 p.m. in consideration of the safety of local children waiting for and disembarking from school buses.
 - (2) Consideration should be given to improvements to the access from the car park to the public highway, as there is limited visibility at the entrance. Consideration should also be given to prevention of parking on the roadside by residents as there is already a parking problem created by the fish and chip shop.
 - (3) Consideration should be given to inclusion of a Local Housing Needs Policy in the Section 106 Agreement.

5.2 Two letters of objection have been received from Mrs. Stevenson, 10 Orchard Close and Mrs. Adams, C. Perkins & Sons, Church House Farm which are summarised as follows:

- The site plan is out of date and does not show all the surrounding farm buildings.
- The access to the car park belongs to Church House Farm, and a condition should be included to ensure access to the car park is only via the eastern access point.
- A proper boundary fence is needed between the farm and the application site in the interests of safety.
- The ground floor is overdeveloped.
- The owners of the building have not put anything back into the community since getting a grant to open the public house.
- The rents required for the property have been extortionate and unreasonable, prohibiting anyone realising a viable business.
- Will the hairdressers and fish and chip shop be closed?
- My property is one adjacent to the car park, and I will suffer disturbance as a result of noise, the security lights are already too bright.

5.3 One letter has been received from Mrs. Cullen, 12 Orchard Close summarised as follows:-

- I have no objection, but would like to point out that my property has a right of way over the access to the car park.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

Principle of Development

6.1 The application lies within a designated settlement boundary and the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development within this area providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the proposal to convert the building into five residential units is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Loss of Existing Community Facilities

6.2 The licensed public house has since its creation in early 2004 suffered only marginal success, and it has not enjoyed local support to the extent that it has become a key community facility.

6.3 The application has been accompanied by a marketing report, demonstrating that there is no viable demand to retain it as a public house, either on a freehold or

tenanted basis. Therefore it is considered that the proposed change of use accords with the relevant test set out in Policy TCR14.

Visual and Residential Amenity

- 6.4 The proposed conversion involves only limited alteration to the external appearance of the building, therefore there will be no impact on the visual amenity of the wider locality.
- 6.5 In terms of residential amenity the proposed change of use is not considered to give rise to any demonstrable impact, when regard is had to the fall back position offered by the extant lawful A4 use.
- 6.6 Although the comments raised in the letter of objection about the proximity of the working agricultural unit are noted, having regard to the proximity and relationship between the farm complex and the existing residential neighbours, it is not considered that the proposed units will suffer any significant deficit in the levels of residential amenity presently enjoyed as to substantiate any sustainable grounds for refusal in this instance.
- 6.7 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the construction phase.

Access and Highways

- 6.8 Although the comments about on-street parking are noted, these issues arise from the use of the village hall, church and the businesses to the front of the property. The proposed residential units will have private off-street parking provided within the existing car park.
- 6.9 Therefore in the absence of any objection from the Traffic Manager, it is not considered that the concerns raised in the letters of objection can be substantiated as grounds for refusal on highway safety grounds. The comments of the Traffic Manager about the benefits of a one-way system to access the car park are noted, and appropriate conditions are recommended.
- 6.10 The comments raised about the contested land ownership are not a material planning consideration.

Planning Obligation

- 6.11 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions. However, in accordance with the decision of the Cabinet Member for Environment and Strategic Housing to relax the requirement for residential schemes for five dwellings or less which came into effect on the 1 April 2009, the proposed development is exempt subject to the planning permission being limited to 12 months.

Conclusion

- 6.12 Overall the proposal complies with the relevant policies in the Local Plan, and as such, approval is recommended.

RECOMMENDATION

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **B01 (Development in accordance with the approved plans).**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3. **C03 (Matching external materials (general)).**

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

4. **G09 (Details of boundary treatments).**

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

5. **H05 (Access gates).**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

6. **Prior to the first occupation of the development hereby permitted an area shall be laid out, consolidated, surfaced and drained within the application site for the parking of 6 cars, and for those vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall thereafter be retained and kept available for those uses at all times.**

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to ensure the free flow of traffic using the adjoining highway to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

7. **H26 (Access location).**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

8. **I16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

9. I33 (External lighting).

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

10. I37 (Details of shields to prevent light pollution).

Reason: To minimise light overspill and to protect the amenity of neighbouring properties so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

11. L01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

12. L02 (No surface water to connect to public system).

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N01 - Access for all.**
- 2. N19 - Avoidance of doubt - Approved Plans.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

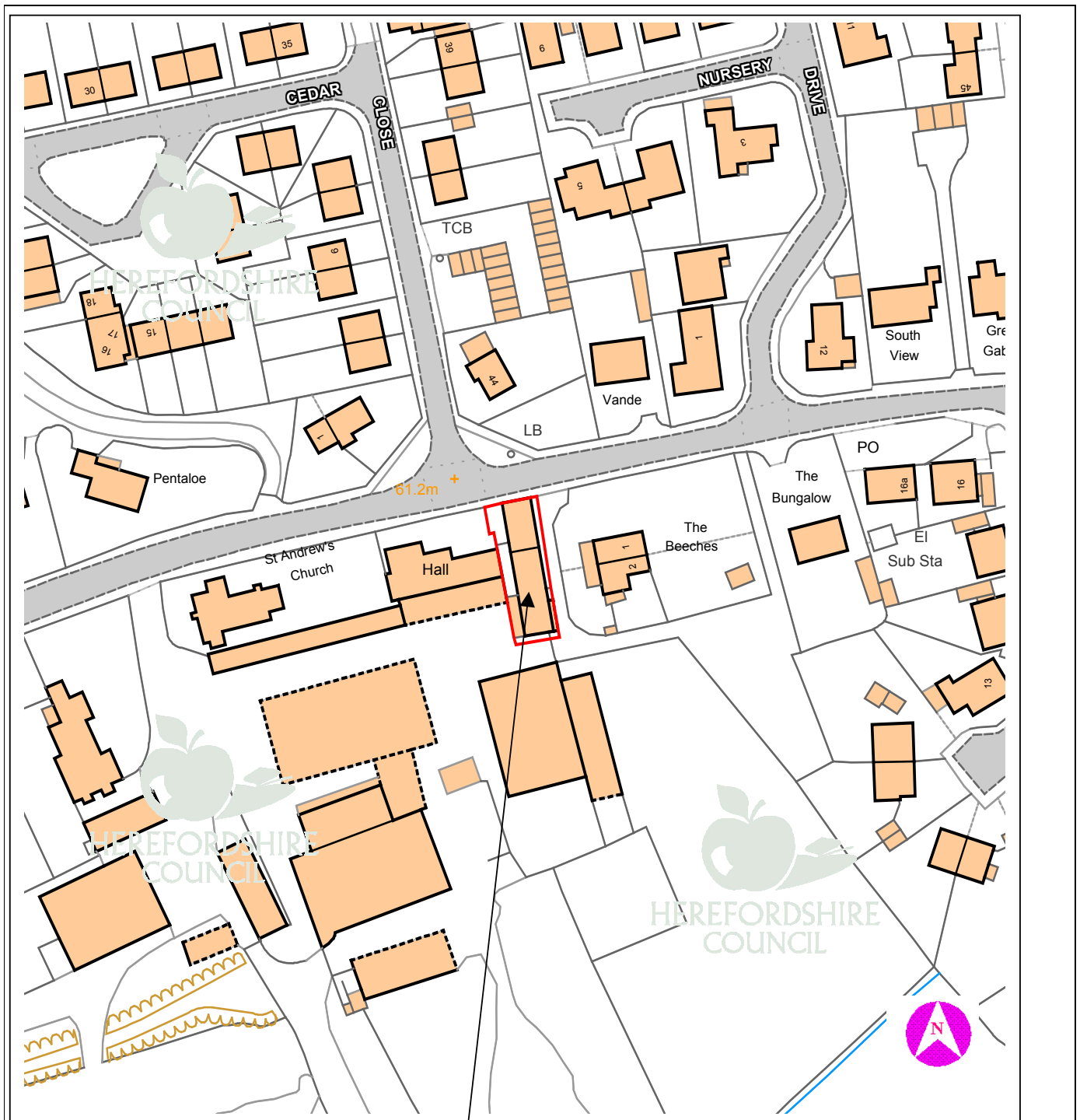
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0568/F

SCALE : 1 : 1250

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