

5e 3/12/0574/FP – Change of use of bed and breakfast annex to 1no two bedroom dwelling with associated parking and amenity space at The Blind Fiddler Public House, Anstey, SG9 0BW for Ms Z Boosey

Date of Receipt: 03.04.2012

Type: Full – Minor

Parish: ANSTEY

Ward: BRAUGHING

RECOMMENDATION:

That, subject to the applicant entering into a S106 agreement requiring the finance raised by the conversion of the bed and breakfast building into a dwelling, to be reinvested in the public house business in accordance with details to be agreed in the agreement, planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T121)
2. Hard surfacing (3V21)
3. Approved plans (2E103) (insert:- 10790-A1-S001, 10790-A1-P001)

Directives:

1. Other Legislation (01OL)
2. Street Naming and Numbering (19SN)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007, and in particular saved policies GBC2, GBC3, ENV1, BH5) and the National Planning Policy Framework. The balance of the considerations having regard to those policies and the viability information submitted by the applicant and the retention of the public house as a community facility, is that permission should be granted.

_____ (007612FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract.

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- 1.2 The application site is located centrally within the village of Anstey. The public house is located to the south of the application site and is a characterful property with access and customer parking further to the south.
- 1.3 The application site itself is to the north of the public house and is triangular in shape. Within it is a contemporary bed and breakfast building, associated with the public house. The building was originally granted planning permission within LPA reference 3/06/0569/FP. It is single storey building with a traditional pitched roof and materials of stained boarding. The building contains three bed and breakfast rooms, each with an en-suite.

2.0 Site History:

- 2.1 The only planning history relevant to the development proposal is that mentioned above – permission was originally granted for the bed and breakfast building within LPA reference 3/04/1675/FP and later granted within LPA reference 3/06/0569/FP.
- 2.2 The summary of reasons relating to LPA reference 3/06/0569/FP stated the following:

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan), and in particular policies RA3, BE18 and L6. The balance of the considerations having regard to those policies and the scale, siting and design of the building; the ancillary use assisting the continuing viability of the public house; and the permission granted under lpa ref: 3/04/1675/FP, is that permission should be granted.

3.0 Consultation Responses:

- 3.1 Environmental Health recommends that planning conditions, relating to construction hours of working, dust, asbestos, bonfires, and contaminated land be attached with the grant of planning permission.
- 3.2 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission, subject to a condition relating to hard surfacing. The Highways officer comments that, given the existing use of the building, this proposal is acceptable in a highway context. Use of an existing access is proposed, with adequate parking and vehicle turning space. Traffic generation is not likely to be significant.

4.0 Parish Council Representations:

4.1 Anstey Parish Council comment that they are unanimous in their support for the application on the understanding that it will give financial future and viability for the long term business of the pub.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 One letter of representation has been received which raises concern with the circumstances of the submission of the planning application and that this application may impact on future landlords being able to make a success of the business.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt
- ENV1 Design and Environmental Quality
- BH5 Extensions and Alterations to Unlisted Buildings in Conservation Areas.

6.2 The National Planning Policy Framework is also relevant in the determination of the application.

7.0 Considerations:

7.1 The main planning considerations in this application relate to:-

- The principle of the proposed development and the impact on the viability of the pub;
- The impact of the change of use of the building on the character and appearance of the existing building and locality;
- The acceptability of the level of amenity for the proposed dwelling;
- The impact on neighbour amenity;
- Access and parking matters.

Principle of development

- 7.2 The site is located within the Rural Area beyond the Green Belt where there is a presumption against inappropriate development. Policy GBC3 of the East Herts Local Plan Second Review April 2007 does however allow for the adaptation and reuse of rural buildings within rural settlements, such as Anstey, on the provision that the requirements of policy GBC9 of the Local Plan are met.
- 7.3 Policy GBC9 sets out that the residential use of a building will only be permitted if the retention of the building is unable to be facilitated by conversion to a business use, or part of a scheme for leisure, tourism, community or other uses compatible within the rural area.
- 7.4 The existing building subject of this application already benefits from a business/tourism type use – bed and breakfast use. However, policy GBC9 requires a consideration of whether the building is unable to be facilitated by conversion to other uses compatible with the rural area. Furthermore, criterion c) of policy GBC9 requires a consideration of whether the building can meet an affordable housing needs in the area.
- 7.5 The applicant acknowledges that the existing building was constructed on the basis that it would help secure the pub's future viability. However, the applicant also comments that the global economic downturn has resulted in the demand for the bed and breakfast unit being significantly reduced which has resulted in the applicants having a mounting debt liability which has been compounded by the reduced income from the pub as a whole. The pub business is, as a result of the bed and breakfast building and the downturn in pub trade, suffering financially.
- 7.6 The applicant comments that the bed and breakfast building has been operational for around eight years and has failed to make any money and has resulted in the applicants taking out further loans.
- 7.6 The applicant has received advice from their bank, which is that the bed and breakfast building should be sold as a residential dwelling which would provide cash to be reinvested into the pub.
- 7.7 The applicant comments that, without the income from the sale of the bed and breakfast building for residential use, the business will fail which will result in the loss of a community facility within the village.
- 7.8 The applicant further comments that the use of the building for affordable housing provision would not provide the necessary income to assist the viability of the pub.

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- 7.9 The applicants position is that the use of the building as a residential dwelling is required in order to secure the future of the public house as a community facility. The sale of the bed and breakfast building will provide the necessary income to clear current debts and allow further investment into the pub business. The applicant argues that such a position is justification for not requiring a consideration of other uses for the building as required in policy GBC9 and, why the use of the building for affordable housing would not be justified either, in this case.
- 7.10 In considering this matter, Officers are mindful of the National Planning Policy Framework (NPPF), which sets out that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. The NPPF defines this as approving development proposals that accord with the development plan unless material considerations indicate otherwise, without delay. Within the NPPF there is a strong commitment to promote a strong rural economy by inter alia, promoting the retention and development of local services and community facilities in villages, such as public houses.
- 7.11 The NPPF has recently been published and is the latest guidance from the Government as to the direction and emphasis of encouraging sustainable economic development in rural areas. Weight should, in Officers opinion, be attached to that consideration.
- 7.12 Officers are also mindful of the unanimous support from the Parish Council in respect of this application. Officers acknowledge the letter of objection received from one neighbouring property, but are also mindful of the nine letters of support from neighbouring properties, which has been submitted with the application. Those letters set out that public house is a key and focal part of the local community, and support the proposed development which will provide financial income to the business and ensure its retention as a community facility.
- 7.13 Officers are mindful that the original permission for the building was for a bed and breakfast use to help the viability of the public house and, the policy approach in GBC9 of the Local Plan for reuse of rural building for business, leisure, tourism and community uses. However, there is a case in this application for a residential use. Officers consider that weight should be attached to the encouragement to retain community facilities within the Local Plan and NPPF, the support for the retention of the pub by local residents and the Parish Council. Those considerations together with the applicants financial viability arguments as set out above, outweigh the conflict with policy and the historical context for the building in this case. Officers therefore consider that the principle of residential use of the building is, on balance, acceptable, provided that the applicant

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is willing to enter into a legal agreement to ensure that the finance raised by the conversion is used to invest into the public house business. The detailed wording of such an agreement would be drafted by the applicants and Council's solicitors as necessary.

Character and appearance and amenity

- 7.14 The proposed alterations to the building are considered to be minimal, and result only in alterations to the space to the front of the building to provide access and parking arrangements. The building is set back from the road frontage with existing boundary landscape features obscuring the view of the building. In Officers opinion, having regard to the minimal alterations to the building and the site, the proposed development will not lead to a significant impact on the character or appearance of the building or the setting, in accordance with policy ENV1 and BH5.
- 7.15 Submitted with the application is a plan which includes an appropriate level of garden amenity space for the dwelling, in accordance with policy ENV1 of the Local Plan and it is considered that the proximity of the dwelling to the public house would not result in any significant impact on the future occupiers of the dwelling in terms of noise and general disturbance.

Access and parking

- 7.16 Having regard to the comments from the Highways Officer, it is considered that the proposed development will not result in significant harm to highway safety or capacity. In accordance with the recommendations from the Highways Officer it is recommended that additional information in respect of hard standing is required through the provision of a planning condition.
- 7.17 With regards to parking matters, it is considered that the provision of two dedicated off street parking spaces for the proposed two bed dwelling is acceptable.

Impact on neighbour amenity

- 7.18 The proposal does not involve any further openings to the building which, in combination with the siting of the building in relation to neighbouring properties is such that the proposal will not result in significant harm on the amenity of neighbouring properties.

8.0 Conclusion:

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- 8.1 The proposed development will, in Officers opinion, provide the necessary financial assistance to the existing pub business to ensure that the pub remains as a community facility. There is recognised to be some conflict with policy requirements and one of the original justifications for granting consent for the building in viability terms is acknowledged. However, given the support for the application by the Parish Council, local residents and the NPPF, it is considered that the principle of residential use is, in this case acceptable.
- 8.2 The development will not result in significant harm to the character or appearance of the building, its setting, or result in significant harm to neighbour amenity or highway safety.
- 8.3 In accordance with the above considerations Officers therefore recommend that planning permission is granted, subject to a S.106 agreement and the conditions set out at the head of this report.