

APPLICATION NO.	P16/V1457/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	8.6.2016
PARISH	SUTTON COURTENAY
WARD MEMBER(S)	Gervase Duffield
APPLICANT	Hawthorn Leisure Limited
SITE	51 High Street Sutton Courtenay ABINGDON, OX14 4AT
PROPOSAL	Change of use of existing public house and associated works to create 1 no. 4-bedroom dwelling together with construction of 1 no. 2-bedroom dwelling to the rear, including access, car parking, landscaping, bin and cycle storage
AMENDMENTS	None
GRID REFERENCE	450058/193423
OFFICER	Hanna Zembrzycka-Kisiel

RECOMMENDATION

It is recommended that planning permission is granted, subject to the following conditions:

1. Commencement of development within three years.
2. Approved plans list.
3. Submission of details of external materials and finishes and external lighting.
4. Submission of joinery details.
5. Submission of sample panel showing new brickwork, showing brick bond, capping and mortar mix
6. Details of a suds-based system to be submitted and approved prior to development commencing.
7. Tree protection - implementation as approved.

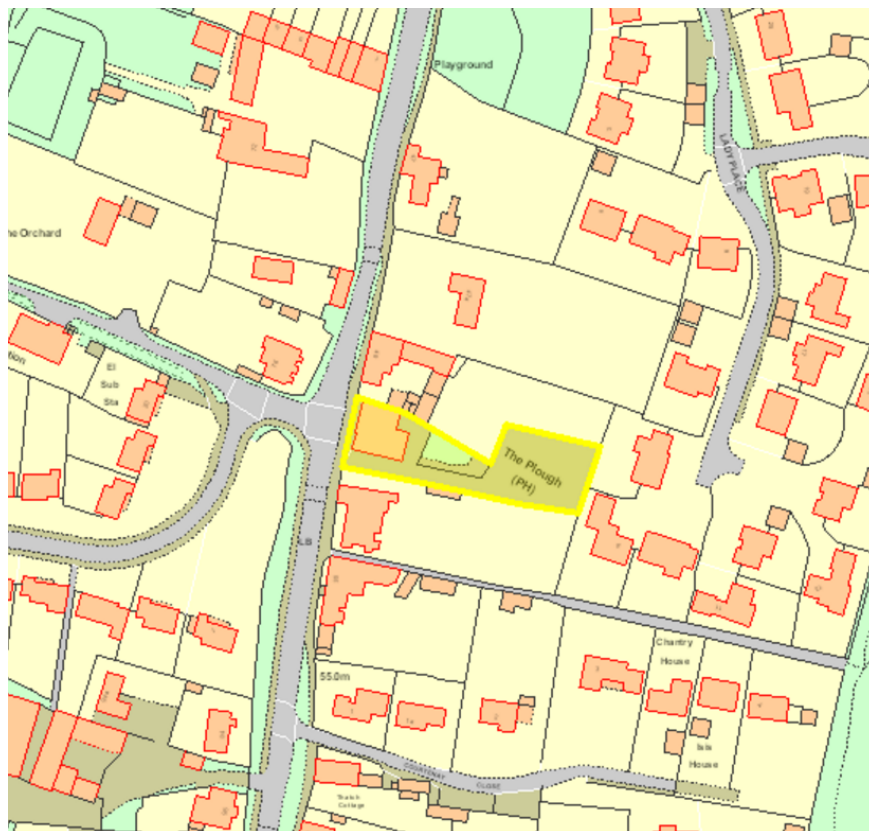
Informative:

The waste collection point will be at the end of the shared driveway at the junction with High Street rather than part way down the driveway

1. PROPOSAL

- 1.1 This application is referred to planning committee at the discretion of the development manager, due to the significant local interest in the application.
- 1.2 This planning application seeks planning permission for the change of use of the building from a public house (use class A4) to a single dwelling (use class C3). The application also proposes the introduction of a house with landscaped garden to rear of the application site. The design seeks to ensure that there will be no overlooking of neighbouring residential properties. The first floor fenestration will have no direct aspect over adjacent amenity. Proposed materials will include clay tiled roof with brick elevations and painted timber windows.

- 1.3 The site is located directly opposite the road junction with Mill Lane, on the eastern side of the High Street. The building is not listed but is located in the conservation area, and in close proximity to three grade II listed buildings. To the rear of the pub there is a small garden area, and off-street parking. The property includes ground floor bar and dining areas, a kitchen and toilets. The first floor contains ancillary accommodation.
- 1.4 Both properties will utilise the existing vehicular access which runs along the southern boundary and would provide off-street parking provision.
- 1.5 Extracts from the application plans are **attached** at Appendix One. All plans and supporting documentation for the application are available to view on our website at www.whitehorsedc.gov.uk.
- 1.6 A site location plan is included below:



2. SUMMARY OF CONSULTATIONS AND REPRESENTATIONS

- 2.1 A summary of the responses received to the current proposal is below. A full copy of all the comments made can be seen online at www.whitehorsedc.gov.uk

<p>Parish Council</p>	<p>Object</p> <p>The objections may be summarised as follows:</p> <ul style="list-style-type: none"> • impact on the street scene; • unacceptable in terms of visual impact in a conservation area, and between 2 listed buildings; • loss of a local business which provides social and recreational benefits for the community; • the proposed residential dwelling to be constructed to the rear of the pub is incongruous and not in harmony with the surroundings
<p>Local residents</p>	<p>43 letters of objection and a petition with 316 signatures have been received.</p> <p>The objections may be summarised as follows:</p> <ul style="list-style-type: none"> • The Plough is a historical pub, with a strong community and it should remain as such; • Loss of a vital friendly community public house which promotes social wellbeing to the community; • The applicant has not sufficiently marketed the Plough as a going concern; and that the villagers and local community of Sutton Courtenay have not been given the opportunity to attempt to buy The Plough. • There is currently a ladies darts team, pool team and Aunt Sally team. No other pub in the village is equipped or want to provide pool tables, Aunt Sally equipment or dart boards as they say they are restaurants only; • If the planning permission and change of use is granted all these teams will have nowhere to come together to participate in representing the village where they live.
<p>Local residents</p>	<p>Two letters of support have been received and may be summarised as follows:</p> <ul style="list-style-type: none"> • Houses will be preferable to a noisy pub; • The appearance seems to fit in well with this area of the High Street.
<p>Sutton Courtenay Neighbourhood Plan Steering Group</p>	<p>Object</p> <p>The objections may be summarised as follows:</p> <ul style="list-style-type: none"> • This building provides an opportunity for members of our growing community to meet, recreationally and or socially;

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	<ul style="list-style-type: none"> Public houses within the village in the Community Led Plan were regarded as an important part of the village; At the public launch of our Neighbourhood Plan in May, one of the most suggested requirements for the village was to develop a centrally located community hub which could be available for a diverse range of organisations.
South Oxfordshire Branch of the Campaign for Real Ale (CAMRA)	<p>Object</p> <ul style="list-style-type: none"> It removes a well-liked community pub from a rapidly expanding village Is the only one in that part of the village, serving a distinct community largely separate from that of the other three pubs in the village The applicant has failed to demonstrate that the pub is not economically viable There is considerable interest in the village in retaining it as a pub under community ownership.
Oxfordshire County Council	<p><u>Highways</u> No comments have been received at the time of writing the report</p> <p><u>Archaeology</u> No objection</p>
Drainage engineer	<p>No objection</p> <p><u>Conditions</u></p> <ul style="list-style-type: none"> Details of a Suds-based system to be submitted and approved prior to development commencing.
Conservation officer	<p>No objection</p> <p><u>Conditions</u></p> <ul style="list-style-type: none"> Details of external materials and finishes Sample panel showing new brickwork, showing brick bond, capping and mortar mix Details of external lighting, window and door details Details of flues and vents Details of hard and soft landscaping
Forestry officer	<p>No objection</p> <p><u>Condition</u></p> <ul style="list-style-type: none"> The tree protection details as shown in the approved report ref: 16780 - AIA 2 (dated 9

	June 2016) shall be put in place prior to any on site works including demolition and thereafter retained in situ for the duration of development.
Waste management team	No objection <u>Informative:</u> The waste collection point will be at the end of the shared driveway at the junction with High Street rather than part way down the driveway

3 RELEVANT PLANNING HISTORY

3.1 None relevant.

4 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

4.1 The site area is less than 5ha, fewer than 150 dwellings are proposed and the site is not in a 'sensitive area'. The proposal is therefore not EIA development.

5 MAIN ISSUES

Principle of development

- 5.1 Policy CF5 relates to public houses, stating that the redevelopment of premises that are used or have been used as a public house will be permitted unless there is evidence that they form an important local community facility where it must be demonstrated that the use is not economically viable, or for facilities within the larger villages in the district that there is no reasonable likelihood of an alternative employment, retail or community use which would benefit the economic or social life of the village.
- 5.2 The site is situated within the village of Sutton Courtenay, which is defined as a larger village as set out in Policy H11 of the Local Plan. Policy H11 permits new dwellings in the built up areas of the larger villages provided it would not result in the loss of facilities important to the local community, and that the scale, layout, mass and design of the dwellings would not harm the form, structure or character of the area.
- 5.3 However the district does not have a five year housing supply. Therefore in line with paragraph 49 of the NPPF, the council's housing policies, including policy H11, have limited weight, and such a proposal should be considered against the presumption in favour of sustainable development. The presumption means that, where local planning policy is not consistent with the NPPF, planning permission should be granted unless the adverse impacts substantially and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 5.4 The site lies within the built-up area of the village, with the proposed dwellings being well placed for access and to make use of public transport. The proposed change of use as well as the provision of the new dwelling to the rear are

therefore considered to be in a sustainable location.

Scale, Design and Appearance

- 5.5 A number of local plan policies seek to ensure high quality developments and to protect the amenities of neighbouring properties (Policies DC1, DC6, and DC9). In March 2015 the council adopted its design guide, which aims to raise the standard of design across the district. The adopted Design Guide and Policy DC1 require that development should be of a scale, layout and design that would not materially harm the form, structure or character of the settlement. Policy HE1 also seeks to protect the appearance and character of the Conservation Areas.
- 5.6 The proposed dwelling to the rear will resemble a traditional outbuilding and will utilise the existing access from High Street. Proposed materials will include clay tiled roof with brick elevations and painted timber windows. It will sit comfortably within the exiting plot.
- 5.7 Views to the rear of the site are limited from the street frontage. Therefore, given the proposed dwelling will not exceed 7 metres, and that it will be located approximately 60m away from the High Street, the proposed scale and massing are considered acceptable.
- 5.8 The proposed first floor extension on the south elevation of the pub will be set down from the roof line, and sit back from the front elevation. This design approach complies with the recommendations in the adopted Design Guide. Therefore, it is considered the proposed extension is subordinate to the existing building in terms of its scale and design.
- 5.9 The appearance of the altered building, as well as the appearance of the proposed new dwelling will not harm the street scene, nor the character and appearance of the Sutton Courtenay Conservation Area. Given the current condition of the building it is considered that the proposed change of use would ensure its refurbishment and future maintenance, which would enhance the character of the conservation area. The proposal would not have an adverse impact on the setting of the adjacent listed buildings.

Landscaping

- 5.10 The council's forestry officer has raised no objection to the proposal. As illustrated on the submitted plans the exiting tarmac area to the front of the pub is to be replaced with a low level beech hedge behind a new brick wall with wrought iron railings above. This will provide privacy whilst improving the setting of the building. The provision of the additional soft and hard landscaping to the front of the property, as well as within the site will improve its appearance within the street scene and would add to its visual appearance.

Residential amenity

- 5.11 The design seeks to ensure that there will be no overlooking of neighbouring residential properties. The first floor fenestration will have no direct aspect over adjacent amenity. Due to its scale and location it is considered the proposal will not be harmful to the neighbouring properties in terms of overshadowing,

dominance and overlooking. Furthermore, the relationship between the existing building and the proposed new property to the rear is also considered acceptable.

Flood risk and drainage

- 5.12 The council's drainage engineer has raised no objections to proposal, subject to an adequate condition being imposed if planning permission is granted.

Highway safety

- 5.13 Both properties will utilise the existing vehicular access which runs along the southern boundary. The proposed plans demonstrate that there would be sufficient off-street parking provision for both dwellings. Therefore the proposed access and parking arrangements are considered acceptable.

Viability and marketing

- 5.14 The Plough has suffered a declining turnover in recent years and ceased trading in June 2016. This suggests that the premises has suffered a decline in popularity and use by the local community in recent years and brings into question its value as an important local facility.
- 5.15 It has been argued by the applicant that the pub is no longer economically viable. The application was accompanied the viability report, prepared by Savills. The council has commissioned an independent assessment of the submitted Savills report. Both reports conclude that there have been reasonable efforts over the years to run a successful business, however, this requires the support of the local community which has been lacking, most likely due to other alternatives in the village.
- 5.16 In the submitted report, prepared by the independent external expert, it is stated "that the sales and profitability have been declining over a three year period which is also mirrored by the declining beer volumes". It has also been noted that "despite the end of the recession beer volumes have continued to decline albeit at a reduced rate".
- 5.17 This decline has also been attributed to the change in culture in recent years, the economic downturn, which has led to an increase in cheaper supermarket alcohol sales. The independent expert has also acknowledged that "in more recent years the provision of food in public houses has become an increasingly important aspect of their ongoing viability. At present a commercial trade kitchen is not available and in the absence of a domestic kitchen at first floor a kitchen could only be provided if significant alterations were undertaken to the property".
- 5.18 It has been raised in the comments received from the residents objecting to the proposal, that the pub would be able to operate if refurbishment and upgrading would be done, and if a professional kitchen would be installed.
- 5.19 However, the appointed external consultant has concluded in his assessment that "in light of the level of food provided by the competitor outlets in the village, I do not believe a potential operator would incur the risk of investing a significant sum of money to provide a kitchen. I therefore dismiss food as being an

opportunity for The Plough to materially improve its trading performance.”

- 5.20 It has been argued by the local resident’s objecting to the proposal that the Plough has not been marketed, and that there were no advertisement signs visible.
- 5.21 The findings from the submitted documents, confirm that there was a three stage marketing strategy. The first stage focused on pub and restaurant operators, particularly those operators specialising in food. The second element of the marketing strategy focused on other commercial operators such as convenience store operators and retailers. The final marketing stage focused on approaching residential developers and investors.
- 5.22 A ‘to let’ or ‘for sale’ sign was not erected outside the property because the current tenant’s agreement contains a specific provision in clause which contractually prohibits erecting either a ‘for sale’ or ‘to let’ sign on or outside the property, unless the tenant’s agreement is in the last 4 months of its expiration.
- 5.23 The tenant had every opportunity to improve their business and it is considered that erecting a ‘for sale’ or ‘to let’ sign outside the pub, could have undermined the viability of the premises and could negatively impact the trading performance of the pub.
- 5.24 Given the above, the Local Planning Authority is of the opinion that the marketing strategies were adequate, and that the tenant has been given every opportunity to improve their business. The change of use is therefore considered to comply with the Local Plan Policy CF5 and with the provision within the National Planning Policy Framework. Further to that it has been confirmed by the independent expert commissioned by the Local Planning Authority, that the continued use of the property as a public house, even if a commercial kitchen would be installed, would be unviable. Therefore, refusal on these grounds would not be justified.

Asset of Community Value

- 5.25 The residents of Sutton Courtenay submitted two applications to nominate The Plough as an Asset of Community Value to the District Council.
- 5.26 The Plough has not been nominated as an Asset of Community Value, as it has been proven that the pub is no longer economically viable and does not meet the criteria for future use set out in s88(2) of the Localism Act 2011.
- 5.27 The decision notice in the asset of community value, states that “the evidence is that the pub is poorly equipped and not commercially viable. Contracts have been exchanged for the sale of the pub and the new owner intends to redevelop it for residential use. There is no realistic prospect of the building being put to any use with community benefit in the next five years. The Council has therefore decided not to include the property in the list of Assets of Community Value, and the Asset will be added to the list of unsuccessful nominations”.
- 5.28 Officers are also aware that the second nomination was confirmed to be invalid,

and therefore the Council was unable to determine it.

CONCLUSION

- 6.1 Whilst it is disappointing that The Plough public house would be lost from the village, both the applicant's and the council's independent expert's reports conclude that the premises is unviable as a going concern due to the high cost of finance, poor returns and the cost of repairing and refurbishing the building needed. There are other meeting and drinking facilities within the village to meet the needs of local residents. In addition it has also been concluded that the continued use of the property as a public house, even if a commercial kitchen would be installed, would be unviable.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2011 – CF5, DC1, DC3, DC5, DC6, DC7, DC9, DC13, DC14, NE9, GS1, H11, HE1 and HE4

Draft Vale of White Horse Local Plan 2031: PART 1 – CP1, CP3, CP4, CP15, CP33, CP35, CP37, CP39, CP44

Sutton Courtenay Neighbourhood Plan – Preparing area designation. Therefore little weight could be afforded at this point of time.

Vale of White Horse Design Guide 2015
National Planning Policy Framework (NPPF)
Planning Practice Guidance
The Conservation of Habitats and Species Regulations 2010
The Localism Act
The Human Rights Act 1998
The Equality Act 2010 (Section 149)

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