

MEETING:	PLANNING COMMITTEE
DATE:	12 MARCH 2014
TITLE OF REPORT:	<p>P133325/F - TWO STOREY DETACHED DWELLING AND GARAGE ON PART OF BEER GARDEN AND CAR PARK TO PUBLIC HOUSE AT ROYAL GEORGE INN, LYONSHALL, KINGTON, HR5 3JN</p> <p>For: Punch Partnerships (PTL) Limited per Anthony Rickett Architects, Stubbs Road, Everdon, Daventry, Northamptonshire NN11 3BH</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=133325

Date Received: 4 December 2013 **Ward: Pembridge and Lyonshall with Titley** **Grid Ref: 333769,255622**

Expiry Date: 6 February 2014

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The site forms part of the curtilage associated with the Royal George Inn, alongside its north east section and has direct access onto the C1031 which abuts its south eastern flank. Alongside the site's northern and eastern boundaries are other detached dwellings.
- 1.2 The Royal George Inn is located at the junction of the A480 and C1031 and is a Grade II listed, detached building. It is currently vacant and as such not trading as a public house.
- 1.3 To the rear of the main building is a detached brick constructed outbuilding and car parking area serving the public house.
- 1.4 The application proposes the construction of a detached two-storey four bedroomed dwelling of brick construction under a slate roof and a detached double garage located on land to the front of the proposed dwelling. The land on which it is proposed to construct the dwelling is currently part overgrown garden and hardstanding area which appears to form overflow car parking for the public house.

2. Policies

- 2.1 The National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

- Achieving sustainable development
- 1 Building a strong competitive economy

- 3 Supporting a prosperous rural economy
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 8 Promoting healthy communities
- 12 Conserving and enhancing the historic environment

2.2 Herefordshire Unitary Development Plan (UDP)

- S1 - Sustainable development
- S2 - Development requirements
- S11 - Community facilities and services
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- H4 - Main village settlement boundaries
- H13 - Sustainable residential design
- LA2 - Landscape character and areas least resilient to change
- HBA4 - Setting of listed buildings
- HBA9 - Protection of open areas and green spaces
- CF6 - Retention of existing facilities
- T11 - Parking provision
- ARCH1 - Archaeological assessments and field evaluations.

2.3 The Herefordshire Local Plan Draft Core Strategy.

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- RA1 - Rural housing strategy
- RA2 - Herefordshire villages
- RA6 - Rural economy
- SC1 - Social and community facilities
- MT1 - Traffic management, highway safety and promoting active travel
- E2 - Redevelopment of existing employment land and buildings
- LD1 - Local distinctiveness
- LD2 - Landscape and townscape
- LD5 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency

2.4 Herefordshire Supplementary Planning Guidance – Planning Obligations

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
<http://www.herefordshire.gov.uk/housing/planning/29815.aspx>

3. Planning History

3.1 N121379/F Two-storey detached dwelling on part of beer garden and car park of public house – Withdrawn 30 August 2012.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water request conditions with regards to foul and surface water discharges be attached to any approval notice issued.

Internal Council Advice

- 4.2 The Conservation Manager has responded to the application stating:

‘Royal George is located in the centre of the village of Lyonshall on one of the two right-angled bends made by the A480. This historic plot comprises the grade II listed 17th century public house on the southern corner, the brick brew house in the centre, the beer garden to the east boundary and the north section which was formerly part of the surrounding orchard but is now utilised as part of the car park.

The proposal seeks to divorce the north-east of the historic plot from the public house and the brew house in order to construct a new four-bed dwelling in line with the recent housing along the local Pembridge road but with a double garage to the front. The existing dwellings along this road are set well back from the lane and therefore allow views of the Royal George and the brew house from a considerable distance. This arrangement allows the historic spatial relationship between the listed building and its agricultural surroundings to be preserved. From historic maps it is clear that the public house was the last building of the village core in this north-east direction and though that distinction is not now the case, the space around the building and therefore its setting has largely been protected by the retention of the open ground now proposed for development. The loss of this land has repercussions for the listed building and its setting but also for the character of the village core, which is considered to be an undesignated heritage *asset despite not having conservation area status*.

The proposed removal of a large area of the historic site for domestic construction would compromise the spatial relationships. The dwelling, though sited on the same building line as the recent dwellings further up the lane, would visually and physically crowd the brick brew house (a curtilage listed building) and the main building of the Royal George plus the remnant of a beer garden. This is not considered to be acceptable and would be contrary to policy HBA4, setting of listed buildings.

In addition to the two-storey dwelling it is proposed to position a pitched-roof double garage to the front of the house. This would clearly affect the Royal George by impinging on the views of the pub and the brew house, particularly when viewed from the lane looking south-west. It is considered that the garage would increase the adverse impact of the proposal on the adjacent listed buildings and is therefore considered to be contrary to policy HBA4.

The fencing proposed for the dwelling site is not considered acceptable – a 1.8m high close boarded fence is not considered appropriate for a boundary that is publically visible and would be detrimental to the setting of the public house and its brew house.

Consideration must also be given to the potential well-being or otherwise of the remaining site of the Royal George. The proposal would reduce the size of the car parking available by at least half with a similar reduction in the garden available. Considering the particular characteristics of the surrounding roads and the lack of safe on-street parking, the provision of parking for customers must be of particular importance for a rural inn. The parking provision shown seems over optimistic – there are no pathways shown to allow pedestrian access from the parking to the pub entrance, no disabled spaces, no allowance for staff cars. All these requirements would further reduce the parking provision and this is likely to affect the customer experience. Anything that adversely affects the viability of the public house will have

a consequence on the ability of the business to repair and maintain the historic fabric of the listed buildings and therefore needs to be very carefully assessed.

This scheme is in essence a resubmission of the 2012 application in that it suggests a single dwelling on the north-east of the historic plot. The comments of my colleague to that application are still valid for this. Overall the removal of a large portion of the historic plot for the provision of a dwelling and garage will adversely affect the setting of the listed buildings and will remove an important area of open space within the village. Since both of these fundamental principles of policy are lost the scheme cannot be supported.'

4.3 The Transportation Manager has responded indicating:

'The proposal is for a 4 bedroom house with three car parking spaces accessed off the side road. The development will occupy the over spill car parking spaces that are provided in this part of the site.

The Design and Access Statement refers to the site use as:

The site of proposed development is within the village development boundary, furthermore the retained parts of the car park and beer garden are sufficient in size to meet the requirements of the pub and therefore, the development of part of the car park and beer garden will not have negative effects on the functioning of the pub. The area in the vicinity of the pub is exclusively residential; therefore we are of the opinion that the residential development would be acceptable and in keeping with the area.'

I understand the Royal George has the potential to deliver a high number of covers, plus bar + residential + staff.

The proposed car parking provision appears to be only 13 spaces though the application shows 20. The spaces are not achievable as set out in the application due to the access and turning and the available area taking into account a minimum of 1.2m for pedestrian access.

The existing access has poor visibility to the North which could be improved if the applicant so wished with a wider footpath adjacent to the A480.

With the information provided, there appears to be no account for the existing use of the PH, please can the applicant provide the evidence behind the need for the pub in regards to car parking and the position of the cellar for deliveries. The Herefordshire Council Design Guide works on the GFA and residential requirements. The information needs to be provided on this basis although other evidence can be considered.

Due to the location of the Royal George, the parking must be able to support itself as the vehicle movements at this location is a problem as the attached photos demonstrate. Any on street parking in this location could result in vehicle damage or adjacent buildings being struck, this has occurred in the past, hence the positioning of the bollard.

The car parking provision for the new building is not as per Herefordshire Councils Design Guide for New Developments, car parking requires a minimum of 6m behind to turn, this is required to exit in forward gear. The parking must be redesigned.

Unless the applicant can demonstrate the parking provision available, 13 car parking spaces, is sufficient for the Royal George, I have no option but to recommend refusal of this application'.

4.4 The Archaeological Advisor has responded to the application stating that the proposed development will involve an appreciable amount of ground disturbance in a sensitive location

within the medieval form of the settlement. Comment is made that Lyonshall is an archaeologically important urban area as defined in Section 9 of the Herefordshire Unitary Development Plan and that there is clear archaeological potential in this location.

As such the site has potential to include heritage assets with archaeological interest and therefore in the first instance an archaeological desk based assessment report is required in support of any application for development on site, along with a field evaluation report. Without these reports it is not possible to properly assess the proposed development in relationship to potential on site archaeological interests.

5. Representations

5.1 Lyonshall Parish Council objects to the proposed development indicating:

'Lyonshall Parish Council strongly objects to this proposal which would impact on the viability of the Royal George pub business. It asks Herefordshire Council to REFUSE planning permission.

The community of Lyonshall is close to finalising its Neighbourhood Development Plan. The detailed consultations which included every elector, showed overwhelming support for the retention of the Royal George as a public house in the centre of the village. The over-riding concept that came out of the extensive consultation was the creation of a village centre. Key to that concept was a thriving public house at the heart of the village which was capable of providing wider community services in the future. Hence the continuing viability of this public house is essential to the future vision expressed by the residents of Lyonshall.

This application is essentially for a change of use for a substantial part of the car park and a large section of the garden including the vegetable patch. The residual car park and garden would be inadequate for the commercial viability of the public house. If approved, this proposal would result in the closure of the Royal George in a few years thus frustrating the wishes of the community for the future of Lyonshall.

It is essential, therefore, that this application is refused.

The Design and Access Statement suggests that there would be twenty spaces available but practically there would be fewer. The car parking exercise carried out by the Parish Council demonstrated that the maximum number of cars that could be accommodated on the reduced car park would be seventeen. In reality, there is a requirement for two parking spaces for the landlord, at least one for staff and a disabled space which takes up two standard spaces. This leaves just twelve spaces for paying customers at a public house with fifty covers for diners plus bar customers which is clearly insufficient.

Accompanying the application was a letter from the selling agents to the landowner stating that in their professional opinion the reduced parking space was adequate compared to the parking spaces available at pubs nearby. Regrettably, aside from the obvious conflict of interest, the selling agents have ignored the fact that whilst excess vehicles at other pubs can park on nearby streets, there is no such parking available in Lyonshall.

Lyonshall Parish Council organised the parking of three cars on the A480 and two cars on the lane beside the pub which resulted in the village of Lyonshall being gridlocked. This was witnessed by our ward Councillor and BBC Hereford & Worcester.

In our view this demonstrates beyond doubt that the proposal to reduce the car parking space will result in the future closure of the Royal George, thereby frustrating the ambitions of the community of Lyonshall for a vibrant centre as expressed in the Neighbourhood Development Plan.

Herefordshire Council requires that all developments be sustainable which means that “developments meet the needs of the present without compromising the needs of future generations to meet their own needs”. This development would compromise the needs of future generations therefore it is not a sustainable development by Herefordshire Council’s own definition and should be refused.’

The response also includes references to various Herefordshire Unitary Development Plan policies the Parish Council considers the application contravenes as well as responses to a previous application on site for a new dwelling subsequently withdrawn. (ref: N121379/F – 30 August 2012).

5.2 In excess of 150 letters of objection (including one from CAMRA – Campaign for Real Ale) have been received from members of the public. Key issues of concern can be summarised as follows:

- Impact on viability of the public house, which is considered a community facility.
- Loss of amenity space in connection to the public house.
- Loss of car parking in connection to the public house.
- Impact of proposed development on surrounding public highways.
- Impact on setting of a listed building.

5.3 The consultation responses can be viewed on the Council’s website by using the following link:

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council’s Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer’s Appraisal

6.1 The key issues in relationship to this application are:

- Potential loss of a community facility and impact on viability of existing business premises on site.
- Impacts on surrounding public highways and on site parking in relationship to the proposed new dwelling.
- Setting of the listed building and historic character of the village.
- Impact of the proposed new build.
- Archaeological concerns.

Potential loss of a community facility and impact on viability of existing business premises on site

6.2 The proposed development refers to a new build two-storey dwelling on part of the existing public house’s car park and beer garden, and as such forms part of an area of land that is used in connection to a rural community facility, the ‘Royal George’ being the only Public House in the village of Lyonshall. Lyonshall is designated as a main village in accordance with policy of the UDP.

6.3 The broad principle of a new build dwelling at this location is considered acceptable on the understanding that it can be demonstrated that any such development does not undermine the viability of the public house as well as overcome other policy requirements. The applicants have submitted a letter on viability, detailing and describing other public houses and land uses.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

Notwithstanding this, it is considered that planning applications have to be assessed on their individual planning merits. The letter also refers to a local consortium interested in the construction of a community led facility on the site. As the case officer for this application, I am not aware of any such proposal.

- 6.4 Policy CF6 of UDP clearly states that development proposals that would result in the loss of existing facilities which contribute to the needs of the community will not be permitted unless certain criteria are met. These criteria require assessment as to whether the facility can best be enhanced or complemented through the development of a small part of the site or that there is continuing evidence that the facility is no longer required. Otherwise development which would reduce or restrict the ability of such facilities to be used for the function they are intended to fulfill will not be permitted.
- 6.5 Paragraph 70, Section 8 of the NPPF indicates that local planning authorities should plan positively for the provision and use of shared space and community facilities, which includes reference to public houses, in order to enhance sustainability of communities and 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.
- 6.6 Whilst there is no question regarding the direct loss of the community facility, its future prosperity and viability is of concern, as clearly demonstrated by the responses received from CAMRA, the Parish Council and members of the public.
- 6.7 Loss of the car parking area is a serious concern. No provision has been made for its replacement and no details relating to staff parking or disabled car parking provision is provided. It is noted that the Transportation Manager has raised concerns about the proposed car parking, stating that the proposed car parking provision on site is not achievable as set out with consideration to access, turning and necessary deliveries. It is considered that loss of the car parking area as proposed, without sufficient robust evidence in support of the application, is likely to threaten the future viability of the public house.

Impacts on surrounding public highways and on site parking in relationship to the proposed new dwelling

- 6.8 The Royal George is located alongside the junction of the A480 and the C1031 public highways, alongside one of two right angled bends in the A480. It must be self supporting with on site car parking, as the surrounding area does not have any suitable car parking provision.
- 6.9 Car parking in relation to the proposed new dwelling does not provide for a minimum of 6 metres turning area, this is required in order to allow a vehicle to exit in a forward gear, and therefore the proposed on site parking for the dwelling is not in accordance with advice as set out in Herefordshire Council's Highways Design Guide for new development.

Setting of the listed building and historic character of the village

- 6.10 The Grade II listed Royal George forms part of the historic fabric of the village marking its boundary on the eastern side.
- 6.11 The application proposes to divorce the north-east section of the historic plot from the public house and the brew house in order to construct a new two-storey four-bedroom dwelling, similar to more recent housing situated alongside the C1031. Also proposed is a double garage to the front of the site. As referred to by the Conservation Manager the existing dwellings along the same side of this road are set back from the lane and therefore allow views towards the Royal George and the brew house from a considerable distance. This arrangement allows the historic spatial relationship between the listed building and its

agricultural surroundings to be preserved. Historic maps indicate that the public house was the last building of the village core in this north-east direction and although that distinction is not now the case, the space around the building and therefore its setting has largely been protected by the retention of the open ground now proposed for development. The loss of this land has repercussions not only for the listed building and its setting but also for the character of the village core, which is considered to be an undesignated heritage asset despite not having conservation area status. Therefore the development is considered contrary to Policies HBA4 and HBA9 of the UDP.

Impact of the proposed new build

- 6.12 It is considered that the scale of the proposed dwelling and its associated garage would visually and physically crowd the brick brew house, a curtilage listed building.
- 6.13 Also of concern is the proposed position of the pitched-roof double garage to be situated in front of the building line of the proposed dwelling, alongside the C1031. This would clearly affect the setting of the Royal George by impinging on the views of the pub and the brew house, when viewed from the public highway looking south-west. It is considered that the garage would further increase the adverse impact of the proposal on the adjacent listed buildings.
- 6.14 The Conservation Manager has also made comment that the fencing proposed for the dwelling's boundary is not considered acceptable – a 1.8m high close boarded fence is not considered appropriate for a boundary that is publically visible and it is considered that this would also be detrimental to the setting of the public house and its associated brew house.

Archaeological concerns

- 6.15 As indicated by the Archaeological Adviser, the site is considered a sensitive location within the medieval form of the settlement and has the potential to include heritage assets with archaeological interest.
- 6.16 As such an archaeological desk based assessment report in conjunction with a field evaluation report is required in order to allow a satisfactory analysis of sensitivity and risk. It is noted that Lyonshall is an Archaeologically Important Urban Area, as defined in Section 9 of the UDP. Without satisfactory analysis the proposal is considered contrary to Policy ARCH1 of the UDP.

Conclusions

- 6.17 Clearly this application has generated wide ranging objections from members of the public, which includes a strong representation from CAMRA, the Parish Council and internal Council consultees.
- 6.18 It is considered that the loss of part of the grounds will have a serious impact upon the viability of the public house, which represents a community facility. It is not considered that the applicant has provided sufficient evidence to substantiate the future viability of the public house. The application on this issue is considered contrary to Policies S1, S11 and CF6 of the UDP and the NPPF.
- 6.19 With consideration to public highway safety, the semi-rural location of the public house, alongside a bend in the adjacent public highway, in a locality where there appears to be no alternative off site car parking provision makes it of paramount concern that adequate on site car parking is provided. Therefore the development is considered contrary to Policies DR2, DR3 and T11 of the UDP and the NPPF on this issue.

- 6.20. The dwelling itself is of a scale and design that would have a detrimental impact on the setting of the listed building and the historic character of the surrounding built environment. The proposed garage in particular is considered to impinge on the setting of the listed buildings on site. The development is considered contrary to Policies DR1, HBA4 and HBA9 of the UDP and the NPPF on these issues.
- 6.21 The site forms part of an area of significant historic interest and potentially of archaeological interest and therefore evaluation of the site is required by means of an archaeological desk based assessment report in conjunction with a field evaluation report in order to allow a satisfactory analysis of sensitivity and risk. The development is considered contrary to Policy ARCH1 of the UDP and the NPPF on this issue.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. It is considered that the loss of part of the car parking area and associated amenity space will have a detrimental impact on the future viability of the public house, a grade II listed building and community facility. The development is therefore considered to be contrary to Policies S1, S11 and CF6 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
- 2. The proposed development will lead to future potential conflict in relationship to adjoining land uses and public highway safety issues. Therefore the proposed development is considered contrary to Policies DR2, DR3 and T11 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
- 3. The proposed development will have a detrimental impact on the setting of the Grade II listed Royal George Public House and its associated curtilage listed building and the historic setting of the village. The development is considered contrary to Policies DR1, HBA4 and HBA9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
- 4. Insufficient information has been provided in relation to the impacts associated with the archaeological sensitivity of the site and therefore the development is considered contrary to Policy ARCH1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development although it is advised that there may not be a suitable alternative form of development that overcomes the concerns identified in the refusal reasons**

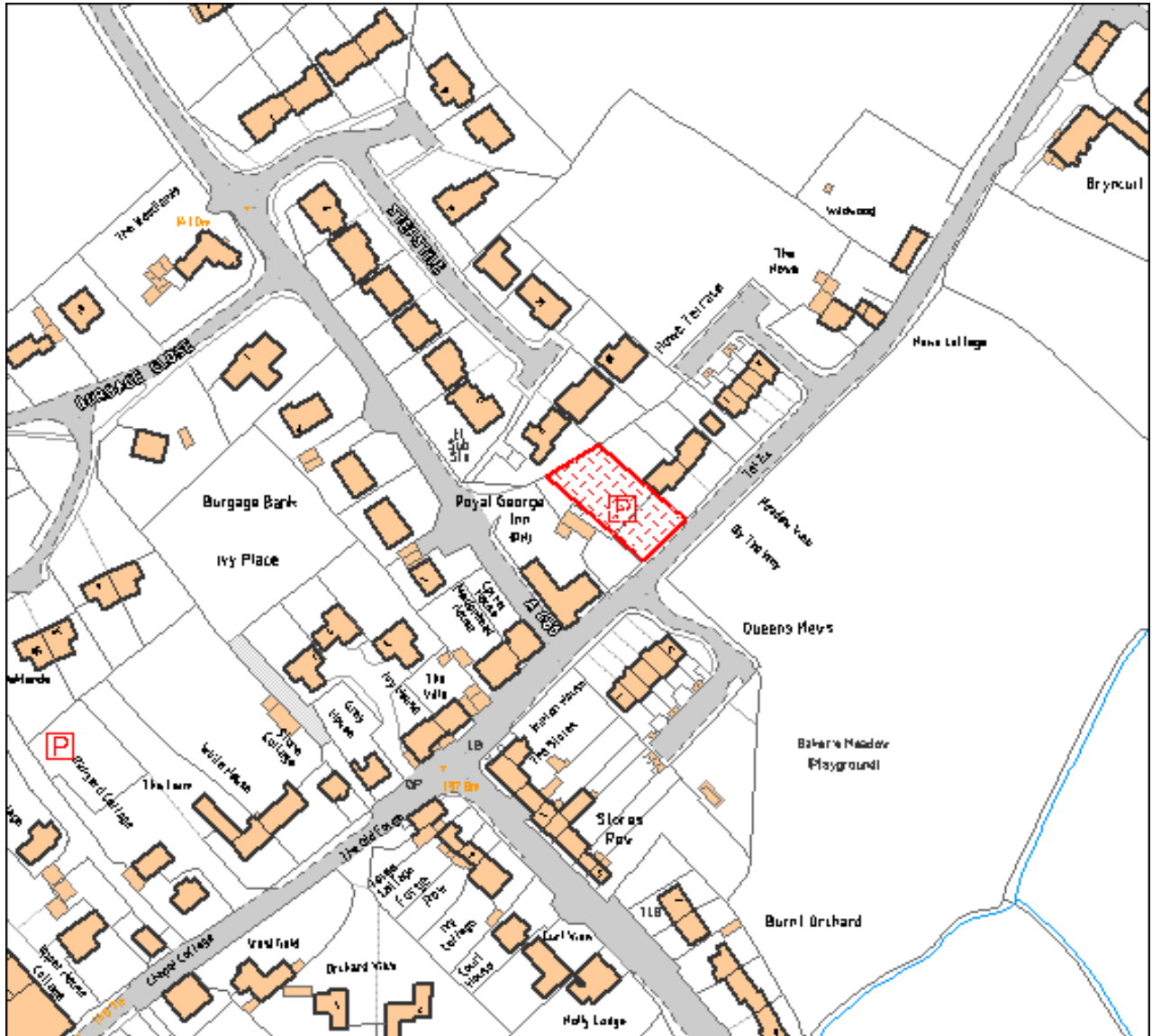
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 133325/F

SITE ADDRESS : ROYAL GEORGE INN, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JN

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808