

11 DCNE2005/1000/F - CONVERSION OF EXISTING PUBLIC HOUSE TO 4 FLATS AND 1 NO HOUSE, 1 NO NEW HOUSE INCLUDING GARAGES AND CAR PARKING, USING EXISTING VEHICULAR ACCESS AND DEMOLITION OF OUTBUILDINGS AT THE ODDFELLOWS, WALWYN ROAD, COLWALL MALVERN, WORCESTER

**For: Ledbury Park Devs Ltd per Mr N Shepherd
Golden Lea Grafton Lane Binton Stratford on Avon
W37 9TZ**

Date Received:
29th March 2005

Ward:
Hope End

Grid Ref:
75120, 42173

Expiry Date:
24th May 2005

Local Members: Councillor R Mills and Councillor R Stockton

1. Site Description and Proposal

- 1.1 The site of the proposed development lies to the west of Walwyn Road on the principal southern approach to the village of Colwall.
- 1.2 The application relates to the conversion of the vacant Oddfellows public house to four flats, along with the conversion of the existing stable building to form one dwelling. Also proposed is the erection of a further dwelling to the rear of the pub and provision of associated parking areas. Some works of demolition are proposed to ensure that the development can be accommodated within the settlement boundary in its entirety. It is proposed that the existing vehicular access be utilised.
- 1.3 The pub building is the focal point of the application site, the two-storey element forming an imposing elevation, which fronts the highway on this busy route. There are single-storey additions to the rear, which it is proposed be removed to make room for the proposed new dwelling. Also present on site is a stable building, divided into two flats at present. It is proposed that the single-storey extension to the rear of this building be truncated in order that amenity space can be provided within the constraints of the settlement boundary. As such, all of the development proposed, including gardens and parking areas fall within the settlement boundary.
- 1.4 A total of eight car parking spaces are proposed to serve the flats. The dwellings would benefit from the provision of dedicated double garages. Foul and surface water drainage is proposed via the mains sewer.

2. Policies

2.1 National Planning Guidance

PPG3 - Housing

PPS7 - Sustainable Development in Rural Areas
PPG13 -Transport

2.2 Malvern Hills District Local Plan

Housing Policy 3 - Settlement Boundaries
Housing Policy 17 - Residential Standards
Landscape Policy 2 - Areas of Outstanding Natural Beauty
Landscape Policy 3 - Development Within Areas of Great Landscape Value
Landscape Policy 10 - Tree Preservation Orders
Recreation Policy 4 - Public Rights of Way
Recreation Policy 31 - Retention of Existing Community Facilities
Transport Policy 8 - Car Parking and Servicing Requirements

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable Development
S2 - Development Requirements
S3 - Housing
DR1 - Design
DR2 - Land Use and Activity
H4 - Main Villages: Settlement Boundaries
CF6 - Retention of existing facilities
TCR14 – Village Commercial Facilities

3. **Planning History**

- 3.1 NE04/3207/F - Conversion of existing public house to 4 units of accommodation, demolition of outbuildings and erection of 3 three-storey terraced town houses, including garages and car parking using existing vehicular access: Withdrawn 8th October 2004.
- 3.2 MH94/0268 – Change of use of domestic dwelling (ground floor flat of former stable building) to childrens play area. Approved with conditions.
- 3.3 MH94/0267 – External alterations including the creation of an external courtyard and garden for use with Public House. Approved with conditions.
- 3.4 MH94/0266 - Proposed car park to Public House. Approved with conditions.

4. **Consultation Summary**

Statutory Consultations

- 4.1 Severn Trent Water: No objection subject to a condition being imposed in respect of both surface water and foul drainage.

Internal Council Advice

- 4.2 The Traffic Manager has no objection subject to the imposition of conditions.
- 4.3 Public Rights of Way Manager has no objection.

4.4 The Conservation Manager has no objection.

5. Representations

5.1 Colwall Parish Council objects to the loss of a village amenity, comprising public house and campsite, and is not satisfied that appropriate measures have been taken to market the premises.

No objection is raised to the layout or design of the development proposed.

5.2 A total of 5 letters of objection have been received from the following persons:

Mr W J Leaper & Miss B A Evans – The Log Cabin, Evendine Lane, Colwall
(letters submitted individually);
Maggie Powell – Brook House, Walwyn Road, Colwall;
Stuart Buckland – Flapgate, Colwall;
Sheila Evans – The Hayloft, Evendine, Colwall

The points raised can be summarised as follows:

- a) A lack of evidence to support that the applicant has sufficiently marketed the premises;
- b) The loss of a village amenity including not only the public house but also a restaurant, accommodation, function hall, campsite and play area.

5.3 One of the letter states that the premises are on a flood plain and consequently prone to flooding. The premises do not lie within the flood plain.

5.4 One letter of support has been received from Dr R. Kenwright, Kildalton, Walwyn Road, Colwall. The letter states that numerous owners and tenants have failed in attempts to run a commercially viable business.

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 as follows:

- a) The principle of residential conversion having regard to the relevant Local Plan policy and other material considerations; &
- b) The scale, layout and design of the proposed development;

The Principle of Residential Conversion

6.2 The site falls in its entirety within the defined settlement boundary, which is understood to remain unaltered under the Unitary Development Plan. As such the fundamental principle of residential development at this location is accepted subject to the resolution of other factors.

- 6.3 Uppermost of these factors is the presence of the public house on site (which has remained closed for over 3 years), and whether the loss of this community facility is acceptable having regard to the development plan and other material considerations.
- 6.4 The letters of objection and representations from the Parish Council raise the issue of marketing and whether this has been undertaken to the satisfaction of the Local Planning Authority. The carrying out of a marketing procedure is implicit in Recreation Policy 31 of the adopted Local Plan. This states that:
- ‘Proposals which would result in the loss of community facilities such as meeting rooms, community centres, village halls and public houses, will normally be refused except where the district council is satisfied that the facility is no longer necessary to the local community or an appropriately sited replacement facility is to be provided.’
- 6.5 Similar policy provision is contained in the Unitary Development Plan (Revised Deposit Draft) in the guise of policies TCR14 – Village Commercial Facilities and CF6 – Retention of Existing Facilities. TCR14 requires that the application for change of use leading to the loss of facilities will only be permitted where it can be demonstrated that the existing use is no longer viable and unlikely to become so. Furthermore, all means of retaining the facility should be explored taking into account the importance of the facility to the local community.
- 6.6 Although no recent marketing procedure has been undertaken, the application is supported by documentary evidence which demonstrates that despite significant investment in the site during the mid 1990’s the business continued to make a loss, with the effect that the pub ceased trading in September 2001 and has remained closed ever since. Independently audited accounts have been submitted in respect of the years ending May 31st 1998, 1999 and 2000.
- 6.7 The applicant attributes the failure of the business to amongst other things:
- a) The alternative provision of licensed premises within the village
 - b) The physical size of the site and implications for cost effectiveness; and
 - c) The re-structuring of the licensed trade in the 21st Century
- 6.8 It is recognised that each case involving the loss of a community facility should be considered on its individual merits. As such comparisons with other cases are not always of direct relevance. However, in instances where similar applications have reached appeal, Inspectors have placed considerable weight on the presence of other licensed premises within the same village. In conclusion, despite the absence of a recent, documented marketing exercise, the principle of residential conversion is accepted.

The scale, layout and design of the proposed development

- 6.9 The development proposed involves the conversion of the public house to four flats, conversion of the existing stable building to one dwelling and the construction of a new dwelling to the rear of the pub.
- 6.10 The layout is largely dictated by the existing pattern of development on site. The scheme enables the pub building to remain the dominant feature on site as per the historic arrangement. This application also allows for the retention of the stable

building, which was proposed be demolished under the previously withdrawn application. This proposed retention of historic fabric is considered beneficial.

- 6.11 The construction of the new dwelling, to the northwest corner of the site is only achievable with the demolition of the single-storey hall building attached to the rear of the pub. This allows for a satisfactory arrangement in terms of the relationship between buildings. It is not considered that an objection to the loss of the hall could be sustained should the principle of conversion be accepted.
- 6.12 The Traffic Manager is satisfied with the parking provision, whereas the Public Rights of Way Manager is satisfied that the development would not infringe upon the public footpath running parallel to the southwest of the site. In conclusion, the scale, layout and design, all of which have been the subject of negotiation with officers are considered acceptable.

Summary

The determination of this application requires a judgement as to whether the loss of the public house and associated facilities is acceptable having regard to the provisions of the adopted Local Plan and any other material considerations. Whilst the presumption remains in favour of retaining existing facilities, material considerations will, occasionally determine otherwise. In this instance the presence of alternative provision within the village when taken in conjunction with the lengthy period of closure and trading losses, satisfies officers that the proposed development accords with Recreation Policy 31 of the adopted Local Plan. Although regrettable, the loss of the existing facility is considered acceptable and the development is supported accordingly.

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 - B01 (Samples of external materials)**

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

- 3 - F16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents.

- 4 - F17 (Scheme of foul drainage disposal)**

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

- 5 - G01 (Details of boundary treatments)**

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

- 6 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 7 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 8 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 9 - H03 (Visibility splays)

Reason: In the interests of highway safety.

- 10 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

- 11 - H05 (Access gates)

Reason: In the interests of highway safety.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway
- 5 - HN22 - Works adjoining highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.