

BOROUGH OF KETTERING

Committee	Full Planning Committee - 12/02/2019	Item No: 5.3
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2018/0890
Wards Affected	Slade	
Location	The Three Cranes, 1 Loddington Road, Cransley	
Proposal	Full Application: Conversion of outbuilding to dwelling	
Applicant	Pytchley Estates Ltd	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Works associated with the new windows shall not take place until their full details have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall remain in that state thereafter.

REASON: In the interests of visual amenity in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

4. The building shall not be occupied until a scheme for boundary treatment (including any associated landscaping) has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the scheme has been fully implemented in accordance with the approved details. The approved boundary treatment shall remain in the approved form thereafter unless subsequently approved by planning permission.

REASON: In the interests of the amenities of future occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in any upper floor elevation or roof plane of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B, C, D and E of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

REASON: To protect the amenity and privacy of the occupiers of adjoining property and visual amenity in accordance with Policy 2 and 8 of the North Northamptonshire Joint Core Strategy.

7. Prior to occupation of the dwelling the associated residential car parking space shown on the approved plans shall be clearly marked for that purpose on site and shall remain in that form thereafter and remain set-aside for parking use.

REASON: To avoid parking conflict in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0890

This application is reported for Committee decision because there are unresolved, material objections to the proposal

3.0 Information

Relevant Planning History

KET/1989/0986 – Knock down and re-build unsound store outbuilding. Extend roof to form covered porch – APPROVED – 06/11/1989

KET/1992/0736 – Replacement of existing verandah with lean-to single storey extension – APPROVED – 18/01/1993

KET/1993/0038 – Demolition of existing timber/brick single storey verandah to make room for dining room extension – APPROVED – 11/03/1993

KET/1996/0389 – Erection of garage and storage facilities with private family rooms over – APPROVED – 25/10/1996

KET/1999/0611 – Conversion of part of the roof space with two dormer windows and four rooflights – APPROVED – 26/10/1999

KET/2005/0067 – Provision of car parking spaces for staff – APPROVED – 09/06/2005

KET/2018/0785 – Application for Certificate of proposed use as dwelling house under C3 user class – WITHDRAWN

Site Visit

Officer's site inspection was carried out on 30/11/2018 and 18/01/2019

Site Description

The application site consists of a two storey building constructed under permission KET/1996/0389 and comprises a garage and store with two habitable rooms above together with a separate W.C. and bathroom. The site also includes some surrounding land and a car parking space and turning area within the existing front car park.

The wider site consists of an established Public House (the PH), four associated car parking spaces and related pub garden and is located within village confines and conservation area facing the Village's Grade II Listed War Memorial to the south and the recently re-thatched 'White Hill Farmhouse' to the east. The surrounding area consists of established dwellings. The PH has been vacant since March 2018 and has been on the market since July 2017 and recently refurbished to a good standard.

Proposed Development

The application seeks full planning permission for the conversion of the outbuilding to a dwelling.

Externally this would involve replacing the front timber garage doors with glazing and the store door with glazing and timber panelling. Internally the upper floor rooms will be unchanged and on the ground floor the existing garage and store will become an open-plan lounge diner/kitchen with access to the lobby. The proposal also seeks permission for some of the surrounding land to form residential curtilage and provision of an allocated car parking space within the existing parking area.

Any Constraints Affecting the Site

Access onto a classified C-Road

The adjacent public house building and its garden and parking spaces (excluding the application site) is an Asset of Community Value (ACV)

The Localism Act (“the Act”) was enacted on 15 November 2011, and the Assets of Community Value provisions in Part 5 Chapter 3 were commenced for England at the same time as the Regulations made under those provisions came into force, both on 21 September 2012.

The provisions give local groups a right to nominate a building or other land for listing by the local authority as an asset of community value. It can be listed if a principal (“non-ancillary”) use of the asset furthers (or has recently furthered) their community’s social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future. When a listed asset is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy it on the open market.

4.0 Consultation and Customer Impact

Great Cransley Parish Council: **Object** to the proposal stipulating their support for the views and reasoning of the Pub Campaign group (summarised below in the Neighbours comments).

In addition they say that *‘the annex was built to provide additional rooms for the growing family of the owners as well as storage for the pub.’* And go on to say that a former employee at the PH *‘said that the building in question had been used in the day to day running of the pub.’*

KBC – Environmental Protection: **No objection** stated subject to the imposition of a condition restricting construction working hours and a contamination safeguarding condition.

Neighbours: Six third party letters of objection have been received from nearby occupiers and from the ‘Three Cranes Campaign Association’; their ground are summarised:

- The site has been subject to an Asset of Community Value application [now subject to designation]
- It is questioned whether the applicant has sought the advice of the local planning authority prior to submission and whether the correct ownership documents have been served/submitted. The extent of the ownership is also not clear. Such 'anomalies' would render the application invalid.
- Impacts on character and appearance and neighbours amenities should be considered
- The building has been used as a 'valuable storage facilities' associated with the pub
- The building has been used as an ancillary building for 'bed and breakfast' which gave additional revenue to the pub business. The loss of the buildings use will therefore have a detrimental impact on the long term viability of the pub business.
- The building is ancillary to the PH which is illustrated with then use of a red-brick construction material rather than natural stone
- It would be difficult to sell/mortgage a dwelling within the curtilage of a pub
- The proposal would have a 'material effect' on the Listed Building opposite and its privacy
- Poor amenities for future occupiers and outside enjoyment space
- The car parking spaces cannot easily be accommodated and the increased vehicle movements would have highway implications
- The proposal does not provide an 'affordable' house
- Would lead to the residential conversion of the pub in the future
- If the building is no longer required as an ancillary building associated with the pub then it should be demolished and not converted
- No public transport links within the village
- Four examples provided of appeal cases in other parts of the Country were the appeal Inspector found there to be viability issues associated with PH viability as a result of the loss of an ancillary use and harm caused to future occupiers amenity
- As a compromise it is suggested that the application be approved on the proviso that a condition is attached to tie future occupation to operators of the PH
- A change to car park arrangements results in an impractical arrangement for users of the spaces and PH customers accessing the garden

5.0 Planning Policy

National Planning Policy Framework (NPPF):

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the historic environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

1. Presumption in favour of sustainable development
2. Historic environment
6. Development on brownfield land and land affected by contamination
7. Community services and facilities
8. Place shaping
9. Sustainable buildings
11. The network of urban and rural areas
22. Delivering economic prosperity
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure

Saved Policies in the Local Plan for Kettering Borough

RA3. Rural Area: Restricted Infill Villages

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

Preliminary Matters

Third parties raise a number of issues with a view to rendering the application invalid. On the matter of ownership the red-line boundary line drawn on the submitted location plan tallies with land registry documents provided and the person mentioned on the Ownership certificate is one of the shared owners who are indicated as being at the same address in the same documents. As such there is no reason to believe that the application has not been submitted other than in the correct manner with regard to informing the landowners of the proposal and as such is not a reason to consider the application invalid.

Whether or not the applicant has applied for formal pre-application advice is not a reason to invalidate a planning application.

The application therefore is considered to be valid and therefore can be considered on its planning merits below.

The key issues for consideration in this application are:-

1. The principle of the development
2. Viability
3. Impact on character and appearance
4. Impact on residential amenity and the retained Public House
5. Impact on highway safety
6. Other matters

1. The principle of the development

The site is located within the confines of a restricted infill village as defined by Saved Policy RA3 of the Local Plan. Policy 11 and 29 of the JCS seek to provide housing within existing settlements to secure a sustainable pattern of growth and protection of the rural area. As such the provision of a dwelling at this location, in its broadest terms is considered to be acceptable in principle.

2. Viability

The Three Cranes Public House (the PH), which includes four car spaces, turning area and most of the pub garden is listed as an Asset of Community Value (ACV) in accordance with the requirements of the Localism Act 2011. The extent of the proposal site including the building, land immediately surrounding it and a car parking space does not form part of the ACV.

It is not the intention of the application to seek to change the use of the PH which will continue to make the PH available to market. In the event that the application is successful, the PH will be re-marketed on concessionary terms with a clear indication provided that restoration of valued community asset will be pursued. Some of the third party letters received highlight the importance of the PH to the local community, which has been emphasised with the creation of a local group to protect the PH and presumably provided a meeting place for locals to drink and eat. There would appear to be a genuine desire on all sides to see the PH reopened and doing well once more. There is no reason to think that a future operator would not share the same aspirations.

The application scheme does not involve the loss of the PH. On the contrary, it would be retained having been recently refurbishment to a good standard and includes a small modern commercial kitchen with staff accommodation on the first and second floor. Internally the PH has provision for 60 covers and a similar number in the attractive well-positioned PH garden which will be largely retained. Parking provision for customers will be available in the surrounding streets as it has always done, with four spaces retained on-site for staff. Although it is not possible to know which direction a future operator will want to develop the PH, there are no identified conflicts with the aims and objectives of the ACV listing.

Whilst it is not clear whether the PH had up to its closure been financially viable with the precise reason behind its vacancy unknown it is evident that the PH is well-equipped to be able to provide a wet and a significant food offering. Where the applicant and the third parties diverge is on the matter of the building proposed to be converted to residential and whether its loss would undermine the viability of the PH.

To address this matter it is important to firstly understand the nature of the existing building and the role it plays as ancillary accommodation/storage associated with the PH. The existing outbuilding was granted planning permission in 1996 for the erection of a garage and storage facilities with private family rooms over. The majority of the ground floor of the building was therefore expected to be used as a garage (for the use of parking a vehicle) with two smaller room, consisting of a total of approximately 6sqm, intended to be used for storage. The upper floor was approved on the basis of it providing family accommodation in association with the operation of the PH. Thereby the original permission for the building related to the

provision of a garage, habitable accommodation and a small area for storage. As such the primary function of the building was not to provide storage space relating to the PH business and appears to have related more to the circumstances of the PH operator at that time.

Since the buildings construction however it is apparent that it has not been used for its intended purpose with Bed and Breakfast offered in the habitable upper floor accommodation and the garage used for storage. The next point for consideration thereby is can this available storage space be accommodated elsewhere within the retained PH.

The PH has available a store adjacent to the kitchen door comparable to the 6sqm store lost and also internal alcove areas that could be used for storage. The generous upper floor accommodation could also be used where the Office is currently located. In addition the PH has a sizeable basement which is currently empty and would allow for significant storage of pub related paraphernalia whilst also accommodating beer barrels. It is considered therefore that the retained PH has ample space available to off-set the loss of storage space available within the outbuilding.

With regard the upper use of the building for bed and breakfast accommodation; there is nothing to suggest that this was a regular occurrence that contributed significantly to the PH business. In particular given the unfurnished nature of the upper rooms it does not appear as though the building has been used for bed and breakfast purposes for some time. The assistance therefore that the Bed and Breakfast offer had to the viability of the PH is not likely to have been more than limited.

In support of the proposal the applicant provided a letter from a reputable commercial agent experienced in the sale/letting of Public House's. This letter however did not give an opinion as to the viability of the PH in the absence of the outbuilding. Neither however, have the opposers to the scheme presented a cogent challenge to the view that the loss of the outbuilding would undermine the overall viability of the PH.

Whilst the outbuilding may have been used occasionally as a bed and breakfast and is used for the storage of a limited number of articles associated with the PH there is no evidence available to suggest that the building contributes significantly to the viability of the PH. Based on the foregoing and the Officers own experience and site cognisance it is not considered that the outbuilding, subject to this application, is essential for the PH to operate successfully especially given the amount of storage and habitable accommodation available at the PH and its retained garden.

The Agent's letter in support of the application did, however provide some details as to the marketing of PH going forward in the event that the outbuilding is not included in the particulars associated with the sale/letting of the PH. Firstly, whilst vacant for nearly one year, which in itself is a significant period of time it has been available on the Market since late July 2017. The PH appears to have been marketed in a professional manner since that time. The evidence thereby suggests that the PH is struggling to find an operator (for whatever reason) and whilst it is closed it is not operating in a way that benefits the economic prosperity of the rural area or the

village as a valued community asset. In the event that the application is approved, the Agent letter says that this would enable the PH to be offered in “*better terms*” as clearly the outbuilding currently represents an asset that must be reflected in any guide price or leasing arrangement.

By allowing the disposal of the outbuilding’s association with the PH thereby the PH can be presented to market ‘afresh’ with concessions and attract operators who may otherwise have been put off due to the existing terms and/or the disbenefits associated with the upkeep of the building that they may not need. There is no reason to believe that such a change to the marketing particulars will not occur as indicated in the event that the application is approved. In this regard and in acknowledging the encouragement given in Policy 7 of the JCS and Chapter 6 and 8 of the NPPF for planning decisions to support community services and facilities, the proposal gives a real opportunity for the PH to reopen.

Overall, the development would result in the loss of an ancillary PH building, one staff parking space and a small area of outside space not available for use as a PH garden. The strength of local opposition and the ACV designation granted to the PH would suggest that the PH is a ‘*valued facility*’ in terms of the Framework. The proposition of the outbuilding however as a valued facility is not considered to apply. A fact that was also recognised in the ACV designation when deciding to exclude the application site. Nonetheless, the PH would be retained, in its recently refurbished state together with its generous storage space and accommodation to the upper floors and would retain its attractive garden to the benefit of a future occupier and paying customers.

Consequently, it is not considered that the loss of the outbuilding as an ancillary PH building would reduce the community’s ability to meet its day-to-day needs nor is there any credible evidence to suggest it would prejudice the long term retention and viability of the PH. Accordingly there would be no conflict with Policy 7 of the JCS or the overall aims and objectives of paragraph 83 and 92 of the NPPF.

3. Impact on character and appearance

Policy 8 (d) of the JCS consistent with paragraph 127 of the NPPF seeks development to respond to an areas local character and wider context.

Due to the site’s location in a Conservation Area it falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, including its setting.

In addition as the building is located within the setting of the Grade II Listed White Hills Farmhouse to the east and the Grade II Listed Village War Memorial to the south the proposal falls to be considered under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy 2 of the JCS, consistent with Chapter 16 of the NPPF seeks development to protect, preserve and where appropriate enhance heritage assets and their settings.

The application was accompanied by a brief but acceptably proportionate 'Heritage Statement' consistent with an applicant's duty under paragraph 189 of the NPPF to provide such a statement in a location that could affect heritage assets.

The use of the building as an ancillary building associated with PH is not considered to have any particular overriding character influence in the area and as such the loss of that use would not have an impact in this regard.

The external changes proposed involve replacing the existing timber side opening garage doors and store door with windows. The windows would respect the size of the openings and thereby retain their legibility. In light of the minor nature of the operational changes the proposal would not have an effect to the significance of areas heritage asset or notably change how the building interacts with the streetscape. The buildings physical presence is unchanged and overall would be read as polite modestly sized property, which its existing appearance and nature currently projects.

Objectors to the scheme have brought attention to the external appearance of the existing building and notably its red-brick construction reflecting an ancillary building being inconsistent within the area. Be that as it may, it is an existing building which will not be significantly altered by the proposal with no mechanism available to require its demolition. In any event the use of red-brick is apparent in the area such as to front boundary walls and agricultural buildings to the rear of White Hills Farm for instance and thereby its retention would continue to look comfortable in the area.

Given the conspicuous nature of the property, albeit set some way back from the highway edge, a condition shall be attached requiring approval of the windows architectural detailing and boundary treatment and revocation of permitted development rights.

As such it is considered that the proposal would preserve the setting and significance of heritage assets and respect the character and appearance of the area. Consequently, the proposal is consistent with Policy 8 of the JCS and paragraph 127 and the aims and objectives of Chapter 16 of the NPPF.

4. Impact on residential amenity and the retained Public House

The JCS in Policy 8 (e), consistent with paragraph 127 (f) of the NPPF seeks development to protect the amenity of all future and surrounding users of land and buildings.

The PH is located within an established residential area and has especially close relationships to surrounding houses. In particular the PH shares an internal wall with 3 Loddington Road together with its rear wall including windows, forming the side boundary to that neighbour. There is no evidence available to suggest that this very close relationship has had ramifications to either the amenities of 3 Loddington Road occupiers or toward the PH. As such the PH and the surrounding residential neighbours would appear to satisfactorily co-exist without issue, with each

acknowledging the existing arrangements.

The application property does not share an internal wall with the PH and has a separation gap over 5m. This arrangement thereby is significantly better than the existing relationship the PH has with 3 Loddington Road. Future occupiers of the property may be exposed to noise, general disturbance and overlooking associated with use of the PH garden, however the clearly defined defensible space around the building and in particular the provision of the small yard area to the rear would provide a useable private outside space and would prevent any users of the pub garden occupying an area immediately in front or to the side of the building and causing unacceptable nuisance. The noise associated with the use of the pub garden would be limited to clement times of the year and would not be notably different from impacts associated with the use of the PH towards existing residential receptors in the area. It is also probable that the future occupiers would have use of the PH for outside enjoyment.

The shared parking arrangement would not likely result in conflict between the PH and the future occupier. A condition shall be attached to ensure that the residential space is clearly marked on the ground to prevent the occurrence of any such conflict arising.

Whilst the living arrangements between the future occupier of the building and the PH and its customers would not be especially common nor could it be considered to be unique particular when considering the comparable arrangements with neighbours that currently exist.

In light of the foregoing the proposal is considered to provide a good standard of living accommodation for future occupiers and therefore would also not have an adverse impact on the PH business going forward.

The future occupier of the proposal would also make their decision whether to reside at the property based on current seen arrangements and acceptance of the proximity of the PH and its associated garden. PH businesses also tend to operate a 'good neighbour' policy especially when located in a residential area, which would limit the prospect of any significant disturbances.

Due to the orientation, proximity and relationship of the proposal to residential neighbours together with the built form of the building being unchanged the proposal would not significantly change the impact that the building currently has toward surrounding residential neighbours. In particular the positions of the upper floor openings are unchanged as are the habitable nature of the rooms they serve. Nevertheless an objection has been received by the occupier of White Hill Farmhouse to the east on the basis of the proposal resulting in harm to their privacy. On this; the proposal building does not directly face the objector's house, there are intervening boundary walls and hedging which interrupts opposing ground floor views and there is a front-to-front separation distance (at an oblique angle) of over 35m. Such a relationship cannot sensibly be considered to be harmful to the privacy of the front rooms in White Hill Farm especially when taking into account the existing habitable nature of the buildings upper floor.

Consistent with the advice of the Council's Environmental Protection department a condition restricting hours of construction, whilst minimal, shall be imposed in the interests of neighbour's amenity.

As such and with no objection from the Council's Environmental Protection department, the proposal is considered to respect amenity and safeguard the PH business and therefore complies with Policy 8 of the JCS and paragraph 127 (f) of the NPPF.

5. Impact on highway safety

The JCS in Policy 8 (b) seeks to ensure a satisfactory means of access and provision for parking and resists development that would prejudice highway safety.

The existing parking arrangements on site provide a limited number of car parking spaces (5) which were created to provide staff parking as per the 2005 planning permission. The loss of one of these spaces and the retention of four is considered to leave sufficient provision for the PH staff in an area where safe street parking is available. Street parking is a traditional arrangement associated with the PH with paying customers utilising the surrounding road network. The proposal would not create significant highway movements.

Consequently it is considered that the proposal would not have unacceptable harm to highway safety and therefore is consistent with Policy 8 of the JCS and the aims and objectives in Chapter 9 of the NPPF.

6. Other matters

Consistent with the advice of the Council's Environmental Protection department a condition shall be attached with regard to unexpected contamination to safeguard future occupier's amenity in this regard.

Whilst vacant the building is in a good state of repair with no evidence of protected species.

The provision of one dwelling does not meet the threshold whereby community infrastructure contributions can be sought including the provision of affordable units.

An objector to the proposal suggests that there may be ownership/mortgage issues that would prevent the proposal coming forward. There is no reason to believe that this is the case and in any event, this is a private legal matter and not a planning consideration to which any degree of weight is attached.

Conclusion

For the reasons given above and with no persuasive opposing evidence or views that would justify coming to a different conclusion the proposal is considered to be consistent with the Development Plan and the NPPF as a material consideration. As such the proposal is considered to make provision for the NPPFs three dimensions of sustainability (economic, social and environmental) and therefore the Frameworks presumption in favour of sustainable development applies.

Consequently and in such circumstances the development should be approved without delay. The application is therefore recommended to the Planning Committee for approval pursuant to the imposition of the conditions laid out.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Sean Bennett, Senior Development Officer on 01536 534316