



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 6 March 2018

**DEVELOPMENT:** Proposed conversion of public house into a single four bedroom dwelling with associated external alterations including single storey side and rear infill extension with roof lights.

**SITE:** The Royal Oak Friday Street Rusper Horsham West Sussex RH12 4QA

**WARD:** Rusper and Colgate

**APPLICATION:** DC/17/1579

**APPLICANT:** **Name:** Clive & Sara Blunden **Address:** C/O Agent

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 representations received with a view contrary to the officer recommendation

**RECOMMENDATION:** To grant planning permission

## **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks planning permission for the conversion of public house (The Royal Oak) into a single four bedroom dwelling with associated external alterations including single storey side and rear infill extension with roof lights. A private car parking area is proposed to the west of the public house on land that previously formed part of the hard surfaced public car parking area. The existing access is retained. All materials are to match existing.
- 1.2 A single storey extension with roof lights is proposed to the rear of 'The Royal Oak' to facilitate the conversion and use of the pub for residential purposes and the provision of a new kitchen / dining area. The first floor layout essentially remains as existing. The proposals include partial demolition of the existing projecting toilet facilities along the east elevation.

### DESCRIPTION OF THE SITE

- 1.3 The application site comprises the existing freehold Public House 'The Royal Oak', a small detached building of traditional brick construction, with a pitched tiled roof and tile hung side elevations and wooden shutters to the single glazed sash windows, and a glass

canopy to the front. The existing ground floor area comprises a bar area with a basic trade kitchen to the rear and two small rooms either side of the bar. The existing associated residential accommodation at first floor comprises 2 double bedrooms and 1 single bedroom all with en-suite shower or bathrooms. There is an attached outdoor toilet and a tarmac car parking area for approximately 15 cars associated with the pub. There is a rear yard accessed from the kitchen. The Pub has space for approximately 25 -30 customers to be seated comfortably (including the bar area).

1.4 The application site is located outside of any defined Built up Area Boundary and is therefore located within the Countryside. The site is located on a rural lane east of the A24 and north of the A243 and is approximately 2.2 miles from the village of Rusper.

1.5 The Royal Oak Public House is not listed as an Asset of Community Value and it has not been nominated as such.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

#### 2.2 National Planning Policy Framework

#### 2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 10 - Rural Economic Development

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 43 - Community Facilities, Leisure and Recreation

#### 2.4 RELEVANT NEIGHBOURHOOD PLAN

The Parish of Rusper was designated as a Neighbourhood Development Plan Area on the 18<sup>th</sup> February 2018. However, there is currently no Neighbourhood Plan for the area. The site is not an allocated site within the Local Plan.

#### 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

RS/1/62	New gents and ladies cloakrooms including all new drainage and septic tank Comment: & bbl 14/02/62 (From old Planning History)	Application Permitted on 16.02.1962
RS/20/88	Reconductoring overhead line (From old Planning History)	Application Permitted on 23.05.1988
RS/23/62	New car park and vehicular access (From old Planning History)	Application Permitted on 31.08.1962

RS/41/82	Reconstruction and alterations (From old Planning History)	Application Permitted on 01.12.1982
RS/51/62	Proposed garage (From old Planning History)	Application Permitted on 11.01.1963

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No Objection subject to conditions

#### OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection

- 3.4 **Southern Water:** Comment. There is no foul sewer in the area to serve this development. The applicant is advised to examine alternative means of foul sewerage disposal for any additional connections.

- 3.5 **Rusper Parish:** Object. This public house is an important facility for the Parish. From the information given, it would appear that the viability for the pub is still there, but there seems to have been an issue with the management of it.

#### PUBLIC CONSULTATIONS

- 3.6 19 Neighbour letters have been received (including 2 from 1 household) objecting in relation to the revised scheme and 7 letters (including 2 from 1 household) objecting to the original scheme and subsequent amendments for the following reasons:

- Loss of private amenity
- Loss of privacy and light
- Noise
- Loss of Public House to the local community
- Principle

### 4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

### 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## 6. PLANNING ASSESSMENTS

6.1 The main issues in this case are considered to be:-

- The principle of a change of use from a public house to a dwelling;
- The impact on the character and appearance of the area, including the setting of surrounding heritage assets;
- The impact on neighbouring amenity;
- Highway issues.

### Change of use

- 6.2 Policy 43 of the HDPF, Community Facilities, seeks to protect and enhance facilities that contribute to the enrichment and overall quality of life in the District. The policy advises that proposals that would result in the loss of sites and premises last used for the provision of community facilities or services or leisure for the community will be resisted unless equally useable facilities can be conveniently provided nearby. The policy further advises that it will be necessary to demonstrate that continued use of a community facility or service is no longer feasible, taking into account factors such as; appropriate marketing, the demand for the use of the site or premises, its quality and usability, and the identification of a potential future occupier.
- 6.3 The applicants have submitted audited financial accounts for the Royal Oak for the years ending September 2013, 2014 and 2015 and unaudited accounts for September 2016. These accounts are supplemented by a Marketing Report, prepared by Sidney Philips Limited, which advises that the premises has been marketed since October 2016, when the pub was still trading, this ceased in Autumn 2017 and the building is currently vacant. It is advised that details of the property were sent to 2714 matching database applicants with advertisements placed in the 'Morning Advertiser', 'Daltons Business' and 'Businesses for Sale'. The report advises that while the business has been marketed through different outlets it has not been possible to secure an appropriate owner or operational entity.
- 6.4 The Council has employed an independent expert through DVS Property Services for the Public Sector, to undertake an independent assessment of the economic and commercial viability and marketability of the Royal Oak Pub, considering the applicant's supporting information as well as comparisons of and confidential trading information and freehold sales and rentals of other Public Houses. The District Valuer has advised, that in their opinion, the Royal Oak is not economically viable, as the trading potential the turnover achievable by a reasonably efficient operator represents less than 7% of Fair Maintainable Operating Profit levels (FMOT), whereas market expectation of profitability is set at least 12% of Fair Maintainable Turnover (FMT).
- 6.5 The District Valuer has also noted that the pub is in a state of disrepair externally and is worn and tired internally and would require substantial investment in order to match the levels of comfort and appearance offered by other competitors. It is also noted that comparable pubs (the Star Inn and the Inn on the Green) inspected by the District Valuer all benefit from better locations in village centres or on busier roads and are more easily accessible. It is also noted that there is strong competition locally from a number of well-regarded food led pubs in the area run by Brunning and Price and that the owners of the Royal Oak have found it difficult to compete as the high overhead costs associated with providing a food menu coupled with the limited demand experienced.
- 6.6 The applicant has noted that there are a number of pubs within a ten minute drive from The Royal Oak, including The Plough (Rusper); The Star (Rusper); The Lamb (Lamb's Green); The Frog and Nightgown (Wimlands); The Sussex Oak and the Greets (Warnham), The

Owl (Kingsfold); The Dog and Duck (A24); There is also the Rusper Golf Club within walking distance and two pubs in Rusper Village.

- 6.7 Given the information outlined above, whilst the loss of the public house is regrettable it is not considered that its loss can be resisted. There are a number of public houses within the vicinity and the applicant, through viability assessments, has demonstrated that the use of the property as a public house is no longer viable as required by Policy 43 of the HDPF.
- 6.8 The application site, although in a countryside location, is set amongst a small cluster of buildings. The dwelling would not therefore be isolated and would be seen in the immediate context. A dwelling on the site would not create a significant increase in the level of activity in the countryside, particularly given the existing lawful use as a public house. A dwelling house in this location is therefore considered acceptable and would make efficient and effective use of the existing vacant building.

#### Character and Appearance

- 6.8 Policies 30, 32, 33 and 34 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensures that it will complement locally distinctive characters and heritage and that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, is locally distinctive in character, respects the character of the surrounding area, and uses high standards of building materials, and finishes.
- 6.9 The single storey extension to the rear of the pub to provide a kitchen / dining area is considered acceptable in terms of its size and scale. The proposal has been amended during the application process, due to officer concerns, to reduce the size of the rear two storey extension as previously sought. As a result no additional floor space would be created at first floor level. The proposed use and associated extensions would not materially impact on the setting of the two listed buildings to the front and rear of the site, with the relationship between them and the application site preserved. It is noted that the existing car park area (which is hard surfaced) will be reduced to create a garden curtilage for the dwelling. It is considered that additional landscaping and boundary treatment will be required to create a suitable private garden area associated with the dwelling in the existing hard surfaced area which currently serves as car parking. As such suitable conditions have been imposed requiring further details should planning permission be granted.

#### Impact on neighbouring amenity

- 6.10 Policy 33 of the HDPF states that development should, amongst other things, respect amenities of neighbouring properties and the locality.
- 6.11 The use of the site for residential purposes would not be expected to generate a level of activity which would result in significant harm to neighbouring amenity, with activities associated with the residential use likely to reduce activities and associated noise, comings and goings etc., previously associated with the use of the Public House.
- 6.12 The reduced size and scale of the rear extensions (from two-storey to single-storey) would prevent any significant harm to neighbouring amenity, with the relationship between the existing first floor accommodation and surrounding dwellings maintained. No additional floor space would be created at first floor level and the form and function of the first floor bedrooms would essentially remain as existing. As such the degree of overlooking would not significantly change as a result of the proposed change of use and the impact would be neutral.

## Highways

- 6.11 The Highway Authority has advised that they have no objections to the proposals. The existing car parking area has an in and out arrangement, one access point is to be retained for the proposed residential parking area and the other closed. There would be sufficient car parking for the proposed dwelling and there would be no significant highway or capacity issues arising from the proposals. The application is therefore considered to accord with HDPF Policy 41 Parking which states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users.

## Conclusions

- 6.18 It is considered that the change of use from public house to a single private residential unit would result in a reduction in the overall level of noise and disturbance arising from the level of potential visitors arriving and leaving during the day and late night, as generally associated with the use of the site as a pub. Therefore, it is considered that in terms of harm the impact of the proposed change of use to residential would be neutral. Access and car parking areas would be as existing and therefore there would be no additional impact arising from the proposed use as residential in these respects.
- 6.19 In conclusion it is considered that, on balance, it has been demonstrated and verified by the expert employed by the Council that the use of the site as a pub is not economically viable, and it is considered that the change of use to a single dwelling house would maintain the character and appearance of the dwelling, and would have a reduced impact on the amenity of neighbouring occupiers than a public house. It is therefore considered that the proposals meet with the relevant criteria of paragraph 55 of the NPPF and Policies 32, 33 and 43 of the HDPF.

## **7. RECOMMENDATIONS**

- 7.1 That planning permission be granted subject to the following conditions:-

**1 List of the approved plans**

- 2 Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 3 Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Occupation Condition:** The hereby approved dwelling shall not be occupied unless and until provision for the storage of refuse/recycling has been made for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** The hereby approved dwelling shall not be occupied until the western most vehicular access onto Friday Street has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** The hereby approved dwelling shall not be occupied until the car parking spaces (including garages) serving it have been constructed and made available for use in accordance with approved drawing number 001. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, visibility splays for the access(es) serving the development shall be provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A, B and E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due to the relationship of the site with surrounding properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/1579