

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(2)	17/00420/FUL Chieveley Parish Council.	21 April 2017	Replacement of existing store with a building for 7 bedrooms. Single storey link and extension to restaurant. The Fox and Hounds, Oxford Road, Donnington, Newbury. Mr and Mrs Vine.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/00420/FUL>

Ward Member(s): Councillor Hilary Cole.

Reason for Committee determination: The Ward Member has called in the application if officers recommend refusal. The scheme would support the local rural economy.

Committee Site Visit: 11th May 2017.

Recommendation. **The Head of Development and Planning be authorised to refuse planning permission.**

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1. Site History

Various applications for minor extensions and refurbishment of the public house post 2000. All approved.

2. Publicity of Application

Site notice displayed 8th March 2017. Expiry 29th March 2017.

3. Consultations and Representations

Chieveley Parish Council. No objections

Shaw cum Donnington Parish Council No objections.

Highways Recommends refusal on the basis of a lack of car parking on the application site.

Environment Agency No objections.

Economic Development The application is to be encouraged as it will create additional employment and support the local rural economy.

Public representations One letter received in support. The public house has for many years been very welcoming to local amenity / charity / group meetings so it should be supported.

4. Policy Considerations

National Planning Policy Framework 2012.
National Planning Practice Guidance 2014.
West Berkshire Core Strategy 2006 to 2026.
Policy CS13.
SPG 19 - Public Houses.

5 Description of development.

5.1 The application site comprises the Fox and Hounds Public House lying to the east of Old Oxford Road in Shaw cum Donnington parish. To the east lies the A339 dual carriageway, to the north Fox Cottage and the A34 bypass overbridge and to the west open land. It is proposed to demolish and rebuild an existing outbuilding to the south of the main public house into a two storey building, to incorporate seven en suite bedrooms for paying guests, one being fully accessible. Connecting this new build to the main public house will be a single storey link. To the north of the public house on the ground floor will be a single storey extension for the main restaurant, comprising circa 30 plus covers.

5.2 In addition to this the current 13 car parking spaces to the rear [east] of the present public house will be retained. The applicant [outside the red line application site but understood to be within his control via a 15 year lease] also seeks to provide space for a further 27 vehicles to the south on an existing informal parking area. Whilst this is indicated clearly on

the submitted site plan, since it lies outside the red line site, it cannot and does not, form any part of the officer's examination and assessment of the proposal. This is because should planning permission be granted for the development on the basis of the plans submitted, no conditions can be applied to this land parcel in question to ensure it remains available for parking purposes in perpetuity, if the scheme is built out.

6 Planning consideration.

The application will be considered under the following issues:-

6.1. Principle of development in the countryside.

- 6.1.1 The principle of supporting [inter alia] public houses in the rural areas is clearly desirable, given the clear social and economic benefits which will arise. In this case, not only will additional staff be employed at the site, but the scheme will assist in the continuing viability of the public house, by providing additional on site accommodation for not only business users but also tourists. This is supported in the advice in SPG 19 and indeed in the NPPF.
- 6.1.2 The NPPF makes it clear, in para 14 that the economic role of planning is most important, and where the Development Plan is silent, absent, or out of date, planning permission should be granted unless there are material adverse impacts in doing so, demonstrably outweighing any benefits, and / or there are specific policies in the Plan which would preclude / restrict such new building.
- 6.1.3 In this particular case, the Planning Authority is in a slightly "odd" situation. Saved policy ENV20 in the previous Local Plan, which corresponded to the redevelopment of rural buildings in the countryside, has now been formally superseded by policy C1 in the now adopted Local Plan / HSADPD [assuming at the time of writing that this was the case at Full Council on May 9th 2017]. However, policy C1 only corresponds to new housing in the countryside. This application is a public house use so the policy cannot apply. As a consequence the Council as Planning Authority must take on board the advice in the NPPF as above.
- 6.1.4 Officers consider firstly that the loss of the barn to the south of the public house, being non listed and of little architectural merit, will not be harmful. In addition, it is considered that the scale, mass, form and design of the new outbuilding is acceptable and will not be harmful to either the local street scene, nor indeed the setting of the public house, nor indeed the wider countryside. It is of course acknowledged that the visual backdrop of the site is dominated by significant road infrastructure, to the west, north and east. The application site is thus visually well contained. It is also accepted that the additional link, and the restaurant extension themselves are single storey only, and modest in scale. On this basis the application conforms to the aims of policy CS19 [Landscape Character] in the Core Strategy, and so the advice in the NPPF, in terms of visual harm.
- 6.1.5 In this regard the Committee should also be aware that the application site is located in the AONB and so policy ADPP5 in the Core Strategy applies, in addition. However it should also be recognised that the southern car parking area lies just outside the AONB. Bullet point 1 in the environment section of this policy seeks to ensure that new development will not harm the AONB landscape, or character. This application is considered to meet this test.
- 6.1.6 The next principal issue to consider is biodiversity – as noted under policy CS17 in the Core Strategy. Being an old building, of traditional build, the barn to be demolished has the potential to contain bats. Bats are a protected species so their habitats need to be retained where possible. The applicants have produced an ecological survey of the building in question, which concludes that there was no evidence discovered in the barn suggesting the presence of bat roosts. The Council's ecological response is awaited on this matter.

6.1.7 The only other issue of significance in terms of policy, is whether the scheme will comply with flood risk, and policy CS16 in the Core Strategy corresponds to this issue. The Environment Agency have responded, indicating no objections on flood risk, although they do raise potential concerns with waste water and sewerage disposal. The views of Thames Water are awaited on this issue. On the assumption [without prejudice] that neither consultee objects to the application, the sole issue remaining is that of highways.

6.2. Highways.

6.2.1 The application site currently has 13 parking spaces to the rear in the red line application site. This is apparently acceptable for the existing public house. The applicant, in conjunction not only with the extensions but the 7 new rooms, is proposing up to 27 further spaces immediately to the south. If this had been in the application site this could have been conditioned, but it is not and the applicant has elected not to resubmit a fresh application with a revised red line, [due to cost of the planning fee] although encouraged to do so by the Council officers. If this had been the case then the application would [without prejudice] have been supported by the officers. For clarity, this additional parking area is required for the new bedrooms to be created and the additional business and so parking demand caused by the larger restaurant area.

6.2.2 The applicants are able to demonstrate a 15 year lease on the land to the south of the public house to incorporate the additional parking area required. However whilst this is laudable, given that any planning permission is not personal to the applicants, but runs with the land in question, the Local Planning Authority cannot be assured that this lease will remain in place in perpetuity. If taken away from future owners / tenants, and parking difficulties arose on the site, the LPA could not serve a breach of condition notice, since the parcel of land lies outside the red line. As a consequence, conditions or road danger would arise on the adjoining highway, due to increased pressure for on street parking. This would be contrary to both the advice in the NPPF and policy CS13 in the Core Strategy. The Old Oxford Road in this location has very fast traffic flows upon it, at both on and off peak times.

6.2.3 It is accepted from a pragmatic view that the above may appear “convoluted and contrived.” However the Council as both Planning and Highway Authority must remain consistent in its approach to highways safety and parking standards in order that no harmful precedent is set. The applicants have not been able to clearly demonstrate any exceptional justification for the new build, which would override the highways officer’s advice. In this instance it is of course in the gift of the Committee to overturn such a recommendation, should they wish to do so.

7.0 **Conclusion.**

7.1. The NPPF advises local planning authorities to determine planning applications in accord with the three golden threads in the NPPF. In social terms the application is encouraged, since it will support the continuing profitability of a successful and popular local public house, which of course serves a valuable community function. In addition, it is also encouraged in economic terms since the public house additions will support the local economy via increased expenditure and jobs. It is also accepted in environmental terms, in respect of visual impact. The principal environmental problem lies in the conditions of highways danger which would arise due to the lack of parking available on the application site, so leading to on street parking. Given public safety is potentially involved, officers consider that the application should be rejected, notwithstanding the benefits arising. In addition, it is known that the applicants have a valid fall back position, in the sense that an alternative application can be submitted to potentially resolve this situation.

8. Recommendation:-

The Head of Development and Planning be authorized to REFUSE planning permission on the following highway / parking grounds.

- 1 The applicant has failed to demonstrate to the satisfaction of the Council as Highway Authority that sufficient parking spaces will be available on the application site, once the new development is implemented, were it to be permitted. This lack of on site parking will lead to additional pressures for parking on the public highway, leading to conditions of poor road safety. This in turn is contrary to the advice in the NPPF of 2012, and policy CS13 of the West Berkshire Core Strategy of 2006 to 2026. It is thus unacceptable.

Informative.

In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

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