DELEGATED REPORT

Recommendation Made: 5 October 2011

Reference:- 11/00642/COU **Parish:- Earl Shilton Town Council**

Applicant:- Mr G Deacon
The Plough Inn
23 Church Street
Earl Shilton
Leicestershire

Location:- The Plough Inn Church Street Earl Shilton Leicester Leicestershire

Proposal:- CHANGE OF USE FROM PUBLIC HOUSE WITH RESIDENTIAL ACCOMMODATION TO A SINGLE DWELLING INCLUDING EXTENSIONS AND ALTERATIONS AND RETENTION OF BOUNDARY WALL

Introduction:-

This application seeks full planning permission for the change of use of a Class A4 public house to Class C3 dwelling together with extensions and alterations. The proposed extensions include a flat roof garage and a single storey sun room to the front elevation. The alterations include the formation of a front door, alterations to the rear fire escape to provide an extended external terrace, the formation of additional windows and alterations to existing windows and internal structural alterations. The application also includes the erection of a front boundary wall.

The site measures approximately 947 square metres and is located on the north side of Church Street, Earl Shilton. The front elevation is essentially two storey with a low eaves line and first floor accommodation within the roof space with an off-centre two storey projecting gable. Due to the fall of ground levels to the rear, the rear elevation is three storey with a basement level under ground floor. The property is constructed of red multi bricks and red plain clay roof tiles. The forecourt is hard surfaced providing parking. A front boundary wall is already under construction but not in the revised form proposed in the submitted amended plan. There is vehicular access from Church Street adjacent to the east side leading to an extensive rear garden area. The vicinity of the site is primarily residential uses. A public footpath runs along the western boundary.

A Design and Access Statement has been submitted to support the application and states that the proposals will improve the appearance of the property and surrounding area.

History:-

No relevant planning history.

Consultations:-

No objection has been received from:-

Earl Shilton Town Council
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objection subject to conditions has been received from Director of Environment and Transport (Highways)

Ward Members have made no comments on the application.

At the time of writing the report comments have not been received from:-

Cyclists Touring Club
Site notice
Neighbours.

Development Plan Policies:-

National Planning Guidance

Planning Policy Statement 1: Sustainable Development
Planning Policy Statement 3: Housing

Local Development Framework adopted Core Strategy (December 2009)

Policy 2: Development in Earl Shilton
Policy 19: Green Space and Play Provision

Hinckley and Bosworth Local Plan

Within settlement boundary of Earl Shilton

BE1: Design and Siting of Development
RES5: Residential proposals on Unallocated Sites
T5: Highway Design and Vehicle Parking Standards
REC3: New Residential Development - Outdoor Play Space for Children

Other Documents

SPG on New Residential Development

Appraisal:-

The main issues in respect of this application are: the principle of the change of use involving the loss of the public house; the design of the proposed extensions and alterations and their impact on the character and appearance of the building; the street scene; the amenities of neighbouring properties and highway safety.

Principle of Development and Loss of the Public House

The site is within the settlement boundary of Earl Shilton where residential development is generally acceptable in principle subject to design and layout etc. There is no clear evidence that the former public house had a vital role in sustaining the community in the way that a sole remaining public house in an isolated village might. Earl Shilton is a large settlement and would retain a full range of community facilities including a number of other public houses. It is therefore considered that the principle of residential conversion is acceptable in this case.

Character and Appearance

Amended plans have been received that remove the proposed uncharacteristic flat roof garage from the front elevation. The proposed single storey sun room to the front elevation projects no further forward than the existing bay window on the front projecting gable, is set well in from the side elevation and is in proportion with an existing flat roof dormer window in the roof slope above it. Whilst the extension also has a flat roof design, it mirrors the dormer windows above and flat roof bay windows are not generally uncharacteristic of properties with low eaves. As a result it is considered that the sun room would not significantly alter the overall character of the building.

The formation of a front door in the front elevation will enhance the appearance of the building by providing a focal entrance point. The removal of existing windows and their replacement with windows of better proportions together with additional dormer windows of similar design and proportions to those existing and velux style windows will enhance the appearance of the building by providing balanced fenestration more suited to the character of the building. The removal of part of the rear fire escape railings will also enhance the appearance of the building at the rear.

Overall and on balance, as a result of the design of the proposed extensions and alterations together with the

use of matching materials, it is considered that there will be no adverse impact on the character or appearance of the building or the wider street scene.

Impact on Neighbours Amenity

The change of use from a public house to a single dwelling and the resultant reduction in potential comings and goings will have a positive impact on the amenities of neighbouring properties in terms of its use. The modest sun room extension to the building will have side windows that face the side elevation of 13 Church Street however, this elevation has no habitable room windows, the most significant being to a kitchen, separated by approximately 6 metres and with a public footpath between. As a result, the extension is not considered to have any significant impact on the amenities of the occupiers of 13 Church Street. There are three windows on the side elevation of the public house facing 13 Church Street which are currently obscurely glazed being to the pub lounge and toilets. The internal layout of the proposed dwelling creates a utility room along the side elevation served by these three windows which due to their location and height will overlook the rear private amenity area of 13 Church Street and lead to a potential loss of privacy to the occupiers. As such it is considered that these three windows should also be obscurely glazed and with only top-light openers in order to protect the privacy and amenity of the adjacent occupiers.

The internal layout of the proposed dwelling also utilises existing side elevation windows facing 31 Church Street to a lounge, store, toilet and bedroom. The bedroom window is currently clear glazed and proposed to remain as such and therefore there is no additional impact from this window. The two secondary lounge windows, toilet and store windows are currently obscurely glazed but proposed to be clear glazed. Given the side elevation windows on 31 Church Street are to habitable rooms it is considered that the side facing windows that are currently obscurely glazed should remain as such to prevent potential overlooking and loss of privacy to the occupiers of 31 Church Street.

Whilst no objections have been received from neighbouring properties, should planning permission be granted, in order to protect the privacy and amenity of the occupiers of the neighbouring properties a condition requiring side elevation windows to be obscurely glazed and fixed with only opening top lights is recommended in this case.

The proposed external terrace to the rear will not create any significant overlooking or loss of privacy to neighbouring properties as a result of its location, separation distances and boundary treatments. 31 Church Street does not benefit from a rear garden area, the building to the rear is a derelict commercial building within an unmanaged plot.

Highway Safety

The proposed dwelling will retain the existing vehicular access to the rear off Church Street and the forecourt will be enclosed by a front boundary wall (already part constructed) with an entrance for access for parking within the front curtilage. The amended boundary wall provides adequate visibility splays from the access and the Director of Environment and Transport (Highways) has raised no objections subject to a condition that no gates are erected across the entrance to the parking forecourt. The reduction in the potential number of traffic movements will have a positive impact on highway safety. There is adequate car parking space available within the curtilage to the front with further potential to the rear if required in the future.

Play and Open Space

Whilst the site is located within 400 metres of local public open space at Hall Field Recreation Ground, the building already has an element of residential accommodation within it and as there is no net gain in numbers of residential units it is considered that developer contributions in respect of the provision and maintenance of this facility cannot be justified in this case.

Conclusion

The principle of the change of use of the building to residential is acceptable as there are a number of other community facilities within Earl Shilton and the loss of the public house is not significant in this case. Subject to conditions, the proposed extensions and alterations will not result in any adverse impact on the character or appearance of the building, the wider street scene, the amenities of the neighbouring properties or highway safety.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is within the settlement boundary, would not result in the loss of an important community facility, would preserve the character and appearance of the existing building and street scene and would not have an adverse impact on the amenities of the occupiers of neighbouring properties or highway safety.

Hinckley & Bosworth Local Development Framework: Core Strategy (2009):- Policy 2

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, RES5 and T5

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale received by the local planning authority on 11 August 2011 and Proposed Elevations Drawing No. 11028-04B and Proposed Floor Plans Drawing No. 11028-03C received by the local planning authority on 5 October 2011.

3 The materials to be used on the external elevations of the proposed extensions and alterations shall match the corresponding materials of the existing building unless previously agreed in writing with the local planning authority.

4 Notwithstanding the submitted details, the west side elevation windows (facing 13 Church Street) serving the proposed utility room and en-suite bathroom and the east side elevation windows (facing 31 Church Street) serving the proposed lounge, store and toilet shall be obscurely glazed and fixed with only opening top-lights and shall remain as such at all times thereafter.

5 No gates shall be erected to the vehicular access.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To prevent overlooking and ensure that the development is not detrimental to the privacy and amenity of the occupiers of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

5 To enable a vehicle to stand clear of the highway in the interests of highway and pedestrian safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations

2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Richard Wright Ext 5894