

**Application for Determination**

<b>Parish</b>	Ormesby		
<b>Reference</b>	BA/2012/0356/FUL	<b>Target date</b>	16.01.2013
<b>Location</b>	The Eels Foot Public House, Eels Foot Road, Ormesby, Norfolk		
<b>Proposal</b>	Resubmission of BA/2012/0254/FUL for the proposed renovation, alterations and extensions to the existing public house, including demolition, provision of manager's flat and holiday accommodation, including three self catering chalets and five guest bedrooms with en-suite. Including, extension to existing storage outbuilding, new wedding arbour, picnic area and children's play area.		
<b>Applicant</b>	Trinity Waters Ltd.		
<b>Recommendation</b>	Approve subject to conditions		
<b>Reason referred to Committee</b>	Third Party Objections		

**1 Description of Site and Proposals**

- 1.1 The application site contains a public house which is situated on the northern bank of Ormesby Broad, a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The wider area is rural in character with residential dwellings lining the main road to the north of the application site. The site is accessed via a minor road, The Eels Foot Road which extends down towards the Broad from Main Road to the north. Main Road is the A149, which is a principle road. Two residential dwellings sit to the immediate west of the application site, within sizable grounds and agricultural land surrounds. A group of trees sitting within the application site, to the east, are the subject of a Tree Preservation Order (TPO).
- 1.2 The public house has become dilapidated and has been closed since March 2012. The public house sits facing the Broad to the south and is a two and a half storey red brick, rendered, building. The building has been extended significantly in the past, in an ad-hoc manner. A number of the extensions have been recently removed as part of the demolition works, this did not require planning permission. A number of two storey and single storey extensions projected from the rear and east side, and a large single storey, timber clad, function room projected towards the Broad, sitting

perpendicular to the principle elevation. As most of this has been recently demolished only the main host building and later two storey brick extensions remain.

- 1.3 This application is for the renovation of the public house to improve the existing facility and provide five guest bedrooms and one unit of manager's accommodation within the 1<sup>st</sup> floor and roof space. The application also includes the re-building of the function room, erection of a single storey extension to the function room, which faces the Broad, to provide additional dining space. Three guest lodges are proposed to be sited to the east of the site within an area of trees. The proposals also includes the extension of the existing store to create a larger gardening store, the installation of a children's play area, the erection of a wedding arbour, and works to the car park to provide additional parking space and access road to provide two passing places. The existing concreted quay heading is proposed to be removed and the bank re-graded to provide a more natural bank and promote reed growth. Additional tree planting and landscaping is also proposed.
- 1.4 The glazed extension is proposed to be approximately 22m long, 10m wide, and 4.8m to the ridge.
- 1.5 The lodges are proposed to be approximately 6m wide and 4.2m to the ridge, but of different lengths being 8m, 10m, and 12m long.
- 1.6 In terms of use, the intention is to provide a traditional family public house and restaurant with the ability to hold functions, such as weddings. The accommodation provided is to be used for holiday use only.

## **2 Site History**

In 1991 prior notification was approved for the demolition of two cottages (BA/1991/0085/HISTAP).

In 1993 advertisement consent was granted for new signs (BA/1993/0234/HISTAP).

In 1998 planning permission was granted for a rear access staircase and new first floor entrance (BA/1998/0471/HISTAP).

In 2000 planning permission was granted for the construction of slipway, jetty and bound gravel path for Broads Authority 'Wheely Boat' which is for use by disabled passengers (BA/2000/0644/HISTAP).

In 2012 a planning application was withdrawn for renovation, alterations and extensions to existing public house, including demolition of part of existing. Provision of manager's flat and holiday accommodation including three self catering chalets and five guest bedrooms with en-suite, extension to existing storage outbuilding, new wedding arbour, picnic area with tables and children's play area (BA/2012/0254/FUL).

### 3 Consultation

*Broads Society* - no objections.

*Parish Council* - response awaited.

*District Member* - response awaited.

*Highways Authority* - response awaited.

*Natural England* - response awaited.

*Environment Agency* - response awaited.

*Essex and Suffolk Water* - response awaited.

*Great Yarmouth Borough Council Planning Department* - response awaited.

*Great Yarmouth Borough Council Environmental Health* - response awaited.

*Norfolk Fire and Rescue Service* - No objections subject to the imposition of a condition regarding the installation of a fire hydrant prior to use.

### 4 Representation

3x Neighbour objection regarding:

- No objection to the principle of the development.
- Concerns over noise, late night opening hours – these should be restricted.
- Concerns over late night disturbances from car park.
- Concerns over types of boat use- no objection to a small number of rowing boats as previously used.

1x Neighbour support regarding:

- Great asset to the village.
- Generate much needed jobs.

### 5 Policies

#### 5.1 Material Planning Consideration - National Planning Policy Framework (2012)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

#### 5.2 Core Strategy (2007)

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS1 - Protection of Environmental and Cultural Assets

CS9 - Supporting, Widening and Strengthening Tourism

CS10 - Creation and Enhancement of Gateways and Entrances  
CS11 - Appropriate Location of Tourism and Recreation Development  
CS17 - Safe Recreational Access.

### 5.3 **Development Management Plan DPD (2011)**

[DMP DPD - Adoption version.pdf](#)

DP1 - Natural Environment  
DP2 - Landscape and Trees  
DP10 - Advertisements and Signs  
DP11 - Access on Land  
DP14 - General Location of Sustainable Tourism and Recreation Development  
DP18 - Protecting General Employment  
DP19 - Employment Diversification  
DP27 - Visitor and Community Facilities and Services  
DP28 - Amenity  
DP29 - Development on Sites with a High Probability of Flooding.

### 5.4 **Broads Local Plan (1997) (Saved Policies)**

[Broads Local Plan - Extant Policies Only Dec 2011](#)

C6- Development Affecting the Upper Thurne and Trinity Broads.

## 6 **Assessment**

6.1 The main issues to consider in the determination of this application are the principle of development, scale and design of development, impact on trees, impact on landscape, impact on highways and parking provision, impact on ecology, the SAC and the SSSI, impact on flood risk, and impact on neighbouring amenity. The site is the subject of a previously withdrawn application (BA/2012/0254/FUL). The application was withdrawn due to concerns regarding the location of the lodges and impact on trees, landscaping at the Broads edge and wider landscaping, impact of the glazed extension on the SSSI and highways impact. The application was amended to cover these concerns.

### 6.2 *Principle*

In terms of the principle of the development, both National and Local Planning Policies are supportive of schemes that help improve existing local and visitor facilities. It is considered that the renovation of the public house, extension to facilitate a larger dining area, and the inclusion of a small number of holiday units will aid the viability of the site and improve an existing local and visitor facility. The proposal would also strengthen the employment potential of the site which is welcomed. The development is therefore considered acceptable in principle. It is considered that the use as holiday accommodation, and not separate residential units, which would be considered inappropriate here, should be conditioned.

In terms of the additional holiday accommodation, Policy DP14 of the Development Management Policies is supportive of the inclusion of a small amount of new holiday accommodation where this is closely associated with an existing tourist site. As the public house is an existing tourist facility, as well as providing a community function, and as the lodges are proposed to be used in close association with the use of the Public House and function room, by providing wedding guest and holiday accommodation, their inclusion into the scheme is considered acceptable in principle. However, the site is situated within a sensitive location within the Broads, adjacent to a SAC and SSSI the proposal does include a significant amount of built development and therefore the landscape and ecological impact of this will need to be weighed against the benefits of the proposals. This will be covered below.

In terms of the inclusion of manager's accommodation, given that the site would contain five guest bedrooms, three holiday lodges, a fully functioning pub and restaurant, and the ability to hold weddings, it is considered that there is a sufficient level of use to justify the need for an on-site manager. The inclusion of manager's accommodation within the public house is therefore also considered acceptable in principle.

### 6.3 *Scale and Design*

This application has been the subject of pre-application discussions and a previous application which was withdrawn. It is considered that the applicant has taken on board advice regarding siting and design of the proposed extension and lodges which is welcomed.

Given the site has become severely dilapidated and the buildings were in need of significant renovation, the applicant established a need to diversify from the public house use to increase the offer on site. The applicant sought to retain the traditional public house use but also wanted to achieve a formal dining area; with the capacity to hold functions, and utilise the existing upper floor space for holiday accommodation with the addition of three holiday lodges within the grounds of the public house. This was to ultimately secure the longevity and viability of the unit as a whole. In order to achieve an appropriate level of diversification, it was considered that the built development needed to increase and discussions took place regarding the proposed building's siting, scale, form and function.

The extension, to hold the dining area, is of a modern form to offer a contrast to the traditional character of the public house and existing function room. The materials which relate to the modern extensions are powder-coated aluminium for the frames of the glazed elevation, and copper cladding panels to the rear. The curved roof is proposed to be cedar shingles. It is considered that these materials are of high quality and would complement the modern design and are therefore considered appropriate. It is considered that the modern extension would add interest to the buildings, and add to the sense of time depth. It is therefore considered that the extension will visually enhance the development on site. Although sizable, it is considered that the extension's size is

appropriate given the existing public house and extension's scale and plot size.

The lodges, which vary in size, are of a fairly traditional form to match the public house which is considered appropriate. The lodges are proposed to be dark stained timber clad with slate roof which are traditional Broad's materials, for this type of structure, and therefore considered acceptable.

No details regarding signs or advertisements have been submitted and it is therefore recommended that the details are secured via condition.

#### 6.4 *Impact on Trees*

The trees within which the lodges are proposed to be placed are the subject of a Tree Preservation Order due to their high visual amenity and contribution to the wider landscape. The lodges are proposed to sit within the trees, under their canopy spread. When the application was submitted previously there were significant concerns regarding the proposals to remove trees and the impact the siting of the lodges would have on trees to be retained. The proposal was amended to relocate the lodges within less sensitive locations within the trees. The proposal was also amended to use raft foundations. These are a shallow dug foundation which allows buildings to be erected within root protection areas without adverse impact on the tree root system. It is considered that there will not be any adverse impact on trees of significance. Given the closeness of the trees it is considered that conditions are required to ensure appropriate monitoring is undertaken to ensure the trees are adequately protected throughout the construction phases of the development and mitigation planting is secured.

#### 6.5 *Impact on Landscape*

In terms of impact on the wider landscape, it is acknowledged the proposals represent a significant increase in the existing built development on site and can be viewed from the SSSI and Broad to the south. Very little development punctuates the predominantly treed banks of the Broad. The application site sits on a bank within an extremity off Ormesby Little Broad. It is therefore not considered that the proposal will impact on wider views from within the centre of the Broad itself as the application site only becomes visible when moving into the Broad's extremity. However, once the site becomes visible, the building is highly prominent and given the glazed extension is to make use of the views over the Broad will, in itself, be visually prominent. However, given the high quality and appropriate design of the extension this increase in prominence is not considered to be inappropriate.

In order to mitigate the prominence, a significant landscaping scheme is proposed. It is considered that the additional landscaping proposed which includes informal landscaping at the driveway, additional tree and hedge planting at the boundaries, will help soften the proposed development. Hard landscaping is proposed for the parking however, to ensure any additional parking is porous to reduce run-off it is considered that the details should be secured by condition. It is considered that the landscaping could be further improved by appropriately located additional tree planting where gaps

currently exist in the backdrop of the site, and at the edge of the Broad, and it is recommended that additional planting is secured by condition.

In addition to the further tree and hedge planting proposed, the applicant proposes to remove the concrete quay heading which currently lines the bank and replace this with a re-graded natural bank. The landscaping scheme also includes the creation of a reeded margin of the Broad's edge to significantly soften the appearance of the bank and buildings behind, which is welcomed.

It is therefore considered that the landscape improvements outweigh the additional visual impact the extensions would create.

#### 6.6 *Highways*

It is acknowledged that the site has an existing use, and that a level of traffic movement associated with this use is established. It also acknowledged, however, that the proposal would increase this use given the amount of extension that is proposed. At the time of the previous application the Highways Authority had concerns regarding the standard of the Eels Foot Road and recommended the provision of two passing bays to mitigate against the increase in use. The applicant has included this within the newly submitted scheme, the details of which will be agreed via condition in consultation with the Highways Authority. The Highways Authority were previously satisfied that enough parking provision was proposed on site and, given that Main Road is a principle road, considered that the infrastructure could take an increase in use without an adverse impact on highway safety. Members will be updated verbally with the comments of the Highways Authority on this application.

#### 6.7 *Impact on Ecology and the SAC and SSSI*

The application was supported by a Protected Species Survey. The survey outlined that no bats were found during inspection but that the site had a moderate potential to support foraging and roosting bats. Much of the demolition has already taken place but it is considered that biodiversity enhancements should be included within the development and secured via condition. The survey outlined that a permeable roof membrane should not be used as bats can become trapped. It is therefore considered that the roof membrane should be conditioned to ensure the details are appropriate. To ensure the trees are clear of nesting birds, these should be removed outside of the nesting period or a suitably qualified ecologist should check the trees prior to removal, and it is recommended that this is secured via condition. Subject to the above it is considered that there would be no adverse impact on Protected Species.

Given that the site has a previous use and as the proposal seeks to retain the use it is not considered that there will be a significant adverse impact on the SSSI and SAC. However, it is acknowledged that the proposal represents an increase in the use and brings the existing development on site, closer to the Broad's edge. In addition, the extension is predominantly glazed and the lighting from the extension and lodges therefore has the potential to impact on the dark night sky and species that are sensitive to lights such as bats. Given

the sensitive nature of the site, it is considered that these impacts should be mitigated as part of the scheme. As the proposal includes the removal of a concrete bank, which has low biodiversity potential with a re-graded, more natural bank, with reed growth, which has much higher biodiversity potential, it is considered that this element will result in a positive impact on the SSSI and SAC. It is considered that this biodiversity gain will mitigate the impact of the additional extension. In terms of the lighting, a specialised lighting survey was submitted with the application. The survey outlined that with the use of appropriate types of lighting, such as no-spill LED's and non-reflective glass the impact on the dark night sky can be reduced. The survey also outlined that the reed growth and additional tree and hedge screening proposed would further reduce the impact. It is therefore considered that these measures should be secured by condition. Although they did not object to the previously submitted scheme, Natural England's updated comments are awaited and members will be updated verbally.

In terms of boat use, the Broad forms part of the Trinity Broads which are sensitive to the use of boats and the disturbances they create. Saved Policy C6 of the Broads Local Plan seeks to restrict the level of boats permitted on the broads. The emerging policy of the Site Specific Policies, currently under consultation, also seeks to restrict the volume, extent and type, of boats permitted on the broads. The public house has a licence to run 30 rowing boats and the applicant does not seek to increase the existing use as part of these proposals. It is therefore considered that there will be no increase in boat use as a result of the development.

Subject to the above mentioned conditions it is considered that there will be no adverse impact on Protected Species or the SSSI and SAC.

#### 6.8 *Impact on Flood Risk*

The Environment Agency's Flood Map shows the site to fall within Flood Zone 3, the high probability flood zone, with an annual probability of flooding of 1 in 100 (1%) with the risk of flooding from Ormesby Little Broad to the south of the site. However the flood map is indicative and is based on an undefended scenario.

The submitted Flood Risk Assessment has assessed the actual flood risk to the development, and concludes that in reality the Trinity Broads system, of which Ormesby Little Broad is part, is actually a managed system, used by Essex and Suffolk Water (E&SW) as a water supply reservoir who abstract more than 5,000m<sup>3</sup> of water a day. The levels in the Broad are managed by a sluice into the Muckfleet channel which links the southern-most Broad to the River Bure. The water level in the Broad is agreed with the Environment Agency to be managed at 0.2mAOD, and E&SW aim to hold the level at between 0.05mAOD to 0.10mAOD to allow additional capacity for storm events. When storm events are anticipated the sluice is used to drop the levels and allow additional storage for the storm water. Therefore there is only a low risk that the water levels in the Broad will rise significantly due to storm events increasing the Broad levels.

Given this it is not considered that there is significant risk of flooding or risk to the site. The proposal is therefore considered appropriate subject to conditions covering flood resistant/resilient construction, floor levels, and Flood Response Plan and Notice. The Environment Agency were consulted and have raised no objection on the previous application, their response is awaited on the existing application.

#### 6.9 *Impact on Neighbouring Amenity*

In terms of impact on neighbouring amenity, it is acknowledged that two properties sit close to the application site, one being approximately 100m away from the public house and the other being approximately 150m away, and that a number of residential properties line the junction at the entrance road to the north. It is noted that the three representations received did not object to the principle of the development but had concerns over an increase in noise and the impact of late night opening hours.

It is acknowledged that the site has an existing use and that the applicant seeks to continue this use.

In terms of the late night opening hours, the owner has gained a licence from GYBC for the following hours;

- Sunday to Thursday inclusive                      11am to 12:30am
- Friday and Saturday                                      11am to 2:30am
- New Years Eve to New Years Day                      11am to 8:00am

The above notwithstanding, the public house element is proposed to be closed at 11:30pm, 'last orders' and the wedding venue is proposed to close at 1:30am. These hours are in-line with the previous licence by which the public house has operated. It is therefore recommended that these hours are secured via condition to allow for consistency between the planning permission and licence. Given these were the hours the previous public house and function room operated from, and that there were no significant complaints received, it is not considered that the proposal should result in an increase in disturbances above the permitted situation.

In terms of increased noise, the site has an existing use. However, given the level of glazing proposed on the extension it is acknowledged that noise could travel if these doors are left open within the evening. To reduce the possibility of noise travelling and creating a nuisance it is considered that external amplification should not be allowed and the doors on the extension closed by 10:30pm. Subject to this and the above recommended conditions it is not considered that there would be a significant adverse impact on neighbouring amenity.

The Environmental Health Officer's updated comments are awaited and members will be updated verbally.

## 6.10 *Other Matters*

Norfolk Fire Services have recommended the provision of a fire hydrant and discussions on this are on-going. Members will be updated verbally.

## 7 **Conclusion**

- 7.1 It is considered that the principle of improving an existing local and visitor facility is acceptable. It is considered that the proposal has been appropriately design and scaled to complement the existing built development on site. It is not considered that there would be adverse impact on trees, ecology, or neighbouring amenity, subject to the imposition of recommended conditions.

## 8 **Recommendation**

- 8.1 Approve subject to the following conditions:

### *Standard Conditions*

- Time limit
- In accordance with plans submitted.

### *Design*

- Samples of all external materials to be agreed
- Details of signs and advertisements to be agreed.

### *Landscaping*

- Works to trees shall accord with the Tree Survey submitted
- Works to trees shall be monitored, details to be agreed
- Details of raft foundation to be agreed
- Planting to be undertaken in accordance with the scheme submitted
- Additional plating to be agreed
- Planting shall be undertaken within the next available planting season
- Any tree, plant or shrub des within 5yrs of permission they shall be replaced
- Details of hard landscaping to be agreed.

### *Ecology*

- Lighting to accord with the details submitted
- Glazing to be non-reflective glazing only
- Works should be timed or an ecologist to check before tree removal undertaken, the details of which to be agreed with the Local Planning Authority
- Biodiversity enhancements, such as bat boxes, to be agreed.
- Details of roof membrane to be agreed.

### *Highways*

- Prior to use, car parking and highway improvements shall be laid out and completed to the satisfaction of the Local Planning Authority in consultation with the Highways Authority
- Holiday accommodation shall be incidental to the use of the Public House and shall at no time be used as separate residential units.

### *Flooding*

- Flood resilient construction to be agreed
- Floor levels to be agreed
- Flood plan and evacuation notice to be agreed.

### *Neighbouring Amenity*

- No external amplification allowed on site
- Sound proofing to be agreed
- Restricted opening hours
- Glazed doors of extension to be closed by 10:30pm every night.

## **9 Reasons for Recommendation**

- 9.1 The development is considered to be in accordance with the National Planning Policy Framework (2012) which is a material planning consideration. It is also considered to be in accordance with Policies CS1, CS9, CS10, CS11 and CS17 of the Core Strategy (2007) and DP1, DP2, DP10, DP11, DP14, DP18, DP19, DP27, DP28 and DP29 of the Development Management Policies DPD (2011) and Policy C6 of the saved Policies of the Broads Local Plan (1997).

Background papers: BA/2012/0356/FUL

Author: Kayleigh Wood  
Date of Report: 14 December 2012

List of Appendices: APPENDIX 1: Site Location Plan

APPENDIX 1

**BA/2012/0356/FUL - Eels Foot Inn Public House, Eels Foot Road, Ormesby St Michael**  
Resubmission of BA/2012/0254/FUL for the proposed renovation, alterations and extensions to existing public house.

