
Demolition of Public House and change of use of land to a residential mobile home park

**Report Item No
A2**

Navigation Inn 166 Spring Cottage Road Overseal Swadlincote

**Application Reference
14/00875/FUL**

**Applicant:
Tom Hartley Park Homes**

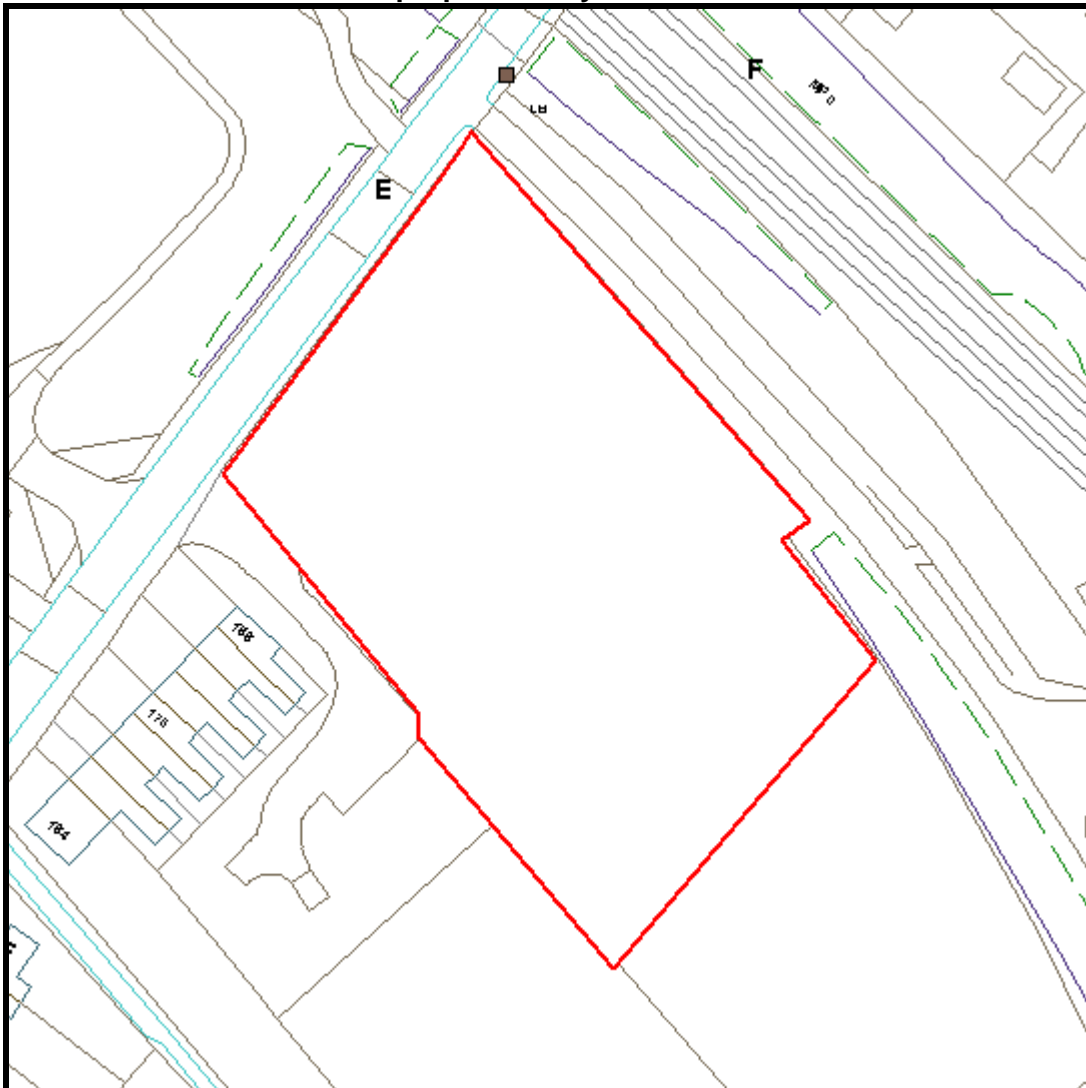
**Date Registered
24 September 2014**

**Case Officer:
Ebony Mattley**

**Target Decision Date
19 November 2014**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Reason for Call In

The application is reported to the Planning Committee at the request of Councillor John Bridges on the grounds of public interest.

Proposal

Planning permission is sought for the demolition of the existing Public House and the use of land as a residential mobile home park, to accommodate up to 11 mobile homes at the Navigation Inn, Spring Cottage Road, Overseal.

Consultations

Members will see from the main report that there is one letter of support. With the exception of Ashby Woulds Town Council and the County Highway Authority there are no other objections raised from consultees.

Planning Policy

The frontage part of the site lies within Limits to Development, with a small portion of the site to the rear of the site, falling outside Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

Conclusion

The majority of the site would be located within defined limits, where there is a presumption in favour of development subject to all other matters being addressed. This brownfield site is reasonably well related to existing built development such that the proposal would not result in truly isolated housing in the countryside, and is well related to Overseal which could provide occupiers of the proposed mobile homes with services and facilities to meet day to day needs. There is no evidence to demonstrate that this building should remain as a public house as it would be unviable to do so.

The development would not give rise to any significant material impacts upon the occupiers of future or neighbouring dwellings, highway safety, ecology or River Mease SAC/SSSI and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies.

It is therefore recommended that planning permission be approved, subject to the imposition of planning conditions.

RECOMMENDATION:- PERMIT, SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

Main Report

1. Proposals and Background

Planning permission is sought for the demolition of the existing Public House and the use of land as a residential mobile home park, at the Navigation Inn, Spring Cottage Road, Overseal.

The application seeks to obtain planning permission for the use of land as a residential mobile home park and a plan has been submitted demonstrating that eleven mobile homes could be accommodated on the site. It is considered that the role of the planning authority would be to assess the use of the land with the matters of layout and detailed development being controlled by a Site Licence. Following the establishment of the use of the land the necessary services and incidental development, such as bases, access road and storage sheds, would then be considered 'permitted development' following the approval of a layout plan under the Site Licence.

The submission is made on the basis that the units would be two bedroomed units and are likely to be occupied by persons at, or close to, retirement age.

During the course of the application, following representation from Network Rail regarding land ownership, the site boundary of the application has been amended and re-consultation has been undertaken with all statutory consultees and neighbours for a period of 14 days.

The application is accompanied by a Bat Building Assessment, Planning Statement, River Mease Statement and a Coal Mining Risk Assessment.

The frontage part of the site lies within Limits to Development, with the rear of the site, falling outside Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

Planning History:-

Planning history in relation to the Public House.

2. Publicity

15 neighbours have been notified (date of last notification 03 November 2014)

Site Notice displayed 17 October 2014

Press Notice published 22 October 2014

3. Consultations

LCC ecology
County Highway Authority
Environment Agency
Coal Authority
Severn Trent Water Limited
Natural England
Head of Environmental Protection
Development Plans
Ashby Woulds Town Council

Network Rail

4. Summary of Representations Received

The following summary of representations is provided.

Ashby Woulds Town Council objects to the application on the following grounds:-

- a) Highway - highway safety for pedestrians
- b) Local economy - loss of only amenity in the village
- c) Impact on the village and comings and goings from the site.

Leicestershire County Council - Highways object to the application on sustainability grounds.

Leicestershire County Council - Ecology has no objection.

Environment Agency does not wish to make any formal comment.

Network Rail has no objection in principle, subject to requirements being met.

National Forest does not wish to make any formal comment or request a contribution as this application falls below their threshold.

NWLDC Environmental Protection has no environmental observations.

Third Party Representations

One letter has been submitted stating that in the past Great Crested Newts have been present and that it would be worth a survey being undertaken.

One letter of support has been received that the following:-

- a) Is not a viable business
- b) The brewery rents and rates are too high
- c) Pub is now an eyesore and youths are smashing the site and setting fires
- d) Hope that planning permission be granted quickly.

5. Relevant Planning Policy

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

North West Leicestershire Local Plan

S2 - Limits to Development

S3 - Countryside

H13 - Mobile Homes
E3 - Residential Amenities
E4 - Design
E7 - Landscaping
T3 - Highway Standards
T8 - Parking

Emerging Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance

National Planning Practice Guidance - March 2014.
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
River Mease Water Quality Management Plan - August 2011.
River Mease Development Contributions Scheme - November 2012.

6. Assessment

The main considerations with regards to this application are the principle of development, siting and design, impact upon residential amenity, highway considerations, impact upon the River Mease Special Area of Conservation/SSSI and other matters.

Principle of Development

Principle of Development and Sustainability

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

The frontage part of the site lies within Limits to Development, with the rear of the site, falling outside Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

The principle of residential development, within Limits to Development, is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

The part of the site, which lies outside Limits to Development would fall to be considered against Policy S3 of the Local Plan. The scheme is for mobile homes and therefore residential development and would not meet the criteria for development in the countryside and the scheme would therefore be contrary to the provisions of S3.

Notwithstanding part of the site's countryside location, in determining the application, regard must be had to other material considerations, including other Development Plan policies and whether the proposal constitutes sustainable development (including in its economic, social and

environmental roles) given the presumption in favour of such as set out in the NPPF.

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where "appropriate" and encourage the effective use of land by re-using land that have been previously developed (brownfield land).

It is considered that the majority of the site falls within Limits to Development, and the rear part of the site, which is outside Limits to Development adjoins the settlement boundary, in addition to being bound by existing residential development to the south west and by railway infrastructure and built development to the north east. Insofar as the site's location is concerned, whilst a small part of the site it is located outside of Limits to Development, the site is well related to the settlement boundary, is bounded by existing development and is not therefore considered to be an isolated development in the countryside.

The proposal is to meet a genuine need, within Limits to Development and is not located in an area of Particularly Attractive Countryside, or any other area afforded special protection in this Local Plan and well related to the existing settlement, and is therefore in conformity with Saved Policy H13.

The site is also brownfield in nature and is not of a high environmental value and therefore the NPPF encourages this use of land, in principle.

The scheme has been considered by the County Highway Authority (CHA) who object for the following reason:-

"The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the 'Local Transport Plan 3' and policy IN6 of the '6Cs Design Guide' seek to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The 'LTP3' and the '6Cs Design Guide' reflect Government guidance contained in the 'National Planning Policy Framework.'"

The application site is located within the settlement of Spring Cottage which is relatively isolated with few services and facilities, with just a play area and football pitch. However, the site is reasonably well related to Overseal and although this settlement is outside the District boundary (within South Derbyshire) it does have a good range of services and facilities, which could be used by occupiers of the proposed mobile homes. These include a primary school, doctor's surgery, shops, public houses and a village hall.

In addition, there is an hourly bus service during the day to Swadlincote, Burton on Trent and Ashby de la Zouch, along with smaller settlements.

It is therefore considered that an objection on these grounds could not sustain a reason for refusal in this case. In addition, the Local Planning Authority did not consider that Spring Cottage Road, Overseal was an un-sustainable location within application ref: 13/00648/FULM (erection of 14 dwellings at Swainspark Site, Spring Cottage Road) which was considered by Planning Committee in November 2013.

As set out above, whilst part of the site is located outside the Limits to Development, the majority of the site is located within the settlement of Spring Cottage, which although does not benefit from a range of services and facilities, is well related to Overseal which could provide

occupiers of the proposed mobile homes with services and facilities to meet day to day needs. Furthermore, it is considered that the development would be reasonably well related to existing built development such that the proposal would not result in truly isolated development in the countryside, and is sited on brownfield - previously developed land. Therefore, taking these factors into account, it is considered that the principle of residential, mobile home development on this site is considered acceptable.

For the reasons discussed below there is no objection to the loss of the public house for residential development, in this specific case.

Loss of Public House

Paragraph 70 within the National Planning Policy Framework states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Paragraph 28 within the NPPF also states that to promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sport venues, cultural buildings, public houses and places of worship.

The application has been accompanied by a planning statement which outlines the following:-

- o As a result of the downturn in the economy and nearby competition has led to the pub struggling as a business for many years
- o The licensee prior to the last was left bankrupt under the financial strain of the public house.
- o The previous licensee ran the premises for 3 years from 2011 to 2013 where trade was seasonal and weather dependent. During these times takings for November to April could be as low as 50% below the pub's break even figure.
- o The previous licensee left in Autumn 2013 with significant debt, and there has not been a pub operator interested in running the Navigation Inn as a public house since this time.

There has been no significant objection from members of the public and the applicant has provided sufficient detail to demonstrate that there is no viable commercial interest and as such in this particular case, there is no evidence to demonstrate that this building should remain as a public house and therefore the principle of demolition and residential development is considered to be acceptable.

Siting and Design

The supporting plans have demonstrated that a total of eleven mobile homes could be placed on the site. It is considered that a planning condition could be imposed on any consent to agree the amount of units which would be placed on the site, but the specific details of the design, size and siting of the units could not be controlled by virtue of the fact that they would be deemed to be 'mobile.' In any case, a caravan site licence would be required for the proposal and the requirements of this would ensure that the design and relationship with neighbouring properties would be acceptable.

Given the existing built development, being dwellings and railway infrastructure surrounding the site, it is not considered that the siting of the mobile homes would result in any significant visual

harm to the character of the area

Proposed landscaping is identified on the submitted plans and it is considered that a suitably worded condition would ensure that adequate, as well as suitable, landscaping is provided as part of the development.

Impact upon Residential Amenity

It is considered that the properties most immediately affected by the proposed development would be those situated on Spring Cottage Road, to the south west of the site.

It is considered that the distance of 11 metres between the side wall of No. 168 Spring Cottage Road and the rear of the mobile homes, (sited to the south of the site) would be sufficient to ensure no significant overlooking, overshadowing or overbearing impacts.

Each mobile home would have its own curtilage, and as such the level of movement between the mobile home and their private amenity space would be no greater than that of a typical dwelling which should not create a sufficiently detrimental noise impact.

The plan submitted shows a distance of 6.5 metres that would exist between each mobile home and this distance is considered sufficient in ensuring the amenity of any occupants would be preserved.

The scheme is considered to have minimal impacts upon amenity of existing neighbouring or future occupiers. As such the scheme is considered to be in accordance with Saved Policy E3 of the Local Plan.

Highway Considerations

Access is proposed from Spring Cottage Road and the mobile homes would be served off a central access road, with each unit having its own parking spaces.

As discussed above, the CHA have raised an objection on sustainability grounds and have not made any further representations in respect of highway safety. It is recommended that suitably worded conditions are imposed in respect of the proposed access.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the Local Plan.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Mease Water Quality Management Plan (WQMP) was drawn up to ensure there is no

adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been adopted to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

The applicant has provided specific details in respect of the foul drainage levels. The applicant has confirmed that the proposed contribution would be some 4680 litres per day, based on an assumed 6x2 bedroom and 5 x 1 bedroom units, however it is extremely difficult to calculate the loads associated with the existing pub, as this is based upon detailed information of the number of drinkers, those taking food and type of food, staff levels, overnight guests etc and requires information for peak flows such as mother's day etc.

The applicant also states that the Navigation Inn closed some time ago but when operating had two bars and a function room at the rear; it also had residential accommodation above. In the past there were regular functions and in summer months there have been music festivals outside with overnight camping, family fun days and the general range of activities which publicans use to encourage customers in and that summer peaks will have been considerably higher than winter lows.

It is therefore considered that when having regard to the existing activities which have currently existed on site, in comparison to the proposed scheme, it is not considered to result in any significant increase in foul water and therefore it is not considered that a contribution can be requested in this case.

The flows from the proposed mobile homes need to be taken into account against the existing headroom at Donisthorpe Treatment Works. Where there is no existing capacity at the time of determination a condition is proposed which seeks to prevent occupation of the mobile homes until additional capacity has been provided at Donisthorpe Treatment Works. Accordingly whilst there is no current capacity at Donisthorpe, in time Severn Trent will facilitate the transfer of some capacity to treatment works (Packington and Snarestone) to create such capacity for the 11 mobile homes. As such a reason for refusal based on limited capacity at the treatment works could not be justified.

A condition relating to the technical details of foul drainage is not required as the principle of connecting to the mains sewer has been established and the details of drainage are dealt with by separate legislation under the Building Regulations and by Severn Trent Water.

Surface water from all elements of the proposal will need to discharge to a soakaway to ensure that unnecessary water volume does not go to the sewage treatment plant and this can be required by condition.

Therefore it can be ascertained that either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Other Matters

Ecology

The application has been accompanied by a Bat Building Assessment, which has been considered by the County Ecologist who raises no objections.

Coal

The site lies within the Coal Authority Referral Area and accordingly a Coal Mining Risk Assessment accompanied the application submission. The Coal Authority has been consulted on the application and concurs with the recommendations of the Coal Mining Risk Assessment and recommends a condition be imposed requiring site investigation works, prior to the commencement of development.

Age Restriction

Although the application specifies that the mobile homes would be intended for people at, or approaching, retirement it is considered that it would be unreasonable to place such a restriction on the application given that the occupation of the mobile homes would be an acceptable form of accommodation for any social class, as such they should not be prevented from residing in the units should there be a lack of demand from the target audience.

Conclusion

In conclusion, the majority of the site would be located within defined limits, where there is a presumption in favour of development subject to all other matters being addressed. This brownfield site is reasonably well related to existing built development such that the proposal would not result in truly isolated housing in the countryside, and is well related to Overseal which could provide occupiers of the proposed mobile homes with services and facilities to meet day to day needs. There is no evidence to demonstrate that this building should remain as a public house as it would be unviable to do so. The development would not give rise to any significant material impacts upon the occupiers of future or neighbouring dwellings, highway safety, ecology or River Mease SAC/SSSI and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following amended plans, unless otherwise required by a condition of this permission: Site Local Plan rev. A and Site Plan as Proposed Drawing No. NI/PL/10 B received by the Local Planning Authority on 5 November 2014.

Reason - For the avoidance of doubt and to determine the scope of the permission.

- 3 The site shall not accommodate more than eleven mobile homes in accordance with the information specified on the drawing reference NI/PL/10 B, received by the Local Authority on the 5 November 2014.

Reason - To ensure that the residential and visual amenities of the area are preserved as well as in the interests of highway safety.

- 4 Notwithstanding the details shown on drawing number NI/PL/10 B, received by the Local Authority on the 5 November 2014, or provisions of Condition 2 above, no development shall commence on the site until a landscaping scheme (showing existing planting to be retained and proposed planting) has first been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in the first planting and seeding season following either the first implementation of the use hereby permitted unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter in perpetuity, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided to mitigate the visual impacts on the adjacent heritage asset.

- 5 No development shall commence on site until such time as details of:

- a) the means of disposal of surface water from the site to soakaways or other sustainable drainage system; or
- b) evidence to demonstrate that these means of drainage are not suitable for the site and alternative details of surface water discharge to mains sewer;

have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details which shall thereafter be so retained.

Reason - To prevent an adverse impact on the River Mease Special Area of Conservation.

- 6 No mobile homes hereby approved shall not be occupied until Severn Trent Water has stated in writing to the Local Planning Authority that there is sufficient headroom capacity available at Donisthorpe Waste Water Treatment Works or elsewhere within Severn Trent Water's sewer system to take the foul drainage discharge from the dwellings hereby approved.

Reason- To ensure sufficient capacity is available at the treatment works and to prevent an adverse impact on the River Mease Special Area of Conservation/SSSI.

- 7 Before first use occupation of any mobile home hereby approved, the access width for the first 15 metres and visibility splays at the junction of the access with Spring Cottage Road shall be provided in accordance with the submitted details: Proposed Access Drawing no. NI/PL/11 and maintained thereafter. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason - To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway and to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 8 Any gates, barriers, bollards, chains or other such obstructions to the vehicular access shall be set back a distance of a minimum of 15 metres from the highway boundary and shall be hung so as to open inwards only.

Reason - To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The applicant's attention is drawn to specific requirements from the Asset Protection Project Manager at Network Rail - assetprotectionlne@networkrail.co.uk