Report to	Planning applications committee	Item
	13 September 2018	
Report of	Head of planning services	
Subject	Application no 18/00534/F - The Cock Long John Hill, Norwich, NR1 2LY	4(a)
Reason for referral	Objections and departure from development plan	

Ward:	Lakenham	
Case officer	cer Maria Hammond - mariahammond@norwich.gov.uk	

Development proposal		
Change of use to residential (Class C3), demolition of part of existing building		
and construction of 2 No. dwellings.		
Representations		
Object	Comment	Support
2	1	1

Main issues	Key considerations
1	Principle of development
2	Impact on Yare Valley Character Area
3	Heritage
4	Design
5	Biodiversity
6	Amenity
7	Transport
8	Flood risk
Expiry date	17 September 2018
Recommendation	Approve



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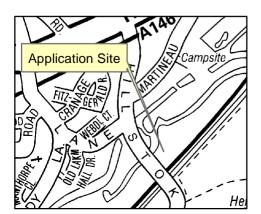
Planning Application No- 18/00534/FSite Address- The Cock, Long John HillScale- 1:1,000





PLANNING SERVICES





# The site and surroundings

- 1. The application site comprises the Cock Inn public house and its curtilage which occupies a large site between Long John Hill, Martineau Lane and the River Yare in Old Lakenham.
- 2. Long John Hill runs downhill in a south-westerly direction towards the site from the ring road to the north and bounds the site to the west. This road forms the main route to and through Old Lakenham. Martineau Lane bounds the site to the north and is a more minor route. Sitting at the junction of these two roads, the site is prominent in the streetscene.
- 3. The River Yare is relatively narrow as it passes the site along its southern boundary and has a very natural character here with reeds and trees lining the banks. Across the river immediately opposite the site is an area of publically accessible open space. A tributary to the River Yare and the River Tas lie further to the south, forming a band of undeveloped floodplain and wet meadows at the bottom of the river valley. North of the site, the rising land is occupied by suburban residential development and across the rivers to the south the land is predominantly agricultural. The site therefore sits at the urban edge of Norwich and in an area which is transitional in character.
- 4. To the east of the site, there is an area of woodland, beyond which is a camping and caravan site. Residential development varying in age and character occupies the land to the north and west.
- 5. Levels across the site drop towards the river and rise slightly to the east. The pub sits at the lowest point in the southwest corner, hard up to the Long John Hill boundary and prominent in views down Long John Hill. The existing two storey brick, flint and rendered building was built following a fire in 1908 which destroyed the original pub that stood on this site since at least the eighteenth century. Later in the twentieth century, the building was extended with various additions on both the riverfront elevation and to the northeast.
- 6. The remainder of this 3,000 square metre site is occupied by a large hard surfaced car park and open, grassed pub garden. The road boundaries are largely open and a small picket fence runs along the riverbank. A significant willow tree and smaller cherry stand on the riverside south of the pub and there are mature trees within and overhanging the site to the east.

# Constraints

- 7. The site is in the Old Lakenham Conservation Area and Yare Valley Character Area. The Cock Inn is locally listed, as are Old Lakenham Mill and the Old Granary to the southwest across the bridge.100 and 161 Mansfield Road (the Old Post Office) immediately opposite west of the site are grade II listed.
- 8. The part of the site nearest the river is in flood risk zones 2 and 3 and parts of the site are at risk from surface water flooding.

# **Relevant planning history**

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Ref	Proposal	Decision	Date
4/1995/0573	Extension to provide dining area and patio overlooking river and gardens	APCON	24/08/1995
4/1995/0802	Details of materials required by Condition 2 of permission 4950573/F for extension to dining area.	APPR	27/09/1995
4/1995/0574	Extension to provide dining area and patio overlooking river and gardens	APCON	24/08/1995
05/01181/F	Retrospective application for the erection of a 1.8 metre high close boarded timber fence at boundary of pub garden adjacent to roadway/bridge.	REF	27/03/2006
16/00028/ACV	Nomination as an asset of community value.	APPR	02/06/2017
17/00933/F	0933/F Change of use from public house to residential (C3), demolition in part of existing building and erection of 9 no. new dwellings.		18/09/2017

# The proposal

- 10. It is proposed to convert the existing pub building to a dwelling and build two new detached dwellings on the car park and garden area of the site.
- 11. Some modern extensions to the pub building would be removed and it would provide three bedrooms, with curtilage to both the roadside and riverside.
- 12. The two new dwellings would be almost identical in scale and design, being one and half storeys in height with dormers to the first floor accommodation, 'L' shaped in plan and providing four bedrooms each. Both would be constructed of red brick, clay pantiles and have timber windows and doors. They would be accessed off Martineau Lane with parking to the roadside and gardens to the sides and rear. The dwelling nearest the pub would be orientated to front the river, as the pub originally did, and that to the northeast side of the site would front the road.
- 13. An undeveloped 'natural landscape corridor' would be maintained along the river frontage, tapering in width from approximately 2 metres wide nearest Long John Hill to 6 metres wide at the northeastern boundary.

14. A new boundary wall would enclose the site and boundary treatments to enclose each plot are to be agreed.

# Representations

15. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Four letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <a href="http://planning.norwich.gov.uk/online-applications/">http://planning.norwich.gov.uk/online-applications/</a> by entering the application number.

Issues raised	Response
Style and size of new dwellings is sympathetic and will complement the neighbourhood.	See main issue 4
The pub is a public/community asset.	See main issue 1
With its position and amenities, the river and garden, this lovely pub could be as good as others which thrive all over the city.	See main issue 1
Previous pub company made it extremely difficult for leaseholder to run a viable business/previous owners did not invest. If it had been offered at a realistic rent or sold to an independent pub/restaurant buyer then it could be viable.	See main issue 1
The pub is an asset which should not be sold for short term gain. This type of development will ruin our community, purely for someone to make a profit.	See main issue 1
No one has succeeded in making pub a success, if residential development does not move this site forward it will become an eyesore and attract antisocial behaviour.	See main issue 1
A mix of pub and some additional residential building on such a large site would be acceptable.	See main issue 1

# **Consultation responses**

16. Consultation responses are summarised below the full responses are available to view at <a href="http://planning.norwich.gov.uk/online-applications/">http://planning.norwich.gov.uk/online-applications/</a> by entering the application number.

# **Environment Agency**

17. No response.

# Highways (local)

18. No objection on highway grounds. The site out and means of access are acceptable in principle, both site accesses are on low trafficked routes. As new build/newly converted none of the properties would be entitled to on-street parking permits. Therefore on plot parking is essential. The proposed new footway provision is welcome and will need to be built to adoptable standards. We need a S38 agreement to facilitate adoption. The hard standing of the driveways and parking spaces will need to ensure that there is no run off to the highway, and should be permeable. The provision of bin and bike storage appears acceptable.

# Landscape

- 19. DM6 policies for protecting and enhancing the natural environment have designated the Yare Valley character area as an important natural environmental resource to be protected from potentially unsympathetic development.
- 20. Land south of Martineau Lane is generally undeveloped with amenity and leisure uses buffering the urban edge. Allotments and a campsite are uses which have a somewhat temporary appearance which alongside the public house and grounds subject of this application, are of a scale and density that offers a positive transition and appreciation of the Yare Valley as a landscape resource.
- 21. Whilst generally undeveloped, unobstructed access and visual connection to the river valley to the south east of Norwich is a much scarcer resource than in other areas south of the city, in part due to large scale infrastructure and the relative inaccessibility of the landscape due to private ownership. Given that the application site has held public amenity value for a significant period of time, it is considered that public amenity space and retained visual benefit should form the basis of any proposal coming forward to comply with policy DM6 and DM8.
- 22. The current proposal of two new dwellings is therefore not considered to meet the requirements of these policies with regard to landscape protection and amenity.
- 23. The topography of the site and its environs, combined with the internal layouts of the properties and their positioning within the site will likely result in a limited sense of natural privacy and an excess of hard surfacing which will not reflect practical use.
- 24. The principal view towards the site will be from an elevated position on Long John Hill to the north. The current layout attributes much of what would usually be considered as private space to be visible from the front of the properties, resulting in the confused and overcomplicated arrangement of boundary treatments.
- 25. Notwithstanding other landscape objections, the current layout of the development is therefore not considered acceptable in landscape terms, in the interests of mitigating effects on the Yare Valley Character Area, public amenity and also the potential future residents of these properties.

- 26. Whilst a lot of attention has been given to the design of the properties themselves, the subsequent creation and layout of external spaces remains unresolved. Limited consideration of the local topography and landscape character has led to a site layout which will subsequently affect the practicality and sense of privacy to future residents and undermine the quality of the Yare Valley Character Area in an area where the resource is scarce.
- 27. The development will result in a loss of an important area which has historically held public amenity value as the first open piece of land within the Yare Valley Character Area when approached from the city, as outlined in these and previous comments.
- 28. A landscape objection is therefore in place in the interests of policies DM6 and DM8 of the Norwich Development Management Policies Document and paragraph 127 of the NPPF.
- 29. While there are benefits to the proposal for the Cock Inn's change of use to a residential property these should not be gained at the cost of the loss of historic access to the river frontage and of the views across the valley which has been enjoyed by local residents and passers-by in an area where this resource is scarce.
- 30. No objection is raised to the application for the change of use for the Cock Inn provided provision is made for a minimum 3m natural landscape corridor along the river frontage.
- 31. Strong objection to the provision of two new properties on the site due to layout and subsequent effects on landscape character. It is however felt that landscape concerns could be partially addressed through amendment to the layout.
- 32. Concerns that overriding the protection that the policies covering the Yare Valley Character Area provide will set a precedent for future applications.

## Norfolk historic environment service

33. Please apply written scheme of investigation condition.

## Ecology

34. Ecological matters can now be dealt with via conditions and no more information is required before a decision is issued. I support the introduction of a natural landscape corridor across the river frontage, shown on plan rev J. Recommended conditions.

## Tree protection officer

35. Removal of T4 is acceptable. T5 is a significant tree and should be afforded every protection throughout the demolition and construction process. Construction works/hard surface close to T3 may also have a detrimental impact. Recommend conditions. The site is spacious and I would like to suggest that the possibility of planting new trees is explored.

# **Norwich Society**

36. Objected to previous proposal. This submission is much improved and provides more space around the existing building, and the 2 houses sit more comfortably on the site. We are therefore happy to withdraw our previous objection.

## Campaign for Real Ale – Norwich and Norfolk Branch

- 37. This pub has been neglected by the previous owners have left a perfectly viable pub to become derelict. In the right hands and due to the position of this pub it could become a very well place for the community. With access to the river frontage this place if perfect for families who wish to sit by the river. If this was to become housing then it is more than likely access to the river would be lost as this stretch of river would become private.
- 38. There is no other pub like this within the area and it would be a loss to the local community if this was to become residential housing. There is also a caravan and camp site not more than 5 minutes away could make full use of the facilities if this was to remain a public house.
- 39. Pubs near rivers and campsites always do well. Plans approved for the re-opening of the Marl Pit show that pubs by the river do have a future, especially as the Council wants to make use of rivers in Norwich.
- 40. With pubs closing at a rate of 2 per day in the country, and the loss of another pub within Norwich, this application if approved would have a detrimental affect on the local community.

## Yare Valley Society

- 41. The site lies within the Yare Valley Character Area. The proposed development does not satisfy any of the requirements and so would violate Policy DM6.
- 42. A public house in this location is a significant local and tourist asset:
  - It offers a larger garden adjacent to the river where the Yare Valley landscape can be enjoyed in relative tranquillity.
  - It provides an attraction for tourists staying at the adjacent Camping and Caravanning site.
  - Its location is in keeping with the green space and other recreational assets of the Yare Valley Green Infrastructure Corridor.
  - A public house so well positioned for clientele, and on such a potentially attractive site, should provide adequate opportunities for a successful business.

# Assessment of planning considerations

## **Relevant development plan policies**

- 43. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery

# 44. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM22 Planning for and safeguarding community facilities
- DM30 Access and highway safety
- DM31 Car parking and servicing

# Other material considerations

# 45. Relevant sections of the National Planning Policy Framework July 2018 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF9 Promoting sustainable transport
- NPPF5 Delivering a sufficient supply of homes
- NPPF12 Achieving well-designed places
- NPPF8 Promoting healthy and safe communities
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment
- 46. Supplementary Planning Documents (SPD)
  - Trees, development and landscape SPD adopted June 2016

# **Case Assessment**

47. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan polices are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

# Main issue 1: Principle of development

# Principle of new residential development:

48. Key policies and NPPF paragraphs – DM6, DM12, Revised NPPF paragraphs 11, 59, 170 and 174

- 49. Policy DM12 allows for new residential development across the city, subject to certain exception criteria. One such criterion is where the land is specifically designated for non-residential purposes.
- 50. This site is within the Yare Valley Character Area, a corridor of land along the River Yare which is identified as having a special character, providing a green urban edge and separating the city from the suburbs and employment areas in South Norfolk. It is an important natural environmental resource that is vulnerable to potentially unsympathetic development.
- 51. Within the Yare Valley Character Area, Policy DM6 only allows for development which would not damage the environmental quality, biodiversity of character of the area. In addition it restricts the types of development permissible to: development for agriculture and forestry purposes; facilities ancillary to outdoor sport and recreation or other uses appropriate to the policy; or, the limited extension of or alteration to existing buildings. Therefore, within this area, the only development that the policy permits is any of these listed types providing it does not damage the character area. As a policy which doesn't allow for residential development, it is an area covered by the exception to the generally permissible approach of Policy DM12 to residential development across the city.
- 52. The application proposes the creation of the three new dwellings; one through conversion of the existing pub building and two new build. In accordance with Policy DM6 the conversion and alteration to the pub is acceptable in principle, subject to there being no damage to the environmental quality, biodiversity of character of the area and subject to the provisions of other policies, including DM22, as considered below. The provision of two new build properties is, however, not one of the three types of development permissible in this area and therefore the principle of this part of the proposal is contrary to this adopted development plan policy, and consequently also Policy DM12.
- 53. In accordance with section 38(6) of the *Planning and Compulsory Act* 2004, applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore, whilst the two new dwellings are not a type of development that accords with Policy DM6, the proposal must be considered as a whole, including the damage the proposal may cause to the Yare Valley Character Area, compliance with other development plan policies, the provisions of the NPPF and other material considerations.
- 54. In support of the proposal, the application identifies that the scheme has been designed to avoid, reduce and remedy adverse effects on the environment and assimilate the development into the landscape. These matters are assessed below. The application also suggests that the proposal provides substantial economic benefits in the form of increases in Council Tax revenue and New Homes Bonus to the Council, additional household expenditure locally and temporary construction jobs. Social benefits in the form of providing three new homes in a highly sustainable location and bringing a brownfield site which is currently vacant, surrounded by temporary fencing and with boarded up windows back into use are also highlighted.
- 55. The applicant considers that residential development is necessary to bring the site back into use as the public house has been closed for over three years. Whilst the

site has been vacant it has been subject to break-ins and it should be noted the Council has received complaints about the deteriorating appearance of the site.

- 56. The principle of the loss of the pub is considered below, but the applicant has stated that to convert it without additional dwellings on the wider site would not represent a viable scheme and would result in the site falling further into a state of disrepair. The pub is locally listed and therefore a non-designated heritage asset. This scheme is said to safeguard the future of the building and provide the public benefits noted above which the applicant considers to be overwhelming and make the principle of new residential development acceptable.
- 57. It is necessary to assess the impacts of the development before weighing them against these claimed benefits and any other material considerations to conclude whether they do indeed outweigh the provisions of the development plan in respect of protecting the Yare Valley Character Area.

#### Principle of loss of community use:

- 58. Key policies and NPPF paragraphs DM22 and Revised NPPF paragraph 92.
- 59. Whilst the conversion and alteration of the pub to provide a new dwelling is acceptable in principle with regards DM6 and the Yare Valley Character Area, it would result in the loss of the public house which is considered a community facility in accordance with Policy DM22. Policy DM22 distinguishes between identified community public houses and others and The Cock Inn is not one of the identified pubs. The loss of the facility would therefore only permitted where:

a) adequate alternative provision exists or will be provided in an equally accessible or more accessible location within 800 metres walking distance; or

b) all reasonable efforts have been made to preserve the facility but it has been demonstrated that it would not be economically viable, feasible or practicable to retain the building or site for its existing use; and

c) evidence is provided to confirm that the property or site has been marketed for a meaningful period and that there is no realistic interest in its retention for the current use or for an alternative community use.

- 60. The proposal cannot comply with criterion (a) as the nearest alternative pub is The Shoemakers on Sandy Lane, over 1 km from the site.
- 61. Criteria (b) and (c) must therefore be satisfied. The pub had three operators on decreasing rents since 2014, one of which was considered to be an established local multiple operator and it is said that none were able to make the pub viable. Initial advertisement on a tenancy at will basis (i.e. without a formal lease or agreement) attracted one interested party, but they subsequently took on another premises.
- 62. The pub was then marketed widely as a going concern from May 2016 and the advertised freehold price of £295,000 is considered to be reasonable. This marketing attracted interest primarily for residential use and the applicant purchased the site for less than the advertised price in December 2016. It is considered that sufficient evidence has been provided that use as a pub no longer

remains viable or feasible and that the site was advertised for a meaningful period which did not attract interest for retention as a pub. Objectors, the Yare Valley Society and Campaign for Real Ale have commented on the location of the site and it is considered that being adjacent to the river, in a residential area and with a nearby campsite it is well placed to attract and serve the local community as well as visitors and this wider catchment potentially makes its more viable than those which serve a smaller local clientele. However, three successive operators failed to maintain its past success. The concerns regarding the operation of the pub are noted, however in the determination of the application it must be considered whether criteria (b) and (c) of Policy DM22 have been satisfied and in this case it is considered that they have been.

- 63. Where criteria (b) and (c) are satisfied and the loss of the current/last community use is accepted, Policy DM22 states that preference will be given to proposals for change of use or redevelopment to alternative community uses before other uses are considered. No alternative community uses have been considered for this site and it is considered that the marketing exercise is likely to have attracted these, especially as it was sold for less than the advertised price.
- 64. As well as the public house itself, the large garden gave customers access to enjoy and appreciate the riverside environment. This is identified in the Conservation Area Appraisal which describes the site as 'important recreation resource' and it is noted that the proposal would result in the loss of this public access to the riverside. This is considered further below.
- 65. The loss of any community facility is regrettable and it is acknowledged that this site has successfully served visitors as well as locals in the past. However, in accordance with Policy DM22, it is accepted that the public house is no longer viable and the loss of this community facility is accepted.

## Main issue 2: Impact on Yare Valley Character Area

- 66. Key policies and NPPF paragraphs JCS1, DM6, Revised NPPF paragraphs 170
- 67. The objective of Policy DM6 with regards the Yare Valley is to protect this important natural environmental resource from potentially unsympathetic development which could otherwise compromise its character. The Yare Valley is the only area of the city which benefits from such explicit safeguarding from development and the protection of such valued landscapes is consistent with paragraph 170 (a) of the NPPF; the policy can therefore attract significant weight in the determination of the application.
- 68. To assess what impact the proposal would have on this character area, it should be considered what the character is, what contribution the site as existing makes to it and how the proposed development would affect that.
- 69. The supplementary text to Policy DM6 describes the Yare Valley as: "a green corridor to the south of Norwich, separating the city from suburbs and employment areas in South Norfolk and providing a green urban edge". The South Norfolk Landscape Character Assessment provides useful additional context and identifies the area immediately across the river as a Valley Urban Fringe character area, with key characteristics including: a distinctive broad meandering valley form, an inaccessible valley floor with relatively few river crossings and a distinct absence of

settlement within the valley, apart from discrete areas nestled around river crossings.

- 70. The application site forms part of the settlement nestled around one of the few river crossings and, along with the former mill and Old Post Office, makes up part of the historic core of Old Lakenham. The site's position at the bottom of the sloping river valley is readily perceived as you travel towards it downhill along Long John Hill from the north or Stoke Road to the south. From elevated public vantage points on Long John Hill there are views across the open car park and garden of the river and rising valley side beyond. The land on the opposite bank is publically accessible open space and the agricultural landscape beyond that can be seen to the horizon with some intervening woodland. There is an absence of built development in these long views which provide a verdant green backdrop to the application site and sense of place within a river valley. The public house with open land to its eastern side has been a feature of this landscape since a pub was first developed here in the eighteenth century.
- 71. To the east of the site there is an area of woodland, beyond which is a campsite. The scale nature of these land uses, along with the existing low density of development on the application site, is considered to offer a positive transition from the suburban development to the north into the open valley landscape and an opportunity to appreciate the Yare Valley as a landscape resource. Such opportunities are scarcer to the southeast of the city than other areas of the valley.
- 72. The application would retain the public house building which is an established local feature and alterations would remove a number of extensions, providing greater space around the building through which greater views across the site may be gained. The provision of two new dwellings on the existing open car park and garden area would, however, result in the loss of an important area which has historically held public amenity value and the loss of open character of the site and unobstructed views across the wider valley landscape. Whilst from the river and opposite side of the valley, the development would be seen against the suburban development on the valley side and have limited impact, the impact from the city side is considered to damage the character. The proposal is therefore directly contrary to Policy DM6 in terms of this damage and the proposed use; accordingly there is a landscape objection.
- 73. Whilst the pub garden has historically provided a local amenity, it is not identified as an open space in the Development Management Policies maps and does not therefore benefit from the protection of Policy DM8, unlike the woodland to the east and the riverbank to the south, the latter of which is publically accessible for recreation. This is considered further below.
- 74. With regards Policy DM6, this expects all development across the city to take all reasonable opportunities to avoid harm to and protect and enhance the natural environment and its setting. In relation to the Yare Valley in particular, the policy restricts the types of development permitted here and only allows those developments where they do not damage the environment, biodiversity and character. The overall objective is to protect this area from potentially unsympathetic development.
- 75. By resulting in the loss of the openness of the site and valley views, the proposal would harm the site's setting and damage the character of this particular part of the

Yare Valley contrary to Policy DM6. However this impact would be confined to this relatively small section of the Character Area which covers the length of the Yare valley from Bowthorpe to Trowse. It is not therefore considered it would damage the character area as a whole and is only unsympathetic in terms of developing an existing open site; the appropriateness of the design of the scheme to the area is considered further below.

## Main issue 3: Heritage

- 76. Key policies and NPPF paragraphs DM9, Revised NPPF paragraphs 192-196.
- 77. As well as being within the Yare Valley Character Area, a non-statutory landscape designation, the site is within the Old Lakenham Conservation Area; a statutory designation in recognition of the areas special historic and/or architectural interest. Whilst these two designations are for different purposes and benefit from different levels of protection, there is some overlap in the character which they seek to protect.
- 78. The important contribution the rivers and wet meadows make to the character and appearance of the Conservation Area is noted throughout the Conservation Area Appraisal and the application site is described as an important recreational resource, as is the public open space on the opposite bank.
- 79. The application site is within the historic village core which constitutes sub area A in the Conservation Area Appraisal. The scene around the bridge and road junction where the Cock Inn, mill and Old Post Office are clustered has remained largely unchanged since the fire in 1908. This area has historically maintained a very close relationship with the river and the Conservation Area Appraisal notes "It is important that the scenic views of the river from the bridges and the open space between them, as well as the relationship between the river and the Cock Inn, are preserved and well maintained".
- 80. Historic red brick boundary walls are also noted as an important feature throughout the Conservation Area, including that to the immediate west of the site enclosing the Old Post Office from Long John Hill. In relation to the site, the Appraisal notes the 'tatty' boundary treatment to the car park, which itself is described as a 'vacuous space dominating the streetscene'. To remedy this, the Appraisal recommends enclosing the car park and providing street frontage, for example planting. Since the Appraisal was published and the public house closed, the sites appearance has deteriorated prompting local complaint.
- 81. The Cock Inn is an important historic building in the Conservation Area and this is reinforced by its designation as a locally listed building. The proposal would retain the building and convert it to a more viable use. The alterations proposed to facilitate the conversion would include removing a number of later, unsympathetic additions and overall it is considered that this conversion would be beneficial and enhance the historic interest of the building. In that respect, the proposal is acceptable with regards Policy DM9 and paragraph 197 of the NPPF.
- 82. With regards the impact on the Conservation Area, the proposed open corridor along the river frontage would largely maintain this historic open area between the building and river, albeit with some more private space immediately in front of the building which is considered necessary for the amenity of future occupiers. This

corridor would also maintain an open frontage between the two new dwellings and river and the dwelling nearest the pub would echo that buildings original orientation, retaining this relationship with the river. The presence of the two dwellings would, however, result in the loss of the 'important recreational resource' and obstruction of some scenic views across the site from Martineau Lane and Long John Hill.

- 83. The retention of some public access within the site has been explored during preapplication discussions and consideration of this application. Options to provide a pedestrian route through the site or the natural landscape corridor have been assessed, however a solution which would provide a safe, usable and attractive space compatible with adjacent uses has not been found. Regrettably, it is concluded that there is not a viable solution to retain any public access on the site as part of this scheme. This historic amenity would therefore be lost as a consequence of the development and whilst access to the riverside and opportunities to appreciate the open character of it and wider setting are relatively scarce, the amenity space on the opposite river bank, where access to the water is possible and which is protected by virtue of Policy DM8, would not be affected. The general public (not just pub customers) would therefore continue to have open access to the area immediately adjacent to the application site. The loss of the access is not therefore considered unacceptable.
- 84. In terms of the obstruction of the scenic views across the site and the contribution they make to the character and appearance of the Conservation Area (and yare Valley Character Area), the two new dwellings would not result in their total loss and the buildings would be spaced across the site to retain views between them. Whilst the openness and character of the site which positively contribute to the Conservation Area would alter as a result of the proposal, the harm to this designated heritage asset is considered to be less than substantial in scale.
- 85. In accordance with paragraph 196 of the NPPF, less than substantial harm to a designated heritage asset must be weighed against the public benefits of the proposal, including securing its optimal viable use. In this case, the proposal would secure the viable and appropriate use of a non-designated heritage asset, the locally listed pub, which is an important building within the Conservation Area. Although the cessation of its use as a public house is regrettable, its conversion to a residential use is to be welcomed and encouraged to bring it back into a beneficial use and secure the long term conservation of its fabric and appearance. The conversion aspect of the proposal is therefore considered to be a public benefit.
- 86. The pub is situated in the southwest corner of a large site and that its conversion alone with retention of the rest of the site as an extensive private garden is unlikely to be a viable development prospect. Whilst the conversion proposal would be acceptable in isolation, there is likely to remain development pressure over the rest of the site. Redevelopment which facilitates and supports the viability of the pub conversion and prevents the remainder of the site becoming long term vacant and detracting from the character and appearance of the area, must therefore also be considered a public benefit.
- 87. The proposal would provide three new dwellings. It should be noted that this application follows the withdrawal of a previous application (17/00933/F) which proposed the conversion of the pub and provision of nine new dwellings. Whilst that would have resulted in a greater contribution to housing supply, the harm to the Conservation Area and Yare Valley would not be outweighed by it. The scale of

new development has reduced considerably as a result of pre-application discussions and the applicant has also been asked to consider the provision of only one new dwelling in an arrangement which would maintain open views across the central part of the site. Having considered this, the proposal remains for two new dwellings and must be determined on that basis. The weight that can be given attributed to the contribution to housing supply is considered further below in the Conclusion.

- 88. Another benefit would include the enclosure of the car park area with a boundary wall consistent with other local features, in accordance with the recommendations of the Conservation Area Appraisal. Heritage interpretation measures are also proposed.
- 89. The design of the scheme in relation to the character of the Conservation Area is considered further below, however it is considered that there are some benefits which weigh against the less than substantial harm to the Conservation Area and the proposal would be of benefit to and enhance the locally listed pub building.
- 90. The development would be seen in the setting of adjacent listed buildings, but it is not considered it would cause any harm. There is potential for buried archaeological remains to be present on the site and therefore a condition requiring appropriate investigation is necessary.

## Main issue 4: Design

- 91. Key policies and NPPF paragraphs JCS2, DM3, Revised NPPF paragraphs 124, 127-131
- 92. As noted above, the layout of the two new dwellings is such that there would be sufficient gaps between each to maintain some views through the site. The drop in levels from the road to the river would mean much of the curtilage space and any low level development within it (*i.e.* boundary treatments) would be screened by the 1.2 metre high boundary wall when seen from elevated positions further up Long John Hill, but less so from Martineau Lane, and the dwellings would sit relatively low in the wider view of the valley landscape. The Landscape comments concerning potential improvements to the arrangement of external spaces and boundary treatments are appreciated and the applicant has had an opportunity to address these but wishes for the application to be determined as currently proposed. It is considered necessary to agree the precise layout, scale and design of boundary treatments and external areas by condition to ensure they do not significantly detract from or block views through the site.
- 93. The density of the development with three detached dwellings sitting in relatively spacious gardens plots is considered to retain a transitional character between the more dense suburban development to the north and floodplain and agricultural landscape across the river.
- 94. The orientation of the two dwellings is such that the one nearest the pub has its elevation with the main architectural features fronting the river to maintain the pub's historic relationship fronting the river. The north-eastern most dwelling would be sited closer to and front the road and this is considered appropriate.

- 95. The internal and external layout of each dwelling in combination with the changes in levels is unlikely to provide a high degree of natural privacy to each dwelling, however this can be improved with appropriate landscaping that can be agreed by condition. Patio areas, bin and cycle storage would be concentrated on the roadside of the dwellings which would keep the riverside garden area free of such clutter and maintain some of the open character. Whilst there can be no control over the siting of domestic paraphernalia (washing lines, seating, play equipment, *etc.*) that does not constitute development, it is considered necessary to remove permitted development rights for curtilage buildings and boundary treatments to ensure the gardens remain as open as possible. The natural landscape corridor would also retain an undeveloped buffer between the dwellings and their gardens, maintaining a sense of open space and the historic relationship with the river.
- 96. In terms of scale, the two dwellings would be near identical and at one and a half storeys they would be no higher than the two storey pub, taking into account rising ground levels to the east. The form and design is relatively traditional and considered appropriate for this riverside location with a more rural character, reinforcing the transitional position of the site at the urban edge. High quality materials are proposed and the new dwellings are considered acceptable in design and appropriate to the Conservation Area.
- 97. As noted above, the alterations to the pub would include the removal of a number of later single storey additions to the northeastern side and also river elevation which would improve the appearance of the building. Due to its existing form and internal layout, the alterations to facilitate its conversion to residential accommodation are relatively minor. The conversion of this building is therefore acceptable in design terms and the proposed boundary wall to enclose the site from the wall is welcomed.
- 98. Subject to agreeing an appropriate landscaping scheme to complement the design quality of the dwellings and minimise the adverse visual impact from outside the site, the proposal is acceptable with regards Policy DM3.

## Main issue 5: Trees

- 99. Key policies and Revised NPPF paragraphs DM7, Revised NPPF paragraph 170
- 100. One minor tree would be removed and protection measures for the more significant trees which are to be retained are proposed. These are acceptable and should be secured by condition and additional tree planting should be included in a landscaping scheme.

## Main issue 6: Biodiversity

- 101. Key policies and NPPF paragraphs JCS1, DM6, Revised NPPF paragraph 174 and 175
- 102. The other aspects of the qualities which the Yare Valley is protected for are the environmental quality and biodiversity. When the site was in use as a pub, the majority of the area was maintained as mown grass and therefore has limited biodiversity potential but contributes to the green corridor along the river.
- 103. The existing picket fence along the riverbank would be removed and it is proposed to create a 'natural landscape corridor' along the river frontage which, subject to an

appropriate management plan, would ensure any species along the riverbank are not affected.

- 104. An ecology report has been submitted which concludes no bats were found roosting in the building or trees, but were active nearby, and no other protected species were recorded. The report recommends a construction environment management plan to ensure there are no detrimental on or off site impacts during construction.
- 105. It is not therefore considered the proposal would damage the environmental quality or biodiversity of the Yare Valley and mitigation and enhancements can be secured by condition.

#### Main issue 7: Amenity

- 106. Key policies and NPPF paragraphs DM2, DM11, Revised NPPF paragraphs 127 and 180.
- 107. Each dwelling exceeds minimum space standards and would generally provide a high standard of amenity.
- 108. There would be some overlooking between the three dwellings and, as noted above, views into the site from the roads, but not to any unacceptable degree. No existing neighbouring dwellings would be directly overlooked or suffer any significant loss of privacy. The redevelopment of the site is likely to result in less noise and disturbance to neighbouring occupiers than the use as a pub. It is therefore considered the proposal is acceptable with regards the amenity of existing and future occupiers.

#### Main issue 8: Transport

- 109. Key policies and NPPF paragraphs JCS6, DM28, DM30, DM31, Revised NPPF paragraphs 102, 103 and 108-111.
- 110. The proposed layout would maintain the existing two entrances into the site, with the one off Martineau Lane serving the two new dwellings. Each dwelling would be provided with two parking spaces, within the appropriate standards, and adequate bin and cycle storage would be provided within the site.
- 111. It is proposed to provide a footpath to the perimeter of the site where there is currently only a verge and this is welcomed, subject to securing that it will be built to adoptable standards.

#### Main issue 9: Flood risk

- 112. Key policies and NPPF paragraphs JCS1, DM5, Revised NPPF paragraphs 155-165.
- 113. The site is at risk of fluvial and surface water flooding. The fluvial risk is limited to the lower portion of the site nearest the river and surface water risk is concentrated to an area northeast of the existing pub.
- 114. In response to the fluvial risk, the two new dwellings are proposed in the safest part of the site, classified as flood risk zone 1, but when an allowance is made for climate change in the 1 in 100 year event, up to 14.7 square metres of the footprint

of one of the dwellings would be at risk. Part of the existing public house is within zone 2 and the majority of its footprint would be at risk in the 1 in 100 year plus climate change event. However, as approximately 110 square metres of this building is proposed to be demolished, there would be a net increase in flood storage across the site and thus betterment. The floor levels of the new dwellings would be above the design flood level. It would be impractical to raise the ground floor level of the existing pub above the extreme flood level so water exclusion measures are proposed and should be secured by condition. Subject to this condition and another requiring a flood response plan, the proposal is acceptable with regards fluvial flood risk.

115. The site as existing is occupied by the pub building and an extensive area of hard surfaced car park. This proposal would significantly reduce the impermeable area of the site and new permeable surfaces and an appropriate sustainable drainage system to manage surface water can be agreed by condition.

# Compliance with other relevant development plan policies

116. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition
Trees	DM7	One minor tree would be removed and protection measures for the more significant trees which are to be retained are proposed. These are acceptable and should be secured by condition. Additional tree planting should be included in a landscaping scheme.

## Equalities and diversity issues

117. There are no significant equality or diversity issues.

## Local finance considerations

118. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance

considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.

- 119. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
- 120. In this case local finance considerations are not considered to be material to the case.

# Conclusion

- 121. This application proposes the conversion of a public house to a dwelling and the erection of two new dwellings on the remainder of the site.
- 122. Although the loss of the pub as a community facility is regrettable, it is considered to be justified in this instance in accordance with Policy DM22.
- 123. The site is in the Yare Valley Character Area, one of few parts of the city where development is restricted in order to protect the environmental quality and landscape character.
- 124. Policy DM6 allows for the alteration of existing buildings in the Yare Valley Character Area, providing they do not damage its qualities or character and that is considered to be the case with the proposed conversion of the pub. The conversion scheme would also enhance the significance of this locally listed building and is welcomed in relation to Policy DM9 and NPPF policies concerning non-designated heritage assets. The conversion aspect of the proposal is therefore acceptable in accordance with relevant development plan policies and the NPPF.
- 125. Policy DM6 does not, however, allow new build residential development in the Yare Valley nor any development which would damage the environmental quality, biodiversity or character of the area. The proposal to provide new dwellings on the site is therefore contrary to this policy in principle and it has been assessed that there would be some damage to the character of the area. There would not, however, be any damage to the environmental quality or biodiversity of the site or wider area.
- 126. As this aspect of the proposal is contrary to the provisions of Policy DM6, the application should be refused, unless there are material considerations which indicate otherwise.
- 127. The proposal is considered acceptable in all respects, other than the adverse impact on the character of the area. This impact is primarily on the particular qualities of the Yare Valley namely its openness and undeveloped character. As existing, the site positively contributes to this by virtue of the large, open car park and garden area providing unobstructed scenic views across the valley and which also provides access to the riverside and a space to appreciate the landscape from. The damage to the character of the area would occur as a result of the erection of two dwellings and associated enclosure of curtilage that would diminish the openness of the site and obstruct clear and direct views across the valley.

- 128. The scenic views and open relationship of the site with the river are also key characteristics of the Old Lakenham Conservation Area which the site forms a prominent and important part of. With regards paragraph 196 of the NPPF, this harm to the Conservation Area is considered to be less than substantial and there are public benefits of the proposal (considered below) which weigh against this harm.
- 129. It is therefore the extent of the damage to the character of the Yare Valley that must be considered. One aspect of this is the loss of access to the riverside and whilst this is regrettable, it is not open space that benefits from any direct policy protection and a viable solution to retain some public access in the approved scheme cannot be found.
- 130. Another aspect is the loss of valley views from outside the site. The topography of the local area and the site's position at a road junction means significant views over the site, to the river and rising valley beyond through to the horizon on the other side can be gained as you travel Long John Hill towards the river. There are also views across from Martineau Lane. The proposed new dwellings would not, by virtue of their scale and positions within the site completely obscure views of the wider landscape, although it is noted that improvements to the site layout and design could further minimise these. The relatively low density of the development and retention of largely open spaces between dwellings and an undeveloped corridor along the river would retain a transition in character between the suburbs to the north and river to the south and whilst it would obviously not have the same openness as the existing site, it is not considered the sense of space would be lost altogether. The development is not therefore considered to be unsympathetic to its setting and character of the area.
- 131. These impacts would be confined to the immediate area of the application site and would not be so significant as to damage the character of the Yare Valley more widely. Although it is appreciated that such open and accessible sites such as this are relatively scarce to the southeast of the city.
- 132. It is therefore concluded the damage to the character of the Yare Valley is localised and does not constitute the complete loss of the characteristic openness and scenic views.
- 133. In terms of other material considerations, as noted above, the proposal is considered to comply with other development plan policies. It is also a material consideration that the proposal would contribute a total of three new dwellings to housing supply and would redevelop an existing vacant site. The site as a whole can be considered to comply, broadly with the NPPF definition of 'previously developed land' and is certainly 'under- utilised land'. Accordingly, paragraphs 117 and 118 encourage the effective use of such sites to meet identified needs for housing, especially where land supply is constrained. Paragraph 117 notes that this approach should also safeguard and improve the environment and whilst the Council cannot currently demonstrate a five year housing land supply, land supply is not considered to be so constrained across the city that this outweighs the need to protect the Yare Valley from unsympathetic or damaging development.
- 134. In the absence of a five year housing land supply, Policy DM6 cannot be given full weight in the determination of the application. The Yare Valley Character Area is not a statutory designation so, when applying the presumption in favour of

sustainable development at paragraph 11 of the NPPF, it does not benefit from any direct NPPF policy protection which provides a clear reason for refusal of development where other policies are of out of date with regards housing land supply. The policy is, however, consistent with NPPF paragraph 170 in terms of protecting valued landscapes and therefore still attracts significant, but not full, weight.

- 135. Whilst the contribution this proposal would make to housing supply is a material consideration, the need to deliver housing should not be considered to outweigh the need to protect the Yare Valley. However, in this case, it is considered the three dwellings could be achieved with limited harm to that Character Area.
- 136. Securing a long term viable use for the currently vacant locally listed building and conversion of it in a way which would enhance its significance is considered a substantial benefit of the proposal. This could be achieved in isolation and is a policy compliant aspect of the proposal. However, consideration needs to be given as to how likely and viable it is that the pub would be converted in isolation with the rest of the site retained as curtilage to it or open space. Whilst no verifiable financial or other supporting information has been submitted, the application does assert that 'the conversion of the public house without the additional dwellings on the wider side would not represent a viable development scheme and would result in the site falling into a state of further disrepair'. Some weight can be given to this as it is considered unlikely that the pub would be converted in isolation or that any of the development types specifically permitted by Policy DM6 (agriculture, forestry, outdoor sport or recreation) are likely to either come forward or be considered compatible alongside a dwelling in the converted pub.
- 137. Little weight, however, can be given to the other economic and social benefits identified by the applicant and as detailed at paragraph 54 above.
- 138. Regard must also be had to the representations received to the application. Whilst it is appreciated that the loss of the pub is resisted by some objectors, there is some acceptance that if it is lost, there is a need to redevelop the site and indeed one representation in support of the proposal.
- 139. In conclusion, whilst the value and importance of the Yare Valley Character Area should not be diminished and Policy DM6 can and should be afforded significant weight in the determination of the application, it is considered that the harm to the area is localised and the valued characteristics would not be lost entirely. Policy DM6 aside, the proposal complies with development plan policies and is considered an appropriate use for this vacant site in a relatively sustainable location. This is an extremely finely balanced decision and officers consider that the benefits and material considerations assessed above do outweigh the policy conflict and harm to the Yare Valley Character Area and Conservation Area.
- 140. Whilst the proposal is not in full accordance with the requirements of the development plan, and it is concluded that there are material considerations that weigh in its favour and indicate it should be recommended for approval as a departure to the development plan.

# Recommendation

To approve application no. 18/00534/F - The Cock Long John Hill, Norwich, NR1 2LY as a departure to the development plan and grant planning permission subject to the following conditions:

- 1. Standard time limit
- 2. In accordance with plans
- 3. Construction environment management plan
- 4. Landscaping scheme
- 5. Biodiversity enhancements
- 6. Lighting scheme
- 7. Management plan for landscape corridor
- 8. Water exclusion strategy measures
- 9. Flood response plan
- 10. Surface water management plan
- 11. Minimum finished floor level
- 12. Written scheme of archaeological investigation
- 13. Heritage interpretation measures
- 14. Arboricultural site brief
- 15. Arboricultural site meeting and further details
- 16. Arboricultural supervision
- 17. Materials to be used in external alterations to pub to match existing
- 18. Provision of parking and servicing prior to first occupation
- 19. Water conservation
- 20. Remove permitted development rights boundary treatments
- 21. Remove permitted development rights curtilage buildings

## Informative Notes

- 1. Construction management
- 2. Section 38 highways agreement
- 3. Protected species

## Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and some subsequent amendments, the application is recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.



Signedichecked: P.B./J.N Revision Project No. 3179.1016N Sheet No. 5

SUDE AT (MTXSM)



SOBEAT (MILESH)



