

Notice of Meeting



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Western Area Planning Committee Wednesday 6 June 2018 at 6.30pm

in the Council Chamber Council Offices
Market Street Newbury

The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Further information for members of the public

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148



Agenda - Western Area Planning Committee to be held on Wednesday, 6 June 2018
(continued)

Email: planapps@westberks.gov.uk

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043/519441/519486 Email: jenny.legge@westberks.gov.uk / rachel.craggs@westberks.gov.uk / jo.reeves@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 29 May 2018



Agenda - Western Area Planning Committee to be held on Wednesday, 6 June 2018
(continued)

- To:** Councillors Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole, Billy Drummond, Adrian Edwards, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing
- Substitutes:** Councillors Jeremy Bartlett, Jeanette Clifford, Mike Johnston and Gordon Lundie
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Agenda

Part I

Page No.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Andy Day
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



West Berkshire
C O U N C I L

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**WESTERN AREA PLANNING COMMITTEE
DATED 6th June 2018**

UPDATE REPORT

This report sets out the running order for tonight's Committee meeting. It indicates the order in which the applications will be heard, the officer presenting and anyone who has registered to speak either in favour or against the application.

Those people attending to take part in the pre-arranged Public Speaking sections are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Any additional information that has been received since the main agenda was printed will be contained in this report. It may for instance make reference to amended plans and further letters of support or objection. This report must therefore be read in conjunction with the main agenda.

The report is divided into four main parts:

- Part 1 - relates to items not being considered at the meeting,
- Part 2 - any applications that have been deferred for a site visit,
- Part 3 - applications where members of the public wish to speak,
- Part 4 - applications that have not attracted public speaking.

Part 1 N/A

Part 2 N/A

Part 3 (1) 17/03232/FUL Newbury Manor Hotel, London Road, Newbury Pages 25-50
(2) 17/03233/LBC Newbury Manor Hotel, London Road, Newbury Pages 51-68
(3) 17/03223/FUL Newbury Manor Hotel, London Road, Newbury Pages 69-80
(4) 17/03237/COMIND Mill Waters Cottage, Newbury Manor Hotel, London Road Pages 81-114
(5) 17/03238/LBC2 Mill Waters Cottage, Newbury Manor Hotel, London Road Pages 115-134

Part 4 N/A

Appendix Appeal reminder - The White Hart Inn, Hamstead Marshall

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**WESTERN AREA PLANNING COMMITTEE
ON 6TH JUNE 2018**

UPDATE REPORT

Item No: (1) **Application No:** 17/03232/FUL **Page No.** 25-50

Site: Newbury Manor Hotel, London Road, Berkshire RG14 2BY

Planning Officer Presenting: Matthew Shepherd

Member Presenting: N/A

Parish Representative speaking: N/A

Objector(s) speaking: N/A

Supporter(s) speaking: N/A

Applicant/Agent speaking: Tiffany Renwick on behalf of applicant
Euan Brown on behalf of agent

Ward Member(s): Councillor Jeff Beck
Councillor David Goff

Update Information:

No update information to be report

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WESTERN AREA PLANNING COMMITTEE ON 6TH JUNE 2018

UPDATE REPORT

Item No: (2) **Application No:** 17/03233/LBC **Page No.** 51-68

Site: Newbury Manor Hotel, London Road, Berkshire RG14 2BY

Planning Officer Presenting: Matthew Shepherd

Member Presenting: N/A

Parish Representative speaking: N/A

Objector(s) speaking: N/A

Supporter(s) speaking: N/A

Applicant/Agent speaking: Tiffany Renwick on behalf of applicant
Euan Brown on behalf of agent

Ward Member(s): Councillor Jeff Beck
Councillor David Goff

Update Information:

No update information to be report

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WESTERN AREA PLANNING COMMITTEE ON 6TH JUNE 2018

UPDATE REPORT

Item No: (4) **Application No:** 17/03237/COMIND **Page No.** 81-114

Site: Mill Waters Cottage at Newbury Manor Hotel, London Road, Berkshire RG14 2BY

Planning Officer Presenting: Matthew Shepherd

Member Presenting: N/A

Parish Representative speaking: N/A

Objector(s) speaking: Edward Sharp
Rebecca Richards
Thomas Hall

Supporter(s) speaking: N/A

Applicant/Agent speaking: Tiffany Renwick on behalf of applicant
Euan Brown on behalf of agent

Ward Member(s): Councillor Jeff Beck
Councillor David Goff

Update Information:

Updated Information from the Agent

- Applications 17/03237/COMIND and 17/03238/LBC2 mention wall mounted condensers, however, this appears to be a mistake or have been superseded. The restaurant will instead be served by the VRV condensers shown on the service plan submitted to support application 17/03223/FUL.
- The VRV compound location is yet to be finalised as per the above plan indicative nature. As per Sophie's email from 8th February, the VRV AC compound is not intended to form part of this application. The service plan shows an indicative location and a new application will be made for this plant once the location is finalised.
- The agent has had a conversation with the Project Manager (who has in turn checked with the

M&E supplier) trying to clarify these issues. The VRV kit (if approved) will serve air conditioning for the main part of the restaurant building. The "Foster DCU3-1H Condenser" mentioned in the noise report is intended to serve heat rejection for the kitchen and it is still required, independent of the VRV plant being installed or not. (The agent is sorry that directly contrary information has been provided on subsequent days)

- The final internal layout of the kitchen has not been agreed and so the best position for this condenser has not been confirmed, beyond it being on the east wall. The agent is hoping to receive an indicative drawing with the most likely position shown on before lunch today.
- The agent is happy to accept conditions regarding parking and landscaping if they will make the development acceptable
- When queried over the 'good practice' of the management plan of the hotel, for instance in regards to employees breaks and smoking areas, the agent comments that the already runs two hotels, so they would be quite happy to submit a good management plan covering relevant issues.

Updated Information from Objectors

Changes to the plans have been suggest by objectors to the application these contain

- Moving all nuisance or polluting activities of the development to the least sensitive parts of the site.
- As all screening in the form of trees and shrubs is being removed along the perimeter adjoining the residences to facilitate parking, this effectively removes all our privacy and screening from noise and will allow light from car headlights, car park lights and hotel lights into our rear bedrooms and living areas at night. We request that a 4 metre high sound insulating barrier be erected at the rear and adjacent to the residential properties and that the barrier conform with BS EN 1793, BS EN 1794-1 and BS EN 1794-2.
- Replace the bi-fold doors with full glazed windows along the Southern side of the restaurant, reduce and move the outdoor seating and dining area from the South of the restaurant to the West of the restaurant either side of the West facing entrance.
- Extend the exhaust flue to terminate above the West facing entrance to the restaurant
- Create an internal access point to the refuse and recycling store. It is accepted that the refuse and recycling bins would need to be taken out once a day for collection by waste carriers but this is a better solution than having staff constantly accessing an exterior refuse and recycling store continually throughout the day and night only 5 metres from our property
- Move the wall mounted condenser from the East side of the property (5m from our boundary) to a less sensitive area, ideally the SW or NW corners, complying with Saved Policy OVS.5
- Move the motor cycle parking bays to the NW corner of the car park
- Retain the buffer zone between restaurant and River Lambourn of 8 metres into the future
- A restrictions be placed to restrict the use of the land adjacent to the restaurant for gazebo's, BBQ's and other semi- permanent structures.
- To this effect, we would request that a condition be put in place requiring the applicants to install a professional permanent noise monitoring system in a garden of one of the residences (we would be happy for it to be in ours).
- As the East side of the proposed restaurant is the service area and kitchen, it would be a natural place for staff to smoke. We would request a condition be put in place that the East side of the

restaurant be designated a 'No Smoking' area as it is immediately next to our boundary.

- Justify the exclusions of "events" in relation to both noise and traffic modelling.

Additionally information has been provided showing photographs of water voles and bats on the site but these could not be displayed to the committee. This is due to Local Authorities (Access to meeting and documents (Period Notice) (England) Order 2002)

Updated Information From Environmental Health

Post submission of the Committee Reports conditions Environmental Health Officer Joe Dray reviewed the suggested conditions and requests the following changes to ensure the conditions meet the 6 tests of the Planning Practice Guidance to a greater extent.

Variation to Condition 18

Noise Levels of Machinery

The applicant shall carry out a noise survey to establish the representative prevailing background sound level during the times that the site is operating. If refrigeration plant is to be installed that cannot be switched off and will operate at night, a representative night time background sound level shall also be established. The results of the survey shall be sent to the local planning authority for written agreement before operations commence. The representative background sound levels established shall be used to comply with the following restriction.

Noise resulting from the use of this plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-2014, at a point one metre external to the nearest noise sensitive premises.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (March 2012), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

Variation to Condition 19

Regular Maintenance and Switch Off

All extraction plant, machinery and/or equipment installed externally on the development shall be regularly maintained and, except for refrigeration plant, be switched off when the restaurant is not operating.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (March 2012), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

Variation to Condition 22

Prior to Development Works to Minimise Odour and Noise from Food Preparation

Before development commences the applicant shall submit to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of odour and noise from the

preparation of food associated with the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (March 2012), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

WESTERN AREA PLANNING COMMITTEE ON 6TH JUNE 2018

UPDATE REPORT

Item No: (5) **Application No:** 17/03238/LBC2 **Page No.** 115-134

Site: Mill Waters Cottage at Newbury Manor Hotel, London Road, Berkshire RG14 2BY

Planning Officer Presenting: Matthew Shepherd

Member Presenting: N/A

Parish Representative speaking: N/A

Objector(s) speaking: Edward Sharp
Rebecca Richards
Thomas Hall

Supporter(s) speaking: N/A

Applicant/Agent speaking: Tiffany Renwick on behalf of applicant
Euan Brown on behalf of agent

Ward Member(s): Councillor Jeff Beck
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- The agent is happy to accept conditions regarding parking and landscaping if they will make the development acceptable
- When queried over the 'good practice' of the management plan of the hotel, for instance in regards to employees breaks and smoking areas, the agent comments that he already runs two hotels, so they would be quite happy to submit a good management plan covering relevant issues.

Updated Information from Objectors

Changes to the plans have been suggested by objectors to the application these contain

- Moving all nuisance or polluting activities of the development to the least sensitive parts of the site.
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- Replace the bi-fold doors with full glazed windows along the Southern side of the restaurant, reduce and move the outdoor seating and dining area from the South of the restaurant to the West of the restaurant either side of the West facing entrance.
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Agenda Item 5.

Pins Ref 3185410	The White Hart Inn Hamstead Marshall RG20 0HW	Change of Use from public house to 4 No. dwellings and associated external alterations, landscaping and car parking.	Dele. Refusal	Dismissed 11.09.2014
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Preliminary Matters

During the course of the appeal, the appellant submitted an amended plan (Ref: 150724/107 Rev C) (“the Amended Plan”) which alters the design of Plot 1 so as to safeguard internal timber features on the ground floor. These revisions have been made in order to address some of the Council’s stated concerns regarding heritage impacts. The Council accepts that these amendments are not material. Nevertheless, the Inspector considered them under the principles established by the Courts in *Wheatcroft*. He was satisfied that they do not change the nature of the scheme to such a degree that to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. He therefore determined the appeal on the basis of the drawings submitted together with the Amended Plan.

The Council’s second and third reasons for refusal relate to the effect of the proposed development on heritage assets and ecology respectively. During the course of the appeal, the main parties agreed to conditions that would overcome the Council’s concerns in respect of these matters. As a result, the Council has confirmed that it wishes to withdraw these reasons for refusal. The Inspector had no reason to disagree with the Council’s approach in respect of this matter.

Main Issue

The main issue is whether or not the use of the appeal site as a public house is genuinely redundant.

Reasons

The appeal site is situated in Hamstead Marshall, a small settlement located around 3 miles west of Newbury and within the North Wessex Downs Area of Outstanding Natural Beauty (“the AONB”). The site itself is around 0.22 hectares and comprises The White Hart Inn, a non-designated heritage asset which has operated as a public house for many years, together with a number of outbuildings, car parking area, beer garden and garage. The main building itself contains a ground floor bar and restaurant along with associated kitchens and services while on the first floor there is a three bedroom flat. In addition, there are a total of 9 ancillary letting rooms provided in two outbuildings to the north of the main building.

The proposal would involve the conversion of the main public house into two dwellings with a further two dwellings being converted from the outbuildings. The external alterations would be minimal and car parking would be provided for each plot.

The Development Plan (DP) for the area consists of the West Berkshire Core Strategy 2006 - 2026 together with the West Berkshire Council Housing Site Allocations Development Plan Document (HSADPD) and the saved Policies of the West Berkshire Local Plan 1991 – 2006. In general, the DP seeks to focus new housing in the rural service centres and service villages with the emphasis on meeting local needs. Furthermore, it restricts new housing in the countryside other than in a limited number of

defined circumstances. These include those set out in Policy C4 of the HSADPD which applies to proposals involving the conversion of an existing redundant building in the countryside to residential use. It makes clear that, in order to benefit from this exception, the applicant must prove the building is genuinely redundant.

There is little guidance as to what is meant by genuine redundancy. Some assistance can be found in the supporting text which states that for a building to be redundant, it is important that the original use of the building for that purpose no longer exists. Furthermore, the Inspector was referred to the Council's Supplementary Planning Guidance Note No 195 ("the SPG"), which he accepted provides some indication of the types of things that the Council will take into account. However, the main parties agree that, being based on policies which are no longer extant and which pre-date the introduction of the National Planning Policy Framework ("the Framework"), this document should be afforded only limited weight. The Inspector agreed with that assessment and, as such, consider it provides only limited assistance. In the absence of any clear guidance as to how to go about assessing genuine redundancy, he gave it its ordinary meaning of being no longer needed or useful (i.e. superfluous).

Accordingly, the Inspector considered the correct approach in assessing whether a building is genuinely redundant under Policy C4 is to take account of all of the circumstances and judge whether, taken together, they indicate that the property in question is no longer needed or useful. In the case of a public house, he considered these circumstances would include considerations of community value, viability, and marketing and he considered each of these matters in turn below.

Community Value

Paragraph 70 of the Framework indicates that planning decisions should, amongst other things, guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The appellant accepts that The White Hart Inn is capable of being a community facility for the purposes of paragraph 70. However, they argue that its loss is justified in view of the fact that it is no longer economically viable and there is no appetite in the community to take it over. The Council, for their part, have argued that a well-run public house at the appeal site could still provide an important facility for the community and its catchment.

During the hearing, the Inspector heard from a number of local residents who gave details of the history of the pub as a village facility and its importance to community life. Furthermore, there is a considerable amount of correspondence from local residents providing examples of its use as a place in which to meet informally, hold more formal gatherings and socialise with other residents. While the Inspector acknowledged that these activities have ceased since its closure, it is clear that The White Hart Inn is still valued by the local community. This is evidenced by the significant levels of support for its retention as well as its status as an Asset of Community Value (ACV).

While the Inspector accepted that there are other facilities locally that can meet some of these needs, including the church and village hall, the Organic Research centre as well as other public houses in the wider area, the ability of other sites to accommodate such needs provides only partial mitigation. It would still result in the loss of a valued community facility which clearly has a considerable amount of local support. The

Inspector therefore concluded that The White Hart Inn is a valued community facility, the unnecessary loss of which should be guarded against.

Viability

The appellant has provided a Community Resource Analysis Report which includes an assessment of viability and concludes, amongst other things, that there is no reasonable prospect of the property becoming viable in the future. This is based on the fact that the business models operated by both the previous and current owners have failed, the former having resulted in a repossession and the latter having sustained significant losses over a number of years.

The Inspector accepted that the assessment, prepared by experts who are familiar with the public house market, has been prepared in a professional manner. However, the Council's own report, prepared by the District Valuer, concludes that The White Hart Inn, operated on an owner operator basis by a Reasonably Efficient Operator, is economically viable and would return an operating profit of around £65,000 per annum. While the Inspector noted the various points made by both of the main parties in respect of the other's assumptions, there are clearly numerous factors that can have a considerable effect on the outcome of an assessment of viability. As such, he found these assessments to be of only limited assistance.

However, it is clear that the location of the site has a number of advantages including being located within the AONB and close to a number of other sites which would draw visitors - including the nearby Dogs Trust Centre and Organic Research Centre. Similarly, being only a short drive from Newbury it would attract custom from both local residents as well as other visitors to the area. While he acknowledged that the time lapse since its closure would represent a challenge for anyone now wishing to re-establish the business, the previous accounts show a healthy level of turnover and it is clear that the reopening of the site as a public house has considerable support within the local community and indeed from further afield. This suggests that a future operator would benefit from some ready trade in the initial period following opening.

While the Inspector accepted that the public house market is, in general, a difficult one to operate in and that this is even more so for rural pubs, he did not consider that the failure of the past two operators, operating very different models, is sufficient to demonstrate that the use site as a public house is no longer viable.

Marketing

Marketing of the site began in August 2015 on a leasehold basis with an initial guide price of £100,000 for goodwill, fixtures and fittings and an initial rent of £55,000 per annum. The premium was reduced in March 2016 to reflect the loss in value following its closure and to represent the value of the remaining fixtures and fittings. At the same time, the proposed rent was reduced to £35,000 in year one, £42,500 in year 2 and £50,000 in year three followed by a rent review every three years. Other terms remained flexible. More recently, the site has continued to be marketed on a leasehold basis with both terms and rental options open to negotiation. Despite this, there has been limited interest.

The Council agreed at the hearing that it has no specific concerns with the terms or extent of the marketing exercise undertaken by the appellant. Furthermore, it has agreed in the Statement of Common Ground that marketing the site as a leasehold offer was an

acceptable basis against which to assess the application. However, it was clear from the discussions at the hearing that this approach was largely based on the wording of section 6 the SPG7. As he made clear above, that document is now of some age and provides only limited assistance. While he noted it states that marketing may be either by way of leasehold or freehold, the evidence indicates that since at least 2004, The White Hart Inn has been operated on an owner-operator basis. In such circumstances, in order to show that the use of the site as a public house is genuinely redundant, the Inspector considered it necessary for the appellant to demonstrate that there is no market interest in running it on a similar basis.

During the hearing, the appellant acknowledged that the site has not been marketed on a freehold basis. The reason given was that it was purchased to generate an income. Be that as it may, in the absence of any evidence that would demonstrate that there is no interest in running it as a public house on a freehold basis, the Inspector could not be certain that its use is genuinely redundant.

Other Matters

The Inspector noted that both parties agree that the residential use of the site would have no impact on the AONB and that any harm to the significance of the building as a non-designated heritage asset can be guarded against by means of a condition. The Inspector had no reason to conclude otherwise. Nevertheless, a lack of harm in this respect does not weigh positively in favour of the proposal.

It is clear that the appellant has invested a considerable amount of money in updating and maintaining the property during their ownership. However, it is not the purpose of the planning system to seek to compensate an owner for their investment.

While he noted the appellant's suggestion that it would be beneficial for residents to focus on a more limited number of public houses so as to ensure their continued survival, this does not provide any meaningful support in favour of the present proposal.

The appellant has referred to the New Homes Bonus that the proposal would generate. However, Planning Practice Guidance advises that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority. The Inspector therefore did not consider this to be a benefit and, as such, had not taken it into account in determining this appeal.

Planning Balance

He had found above that the evidence on marketing and viability is insufficient to demonstrate that The White Hart Inn is genuinely redundant as a public house. As such, the proposal would be in conflict with Policy C4 of the HSADPD. Furthermore, the Inspector found that it is a community facility, the loss of which should be guarded against in accordance with the guidance set out in the Framework.

While he noted the various benefits identified by the appellant including the economic and employment benefits during construction and those to the wider economy as well as its contribution to housing supply, even cumulatively these are modest and he afforded them only moderate weight. On balance, the Inspector did not consider they are sufficient to indicate that a departure from the development plan would be justified in the present circumstances.

Conclusion

For the reasons set out above, and having had regard to all other matters raised, the Inspector concluded that the appeal should be dismissed.

DC

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