

**Application No:** W 10 / 1406

**Town/Parish Council:** Lapworth

**Case Officer:** Penny Butler

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**Registration Date:** 18/11/10

**Expiry Date:** 13/01/11

**The Punchbowl, Rising Lane, Lapworth, Solihull, B94 6HR**

Erection of a two storey rear extension and increase in roof height with insertion of dormer windows, with internal alterations to create 10 hotel bedrooms. FOR Westbourne Leisure Limited/Mr J Feeney

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This application is being presented to Committee since it raises significant issues such that in the opinion of the Head of Development Services, it would be prudent to refer the application to Planning Committee for decision.

**SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council:** No objection subject to noise restrictions being maintained and monitored.

**Public response:** Two objections received from Terets Lodge and The Oaks. Speeding vehicles and the volume of traffic generated by the site is already a major problem, the pub stands at a busy crossroads with no pedestrian foot path, no street lighting and no speed restrictions. Further development of the pub is not welcome. Need for overnight accommodation is questioned in the area as there are existing rooms nearby at The Barn, Aylesbury House Hotel, Nuthurst and The Falcon. A similar application was refused some years ago.

Inappropriate development in the Green Belt. The proposals indicate it is intended to re-orientate the business towards private functions, parties, weddings, etc. which are likely to involve music and later hours, and would be inappropriate close to residential properties due to increased environmental harm and nuisance. Such functions have previously been cause for noise complaint. Functions generally require marquees erected in the car park which restricts parking space and pushes parking to surrounding roads and results in illegal parking at the junction affecting visibility. The proposed kitchen door on the Rising Lane frontage may lead to nuisance odours and an adverse visual impact arising from the redirection of kitchen traffic, people and materials to this landscaped side of the building, where such traffic currently occurs at the well screened rear.

**Environmental Health:** No objection.

**WCC Ecology:** The submitted bat survey shows bats have been roosting in the N/S part of the building, but since this part of the building will not be affected by the works it will remain available for a roost after the works. The E/W part of the building was used in the past by a single bat as a temporary roost. Provided work can be undertaken at a time of year when bats will not be disturbed, and the potential access to the N/S part of the roof space is retained, bats would not

be disturbed and a roost would not be lost. Therefore recommend a condition for an appropriately detailed method statement to include mitigation measures.

**WCC Highways:** No objection subject to 26 parking spaces being provided at all times.

### **RELEVANT POLICIES**

- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Warwickshire Landscape Guidelines SPG
- Planning Policy Guidance 2 : Green Belts
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

### **PLANNING HISTORY**

The current public house was built following a consent in 1991 as a replacement for that which suffered fire damage and was demolished. Consent was given for extensions to the former public house to create 27 hotel bedrooms in 1990, with a smaller consent in 1991 which were not implemented.

### **KEY ISSUES**

#### **The Site and its Location**

The application site comprises a public house built 20 years ago with surrounding car parking and garden at the rear. The site stands at the Rising Lane and Mill Lane cross roads with vehicular accesses off both. There are no adjoining properties but there are residential properties opposite. The surrounding area is characterised by isolated or small groups of medium and large sized dwellings interspersed by agricultural land. The site lies about 1km away from Kingswood village centre and the site is within the Green Belt and Arden Special Landscape Area.

#### **Details of the Development**

It is proposed to extend the existing public house by adding a two storey rear extension and a first floor addition to the side. The two storey rear extension will partly replace existing small flat roofed extension which acts as a kitchen extension. The proposed extension would project in the form of two gables off the rear flank wall of the building, with lower ridge heights and two side facing dormer windows. The extension would measure some 9.5m by 7.5m, replacing

the existing 4m by 5.8m extension and an oil tank. The first floor extension would be created by raising the height of the roof of the existing single storey side wing adjacent to Rising Lane. This would be raised by 1m with four dormer windows inserted into the roof slope fronting the road and one facing the other side. This extension would provide five en suite bedrooms, whilst the rear addition would provide two en suite bedrooms at first floor. The existing upper floor of the public house would be converted from a three bedroom managers flat to two en suite bedrooms. The ground floor of the two storey extension would provide one disabled en suite bedroom, and new female toilets, and this would enable the ground floor kitchen to be enlarged. In total the proposals provide 10 en suite bedrooms, an enlarged kitchen and replacement customer toilets.

The applicant considers that very special circumstances exist to justify the development because the harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations. These are the benefits to the viability of the business, and the improvements to accessibility. They also consider that the proposal complies with policy RAP16. They consider that the provision of bedrooms to be modest and an ancillary facility to the pub/restaurant which will complement existing uses rather than creating new uses. They also point to the previous permission to create a 27 bedroom hotel, whilst the current proposal represents a significant scaling down of that scheme, and to other consents given by the Council for hotel uses in the countryside.

## **Assessment**

The matters for consideration in this case are:

- Impact on residential amenity
- Impact on highway network
- Impact on visual amenity
- Provision of renewables
- Accessibility
- Impact on Green Belt and appropriateness in a rural location

### Impact on residential amenity

The creation of new visitor accommodation will change the use of the site from a public house to a mixed use. Neighbours have raised objection since functions held currently at the pub cause issues of noise and disturbance, and the frequency of these functions may increase. The Environmental Health Officer has been consulted on the noise issue but has no recommendation to make on the planning application as the number of or duration of such events can be controlled through the licensing requirements. Increased vehicle movements will increase noise and disturbance but I do not consider that this is capable of justifying refusal given the fact that a public highway separates the nearest properties. The provision of hotel bedrooms themselves will not create additional noise.

The closest neighbour has also objected to the proposed kitchen door which will be moved to the side of the building and therefore increase likelihood of odour nuisance, however, given that the neighbour is more than 60m away I do not consider that this is adequate grounds for refusal. The EHO has been in contact with the applicant to resolve an existing odour issue and the matter is in hand. I therefore conclude on this matter that the proposal would not conflict with policy DP2 of the Local Plan.

### Impact on highway network

Clearly more need for car parking will arise since the bedrooms, in the extension at least, are proposed in addition to the existing business floorspace, and it is the clear aim of the business to be able to attract more functions such as weddings which would attract greater numbers of vehicles. When functions are held currently, over spill parking occurs on the public highway, thereby increasing danger for road users, and any increase in number of functions held will increase the frequency of this occurring. It is important to note that the pub can and do currently host functions as an ancillary part of their business, so the bedrooms would only increase the likelihood of such events occurring. According to the Vehicle Parking Standards, the bedrooms alone would require an additional 10 parking spaces (one space per bedroom), which added to the requirements of the pub would generate a total demand for 26 spaces (although the parking demand may be reduced through shared visits). The car park is currently laid out with approximately 50 spaces, so there can be no objection on the basis of insufficient parking provision. The neighbours have pointed out that marquees are erected in the car park when functions are generally hosted, which reduce the number of available parking spaces. Such marquees, as temporary structures, would not require planning permission, and therefore cannot properly be controlled by condition, but this is an important point and the matter has been discussed with the Highway Authority. They have accordingly recommended that a condition be imposed requiring that 26 spaces be provided at all times in order to try and prevent over spill parking, and this will be an improvement over the existing situation where there is no control. They would not be able to justify a requirement for a number greater than that required under the standards. Any illegal parking on the public highway is an enforcement matter for the police. I therefore conclude on this matter that the proposal would not conflict with policy DP8 of the Local Plan or the Vehicle Parking Standards SPD.

### Impact on visual amenity

The proposed first floor side extension would result in a relatively minor change to the scale of the building, since the increase in ridge height of this part is just 1m, whilst the dormer windows are designed as subservient additions which do not dominate the roof. The rear two storey extension is more visually significant since it adds a wholly new element by creating a new rear wing, although its height has been kept subservient to the main building by the double gabled roof. This extension is at the rear, so will only be viewed publicly from further up Rising Lane. This addition does not in my opinion, detract from the original character or dominance of the building, and its detailing will respect the original, so whilst it will form a substantial new addition, I do not consider that it would be harmful. This extension is set back slightly from the line of the existing side wing where it is proposed to increase its height, so the rear extension will be viewed against this from the rear and both sides. This therefore reduces the visual impact upon the immediate surroundings and I conclude that no substantial loss of openness would occur in this part of the Green Belt. One neighbour is concerned that the proposed side kitchen door, by allowing deliveries and traffic to this public side of the building fronting Mill Lane, will have an adverse visual impact. This door is set back over 5m from the site boundary and there is an existing standard boundary hedge along with tree planting, so I do not consider that this will result in harm so significant as to justify removal. In summary therefore, I conclude that the proposal would comply with policy DP1 of the Local Plan.

### Provision of renewables

The sustainability statement submitted with the application states that the applicants do not consider it feasible to implement renewable technologies on the site due to the limited nature of the works, the small size of the extension which is constrained by the existing footprint of the building, and the nature of its surroundings. The floor area of the proposed extension is some 257 square metres. The energy requirement for this size of extension is not small, for instance if it was proposed to install solar thermal panels in order to provide 10% of the energy use via renewables, 20 square metres of panels would be required. I therefore recommend a condition to require submission of a satisfactory scheme for provision of renewable energy, in accordance with policies DP12, DP13 and the Sustainable Buildings SPD.

### Accessibility

The applicant has stated that the premises currently possess inadequate standards of accessibility in terms of Health and Safety and the Disability Discrimination Act (now mainly replaced by the Equalities Act) for both guests and employees, and experiences difficulties. Some of the areas of the pub are currently inaccessible to wheelchair users due to steps, narrow corridors and pinch points, and the kitchen is so cramped that there is a high risk of accidents in addition to the access issue. The improvements to the ground floor accommodation would ensure that the business can comply with policy DP15.

### Impact on Green Belt and appropriateness in a rural location

Since the site is within the Green Belt, the proposal must be considered against PPG2: Green Belts. This sets out the presumption against inappropriate development in the Green Belt, and lists the types of development which are not inappropriate. This development does not fall within any of those categories therefore it must be considered inappropriate development, and the PPG advises that it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

PPS4 states that LPAs should take into account the importance of the service to the local community or economic base of the area, and locate new development in or on the edge of existing settlements. PPS4 and PPS7 require a positive approach to extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses. PPS7 requires LPAs to adopt a positive approach to proposals designed to improve the viability of existing facilities such as pubs that play an important role in sustaining village communities.

Local Plan Policy RAP16 directs new visitor accommodation in the rural areas. It does not permit new buildings, and only permits extensions to existing accommodation where these do not significantly intensify the use of the site or establish new uses which are not ancillary to the normal business of the visitor accommodation. It goes on to say that any harm to sustainability objectives will be judged by the extent to which the proposal may lead to the dispersal of overall hotel bed spaces to a degree that may prejudice the viability of hotels in urban areas, or may cause a significant increase of vehicle movements in less sustainable locations. In terms of extensions to existing accommodation, the test

will be whether the additional accommodation intensifies the use of the site in a manner out of keeping with its rural location, or seeks to introduce new uses.

The Ministerial statement 'Planning for Growth' from March 2011 called for action on growth and set out the Government's expectation that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. This advised that LPAs should consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession, and consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity). Significant weight will be given by the Secretary of State to the need to secure economic growth and employment.

The applicant has made the case that the current business is struggling to cover costs, and has turned away business in the form of weddings and private parties due to a lack of accommodation, which would also appeal to the tourism market. 24 equivalent full time jobs exist, which would rise to 31 thereby improving employment opportunities. The applicants have provided further financial information upon request to demonstrate how the additional 10 bedrooms would improve the profitability of the business. This information shows that the cost of the extensions would be funded by the owners Westbourne Leisure Ltd, and that the business will be made more viable and become profitable, if they can achieve an occupancy rate of 70%. The provision of less than 10 bedrooms would not support the release of project funding by the owners, and they consider 10 bedrooms to be the absolute minimum to secure future viability. The applicant was asked to provide data for 8 bedrooms, which would have omitted the first floor rear addition, but these do show that the business would only roughly break even. An occupancy rate of 50-60% would normally be expected for this type of business, so if the actual rate is lower than they have anticipated, then viability could again suffer but the applicant maintains that a higher rate is achievable due to proximity to the NEC, airport and Birmingham, and that the owners are comfortable with this rate given their experience.

It is accepted that the proposal would improve the viability of the existing public house, which should help to secure a longer term future for the business. This will benefit the local area through the creation of new jobs, the generation of tourism income and the avoidance of a vacant premises. These matters would be in the spirit of PPS4 and PPS7, and in line with the Ministerial Statement, must be given significant weight in this consideration. Case law also suggest that viability can be accepted as constituting very special circumstances in the Green Belt.

Returning to policy RAP16, the proposal is for the extension and conversion of an existing public house to provide visitor accommodation. It does not propose a new building, so the conversion must be in accordance with policy RAP7. This would be the case here as the existing building is of suitable construction and character. The extensions can only be permitted where these do not significantly intensify the use of the site or establish new uses that are not ancillary to the normal business of visitor accommodation. The proposal is for 10 guest bedrooms, which will result in a mixed use building, where slightly more than half of the total floor space would be given over to this new use. I do not however consider that this would significantly intensify the use of this large site,

and the proposal is mainly for visitor accommodation with a toilet extension which will be ancillary. Policy RAP16 directs new visitor accommodation to more sustainable urban areas and supports conversions and extensions where their location, nature and scale would not harm the character of the rural area. I do not consider that the scale of the extensions or the number of bedrooms created would be out of keeping with this location, since the form of the extensions do not significantly increase the bulk or visual dominance of the building, and their design will be in character with the existing building. However, a new use would be created, albeit as an extension to an existing public house.

In terms of sustainability, the new bedrooms would clearly divert business away from more urban areas and increase traffic movements in this location. The site is within walking distance of Lapworth train station, so is more sustainably located than most other similar rural businesses, and the provision of overnight accommodation will enable reduced vehicle trips to the site as trips will be combined to the pub and bedrooms. The clear aim is for the business to increase its hosting of functions, which in themselves may significantly increase vehicle movements to the site, however, the pub can and do currently host functions as an ancillary part of their business, so the bedrooms would only increase the likelihood of such events occurring. The bedrooms alone would not generate significant vehicle movements. In terms of traffic generation, I therefore conclude that the proposals would not lead to a significant increase, and given the scale of the accommodation proposed, I consider that the proposals would not conflict with the objectives of policy RAP16. For the above reasons I conclude that no significant harm would arise from the proposal, sufficient to form a reason for refusal.

Returning to the balancing exercise required under PPG2, I therefore consider that the only harm that would arise would be that by reason of inappropriateness. The matters to be weighed against this harm are the benefits to the financial viability of the business, provision of employment and visitor facilities and improvements to access. In view of the presumption against inappropriate development, the harm to the Green Belt must be given substantial weight in line with PPG2, but as concluded above, I also afford the viability benefits substantial weight in line with PPS4, PPS7, and more importantly the Planning for Growth statement. On balance I therefore conclude that the application should be recommended to Members for approval.

## **RECOMMENDATION**

GRANT, subject to the conditions listed below.

## **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) (05, 06, 07, 08 and 09), and specification contained therein, submitted on 18 November 2010 unless

first agreed otherwise in writing by the District Planning Authority.

**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (in the form of a method statement to include timing of works, replacement or retained roost details, in addition to monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 5 In accordance with vehicle parking standards, before the works hereby permitted are commenced, a minimum of 26 parking spaces must be provided and made available for such purposes at all times for use by staff and patrons associated with the business. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 6 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

## **INFORMATIVES**

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development does not prejudice the openness and rural character of this green belt area and the case made by the applicant is considered to represent very special circumstances, sufficient to outweigh the harm caused to the Green Belt by reason of inappropriateness. The proposed development is of an acceptable standard of design which would harmonise with the design and appearance of the existing building and its surroundings, and does not result in an unacceptable adverse



impact on the amenity of nearby residents by reason of overbearing effect or noise. The impact upon the highway safety is considered acceptable. The development is therefore considered to comply with the policies listed.

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