

Parish:	Burnham Market	
Proposal:	Creation of outdoor seating area with new walling and canopies.	
Location:	The Hoste Arms 14 Market Place Burnham Market Norfolk	
Applicant:	City Pub Group	
Case No:	21/00369/F (Full Application)	
Case Officer:	Mrs K Lawty	Date for Determination: 3 May 2021

Reason for Referral to Planning Committee – Parish Council objection contrary to officer recommendation

Neighbourhood Plan: No

Case Summary

The site comprises The Hoste, a Grade II listed building currently used as a hotel, inn, restaurant and bar, along with associated land around the building. The site is bounded to the north, east and west by other dwellings. To the south is Market Place, the centre of Burnham Market where there is a mixture of residential and retail uses.

This application seeks the creation of a new outdoor seating area within the existing enclosed courtyard at The Hoste, comprising some new low walling and canopies. The proposed seating area is sited where there are currently six parking spaces in the existing internal courtyard.

An application for listed building consent was submitted to accompany this planning application (ref 21/00370/LB), but it has been determined that the proposed freestanding works do not require listed building consent in this case.

Key Issues

- . Principle of development;
- . Impact upon the AONB;
- . Design, character and appearance;
- . Impact on Heritage Assets;
- . Economic issues;
- . Highway Issues;
- . Impact upon Residential Amenity;
- . Other Material Considerations.

Recommendation

APPROVE

THE APPLICATION

The site comprises a Grade II listed building currently used as a hotel, inn, restaurant and bar area. The site also includes land within and around the building used for outdoor seating, function area and car parking. The site is bounded to the north, east and west by other dwellings. To the south is Market Place, the centre of Burnham Market where there is a mixture of residential and retail uses.

This application seeks the creation of a new outdoor seating area within the existing enclosed courtyard at The Hoste, comprising some new low walling and retractable canopies.

The proposed external works are as follows:

- Creation of paved area
- Installation of low brick wall with integrated planter
- Installation of fixed, retractable canopy across part of the seating area

Materials to be used are brick for the walling, metal frame to hold the canopy and fabric for the canopy roof.

The seating area to be created would be for the use of guests of The Hoste and would accommodate a maximum of 61 seats. The location of the seating area is within an existing enclosed courtyard where there are currently 6 parking spaces.

An application for listed building consent was submitted to accompany this planning application (ref 21/00370/LB), but it has been determined that the proposed works do not require listed building consent in this case, given that the canopies would be a freestanding structure.

SUPPORTING CASE

I write on behalf of my client City Pub Group with regards to the application under consideration.

The application proposes to create a simple but well designed outdoor space, with awnings, that would be developed using materials which would be sympathetic to the existing buildings and provide a high quality dining area for guests/customers. The Councils Conservation Officers have confirmed that the proposal is acceptable in relation to impacts on heritage assets.

The development has been proposed to help the management of The Hoste accommodate Covid 19 restrictions which as you can appreciate are subject to change. The application would result in the loss of parking spaces which have been deemed by the owners to be dangerous for pedestrians and this has been confirmed by the Highway Authority, who have no objection to the proposals. It should also be noted that Burnham Market benefits from a large public car park within a short distance of the site.

The use of the outdoor seating area would be controlled by management to ensure that there is no disturbance to residential amenity, it is in the interests of the applicant to ensure that their own guests are not unduly disturbed by the proposal. The Council have suggested conditions regarding times of use, lighting and capacity; which we have agreed to.

The development would help to ensure that The Hoste remains capable of accommodating sufficient trade to maintain its current levels of employment and the development could potentially generate further employment opportunities, both in the short and long term.

The application is being presented to the Planning Committee due to an objection from the PC, we have listened to those comments and worked with the Council and their consultees to address these matters. We would respectfully request your support on this proposal to help a local business continue to provide a high quality level of hospitality for tourists and residents and also aid its financial recovery from the past 18 months of lockdown restrictions.

PLANNING HISTORY

The site has a lengthy planning history and these are the most recent (within the last decade): -

21/00370/LB: Consent Not Required: 15/04/21 - Listed Building Application: Creation of outdoor seating area with new walling and canopies.

16/00974/F: Application Withdrawn: 25/10/17 - Two storey rear extension following demolition of existing enclosed courtyard and external staircase.

13/01140/LB: Application Permitted: 18/09/13 - Listed building application to change the colour of the masonry to the front and gable of the building.

13/01404/LB: Application Permitted: 20/11/13 - Retention of flag pole on front elevation of

13/01403/LB: Application Permitted: 20/11/13 - Change to wording on gable end wall, replacement of wooden car park sign to sign written. Change of lighting

12/01548/F: Application Permitted: 16/11/12 - Variation of condition number 9 attached to planning permission 12/00746/F

12/00747/LB: Application Permitted: 30/07/12 - Listed Building Application: Alterations to rear wing to form new functions room with bedrooms over. Removal of garden outbuildings and erection of private dining rooms to courtyard

12/00746/F: Application Permitted: 30/07/12 - Alterations to rear wing to form new function room with bedrooms over. Removal of garden outbuildings and erection of private dining rooms to courtyard.

12/01593/LB: Application Permitted: 26/11/12 - Variation of condition number 2, attached to planning permission 12/00747/LB. To allow the removal of the cat slide dormer windows and modifications to roof to create additional headroom to new bedrooms. Minor alterations to reposition exit/entrance door to front, slightly extend attached single storey store to rear gable and provide cellar to dining and functions room bar.

11/00935/LB: Application Permitted: 16/09/11 - Listed Building Application: Signwriting on gable end wall.

11/01094/LB: Application Permitted: 22/08/11 - Listed Building Consent: Construction of single storey extension to create toilet accommodation.

11/01093/F: Application Permitted: 22/08/11 - Construction of single storey extension to create new toilet accommodation.

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RESPONSE TO CONSULTATION

Parish Council: OBJECT – loss of necessary car parking spaces and increased noise and disturbance

Highways Authority: NO OBJECTION

Conservation Officer: NO OBJECTION – conditionally re: materials

Norfolk Coast Partnership: NO OBJECTION– conditionally re: external lighting

Community Safety & Neighbourhood Nuisance Team NO OBJECTION – conditionally re: seating area to be vacated by no later than 22.00 hours; a scheme to protect surrounding residents from all noise associated with the use of the outdoor seating area be agreed and no external music shall be played in the outdoor seating area at any time.

Historic England: No comments

Natural England: No comments

REPRESENTATIONS

No third party comments received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NEIGHBOURHOOD PLAN POLICIES

n/a

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

OTHER GUIDANCE

None

PLANNING CONSIDERATIONS

The key principle issues to be addressed in this instance are: -

- . Principle of development;
- . Impact upon the AONB;
- . Design, character and appearance;
- . Impact on Heritage Assets;
- . Economic issues;
- . Highway Issues;
- . Impact upon Residential Amenity;
- . Other Material Considerations.

Principle of Development

The site is an existing hotel enterprise with provision of 46 bedrooms and capacity for up to approximately 150 diners. There is currently on-site parking available for 37 vehicles. The Hoste already has outdoor seating areas to the front of the building, overlooking the Green and also within the enclosed rear courtyard garden area.

This application proposes additional outdoor seating in the existing courtyard parking area, with a capacity of up to 61 people on the site of 6 existing parking spaces. This will reduce the overall number of available parking spaces to 31.

The site is located within the settlement of Burnham Market, which is a Key Rural Service Centres where limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the Development Limits of the Key Rural Service Centre, in accordance with Policy CS06.

The Hoste is a Grade II listed building within the Conservation Area and the AONB. There are a number of policy statements relevant to this application and the key aspects are summarised below.

Nationally, the NPPF supports economic development, with paragraph 80 stating that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Para 83 also states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Core Strategy Policies CS01, CS02, CS06, CS10 and CS12 are relevant. CS06 promotes sustainable patterns of development to ensure strong, diverse economic activity whilst maintaining local character and a high quality environment.

CS10 states that the Council will promote opportunities to improve and enhance the visitor economy by supporting tourism opportunities through the borough providing these are in sustainable locations and are not detrimental to the valuable natural environment.

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The principle of development is therefore generally supported.

Impact upon the AONB

AONB's have the highest status of protection in relation to landscape and scenic beauty. In this case the application site is within the heart of the village and surrounded by existing built form.

The proposed works are sited within an existing courtyard area bounded by existing built form. As the proposed works are of a modest nature and are sited between existing buildings, the proposed development will not be visible beyond the site and will not have a detrimental impact upon the natural beauty of the landscape in this designated area.

Norfolk Coastal Partnership raise no objection to the proposal, although recommend details of the external lighting be submitted as a planning condition. This is included below.

Design, character and appearance

The proposal is for some low walling to contain a newly paved, sandstone seating area with canopies above to provide some weather protection to part of this outdoor area. The walling is shown to have an outer finish of red brick and will include an integrated planter to incorporate some soft landscaping. The canopy is proposed to have an aluminium frame with a fabric finish to the canopy.

This courtyard area is enclosed by other parts of the hotel use immediately to the north, east and west. A mixture of retail and residential units are to the south east, facing The Green. Public views of the walling and canopies will therefore be restricted by existing built form.

It is considered that the proposal relates adequately in terms of scale and mass to the existing building and proposes materials that match or complement the existing listed building. The proposal is considered acceptable and accords with the provisions of the NPPF, SADMP DM15 and Core Strategy Policy CS02.

Impact on Heritage Assets

The Hoste is a Grade II listed building and the whole site is within the conservation area, but as the proposed works are to the inner courtyard of the existing building they will only be visible from within the site itself or from views from private properties. The works will not be seen from Market Place or The Green, other than possible glimpses.

The Conservation Officer considers that the dwarf wall proposed to shield the seating area from the car park will provide a buffer space between the building and the rather harsh car park. The canopy sits in front of a modern single story extension to the Hoste and will cause only negligible harm to the setting of the building in that location, only obscuring a modern lead roof. The Conservation Officer recommends that details of the canopy, including colour, should be conditioned.

Accordingly, the proposed works will not have a harmful impact upon the historic form or fabric of the listed building, and negligible harm on its setting. There is no conflict with the development in terms of the impact on the overall character and appearance of the conservation area. Consequently, it is considered the proposed works are in accordance with the provisions of the NPPF, SADMP Policy DM15 and Core Strategy Policy CS12.

Economic issues

The NPPF encourages a strong rural economy and supports the sustainable growth and expansion of all types of business and enterprise in rural areas. It also states that sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside should be supported. This includes supporting the expansion of tourist and visitor facilities in appropriate locations including villages.

This echoes Core Strategy Policies CS06 and CS10 which promote sustainable patterns of development to ensure strong, diverse economic activity whilst maintaining local character and a high quality environment and the promotion of schemes which improve and enhance the visitor economy by supporting tourism opportunities where these are in sustainable locations and are not detrimental to the valuable natural environment.

The Hoste is a popular and successful enterprise and is an important component of the vibrancy of the village. The proposed works will aid the successful progression out of Covid-19 lockdown restrictions and help to secure the future growth of the business. The approved alterations to the building accord with policies CS06 and CS10 in this regard.

Highway Issues

The Highways Authority notes the loss of 6 parking spaces. However, the village has a large public car park and the highways authority has no sustainable reason to object to the proposal given the parking restrictions in place around The Green and the capacity of the car park nearby. In this case there is no conflict in terms of Policy DM17 and parking standards.

Initial comments made by the highways authority suggested a different layout to secure a more user friendly passage between the buildings, by possibly widening the narrow section through moving the proposed wall to a different position. However, this would be a suggestion to improve the way the site functions and is not in response to highway safety concerns.

The changes to the layout referred to by the highways authority have been discussed with the applicant, but they are keen to retain the layout proposed in the submitted scheme.

In summary, the proposed development raises no highway safety issues and there is no conflict with local or national policy in this regard.

Impact upon Residential Amenity

The proposed development would result in an additional maximum of 61 seats in this internal courtyard area. This courtyard area is surrounded by buildings associated with the Hoste to the north, east and west. These buildings incorporate hotel bedrooms and the beauty spa.

To the south east are retail units with some private residential accommodation and there are many residential properties facing Market Place and The Green, close to the Hoste.

Concern has been raised by the Parish Council about potential disamenity to residential occupants of nearby properties from noise. Discussion has taken place between the applicant and the CSNN Team about the management of this area and the hours it would be intended to be used.

The proposed development could result in an excess of 61 people using the area at any one time. This could occur on many occasions throughout the peak season. The CSNN Team

has commented that even with this number of people all holding normal conversations, laughing etc, this will still result in a cumulative increase in existing noise levels associated with the site. The proposal would bring about an increase in customer capacity in a location where this was not previously experienced, close to residents.

Various discussions have been had between the CSNN Team and the applicant about limiting the impact in terms of noise, including reducing the number of outdoor seats available.

The Hoste currently has outdoor seating areas to the front of the building on Market Place and also in an existing enclosed courtyard surrounded by hotel bedrooms. There are 6 tables to the front of The Hoste seating 6-8 (so max capacity 48). To the rear there is a 50 seat terrace but this is a function space and not open to general members of the public. Given that the Hoste has 46 bedrooms (with a minimum of 90 guests when full), this additional seating area would help meet the demand that already exists for outdoor seating for guests, in addition to the demand from local tourism and visitors.

The Hoste already manages the existing outdoor seating area and states that the escalation of noise and disturbance is not in the interests of the hotel or the residents staying on site. Accordingly they already control the use and opening times of the existing outdoor seating area and this would be no different. They are, however, willing to agree to a hours of use condition and a Noise Management Scheme so that the management of the area is clear for all.

The CSNN Team now welcome confirmation that any rowdy, noisy or otherwise inappropriate behaviour by users of this area will be controlled by staff and that the applicant is willing to accept an hours of use condition and the conditioning of a Noise Management Scheme (to include patron signage). CSNN also recommend a planning condition to ensure that no external music is played in this location, and this is recommended below.

In summary, the relationship between the development as proposed and existing dwellings has been examined and, subject to the proposed conditions being imposed, there will not likely be a significantly detrimental impact upon the amenity of the occupants of neighbouring properties in terms of general noise and disturbance.

Other material considerations

Crime and Disorder Act 1998

Section 17 of the above act requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. This application will not have a material impact upon crime and disorder.

This application raises no flood risk issues.

CONCLUSION

The proposed variations are considered to be sufficiently in harmony with the building characteristics of the building and the area. The proposed amendments will not materially harm the historic form or fabric of the listed building or its setting or detract from the character and appearance of the conservation area. The applicant has incorporated traditionally used local materials to give the design a context. Whilst this may be deemed to be less than substantial harm in terms of the NPPF, the benefits of the proposal are considered to far outweigh any potential harm.

The proposal will result in a loss of 6 parking spaces, but this raises no highway safety issues. The village has a large public car and the highways authority raises no objection to less parking on this site given the car parking capacity in the locality.

Subject to appropriately worded conditions, issues of noise and disturbance can be controlled. It is considered these adequately overcome the concerns of the Parish Council.

Finally, there are no outstanding crime and disorder or flood risk issues.

The proposed development is considered to comply with, Core Strategy Policies CS01, CS02, CS06, CS10 and CS12, SADMP Policies DM1, DM15 and DM17 and advice within the NPPF. Accordingly, it is recommended that the proposed development be approved.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out using only the following approved plans:
 - Drawing No. 2648A 00 01 Rev - , Location Plan
 - Drawing No. 2648A 00 02 Rev -, Existing Site Plan
 - Drawing No. 2648A 20 100 Rev -, Hoste Pub Elevations
 - Drawing No. 2648A 10 10 Rev B, Hoste Pub Terrace
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development until the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition: Prior to the use of the development hereby permitted, details of the external lighting for the outdoor seating area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 4 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.

- 5 Condition: Use of the outdoor seating area hereby approved shall cease at 22:00 hours each day with no persons/customers permitted to remain after this time.
- 5 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 6 Condition: Prior to the use of the development hereby permitted, a scheme to protect surrounding residents from all noise associated with the use of the outdoor seating area (to include patron signage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use.
- 6 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 7 Condition: No external music shall be played in the outdoor seating area at any time.
- 7 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.