

Reference: 06/17/0390/F

Parish: Fleggburgh

Officer: Mrs Gemma Manthorpe

Expiry Date: 20/10/17

Applicant: Mr M Dixon

Proposal: Proposed construction of 3 no. accommodation lodges.

Site: The Kings Arms Public House, Main Road, Fleggburgh.

1. REPORT

- 1.1 The application site is part of the outdoor space attached to a public house. The land is currently grassed and is used for purposes incidental to the use of the public house including the provision of a fenced in storage area which is proposed to be removed should the proposed development be approved. The site is located adjacent to the Grade 2 listed church and as such the setting of the listed building must be considered as part of the application.
- 1.2 The application is for the erection of three detached accommodation lodges to allow for overnight accommodation to be provided at the site. The planning statement states that the existing building is not able to facilitate such development and as such the detached option is being applied for.
- 1.3 The location of the proposed lodges has been altered in accordance with a consultation response from the Conservation Officer and full consultations were carried out following the submission of the revised plans.
- 1.4 There is previous history on the site as follows:

07/07/0764/F – Siting of residential caravan, catering trailer, smokers pergola, games room and storage container and erection of a fence – Withdrawn 27-05-2009.

06/07/0865/F – Temporary siting if static caravan for additional family – Approved 30-11-2007.

06/10/0459/CU – Retrospective application for change of use of part of the public house to hot food takeaway – Approved 27-10-2010

06/11/0005/F – New side and rear extensions to accommodate new restaurant, kitchen, staff and public toilets. Covered area for bins and smokers area - Withdrawn 25-01-11

06/11/0086/F – Side and rear extensions to accommodate new restaurant, kitchen, staff and public toilets. Covered area for bins and smokers area - Approved 11-04-2011

2. Consultations :-

2.1 Neighbours – There has been objections from six properties to the application, the main reasons for objection are as follows:

- May be a 5m high wall visible from neighbouring property.
- The parking marked as 'additional' is existing.
- Parking is already a problem as users of the public house already have to park on the road or at the village hall.
- No need for accommodation in this location.
- Guests of the lodges will come and go at any hour, not those limited by the opening hours of the pub.
- The site layout drawing is out of date and inaccurate.
- There is security fencing around the store room that is not shown, will this be removed.
- Is the willow tree going to be removed.
- The lighting will cause a disturbance.
- Soakaways are not permitted in stated location, has drainage been assessed.
- Overdevelopment of the site.
- Outdoor music and events.
- Not complaint with building regulations.
- No consultation with neighbours by applicant was carried out therefore the information submitted is incorrect.
- Increase in private functions will cause nuisance.
- The units will be accessible all hours including when the business is closed.
- The revised plans put the units nearer other properties.
- Increased noise by people coming and going from units.
- Soakaways too close to adjacent property.
- Overdevelopment.

2.2 Parish Council – The Parish Councils first response to the application was an objection by a majority of 5/1, the reasons for the objection are; insufficient

parking provision, proposed parking spaces currently in use. Loss of amenity by neighbours.

The Parish Council object to the revised drawings noting that the proposed buildings have been moved on the site. The Council objects to the revision as it is too close to the neighbouring property, which is underpinned with 9 metre piles. Concern has been raised that the use of soakaways may undermine neighbouring properties.

- 2.3 **Norfolk County Council as Highway Authority** – No objection to the application, a condition has been requested to have the four parking spaces annotated on the plans laid out and demarcated prior to the commencement of the use applied for. A secondary consultation response was sought for clarification as the car parking spaces are in existence and a further response was received:

I am aware that the parking spaces to the rear of the property are existing spaces, which are clearly marked on site (as observed on my site visit).

However, notwithstanding this, in highway terms I consider it is a requirement of the proposals for parking to be permanently available for occupiers of the proposed holiday units. It seems acceptable to me for these spaces, being remote from the main car park, to be used for the holiday units rather than spaces on the main car park where the spaces are better suited to the short term turn around that will occur from patrons of the pub/restaurant. If there are periods where it is known the lodges will not be occupied then it could be that the spaces are opened to general use, however, I consider this would be difficult to enforce and would conflict with the aims of ensuring longer term parking availability on site for the lodges given the occupiers of these may be there for several days as opposed to hours.

Further parking could be provided to offset the above but would remove all the amenity land from the property, something I suspect that would not be acceptable in planning terms or from neighbouring properties who presently that buffer.

Accordingly my earlier response and recommend condition stands.

As an aside, whilst I have read some of the comments made in response to this application, it should be noted that the application is for three no. detached accommodation lodges; I see nothing in the application for expansion of any other facilities/use other than in relation to servicing the needs of the lodges. In highway terms the application has been assessed accordingly. The existing activities and the success/or failure thereof that are

permitted under the permitted use of the development are a matter of fact and have no bearing on this application. Existing issues of inconsiderate, obstructive or dangerous parking on the highway is a matter for the Police.

- 2.4 **Historic Environment Service** – The proposed development site lies within the historic core of Fleggburgh immediately adjacent to St. Margaret's church, the closest proposed lodge being less than 10 metres from the church tower. Churches were often the focus settlement activity in the Anglo-Saxon and medieval periods. In addition, it is possible that the western churchyard boundary was relocated eastwards in the late medieval or early post medieval periods. It is possible, therefore, that significant heritage assets, buried archaeological remains relating to human burials and settlement activity of Anglo-Saxon and medieval date may be present within the area of the proposed lodges.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework paragraph 141.

In this instance the programme of archaeological work will comprise the monitoring under archaeological supervision and control of groundworks associated with the development.

We suggest that the following conditions are imposed:-

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis,

publication and dissemination of results and archive deposition has been secured.

- 2.5 **Building control** – Following revised drawings and materials at the request of the Building Control Officer further comments are yet to be received. These shall be available prior to committee and shall be reported verbally.
- 2.6 **Environmental Health** – No objection to the application, condition requested restricting hours of work to 07:30 to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours Saturdays with no work on Sundays or bank holidays. This is for the construction of the lodges and not the hours of operation. A second consultation was carried out to both the commercial and the domestic teams to enquire as to whether there were any noise complaints received at the site. There have been no noise complaints received to either team within the Environmental Health Department.

3 National Policy:- National Planning Policy Framework (NPPF)

- 3.1 Paragraph 128: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 3.2 Paragraph 129: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 3.3 Paragraph 131: In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

3.4 Paragraph 28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

4 Core strategy – Adopted 21st December 2015

4.1 Policy CS6 – Supporting the local economy

4.2 The Borough of Great Yarmouth has a diverse local economy. It is the main service base in England for the offshore energy industry and has a thriving seasonal visitor economy. To ensure that the conditions are right for new and existing businesses to thrive and grow, there is a need to continue to strengthen the local economy and make it less seasonally dependent. This will be achieved by (partial):

g) Supporting the local visitor and retail economies in accordance with Policies CS7 and CS8

h) Encouraging the development of small scale business units, including those that support the rural economy and rural diversification

4.3 Policy CS8 – Promoting tourism, leisure and culture

4.4 As one of the top coastal tourist destinations in the UK, the successfulness of tourism in the Borough of Great Yarmouth benefits not only the local economy but also the wider sub-regional economy as well. To ensure the tourism sector remains strong, the Council and its partners will:

a) Encourage and support the upgrading, expansion and enhancement of existing visitor accommodation and attractions to meet changes in consumer demands and encourage year-round tourism

b) Safeguard the existing stock of visitor holiday accommodation, especially those within designated holiday accommodation areas, unless it can be demonstrated that the current use is not viable or that the loss of some bed spaces will improve the standard of the existing accommodation

c) Safeguard key tourist, leisure and cultural attractions and facilities, such as the Britannia and Wellington Piers, Pleasure Beach, Hippodrome, the Sea Life Centre, the Marina Centre, Great Yarmouth Racecourse, St Georges Theatre and Gorleston Pavilion Theatre

d) Maximise the potential of existing coastal holiday centres by ensuring that there are adequate facilities for residents and visitors, and enhancing the public realm, where appropriate

e) Support the development of new, high quality tourist, leisure and cultural facilities, attractions and accommodation that are designed to a high standard, easily accessed and have good connectivity with existing attractions

f) Encourage a variety of early evening and night time economy uses in appropriate locations that contribute to the vitality of the borough and that support the creation of a safe, balanced and socially inclusive evening/night time economy

g) Support proposals for the temporary use of vacant commercial buildings for creative industries, the arts and the cultural sector, where appropriate

h) Seek to support the role of the arts, creative industries and sustainable tourism sectors in creating a modern and exciting environment that will attract more visitors to the borough

i) Support proposals for new tourist attractions and educational visitor centres that are related to the borough's heritage, countryside and coastal assets, and emerging renewable energy sector

j) Ensure that all proposals are sensitive to the character of the surrounding area and are designed to maximise the benefits for the communities affected in terms of job opportunities and support for local services

k) Encourage proposals for habitat-based tourism, especially where these involve habitat creation and the enhancement of the existing environment, in particular the areas linked to the Broads

l) Protect rural locations from visitor pressure by ensuring that proposals for new tourist, leisure and cultural facilities are of a suitable scale when considering relevant infrastructure requirements and the settlement's position in the settlement hierarchy, in accordance with Policy CS2

m) Protect environmentally sensitive locations, such as Winterton-Horsey Dunes Special Area of Conservation (SAC), from additional recreational pressure by seeking to provide facilities to mitigate the impact of tourism. In addition, the Council and its partners will seek to develop a series of 'early warning' monitoring measures which will be set out in the Natura 2000 Sites Monitoring and Mitigation Strategy along with the identified mitigation measures

n) Support proposals involving the conversion of redundant rural buildings to self-catering holiday accommodation and/or location appropriate leisure activities, particularly where these would also benefit local communities and the rural economy

o) Support the development of navigational links to the Broads and beyond where possible

p) Work with partners to improve accessibility and public transport links to make it as easy as possible for visitors to travel to and around the borough

5. Legislation

- 5.1 In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority must have regard to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Council to have special regard to the desirability of features of special architectural or historic interest, preserving listed buildings and their settings in exercise of planning functions.

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6. **Assessment**

- 6.1 The three lodges proposed are to serve as overnight accommodation for the Kings Arms Public House Fleggburgh, the design and access statement highlights the success of the business and states that the lodges will increase revenue to the business. Notwithstanding the description as primarily to be used as guest accommodation should the application be approved a condition will be placed upon the land requiring that the use is restricted to holiday accommodation only. The lodges are not capable of being self-contained as there are no cooking facilities.
- 6.2 There are several objections to the application, one of which is that the site plan is inaccurate. The site has been assessed following a site inspection so that the layout of the existing public house is known. The location of the lodges has been amended following consultation from the Conservation section who raised concerns that the original position would have a detrimental impact on the setting of the listed church located in close proximity to the boundary of the application site. The relocation of the lodges has placed the closest lodge 12 metres from the church wall. The conservation department have stated that the application can be supported in its current form and that improvements by way of soft landscaping can be looked at.
- 6.3 The location of the lodges has also been amended to set them 1.5 metres away from the boundary that adjoins the property known as Georgian House. The location of the soakaway, following concerns raised by consulted parties, has also been moved away from the boundary with the Georgian House and placed to the frontage of the proposed lodges. The details submitted in support of the application state that the soakaways will be constructed to building regulations standard.
- 6.4 The height at the boundary of the Georgian House is 2548mm. A boundary fence to the site could be, without express planning permission, 2m in height. It is assessed that the additional 548mm in height is not so significantly detrimental to the enjoyment of the adjoining dwelling to recommend refusal of the application. The movement of the lodges a further 500mm from the boundary will further mitigate the impact that the proposed development will have on the adjoining dwelling.
- 6.5 A number of objections state that the lodges will facilitate additional functions and outdoor activity and note late night music being played at the venue and outside. The application under consideration is for the lodges only and any existing use of the land is not subject to the current application. This point is also noted by the Highways Officer who states that the permitted use of the land is not being applied for, only the holiday lodges are. Further consultations were undertaken

with the Environmental Health Department to enquire as to whether any noise complaints had been made and there are no recorded complaints from this business. Should any activity which is ongoing at the site cause a nuisance to any neighbours this could be adequately addressed through Environmental Health legislation.

- 6.6 The applicants underwent pre application discussions with the Conservation Department prior to the submission of the application and this resulted in changes to the glazing. Although the application site is not located within a conservation area and the public house is not a listed building the site is located at the boundary of to the church which is a listed building and therefore the application affects the setting of a listed building. When assessing the application the effect on the building must be assessed and a decision made taking into account the effect on the listed building. The amendments to the application demonstrate that the effect on the listed building has been considered and the recommendation is made having taken due and proper consideration of the setting of the listed building.
- 6.5 Concerns have been raised that the lodges will not have restricted hours and this will cause noise disturbance. There are no objections raised by Environmental Health Officers regarding the potential impact of noise on the adjoining property and it is therefore assessed that the use is compatible, being e accommodation, adjacent to a residential dwelling. It is noted that there is a potential for persons to drink outside the units although they are located within an existing beer garden which is utilised by the public house for persons to drink in. The absence of restrictions on times that potential future occupants may choose to drink is not, in planning terms, judged as having the likely impact of having a significant adverse effect on the enjoyment of the nearby residential properties. Should noise nuisance occur Environmental Health have legislation that can be used to assess the affect and address statutory nuisances.
- 6.6 Concerns were raised regarding the willow tree on site as this was not shown on the submitted plans. Following the raising of these concerns a Tree Preservation Order has been served on the site and will come into force, provided it is not appealed, by the end of August 2017. No representations had been reported at the time of writing. Given the pending protection the tree shall remain on site unless an application is submitted to remove the tree.
- 6.7 Objections have been raised stating that the parking spaces are already in existence and are therefore not new. The Highways Officer has noted, through additional comments, that the spaces which are currently on site are acceptable. The Highways Officer has commented that should residents have concerns about parking in the vicinity or any dangerous behaviour by road users then police should be notified. The Highway Officers comments are unequivocal that taking

into account all relevant considerations there is no highways objection to the application.

6.8 The Parish Council raised objections to the application on the grounds that the location of the lodges are too close to the neighbouring property and the location of the soakaways. As stated above the soakaways have been relocated on the site following the Parish Councils objection and shall be building regulation compliant, there is no planning reason to recommend refusal on the location of the soakaways. The proximity to the nearest residential property is noted, the appearance and size of the lodges adequately mitigate the visual impact and effect on the adjoining dwelling and as such the effect on the character of the area and residential amenities is not deemed to be significantly detrimental.

6.9 The National Planning Policy Framework encourages and supports economic growth in rural areas. The Core Strategy is in line with this policy and encourages rural diversification and a prosperous rural economy. The additional accommodation to further the business use of the public house is supported by local and national planning policy.

7. RECOMMENDATION :-

7.1 The recommendation is to approve the application with all conditions referenced, requested by consulted parties and any additional ones to ensure an adequate form of development.



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