

EAST RUSTON - PF/21/2469 – Erection of 7 single storey holiday lodges in connection with the public house, associated car parking and amenity areas; Butchers Arms
Oak Lane, East Ruston, for Mr M Oakes

Minor Development

- **Target Date: 10th November 2021**

- **Extension of time: 21st February 2022**

Case Officer: Mr C Reuben

Full Planning Permission

CONSTRAINTS

Countryside LDF

Agricultural Land Classification - Agricultural Land: Grade 3

Areas Susceptible to Groundwater SFRA - Classification: $\geq 50\%$ $<75\%$ Flood Type: Clearwater

Landscape Character Area - Description: Low Plains Farmland

RELEVANT PLANNING HISTORY

Application PF/19/1816

Description Erection of 9 no. single storey letting rooms in connection with the public house & associated car parking and amenity areas

Outcome REF - Refuse

Pre-App IS2/19/0582

Description Creation of 9. no letting rooms in single-storey detached buildings connection with the public house business and associated car parking and amenity areas

Outcome AG - Advice Given

THE APPLICATION

The application proposes 7 units of serviced accommodation on land associated with, and adjacent to, the public house (Butchers Arms) located towards the northern end of the village. The new units, which are not fully self-catered, are intended to provide a source of revenue to be directed towards refurbishment of the public house. Associated on-site parking (including cycle parking) would be provided, along with replacement boundary treatments and additional planting. Residential dwellings lie to the south and east of the site along a private cul-de-sac leading around the eastern and southern boundary of the site, and with a tree belt separating the site from properties to the west.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr L Shires citing concerns regarding noise and loss of green space.

PARISH COUNCIL

East Ruston Parish Council – Objection. Insufficient defined parking; The proposed development is too close to residential properties. This will result in excessive noise to the residents and loss of amenity and enjoyment of their gardens; Concerns about the proposed drainage system as site is low-lying and is affected by water table; Surprised that plans do not include plans to remodel the Public House as it is claimed that the pub will need to rely on the units to make them financially viable.

REPRESENTATIONS

Five public representations have been received, all objecting (two further objections have also been received from the same objectors), raising the following concerns:

- Patio doors facing neighbouring property
- Noise from units 24hrs a day, 7 days a week due to chatter of customers, air source heat pumps, tranquil area with neighbours windows open in Summer, staff coming and going, need for servicing. No stipulated silent hours, acoustic fencing inadequate.
- Loss of privacy/overlooking.
- Will result in light pollution with bedroom windows facing development
- Loss of natural drainage and high water table will cause flooding on the adjacent private driveway, more problematic due to increased rainfall due to climate change.
- Need for the units questioned. Question why has money not gone straight into the pub for refurbishment/renovation since purchased. Other pubs the applicant owns have no accommodation facilities. Priority should be to refurbish the pub first for the community. Pub could provide additional accommodation internally or extended. Lack of transparency regarding plans for pub.
- Examples of other pubs that have been successfully renovated
- Both the pub and former bowling green are listed as an Asset of Community Value. The bowling green would be lost where community and private events have been held over the years.
- No evidence that the pub needs lodging rooms to be successful.
- Lodging rooms could be located closer to the pub.
- Will cause traffic difficulties in the locality due to overspill parking (particularly on Oak Lane)/deliveries/customers, insufficient parking provided, will cause access difficulties. Increased risk of accidents.

CONSULTATIONS

Norfolk County Council (Highway) – No objection subject to condition regarding on-site parking provision.

Landscape Officer NNDC – No objection subject to controls over external lighting. Given that the site does not contain suitable GCN habitat and no other confirmed records of GCN have been identified within the ZOI, then the conclusions of the Ecological report are considered to be sound, i.e. the likelihood of GCN being present on site is negligible and that the proposed works will not impact these species. Unless unequivocal evidence is presented as to the presence of GCN on the development site, it is not considered reasonable or proportionate to request additional survey in this instance.

Environmental Health NNDC – No objection subject to conditions regarding acoustic fencing/noise control scheme, air source heat pumps and external lighting.

Economic Growth NNDC – Support. Consideration of the proposal has been given alongside the applicant's business plan. The applicant has previously given sufficient reassurances to the Economic Growth Team that they will be investing in The Butcher's Arms as part of their wider business plan. The investment would support the resilience of The Butcher's Arms to operate as a viable business, thereby maintaining the commercial use of the building which could otherwise become untenanted. It is recognised that there are potential economic benefits that would be derived by such a proposal (e.g. permanent job creation, supply chain, tourism etc.) and which would serve the wider business community within the area.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

EC 3 - Extensions to existing businesses in the Countryside

EC 7 - The location of new tourism development

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 – Design

EN 9 - Biodiversity and geology

EN 10 – Development and Flood risk

EN 13 - Pollution and hazard prevention and minimisation

CT 3 - Provision and retention of local facilities and services

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF)(2021):

Section 2 – Achieving sustainable development

Section 6 – Building a strong, competitive economy

Section 8 – Promoting healthy and safe communities

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

- 1. Principle**
- 2. Design and amenity**
- 3. Highway impact**
- 4. Landscape impact**
- 5. Biodiversity**
- 5. Environmental considerations**

APPRAISAL

1. Principle (Policies SS 1, SS 2, EC 3, EC 7 and CT 3)

The site lies within the designated countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. In this location, proposals for tourist accommodation, extensions to existing businesses and improved community facilities can be considered in line with the requirements of associated policies EC 3, EC 7 and CT3. Such proposals are also supported by paragraph 83 of the National Planning Policy Framework (NPPF) by enabling the sustainable growth and expansion of all types of business in rural areas, which includes well-designed new buildings. The proposal seeks to provide 7 units of serviced accommodation within the grounds of the public house. Each unit would contain just a bed with seating and a shower room, and breakfast making facilities, akin to a very small hotel room and with no substantial self-catering facilities (effectively pod-like accommodation). As such, they would very much be dependent on the adjacent public house for meals. A previous application was submitted under ref: PF/19/1816 which proposed 9 units on the same site. That application was refused in being overdevelopment, with further concerns raised in regards to drainage (then proposing connection to an existing septic tank) and amenity (potential noise impacts arising from use of the external areas of the units). The current application has sought to address these concerns, as discussed further below.

It is recognised that the public house is an Asset of Community Value (ACV). In addition, it is noted that questions have been raised by objectors in regards to the stated lack of investment into the public house itself and focus instead being directed on the delivery of the proposed accommodation. However, the local planning authority (LPA) must simply assess the application before it in respect of compliance with the relevant policies within the development plan, rather than assessing the historic investment, or alleged lack of such investment, into the public house. The units as proposed would serve to support the existing public house, revenue from which it is stated would be channelled into future funding/refurbishment of the public house to ensure its ongoing survival. The application has been supported by the Council's Economic Growth team who have spoken to the applicant and are satisfied with the proposal. Conditions can be imposed restricting the proposed units as being ancillary accommodation to the public house only, and thus not to be used as a separate holiday site.

As stated earlier, the public house and adjacent land known as the bowling green (the land subject of this application), have been designated as an ACV, however it is up to the determining authority to decide how much weight is apportioned to this matter. It is recognised that historically the land would have been used as a community asset for both private and community events, however, the land is in the private ownership of the public house and does not appear to have been used for such events for some time, and with only one objection relating to this matter. It is further considered that although the proposed development would result in the partial loss of an ACV, the revenue from the development would contribute

towards the ongoing survival of the other half of the ACV (the public house). It is also recognised that paragraph 92 of the NPPF requires local planning authorities to plan positively for the provision of community facilities and ensure they are able to develop and modernise, and guard against their unnecessary loss.

This matter is ultimately one of planning judgment, but officers consider that refusal on the grounds of the partial loss of an ACV relating to green space cannot be adequately substantiated in this instance, taking into account the potential economic benefits to the public house (including potential job creation/tourism, etc) and local community.

Therefore, subject to the proposal according with other relevant policies identified above, the principle of development would be considered acceptable.

2. Design and amenity (Policy EN 4)

Each of the proposed units would be identical in appearance, possessing a modest floorspace of 23m² each, with a single window on the front and patio doors on the rear. The external appearance would consist of a brick plinth with light grey vertical cladding and a zinc/lead effect roof, with similarly dark fascias and guttering. All units would further benefit from solar panels. In terms of landscaping, pathways and planting would be provided, including additional boundary tree planting, and replacement boundary acoustic fencing.

The previous concerns raised in regards to overdevelopment of the site have largely been eased through the reduction in the number of units from 9 to 7. One of these units as originally proposed was larger and positioned towards the southern end of the site, however, the applicant agreed to amend the plans to reduce the unit in size and attached it to the end of the row of units on the western side of the site. Effectively what is now proposed is two rows of modest units (three along the western boundary and four along the eastern boundary). The public house would retain an area of beer garden to its east/rear.

Some low category trees would be lost in the middle of the site, but can be replaced with additional planting around the site boundaries, type/specification to be agreed.

It is considered that, on balance, given the largely secluded nature of the site with appropriate boundary screening and with the layout and appearance of the units being considered appropriate, the proposed development complies with the requirements of Policy EN 4 in respect of design.

3. Highway impact and parking (Policies CT 5 and CT 6)

The proposed plans indicate the provision of 7 on-site parking spaces, 1 per new unit, long with a cycle storage area and electric car charging points, all positioned at the northern end of the site. The units, given their limited size, are not expected to generate parking requirements above the number of spaces proposed. The existing public house retains its existing car park (12 spaces).

It is noted that concerns have been raised in terms of the prospect of on-street parking around the site, particularly during events, however, no objections have been raised by the Highway Authority in regards to either parking or access arrangements. This being the case, it is

considered that the proposed development complies with the requirements of Policies CT 5 and CT 6.

4. Landscape impact (Policy EN 2)

Given that the proposed units are acceptable in appearance, and the site being well contained within a built up area of the village, and with replacement fencing/additional planting proposed around the site, it is not considered that the proposed development would result in any significantly detrimental landscape impact, and therefore complies with the requirements of Policy EN 2.

5. Biodiversity (Policy EN 9)

The matter of the potential presence of Great Crested Newts (GCN) in the pond of a neighbouring garden (as raised by an objector) has been considered by the Landscape Officer. However, given the ponds relative isolation in unsuitable habitat, the likelihood that the pond is a breeding pond with significant status within the local metapopulation of GCN is considered to be limited. The locality is considered less likely to contain important pathways of connecting habitat for GCN. No objections have been raised in regards to any biodiversity impact of the proposed development, with the possibility of enhancement proposed through the installation of bat boxes, additional tree planting and wildflower planting. Subject to conditions, the proposed development complies with the requirements of Policy EN 9

6. Environmental considerations (Policies EN 10 and EN 13)

The application was accompanied by a drainage strategy indicating the provision of an infiltration/soakaway system within the site and connection to the foul sewerage network. It is recognised that concerns have been raised in respect of drainage around the site, particularly relating to surface water on adjacent roads, however, the drainage strategy has been compiled by a competent drainage engineer, also providing a management/maintenance schedule, which concludes that the site has good soakage potential, proposing a cellular soakaway system to the northern end of the site with permeable surfacing for the parking area and retention of run-off through natural infiltration within the site to prevent further run-off, directing water flow northwards. The number of units has been reduced by two since the previously refused application which allows further space for drainage, whilst the possibility of further tree planting around the site boundary and towards the southern end of the site would also help with surface water soakage, along with permeable paving to the rear of the units.

In respect of noise, the application was accompanied by a Noise Impact Assessment which considered noise sources including the impact of the air source heat pumps and conversational noise. The report concluded that, with the mitigation proposed, noise levels would be within acceptable limits and would not be significantly detrimental. It is also noted that the area of land has apparently been used by the public house as a beer garden and for events.

No objections have been raised by the Council's Environmental Protection Officer subject to conditions relating to the air source heat pumps and a noise control scheme. In addition, it is proposed to limit use of the external areas of the units to not past 10pm given the proximity to residential properties.

Further improvements have been made from the previously refused application reducing the number of units from 9 to 7, and by removing previously proposed external decking areas and Jacuzzis, which should further help to reduce noise. Additional planting along the southern site boundary of the site if required, along with infill planting along the eastern boundary, although taking time to establish, would further help to provide screening and act as a further noise buffer, in addition to the 2.2m acoustic fencing proposed.

Officers consider that any external lighting should be strictly controlled and a condition is recommended for such lighting to be agreed prior to installation, to protect amenity and reduce any potential impact upon protected species.

On balance, with the measures proposed and with appropriate conditions securing these and additional measures, the proposed development is considered compliant with the requirements of Policies EN 10 and EN 13.

Conclusion

In conclusion, the proposal for 7 single storey holiday lodges in connection with the public house is considered to be acceptable in principle and comprises of buildings of an appropriate design with suitable boundary treatments, additional planting and sufficient parking, along with adequate proposals to deal with drainage and protected species mitigation/enhancement.

Although the concerns raised in regards to amenity are recognised, noise mitigation measures are proposed, along with strict conditions controlling the use of the site and controlling external lighting. Furthermore, it is considered that the proposed development would provide economic benefits both in terms of securing the longevity of the public house (ACV) through revenue from the proposed units, along with wider benefits in respect of job retention, creation and tourism spend. Again, sufficient conditions can be imposed to tie the proposed units to the public house and to ensure they are not used as separate holiday units.

As such, on balance, and subject to appropriate conditions, the proposed development complies with the relevant Core Strategy policies and the guidance set out in the National Planning Policy Framework.

RECOMMENDATION:

APPROVAL subject to conditions to cover the matters listed below, and any other conditions considered to be necessary by the Assistant Director – Planning:

1. Time limit
2. Accordance with approved plans
3. Materials as submitted
4. Units used as ancillary accommodation to the public house, not sold off separately
5. Limit use of external amenity areas
6. Noise control scheme to be submitted/agreed
7. Details of acoustic fencing to be submitted/agreed
8. Compliance with submitted tree protection measures
9. Landscaping scheme/specific planting details to be agreed
10. Replacement of new planting if subsequently damaged/removed.
11. Incorporation of biodiversity mitigation/enhancement measures

12. Compliance with submitted drainage strategy
13. Air source heat pumps to be installed/maintained as per details submitted
14. Parking area to be provided prior to first use
15. Prior agreement of any external lighting

Final wording of the conditions to be delegated to the Assistant Director – Planning.