

Parish: LONG MELFORD

Location: Rose & Crown Public House, Bridge Street

Proposal: Part change of use of barn to create self contained dwelling. External alterations to facilitate part conversion of barn to holiday accommodation connected with Public House, as amplified by supporting statement received on the 15th March 2010, historic buildings survey and photographic record received on the 18 and 29 March 2010, flood risk information received on the 15 March 2010 and contaminated land assessment (Phase 1) received 25 March 2010, as amplified by highway layout received on 22 April 2010.

Applicant: Mr and Mrs Scaponi and Mr Grey

Case Officer: Graham Chamberlain

Date for Determination: 13/05/10

The application is reported to Committee being a departure from the Development Plan.

THE SITE

1. The site is located within the small settlement of Bridge Street, north of Long Melford. Bridge Street has no Built up Area Boundary (BUAB) and is therefore washed over by the 'countryside' designation. The site abuts the A134 which is on the eastern boundary. There is a 40mph limit through Bridge Street and a bus stop in the centre of the settlement. The Public House is the only Public facility within the settlement.
2. The Public House (PH) occupies a corner plot. The PH faces the lane on the northern boundary of the site. To the west of the PH is a collection of ancillary outbuildings used for miscellaneous storage in connection with the PH. To the rear of the PH is a car park (18 spaces) and garden. The PH currently has some residential accommodation on the first floor. The site is surrounded by low density residential development.
3. The PH is listed. The listing covers all of the outbuildings as these are curtilage structures. The site is also an area of high archaeological potential and part of the car park is within a flood zone. The site and its surroundings are within a Special Landscape Area.

THE PROPOSAL

4. The proposal can be split into two elements:
 - The conversion of part of the outbuildings to a self contained dwelling (2 bedrooms)
 - External alterations to convert part of the outbuildings to two ensuite bedrooms for holiday accommodation in connection with the Public House - This element does not constitute a change of use as the accommodation is not primary (no kitchens, sitting rooms etc...), the units could not be occupied independently, and the use would be ancillary to the PH.

5. The applicants intend for the self contained dwelling to act as an annex to the residential accommodation of the PH. The applicants are Mr and Mrs Scapioni and there son in law and daughter. It is intended that Mr and Mrs Scapioni would occupy the new dwelling and Mr Grey, his wife and their young child will live in the accommodation within the PH. The applicants are of the opinion that the only way the PH will work is if they keep staff costs down by running the business themselves. To achieve this they all need to live on site.
6. The applicants have set out their case in a supporting statement which is summarised below:
 - The applicants purchased the redundant business in 2009 with the view to turn it into a family run PH/restaurant.
 - Their research prior to purchasing the business demonstrated to them that it would only work if all four adults were involved as it would be unviable with staff costs. No staff costs and the ability to live on site are essential to the viability of the business.
 - They would all need to live on site given the nature of the business with the long hours involved in running a PH/restaurant. The business can not support all four of the applicants if one couple had to live off site. If one couple had to live off site then the business could not continue due to high staff costs.
 - The existing accommodation at the PH is very limited with two bedrooms and no separate kitchen. It would not provide adequate accommodation for the extended family.
7. The application is also supported by:
 - Heritage Statement/Historic Survey
 - Ecological Assessment
 - Flood Risk Assessment
 - Design and Access Statement
 - Contaminated Land Assessment
8. These documents can be viewed prior to the meeting by appointment with the case officer.

RELEVANT HISTORY

9. Works have been approved in relation to the Public house - a boarded porch extension (B/09/01430) and the vehicular access widened (B/09/01235).

NATIONAL GUIDANCE

10. **PPS1** (Delivering Sustainable Development)
11. **PPS3** (Housing)
12. **PPS25** (Flooding)
13. **PPS7** (Sustainable Development in Rural Areas)
14. **PPS4** (Planning for Sustainable Economic Growth)
15. **PPS5** (Planning and the Historic Environment)

PLANNING POLICIES

16. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan - 2008

- **ENV7** (Quality in the Built Environment)
- **SS1** (Achieving Sustainable Development)

Babergh Local Plan (Alteration No.2) 2006

- **CN01** (New Development)
- **CR19** (Conversion of Buildings to Dwellings)
- **CR01** (Development in the Countryside)
- **HS04** (Protecting the Countryside)
- **HS02** (Housing in villages)
- **HS03** (Non-sustainable and Sustainable villages)
- **HS28** (Infilling)
- **HS32** (Open Space)
- **TP15** (Parking)
- **CN06** (Listed Buildings)

The relevant documents can be viewed via the internet. Please see Page 3 for details.

CONSULTATIONS

17. Long Melford and Alpheton Parish Council's - No comments received.
18. Local Highway Authority - No objections received.
19. Environment Agency - No objection subject to conditions being attached (requiring the implementation of the recommendations contained within the Flood Risk Assessment).
20. County Archaeologist - The buildings need to be recorded and understood prior to the determination of the application.
21. Natural England - No objection.
22. Suffolk Wildlife Trust - Satisfied with the ecological report and its findings. Confirmed that the proposal does not appear to have an impact on protected species or designated habitat.
23. BDC Environmental Health (Land Contamination) - No objection subject to conditions.
24. BDC Economic Development - No objection if the accommodation (residential and holiday) remains in association with the Public house. The diversification will strengthen the future viability of the PH.

REPRESENTATIONS

25. No letters of representation have been received.

PLANNING CONSIDERATIONS

Principle of Development

26. The alterations to facilitate the tourist accommodation are acceptable in principle. The impact on the listed building is discussed in more detail below. The principle of the new dwelling is more complex.
27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:
- If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*
28. Paragraph 31 of PPS1 *Delivering Sustainable Development* issued in 2005 states that:
- The Regional Spatial Strategies and Local Development documents that are development plan documents form the framework for taking decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise.*
29. Para.10 of The Planning System: General Principles (the companion guide to PPS1) states that:
- Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.*
30. It is therefore clear that an application should be determined in accordance with the development plan (Local Plan and East of England Plan) unless other material considerations outweigh the Policy. It is rare that material considerations outweigh the development plan.
31. In this instance the site is within the countryside therefore Policies CR19, HS04, HS02, HS03 and CR01 apply. These policies all direct new residential development towards identified settlements. Policy CR19 requires conversions of rural buildings to dwellings to be subject to a marketing campaign which first tests economic uses of the building. This approach is supported in PPS3 and PPS7. The starting point therefore, is that the self contained residential unit is unacceptable in principle and in the absence of a marketing campaign does not accord with Local Plan Policy CR19. The assessment therefore has to move on to whether there are any other material considerations and whether these outweigh the clear guidance set out in the development plan.
32. The material considerations in this case are as follows:
- The applicant's intention is that the self contained residential accommodation should be linked with the Public house in perpetuity (the applicant intends to enter into an s106 agreement to ensure this). If the residential unit was not tied in this way, then the application would not be supported as it would just be a conventional open market dwelling.
 - The applicants living on site would facilitate the retention of the only facility within the Bridge Street settlement - the PH.

- The proposal would provide four jobs (the applicants).
 - PPS4 has recently been published which discusses the importance of economic development in rural areas and the need to support the viability of rural businesses.
 - Policy CR20 recognises the importance of local facilities to rural communities.
 - The applicants would be living on site, this would actually be more sustainable than living off site and travelling to work.
 - There are no houses available at the moment within walking distance of the PH which they could rent or buy - even if there was the business could not sustain off site living.
 - The intension of Policies HS02, 03 and 04 is to direct new residential development towards service centres such as towns and villages to improve the viability of these centres, protect the countryside and reduce the need to travel. In this case, these Policies would actually work against the retention of the PH as a viable business.
 - The building is listed; the conversion will safeguard the outbuildings bringing them into use and safeguard the historic function of the PH.
 - Case law has demonstrated that this approach, extra staff accommodation on site, can be an acceptable solution to issues of viability.
 - There would be local community and economic benefits from the PH retention as a business. For example they may source their produce locally and the PH gives the community somewhere to interact. The proposal also includes tourist accommodation which will bring visitors to the area.
 - Living on site will reduce the risk of crime.
 - The occupants would be living as a single family unit - this is normally material when an annex is proposed to a residential dwelling.
 - The proposal is a conversion, not new building in the countryside
33. In this case the combination of these factors leads Officers to conclude that the material considerations outweigh the development plan and therefore the principle can be supported.

Design, Impact on the Listed Building and Impact on Character

34. PPS5 requires a LPA to understand the historic and/or architectural significance of a heritage asset (such as a listed building) before assessing a proposal. PPS5 requires 'informed conservation'. To this end the applicants commissioned a Heritage Statement which was prepared by an architectural historian. The conclusion of this report is as follows:

'Despite the loss of its original roof and ceiling the external appearance of the stable remains largely unaltered and makes a significant contribution to the character of the street. Smaller inn stables of this kind are increasingly rare survivals, particularly with original fixtures and fittings such as the impressive manger found here...the historic character of the roadside elevation relates to its loft door and the corresponding lack of doors and windows on the lower storey, a character which was retained in spite of the 20th century alterations. Although of undoubted historic interest the stable and its attached range of sheds and not sufficiently well preserved, or of sufficient age of rarity, to merit listing in their own right.'

35. The buildings are curtilage listed, and are therefore afforded protection. Their importance/significance comes in their contribution to the setting and history of the Rose and Crown, a building of 18th century origins. Although of significant interest, some works will be needed to find a long term, suitable use for them. Such a use should be compatible with their historic character and contribution to the PH. An ancillary use would be the most appropriate.

36. The most important elevation is that fronting the lane to the north of the site. The proposal has proposed the introduction of windows and doors in a sympathetic way. The door would be a barn style painted black to contribute the character of the building. The existing first floor door would be retained and the windows are simple with no horizontal glazing bar - consequently they would not have the conventional domestic appearance.
37. The rear elevation is less successful. The weatherboarding does not fit the brick character and form of the building and will obscure the rubble wall which is a block up central entrance. The large area of glazing will result in much of the wall being removed. However, the boarding is necessary to allow insulation and the windows for adequate light given the small windows on the north elevation. Boarding is present on the single storey range and the rear of the Public house. On balance, the works are considered to maintain the character of the buildings and its contribution to the site.
38. The alterations to the single storey range are less problematic. This range has less significance (as demonstrated in the Heritage Statement) and the alterations are working with what is already there such as external boarding. The fenestration retains the rural, functional character of the building. The buildings will not appear overtly domestic, safeguarding the historic character and contribution to the site.
39. The proposal adheres to Policy CN06 in that it safeguards the historic and architectural significance of the building (as identified in the Heritage Statement) and therefore guidance in PPS5.

Flood Risk

40. The Environment Agency initially required a full Flood Risk Assessment, in line with PPS25, but have reconsidered their position. The applicants intend to implement flood resilience measures to reduce the risk of flooding such as a floor level 150mm higher than the existing, solid floors and high level electrical fittings. The EA have no objection subject to the resilience measures being secured by condition.

Highways and Parking

41. The parking and access would be unaltered. No objections have been received from the LHA although questions were initially raised regarding the level of parking. Eighteen spaces are sufficient for the proposed uses at the site.

Other Issues

42. Land Contamination - As the proposal is for residential development, the scheme will result in a sensitive end user. A contaminated land assessment has been submitted. There is no objection from the BDC Environmental Health Team. The EA supports this view.
43. Biodiversity/Ecology - The survey submitted by the applicant has been verified by the SWT and NE. It is unlikely that protected species would be impacted by the development.
44. Servicing - Policy EN21 requires that there should be the provision of adequate and accessible storage and recycling facilities in all appropriate developments to enable easy collection and disposal of waste. There is space for bins in connection with the PH use.
45. Residential Amenity - The proposed location of windows and the fact the building is already there, along with the location of neighbours, means that there will be no harm to residential amenity.

46. Archaeology - No ground works are proposed, the archaeology on this site is above ground archaeology (the buildings), this has been adequately recorded (the Heritage Statement) and therefore no condition is required.

Planning Obligations

47. Policy HS32 requires that developments which will provide one dwelling or more should either provide a financial contribution towards the provision or upgrade of open space nearby (via a 106 Legal Agreement) or provide a Public open space equal to 10% of the gross site area. No Public open space is being provided, therefore a contribution is required. The applicant is happy to enter into a s106 agreement to provide this contribution and secure the extra unit of accommodation as ancillary to the PH

REASONS FOR APPROVAL

48. Subject to the attached conditions and legal agreement, the proposed development is acceptable due to the material considerations which in this instance override the presumption against new residential development in the countryside within the development plan. The proposed design and function adheres to Policy CN06 and CN01 of the Babergh District Local Plan Alt 2 (2006). .

RECOMMENDATION

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide:
- Occupation of the annexe to be tied to the Public House
 - Financial Contribution towards open space
- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:
- Standard time limit
 - Materials and detailing to be agreed
 - Contaminated land investigation
 - Flood proofing
- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Chief Planning Control Officer be authorised to refuse planning permission for the following reason:
- Inappropriate housing in the countryside contrary to Policies CR19, HS04, and HS02 of the Local Plan.
 - Absence of an open space contrary to Policies HS32 of the Babergh District Local Plan Alt 2 (2006).