

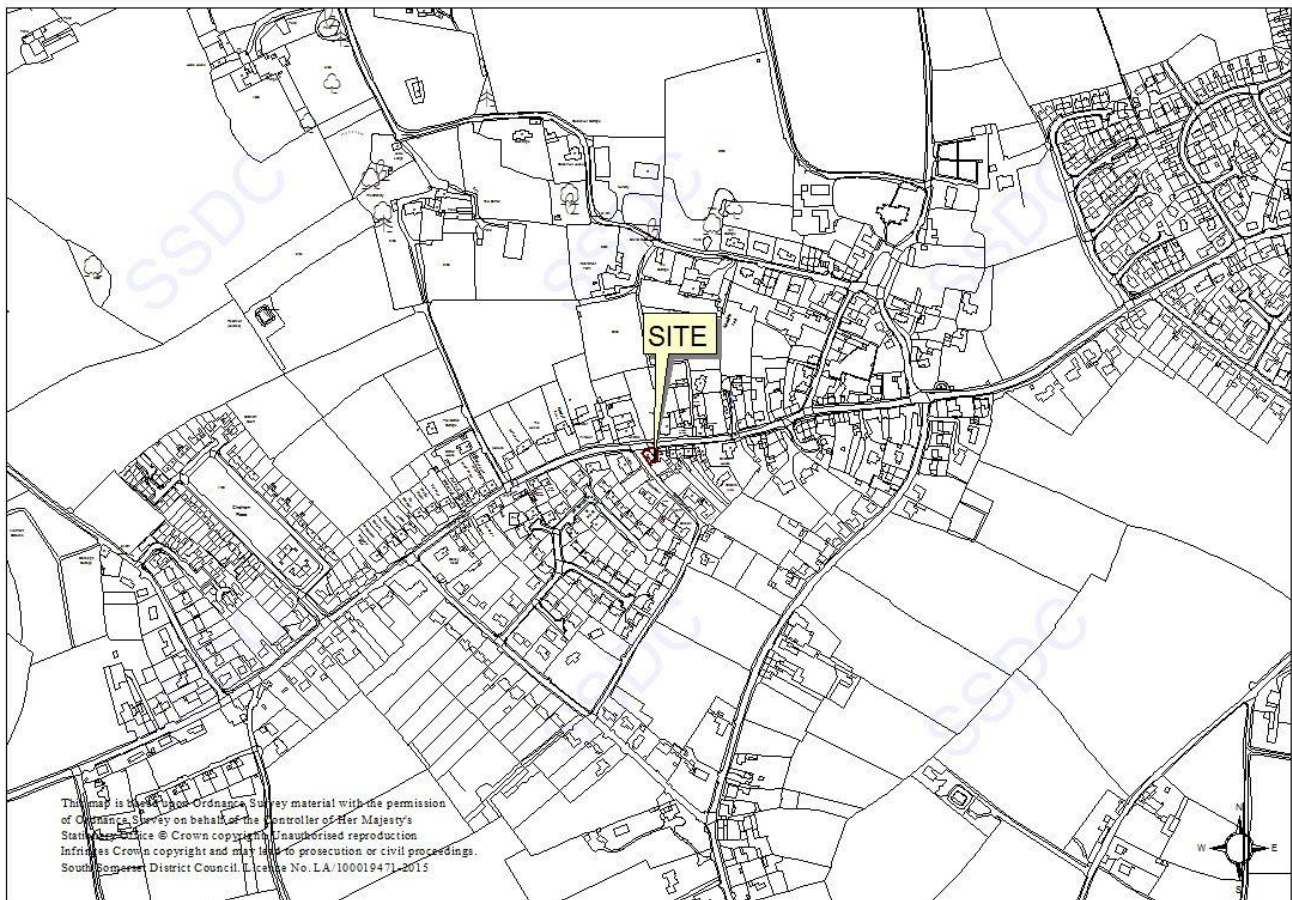
## Officer Report On Planning Application: 17/00917/COU

<b>Proposal :</b>	Change of use of public house (Use Class A4) to 1 No. dwelling with associated parking.
<b>Site Address:</b>	King William Inn, Langport Road, Curry Rivet.
<b>Parish:</b>	Curry Rivet
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Tiffany Osborne
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	4th May 2017
<b>Applicant :</b>	Alison McDougall
<b>Agent: (no agent if blank)</b>	Mrs Lydia Dunne, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Area Chair to enable the issues raised to be fully debated by Members.

### SITE DESCRIPTION AND PROPOSAL





## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

### **Policies of the South Somerset Local Plan (2006-2028)**

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS5 - Delivering New Housing Growth

EP15 - Protection and Provision of Local Shops, Community Facilities and Services

HG5 - Achieving a Mix of Market Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17

Chapter 1 - Building a Strong Competitive Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 12 - Conserving and Enhancing the Historic Environment

### **National Planning Practice Guidance**

Conserving and Enhancing the Historic Environment

Design

Rural Housing

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

## **CONSULTATIONS**

**Parish Council:** The Parish Council recommends refusal of the above planning application because it is considered that a single Public House is not sufficient for the size of the village, bearing in mind future development proposed, and there is a need for two Public Houses.

**County Highway Authority:** Standing Advice applies.

**SSDC Highway Consultant:** Refer to the comments made in response to the associated planning application 17/00918/OUT, which apply equally. These are as follows:

*This proposal should be considered in tandem with the change of use of the public inn to a residential*

*dwelling. The volume of traffic entering/exiting the site is likely to reduce as a result of the development, given the extant use as the pub car park. However, the details of the proposed access need careful consideration. The footway to the north of the site should be extended across the entire site frontage with the access taking the form of a footway crossing rather than a kerbed junction. The southerly visibility splay appears to cross third party land - I think this could be avoided if a 2.0m X-distance is used in this direction and/or a topo survey is commissioned which may demonstrate that the use of a 2.4 X-distance can be used. The level of parking should accord with the SPS optimum standards - if the proposed dwellings are 2-bed units then strictly speaking five car spaces are required in addition to that required for the converted pub. I suggest amended plans are submitted to address the above comments.*

Amended plans have since been received in relation to application 17/00918/OUT, showing both improved access in line with the Highway Consultant's comments but also the reduction of the outline proposal from two to one dwelling. The latest comments following these revisions are:

*The revised layout is acceptable in highways terms. The details appear satisfactory, provided the parking and turning areas are properly consolidated and surfaced (not loose stone/gravel) and that suitable drainage measures are provided across the access to the rear of the footway, as shown, to ensure surface water does not discharge onto the highway. The extension of the footway across the site frontage (and its dedication/adoption to/by SCC) is likely to require a legal agreement with the highway authority. A S184 Road Opening Notice will be required from SCC.*

**SSDC Economic Development:** (Opinion received in respect to pre-application discussions)

The King William IV is not the only public house in Curry Rivel. Whilst the loss of such a community facility would be regrettable (as it is likely to be supported by a fair number of local people and passing trade) it would not be a total loss of this type of amenity to the village. It might also be argued that the loss of one public house in a village may safeguard or even improve the trade in the other.

- The pub is only marginally viable and displaying a downward financial trajectory.
- In my opinion the marketing can be considered robust.

I would find it difficult to make a compelling economic argument for continuation of existing use.

## **REPRESENTATIONS**

Two letters of objection have been received from local residents in respect to the application for change of use of the public house. The following main points are raised:

- The King William is the only pub of its type in the village. The other, The Fire House, is a popular restaurant with bar, and is often overcrowded and does not serve the purpose of a public house with space for people to meet in comfortably surroundings.
- The current publican is unwelcoming, has not advertised, or encouraged clientele to visit. A reduction in drinking hours and not being open for reasonable opening hours on long weekends also puts off many potential visitors.
- This application is the first step for applying for housing on the pub car park, which will lead to additional parking problems, and other highway safety concerns.
- The pub has been successful previously, and with the right management may be so again. This is shown by the success of The Fire House.
- There is no need for more housing in Curry Rivel.

## CONSIDERATIONS

### Principle of Development

The application seeks to change the use of the public house to allow the entire building to be a single dwellinghouse. Curry Rivel is designated as a Rural Settlement within the South Somerset Local Plan (2006-2028), and as such is a location where development is considered to be generally acceptable, within the current policy context, being a larger rural settlement with access to a broad range of key local services. As such the principle of development is acceptable subject to according with other Development Plan policies and proposals, and the aims of the NPPF. In considering the change of use of local services (including public houses), policy EP15 of the South Somerset Local Plan is relevant.

Policy EP15 states " *Proposals that would result in a significant or total loss of site and/or premises currently or last used for a local shop, post office, public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement will not be permitted except where the applicant demonstrates that:*

- *alternative provision of equivalent or better quality, that is accessible to that local community is available within the settlement or will be provided and made available prior to commencement of redevelopment; or*
- *there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment, and all reasonable efforts to secure suitable alternative business or community re-use or social enterprise have been made for a maximum of 18 months or a period agreed by the Local Planning Authority prior to application submission."*

In this case, the applicant has sought to demonstrate that the loss of the public house facility will not result in a significant loss of a premises last used for a public house that contributes towards the sustainability of the settlement. This is due to the presence of several other facilities locally, both public houses and other facilities which offer a similar service. In addition, the application is supported by a planning statement, business appraisal and financial information to demonstrate that the public house is not sufficiently viable to continue operating, and that it has been robustly marketed in accordance with the requirements of policy EP15. It is also argued that the size of the pub, limited facilities, such as a very small kitchen and store room, and inability to accommodate sufficient numbers of diners to offer greater variety in business model, means that there is limited prospect of becoming any more viable in the future.

Despite the concerns raised by the Parish Council, and contributors, the proposal has been discussed with the Council's Economic Development, both as part of this application, and in pre-application discussions. The difficulties with the continuing use as a public house are acknowledged, as is the minimal profit being generated. In response to pre-application discussions in 2014, the Council's Economic Development Manager considered that the loss of the pub, while regrettable, would not represent the total loss of this amenity type in the village. While there have been other pub closures since, this has also coincided with the refurbishment and re-opening of The Old Forge Inn, now known as the Fire House, which is a successful pub and restaurant at the centre of the village.

Notwithstanding whether this would be viewed as a total or significant loss of such facilities, it must also be noted that the property has been on the market well in excess of the 18 months required by policy EP15. It has been marketed since March 2011, with continuous marketing since. There has been no serious interest, with one offer below the asking price. Having considered the robust marketing, the lack of significant interest, and the continuing marginal viability, with no likelihood of improving, it is considered that it has been appropriately demonstrated that the existing use is unviable and all reasonable efforts to secure suitable alternative business or community re-use have been made.

Another issue to consider in the assessment of this application, is that the public house recently been

listed as an 'Asset of Community Value' (ACV), following a successful nomination. The application was made in the latter stages of this application and registered on 9th June 2017. The initial 6 week period to appeal against the listing, and for interested parties to express a written intention to bid expires, therefore expires on 21st July 2017. Should no expression of interest be received, a protected period of 18 months, in which no further moratorium may be triggered, will commence. Despite the presence of this ACV status, this does not actually provide a policy basis to refuse planning permission. The main purpose of this legislation is to require an application for planning permission for any change of use of a building already on the list, and providing the opportunity for community groups to gain the requisite finding to make a bid. It should be noted however that the applicant is not obliged to sell to an interested party, or sell at a discounted rate, although of failure to do so would raise questions when considering the robustness of the marketing exercise, when considering an application for planning permission.

There is very little advice on the appropriate weight to be given to ACV listing, with various publications and advice suggesting that *"it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case."* As mentioned above, the main reason for objecting in the case of a listed asset would be if a suitable bid has been made, and rejected, prior to the application being made, in which case the ability to comply with policy requirements to seek alternative use, such as that within policy EP15, may be questioned. In this particular case, the bid has come in very late, with the public house already having been marketed in excess of 6 years, with no suitable interest. As such, it is considered unreasonable to give the pub's status significant weight in the planning balance, so as to recommend refusal.

### **Other Issues**

Other issues to consider are the potential impact on highway safety and residential amenity.

Firstly in regard to highway safety, parking provision is identified within the existing car park, in conjunction with the concurrent application for outline permission to provide a single dwellinghouse on the public house car park. The plans submitted in respect to that application (17/00918/OUT) include improvements to the existing car park access, including the extension of the pedestrian pavement to the north, across the site frontage, and provision of pedestrian visibility, and provision of 8 parking spaces (4 for each proposed dwelling) and turning space. The proposed alterations to the access are considered to be more pertinent to the outline planning permission, and would be conditioned accordingly, should that permission be granted. In this case, it is not felt that the alterations are essential should only this permission be granted. Use of the existing car park for only parking related to the occupation of the King William Inn as a dwellinghouse, would generate less vehicle movements than would potentially be expected from use as a public house car park so should this planning permission be granted, it is considered necessary only to condition that parking space shall be provided, and kept clear of obstruction, in line with the submitted plans for the overall development of the car park site. Should the outline planning permission also be approved, then the full improvements and more formal parking provision would be expected to be provided at that stage.

As there are no changes proposed to the external appearance of the property and that the partial residential use of the site will be extended, there are no concerns in respect to the visual impact of the proposal or impact on residential amenity.

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). The appropriate Form 0 has been completed and returned by the applicant.

### **Conclusion**

Overall, the proposed change of use to a single dwellinghouse is considered to be appropriate in this

location and it has been satisfactorily demonstrated that there is no reasonable prospect of retention of the existing use as it is only marginally viable, with little prospect of improvement. Additionally, appropriate efforts have been made to secure suitable alternative business or community re-use, through a lengthy and robust marketing exercise.

## **RECOMMENDATION**

Grant permission with conditions

01. The proposed change of use to a single dwellinghouse is considered to be appropriate in this location. It has also been satisfactorily demonstrated that there is no reasonable prospect of retention of the existing use and that appropriate efforts have been made to secure suitable alternative business or community re-use. The proposal also has no detrimental impact on visual amenity of the local area, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, SS1, SS2, TA5, TA6, EP15, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 1, 4, 7, 12 and the core planning principles of the National Planning Policy Framework.

### **Subject to the following:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in complete accordance with the following approved plan: '535 (00) 01', received 9th March 2017.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. Prior to the change of use hereby permitted first taking place, a parking area shall be provided to accord with the layout of parking spaces, as indicated on submitted plan '535 (0) 01 A', received 16th May 2017. This area allocated for parking shall thereafter be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

### **Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk).

---