

**15 DCNE2005/0605/F - PROPOSED 10 BED
ACCOMMODATION BLOCK FOR USE WITH EXISTING
INN FACILITIES AT NEWTOWN INN, LOWER
EGGLETON, LEDBURY, HEREFORDSHIRE, HR8 2UG**

For: Mr & Mrs D Raines at above address.

Date Received:
23rd February 2005

Ward:
Frome

Grid Ref:
61856, 44881

Expiry Date:
20th April 2005

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The application seeks permission for the erection of a 10 bedroom detached, single-storey accommodation block for use in connection with the existing Public House at The Newtown Inn. The pub is located to the southern edge of the A4103 Worcester Road, near the Newtown Crossroads. Customer car parking is accessed directly off the main road past the eastern (end) elevation of the pub.
- 1.2 It is proposed that the accommodation block be located on land immediately to the rear of the pub building, the majority of which falls within the defined Newtown/Yarkhill settlement boundary. This land is currently used as the beer garden.
- 1.3 The proposed site is level throughout, although elevated approximately 1 metre above the level of the pub. Land to the southern edge of the application site is in residential use, with a mixed residential/business use to the west.
- 1.4 The proposed building is of single-storey construction with a height to the ridge of 4.4m. The building is broadly rectangular with an overall footprint of 17m x 13.2m. It is proposed that the fully hipped roof be clad in Redland Cambrian Slate grey roof tiles, with cream rendered walls above a brick plinth.

2. Policies

National Planning Guidance

PPS7 – Sustainable Development in Rural Areas

Malvern Hills District Local Plan

Transport Policy 3 – Provision for pedestrians and cyclists

Transport Policy 5 – Special needs access

Transport Policy 6 – Disabled persons' car parking requirements

Transport Policy 8 – Car parking and servicing requirement

Conservation Policy 16 – Development within archaeologically sensitive areas;
evaluation

Tourism Policy 2 – Development of tourism

Tourism Policy 4 – Hotel development – Open countryside
Recreation Policy 31 – Retention of existing community facilities

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable development
S2 – Development requirements
S8 – Recreation, sport and tourism
S11 – Community facilities and services
DR1 - Design
DR2 –Land use and activity
DR3 - Movement
DR4 - Environment
E6 – Expansion of existing businesses
E11 – Employment in the smaller settlements and open countryside
T8 – Road hierarchy
T11 – Parking provision
T16 – Access for all
ARCH1 – Archaeological assessments and field evaluations
RST12 – Visitor accommodation

3. Planning History

NE05/0487/F – Proposed 2no. 3 bedroom semi-detached dwellings and improvements to existing access at Newtown Inn: Under consideration

NE04/4274/F – Conversion of stable to form pub landlord accommodation: Approved 9th February 2005

N98/0801/F – Construction of a 2-storey dwelling on land adjacent to Newtown Inn: Approved 4th February 1999.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection

Internal Council Advice

4.2 Traffic Manager raises no objection subject to the provision of covered secure cycle parking.

4.3 Head of Environmental Health and Trading Standards: No objection.

4.4 Archaeological Advisor: Recommends the imposition of the standard archaeological 'site investigation' condition.

5. Representations

5.1 Yarkhill Parish Council object to the proposal on the following grounds:

- The development would not be in keeping with an edge of village location and old rural pub;
- The pub garden would be lost, whilst the settlement boundary runs through the eastern third of the building;
- The existing drainage system could not cope with the extra demand;
- Owing to the presence of footpaths crossing the site vehicular parking would be limited;
- The pub, previously permitted stable conversion, accommodation block and semi-detached dwellings would make for a density of building unsuitable for a semi-rural location.

5.2 Two letters of objection have been received. They come from the occupants of the dwellings immediately adjacent to the application site.

Mr A J Hawkins, Stretton View, Lower Eggleton, Herefordshire

Mr D H & Mrs V M. Wharton, Porch House, Lower Eggleton, Herefordshire

5.3 The objections can be summarised as follows:

- Loss of village amenity and character;
- Development is too dense and not in keeping with the existing pattern of development;
- The building exceeds the line of the settlement boundary, which is removed altogether in the Unitary Development Plan;
- There would be insufficient parking;
- The development would adversely affect the residential amenity of neighbouring residents;
- The loss of the beer garden is unacceptable;
- There is insufficient justification for a development of this nature. Similar enterprises have failed due to lack of demand.

5.4 The applicant has submitted a letter in support of the application. The points raised are summarised as follows:

- Market research indicates that there is a shortfall in accommodation in the county and this view is confirmed by the various tourism authorities in both Herefordshire and Worcestershire;
- The Council's "Where to stay?" guides demonstrate a lack of accredited hotels;
- We are told that several farmhouse B&B providers have closed because they cannot meet the relevant regulations following the Disability Discrimination Act;
- The Inn has three en-suite rooms, all of which have been fully refurbished – people have been turned away prior to any marketing or advertising campaign;
- The only way to maintain the business is to provide accommodation of a high standard, which will enable us to survive.

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

6. Officers Appraisal

6.1 The main issues for consideration in the determination of this application are:

- 1) The principle of development
- 2) Issues of residential and visual amenity
- 3) Density, layout and design
- 4) Other material considerations

6.2 The principle of development

The Newtown/Yarkhill settlement, as defined in the Malvern Hills District Local Plan, includes the pub building and beer garden, although the car park to the east is excluded and thus termed open countryside. A portion of the proposed accommodation block does extend into the car park and as a consequence, two bedrooms and approximately a third of the sun lounge, are technically outside the settlement boundary.

Clearly there is a fundamental policy presumption against new residential development in the open countryside although a separate policy context is considered to apply here. No single policy is applicable in isolation, rather a variety of policies that relate to the expansion of existing rural businesses and provision of visitor facilities along with the other considerations referred to at 2.2, 2.3 and also at 6.1.

Tourism Policy 4 of the Malvern Hills District Local Plan is considered particularly relevant in the consideration of this application, specifically the principle of development. The policy specifies the exceptional circumstances where new hotel development in the open countryside may be permitted. Although the bulk of the new build is within the defined settlement boundary the spirit of this policy is considered applicable. Amongst other things the policy requires that new hotel development should be sited within or immediately adjacent to a settlement.

PPS7 – Sustainable Development in Rural Areas recognises that Local Planning Authorities will have to make provision for some limited development outside of defined settlements. Paragraph 4 states that:

“Planning authorities should set out in Local Development Documents their policies for allowing some limited development in, or next to, rural settlements that are not designated as local service centres, in order to meet local business and community needs and to maintain the vitality of these communities.” (PPS7, 2004)

Having regard to the current adopted local plan policy and national guidance it is considered that the principle of development of this type at this location is acceptable.

6.3 Issues of residential and visual amenity

Representation from the Parish Council and neighbouring residents has voiced concern over the scale of the proposed development at this edge of settlement location. Principally an assessment has to be made as to the acceptability of the use given the proximity of the dwelling “Stretton View” to the immediate south and Porch House located adjacent to the crossroads. In the first instance, the distance to Porch House at over 30 metres in addition to existing and proposed boundary treatments is

considered sufficient to ensure that there would be no adverse impact upon the amenity of the occupants of this dwelling.

The neighbour at Stretton View is in far closer proximity to the development site and this relationship is considered more pertinent. Stretton View itself is a 2-storey dwelling constructed only 3 metres from the mutual property boundary. The dwelling is orientated so as to make best use of the aspect to the south and as a result the windows to the north (pub) facing elevation are at ground floor.

The proposed accommodation block has four windows facing Stretton View, two of which serve bedrooms, the other two serving en-suite facilities. In view of the existing boundary treatment and orientation of development it is not considered that an objection on the grounds of loss of either light or privacy to Stretton View could be sustained.

By virtue of its relatively low profile the building would not, in the officer's opinion, impact unacceptably on the visual amenity of the wider area. The building would be largely screened by existing development from the northern and western aspects, with some limited long-range views possible from the south. The building would be visible when approached from the east, although this would be mitigated by the presence of existing mature hedgerows and trees.

To conclude, the proposed development is not considered to represent an unacceptable adverse impact upon the residential amenity of neighbouring residents or the visual amenity of the wider area.

6.4 Density, layout and design

The existing pattern of development in this edge of settlement location can be characterised as well spaced, comprising both residential and commercial uses. Predominantly development is located along the frontage of the A4103 although there are exceptions.

The proposed development has a large footprint, fills the majority of the existing beer garden and as a consequence closes the open space between the rear of the pub and Stretton View.

It should be recognised however, that the large footprint is a result of the design rationale, notably the desire to keep the height of the building as low as possible.

The appearance of the building is somewhat utilitarian although this is considered acceptable given the use of materials and limited impact on the wider landscape.

6.5 Other Material Considerations

Other than the issues referred to above it is considered that access and parking and the retention of the existing facility form further material considerations.

The Traffic Manager raises no objection to the proposal on the issue of access and parking, although it is recommended that provision be made for secure cycle parking. It is also considered appropriate that should members be minded to approve the application a condition be imposed requiring that the car parking area be formalised and properly controlled to prevent indiscriminate parking and inefficient use of space.

Disabled parking provision would also be required as per Transport Policy 8 of the Adopted Local Plan.

It is recognised that the owners of Stretton View have a right of vehicular access over the car park, although this constitutes a civil issue and does not form one of the planning considerations.

Letters of representation raise the issue of the loss of the beer garden and the subsequent effect that this may have on the viability of the public house. However, the loss of this facility is considered acceptable having regard to the nature of the proposed development, which is intended to maintain the viability of the existing business.

Summary

The material planning considerations in the determination of this application are varied and do not sit within a particular policy niche. The bulk of the proposed development sits within the existing defined settlement boundary and it is considered that a small incursion into open countryside is acceptable in this context. Further to this are the issues of amenity outlined at 6.3 and the desire to retain an existing rural enterprise.

On balance it is concluded that the application should be recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

5 - E10 (Use restricted to that specified in application)

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard [.....].

6 - E15 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

7 - E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

8 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 - F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

10 - F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

11 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

12 - H15 (Turning and parking: change of use - commercial)(40 cars)

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

13 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informative(s):

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

2 - ND03 - Contact Address

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.