

## REPORT UPDATE

Application No: WA/72/12/

### Reason for the Update / Changes

Reason for Update/Changes:

Officers Comment:

The report update contains elements that were not in the original report or need amendment

Arun District Local Plan: GEN34, DEV26

Principle and Policy GEN3

Policy GEN3 is not relevant to this application.

Conclusions:

The paragraph at page 35 entitled Section 106 agreement is not relevant as the link between the residential development (WA/71/12) and the conversion of the pubic house has been severed (subject to approval of that recommendation)

Recommendation:

The recommendation should read:

Approve conditionally rather than approve conditionally subject to a legal agreement.

**Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.**

**WA/72/12/**

### Recommendation Report for Planning Permission

**REF NO:** WA/72/12/

**LOCATION:** The Holly Tree Public House  
The Street  
Walberton

**PROPOSAL:** Revisions to previous approval WA/66/11 for the proposed refurbishment works to the Holly Tree pub including 4 no. bed & breakfast rooms

### **SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION** This application is to erect a rear extension 10m x 4.5m to

report

use as a food prep area and toilets and to extend the existing side extension by 1.5m to provide a private dining area for 12 covers. The 4 bed and breakfast rooms previously approved are to be retained.

|                             |                                                                                                                                                                                                                                                                                                      |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SITE AREA                   | 0.07 hectares.                                                                                                                                                                                                                                                                                       |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                                                                                                                                                                  |
| TOPOGRAPHY                  | Predominantly flat.                                                                                                                                                                                                                                                                                  |
| TREES                       | There are 2 trees covered by TPO WA/1/11 concerning a Turkey Oak and Lime tree.                                                                                                                                                                                                                      |
| BOUNDARY TREATMENT          | Flint walling.                                                                                                                                                                                                                                                                                       |
| SITE CHARACTERISTICS        | 19th Century pub, rendered and painted cream, slate roof. Flat roof . Single storey extension to front and 2 storey extension to rear flat roof. Parking forecourt to the front and parking area at the rear.                                                                                        |
| CHARACTER OF LOCALITY       | Rural village, mix of residential properties detached and semi detached in various periods and styles. To the rear of the site to the east is the village hall and the village school to the west. The dwelling to the front of the site Old Hall Cottage currently is adjacent to the pub car park. |

#### **RELEVANT SITE HISTORY**

|           |                                                                                                                                                                                                                                                                                                        |                                     |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| WA/66/11/ | Proposed re-furbishment works to Holly Tree pub including the provision of 4 no. bed & breakfast rooms & an enabling development of 6 no. residential dwellings with associated car parking, acces & landscaping. Re-submission of WA/3/11/. (This application is Departure from the Development Plan) | Approve Conditionally<br>05-01-2012 |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|

The refurbishment and bed and breakfast use has been previously approved under ref WA/66/11

#### **REPRESENTATIONS**

##### **Representations received:**

Walberton Parish Council

Walberton Parish Council: No comment or objection.

2 letter of objection: Loss of residential amenity caused by the applicant's plan to create a new outside eating and drinking and smoking area adjacent to gardens. There are no measures to ameliorate this.

2 letters of support: The revised plan with a more general pub area is good with a private dining area and terrace in addition to the south facing garden. The Sussex Pub group's establishments are well run and this will be good for the village. Suggest the boundary wall be increased in height to protect neighbours privacy.

**Comments on Representations received:**

Noted. The use of the pub garden is an established and traditional use.

**CONSULTATIONS**

Conservation Officer  
Southern Water Planning  
WSCC Strategic Planning  
Environmental Health  
Economic Regeneration  
Engineers (Fluvial Flooding)

**Consultations responses received:**

Southern Water:

A formal application for any new connection to the foul sewer should be made by the applicant. The applicant has not stated details of the proposed means of disposal of surface water from the site. Our initial investigations indicate that there are no public surface water sewers in the area to serve the development therefore alternative means of draining surface water from this development are required. This should not be to a public foul sewer. If any sewer is found during the development crossing the above property, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.

Conservation Area Advisory Committee:

No objection.

County Highways:

No objection.

District Environmental Health:

No objection

Conservation Officer:

The proposal is a revision to previously approved plans. It is noted that the lettable rooms are to remain. For the scheme to be successful, good quality materials will be required. The proposal is not considered to have a detrimental impact on the character or appearance of either the public house or the conservation area.

**Comments on Consultation responses:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:  
Outside the built up area boundary  
Within a designated conservation area  
Class C road  
TPO WA/1/11

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan:

[GEN3](#)  
[GEN7](#)  
[GEN9](#)  
[GEN12](#)  
[AREA2](#)

Protection of the Countryside  
The Form of New Development  
Foul and Surface Water Drainage  
Parking in New Development  
Conservation Areas

**PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

**SUPPLEMENTARY POLICY GUIDANCE**

XXX3

Good Planning Practice Guide on Tourism

**POLICY COMMENTARY**

"The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage."

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

**CONCLUSIONS**

PRINCIPLE:

The principle of the development of 4 bed and breakfast rooms has been established under the previous approval WA/66/11. This application seeks to erect two small single storey extensions to accommodate a layout in accordance with the Sussex Pub Company principles.

**CHANGES TO PREVIOUS APPROVAL:**

The changes to the previous approval are a rear extension 10m x 4.5m to provide toilets and a food preparation area and an extension to the side extension of 1.5m. This will enable the publican to rearrange the internal layout to provide a private dining room for 12 covers, a public dining area for 36 covers and a bar area for 23 covers. Application WA/66/11 secured by way of a condition the enabling development of 6 new houses to commence after the proposed 4 bed and breakfast rooms were open. This was to ensure that the works to the pub were secure and that the pub would not close. The Sussex Pub Company have many successful pubs which have been rennovated in the manner proposed by this application. The other pubs are, The Crab and Lobster at Sidlesham, The Royal Oak at East Lavant, the Halfway Bridge at Lodsworth, Fox and Hounds in Funtington and Trents in Chichester. The company has been established since 1998. The letting accommodation provided is ETC/AA rated. As the company has such a success record, it is considered that the intention is to turn around a failed pub by providing significant investment and providing modern day requirements of the village pub.

**THE RENOVATION PROJECT:**

It is estimated to take 5/6 months to complete the works to the pub and it will be fully functional in July 2013. It is proposed to update the building which is very run down due to lack of previous investment, into a traditional pub open for breakfast and mid morning coffee. Also available will be food all day with a Sunday carvery and 4 bed and breakfast rooms. As can be seen above, the company has a success rate in similar venue to that in Walberton, with an outstanding reputation.

**SECTION 106 AGREEMENT:**

The previous application was for the provision of 4 bed and breakfast rooms with enabling development of 6 houses to the rear of the site on land which is outside the built up area boundary. In order to ensure that the bed and breakfast facility is provided, and that the pub is secured as a long term community facility, this application will be tied to the S106 Agreement pertaining to WA/71/12 which is also before this committee. The pub and housing development have only been separated to enable the Sussex Pub Company to secure finance without being fettered by the housing development which in effect the Company has no financial interest.

**VISUAL AMENITY:**

The two extension are designed as flat roof extensions which is in character with the existing extensions to the building. A ventilation flue is proposed for the rear elevation along the roof of the extension, therefore this will not be visible within the public areas of the street or the car park. Therefore the proposal is considered to be in character with the existing building and will not result in any significant loss of visual amenity.

**RESIDENTIAL AMENITY:**

The issue of the use of the pub garden has been raised. This is a use that has previously been established and therefore the use for the re-opened pub is not considered to result in any significant loss of residential amenity.

**SUMMARY:**

The changes to the pub to provide two small extensions and an external flue are not considered

to result in any significant loss to visual or residential amenity. The changes proposed seek to upgrade the pub, which is currently closed, and re-open it with a formula that has been successful in other local villages. It is therefore recommended that the application is approved subject to the following conditions and signing of the S106 Legal Agreement.

## **HUMAN RIGHTS ACT**

### **FOR APPROVAL**

#### **Human Rights Act:**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article (8) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## **DUTY UNDER THE EQUALITIES ACT 2010**

### **Duty under the Equalities Act 2010**

In assessing this proposal none the following impacts (negative, Neutral or positive) have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

## **RECOMMENDATION**

### **APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans drawing number 4992/205A, 4992/102, 4992/204B, 4992/207

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the extensions hereby

permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The extension hereby permitted shall not be occupied until the extraction flue detailed on drawing number 4992/207 and with the specification details within the Kitchen Ventilation Noise and Odour Impact Assessment dated March 2011 have been installed and be in full working order to the satisfaction of the Local Planning Authority.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan policies GEN7, DEV26 and GEN34.

- 5 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH ((Tel 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

- 6 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

#### SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character )and there are no material considerations to indicate otherwise.

#### RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN9, GEN12, AREA2, XXX3

#### NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 7 INFORMATIVE:  
Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework