

Planning Committee: 15 August 2017

Item Number: 14

Application No: W 17 / 1009

Town/Parish Council: Rowington

Case Officer: Helena Obremski

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Registration Date: 07/06/17

Expiry Date: 02/08/17

Durham Ox, 111 Shrewley Common, Shrewley, Warwick, CV35 7AY

Erection of single storey rear extension and relocation of front porch FOR Mr
Harvey

This application is being presented to Committee due to support from the Parish Council having been received.

The application was previously presented to Planning Committee at your meeting of 18 July 2017 when the application was deferred to allow the applicants further time to provide additional information in support of the application in particular clearly identifying and justifying a very special circumstances case.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission, for the reasons stated at the end of this report.

DETAILS OF THE DEVELOPMENT

This is a resubmission of planning application ref: W/17/0481 for the erection of a single storey rear extension to provide space for additional restaurant covers (the exact number has not been provided). The previous application was withdrawn because the proposed development was considered to constitute inappropriate development in the Green Belt and result in harm to openness. No very special circumstances were considered to exist to outweigh the harm.

A Planning Statement has been submitted as part of this application in an attempt to provide a case for very special circumstances. In the Statement, it is argued that the extension is required to ensure the viability of the Public House, and that the size of the extension is the minimum needed for the owner to work towards ensuring commercial viability. The Planning Statement claims that the Public House is failing financially and that within its recent history, led to the bankruptcy of one of the tenants. The Statement goes on to state that the extension is not required solely to make more profit but to avoid failure of the Public House.

The proposed extension would be constructed from matching materials to those of the existing building and would be positioned in an existing seating area to the rear of the property. The application also includes the re-siting of an existing porch currently positioned to the side of the property, to the front of the property, which the agent claims is its original position.

Since the last Planning Committee meeting, following the submission of further information by the applicant, Officers have advised that this is not sufficient to

demonstrate very special circumstances and are awaiting further detailed information. The further information that has been provided is considered within the report.

THE SITE AND ITS LOCATION

The application property is a two storey detached Public House that lies on the edge of Shrewley Village and is washed over by Green Belt. To the south of the site lies the M40 and to the north is a mainline railway line. On the north side of the Public House is the customer car park with a footpath leading from the car park in front of the building to the entrance. To the south and part front is the decking with the pergola on the side. The remainder of the front is laid to lawn.

PLANNING HISTORY

W/96/0089 - erection of a single storey side extension, indoor play area and conservatory - Granted

W/01/1275 - erection of single storey side and rear extensions - Granted

W/02/1552 - erection of an additional store - Granted

W/03/0366 - change of use of vacant land to an overflow car park - Granted

W/07/1811 - relocation of the porch, with installation of new window, decking and landscaping alterations - Granted

W/12/0957 - erection of a patio and three giant umbrellas - Granted

W/17/0481 - erection of a single storey rear extension and relocation of front porch - withdrawn

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- 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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council: Supports this application to revitalize the Durham Ox.

WCC Ecology: No objection, subject to bat, nesting bird, amphibian and reptile notes.

WCC Highways: No objection.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Design
- Impact on nearby uses
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified
- Highway safety and parking
- Sustainability
- Ecological impact
- Health and wellbeing

Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 Policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be

constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The majority of the proposed development would be positioned to the rear of the application property and therefore would have little impact on the street scene. The proposed extension would be constructed from appropriate matching materials which respect the character of the original property. Whilst the proposed rear extension would be a large addition to the application property, as the development would be single storey, the extension is clearly read as an addition to the main property and would not be harmful to its character. The proposed relocation of the porch is not considered to have a harmful impact on the application property or street scene owing to its modest and discrete nature.

The proposed development is therefore considered to comply with adopted Local Plan Policy DP1 and the NPPF.

Impact on nearby uses

Warwick District Local Plan Policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPG provides a framework for Policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

113 Station Lane is a residential property which is positioned to the north west of the application site. There is a conflict with the Council's adopted 45 degree guidance as a result of the proposed development. However, as the proposed extension would be 26 metres away from the neighbouring property at its closest points, it is not considered that there would be a material loss of outlook or light which would warrant reason for refusal of the application. Furthermore, as the proposed development would only be single storey, it is not considered that there would be a loss of privacy as a result of the proposed development.

There are no other neighbouring uses which would be impacted as a result of the proposed extension. Therefore, it is considered that the proposed development would comply with the Council's adopted Residential Design Guide, adopted Local Plan Policy DP2 and the NPPF.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

The NPPF states that extensions within the Green Belt should not result in disproportionate additions over and above the size of the original building. Whilst it is recognised that the application property is not a residential dwelling, the provisions of adopted Local Plan Policy RAP2 are considered to be appropriate in the context of assessing what the Council considers to represent a

"*disproportionate addition*". Adopted Local Plan Policy RAP2 stipulates that extensions which represent an increase of over 30% excluding any outbuildings would be considered disproportionate in the Green Belt. Furthermore, the policy requires that proposals should retain the visual dominance of the original building, retain the openness of the rural area and not alter the scale, design or character of the original building.

The existing Public House has been significantly extended, and already benefits from 161.2% of extensions over and above the original building. The proposed development would represent an increase in gross floor space of an additional 121.9sqm, which when taking the existing extensions into consideration, would represent a total increase above the original floor space of 221.6%. This is significantly more than the Council's adopted guidance of 30%. Furthermore, the proposed extension would substantially increase the visual impression of the application property by considerably increasing the depth and bulk of the Public House. Therefore, the proposed development is considered to represent a disproportionate addition to the property which would be harmful by definition and by reason of harm to openness.

The NPPF states that disproportionate additions within the Green Belt should not be approved except in very special circumstances. Therefore, it is necessary to assess whether any very special circumstances exist which would outweigh the harm to the Green Belt. The agent has provided a Planning Statement which states that the extension is required ensure the viability of the Public House, and that the size of the extension is the minimum needed for the owner to work towards ensuring commercial viability. The Planning Statement claims that the Public House is failing financially and that within its recent history, led to the bankruptcy of one of the tenants. The Statement goes on to state that the extension is not required solely to make more profit, but to avoid failure of the Public House.

However, in assessing the submission, there is a notable absence of any financial records to support any of the above claims. Importantly, there has been no evidence provided that shows that the existing financial position of the Public House is not viable. The Planning Statement provides no evidence to explain how constructing the extension would increase the profits sufficiently to save the Public House from closure. The Statement also claims that one of the previous tenants suffered bankruptcy, but there is no evidence to substantiate these claims, or indeed demonstrate that this was as a direct result of the size of the Public House or the way in which it was operated during this time, or when this was. Furthermore, there has been no evidence submitted to clarify whether any alternative methods to increase profits have been explored, such as rearranging the internal layout to provide more restaurant covers, an alternative marketing strategy, offers on drinks / food which might have increased customer numbers, or indeed a difference food offer. It is considered that it has not been adequately demonstrated that the Public House is a failing business, or that the size of the proposed extension would be required in order to sufficiently increase profits to save the Public House from closure if this was the case. It is notable that the applicant has recently taken over the business.

The agent has been contacted and the above information has been requested, however, no specific details have been forthcoming. An additional letter from a valuer was provided on 4th July. The letter states that the property was sold below what the vendors were hoping to achieve and that the pub required

investment. It eludes to the fact that there have been failures in the past to make the pub successful, the reason being because of its layout, and that it has been "difficult to establish a suitably attractive food and beverage operation." However, it is unclear what this is trying to say and whether it is because of the limited size of the existing property. The letter also makes reference to other competing pubs within the local area and the fact that they have had to make heavy investment to ensure viability. The letter concludes the valuer considers that with the "right retail offer and management in place they will enable the Durham Ox to complete more successfully..." This suggests that the management of the Public House will allow it to become viable, and does not relate to the benefits which the extension might bring financially.

Following your last meeting, the applicant's agent has been made aware of the information which the Council expects to now receive such as financial records and evidence that the extension is necessary to ensure that the public house would become viable.

The Council received an amended Planning Statement, Business Plan and Financial Commentary from the agent. However, this information still fails to clearly demonstrate that the public house is failing and why the extension is the only option available which would remedy this. The Council has again given further detailed feedback to the agent following on from the submission of this information as to what would be required particularly financial information and commentary to demonstrate that the public house has been failing; evidence to demonstrate why the pub is not viable without the extension and why the extension absolutely necessary to ensure the likelihood of success of the public house; the alternatives that have been tried along with other information. To date, no further information has been submitted following on from this correspondence. However members will be advised should that change.

Therefore, it is still considered that no very special circumstances exist which would outweigh the harm caused to the openness of the Green Belt as a result of the proposed development. The proposed development is considered to represent a disproportionate addition to a building within the Green Belt which is harmful by definition and by reason of harm to openness and is contrary to Policy RAP2 and the NPPF.

Highway Safety and Parking

In accordance with the Council's adopted Vehicle Parking Standards SPD, an additional 7 car parking spaces would be required as a result of the proposed development. There is ample off street car parking within the site boundary which could accommodate this increase. Furthermore, the Highways Authority have no objection to the proposed development.

It is considered that the proposed development provides adequate parking provision and would cause no harm to pedestrian or vehicular safety. The development is therefore considered to comply with adopted Local Plan Policy DP8 and the NPPF.

Sustainability

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through

renewables or a 10% reduction in CO² production through a fabric first approach would be appropriate. No details have been provided in reference to this matter, however, this information could be secured by condition. The development is therefore considered to comply with adopted Local Plan Policy DP13 and the associated SPD.

Ecological Impact

An initial bat survey was provided as part of the application. This confirms that no evidence of bats were found in the building and that all potential roosting sites were inspected. WCC Ecology agree with the findings of the report, and recommend that notes in relation to bats, nesting birds, amphibians and reptiles are added. These notes are considered to be appropriate. The development is therefore considered to comply with adopted Local Plan Policy DP3 and the NPPF.

Health and Wellbeing

There are no health and wellbeing issues raised.

CONCLUSION

The proposed development, when taking the existing extensions into consideration would represent a total increase in gross floor space above the original building of 221.6% which is considered to represent a disproportionate addition to a building located within the Green Belt. No very special circumstances have been presented which would outweigh the harm caused to the openness of the Green Belt as a result of the proposed development, which is considered to be contrary to paragraph 87 of the NPPF. For this reason the proposal should be refused.

REFUSAL REASONS

- 1 Paragraph 87 of the NPPF states that extensions within the Green Belt should not result in disproportionate additions over and above the size of the original building and should not be approved except in very special circumstances.

The proposed development, when taking the existing extensions into consideration would represent an increase in gross floor space above the original building of 221.6% which is considered to represent a disproportionate addition to a building located within the Green Belt which would be harmful by definition and by reason of harm to openness.

In the opinion of the Local Planning Authority, no very special circumstances have been presented which would outweigh the harm identified.

The proposed development is therefore considered to be contrary to the NPPF.