

PLANNING APPLICATION REPORT

Case Officer: Ben Gilpin

Parish: Ermington **Ward:** Erme Valley

Application No: 2659/15/FUL

Agent/Applicant:
Barzey Associates
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Applicant:
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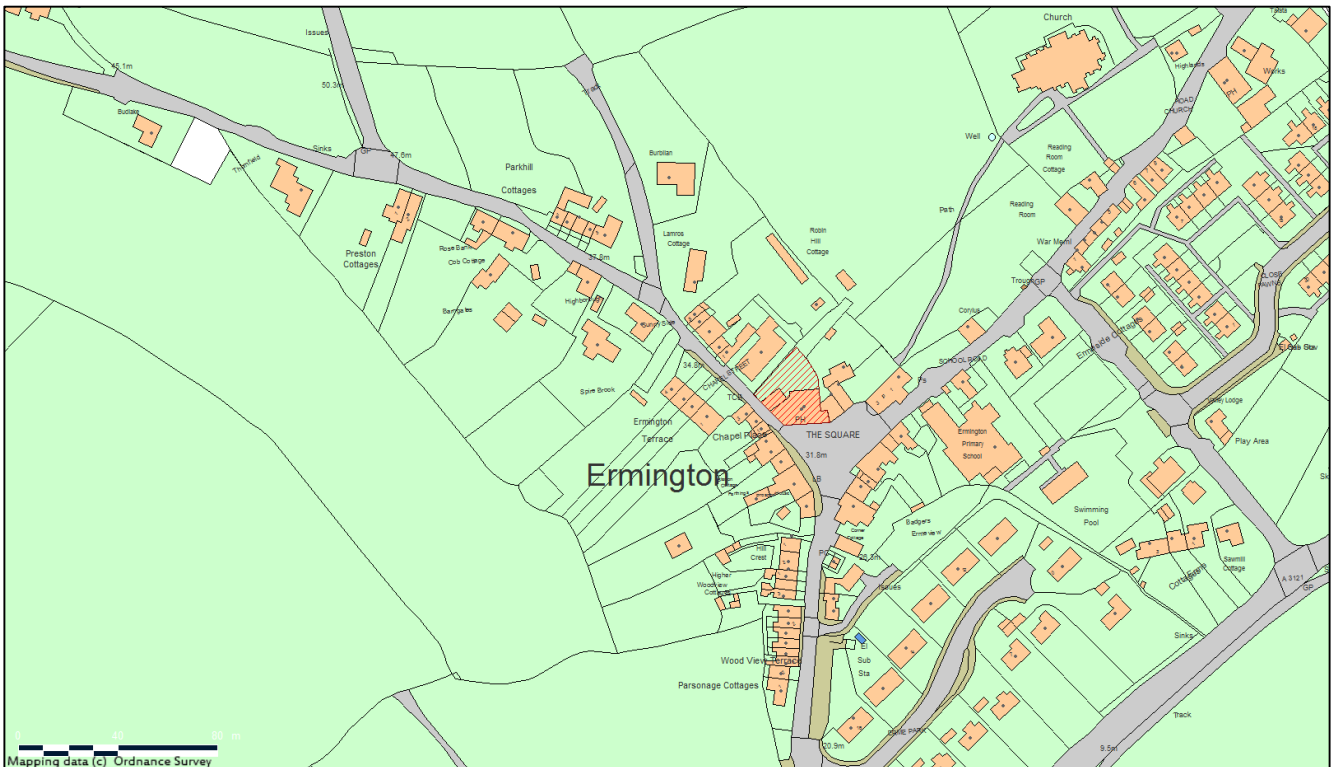
Site Address: Crooked Spire Inn, The Square, Ermington, Devon, PL21 9LP

Development: Conversion of part of redundant premises to form two new dwellings.

Reason item is being put before Committee:

At the request of Cllr Holway, who stated:

There is strong feeling within the community regarding this application, and concerns include the continued viability of the pub if the application is approved and parking issues. As the site is significant, being in the centre of the village, I feel it should be determined by the DM Committee.



Recommendation:

That Development Management Committee delegates the authority to the CoP Lead to approve subject to the conditions listed below and the prior satisfactory completion of a Section 106 Agreement

Conditions:

Standard Time Limit
Accord with Plans
Unsuspected Contamination
Materials (Prior to Commencement (PTC))

S106:

Affordable Housing Contribution

Key issues for consideration:

Principle of Development
Impact on Amenity (loss of light) / Heritage Assets
Impact on 'Community Asset' / Viability
Others (highways / Area of Outstanding Natural Beauty (AONB) / 5 Year Housing Land Supply (5YHLS))

Site Description:

The site is within the development boundary and within a Conservation Area. The site is also on the List of Assets of Community Value (added on 28/08/2013).

The site has no other identified statutory designation constraints.

The Proposal:

Conversion of part of redundant premises to form two new dwellings.

Consultations:

- County Highways Authority

No objection

- Environmental Health Section

No comments received – apply default Unsuspected Contamination planning condition.

- Town/Parish Council

Objection:

1. *NPPF and local planning policies promote the retention of public houses. The current plan puts the viability of the Crooked Spire Inn at risk because:*
 - a. *The proposals amount to a reduction of almost 50% of the pub space;*

- b. *It is generally accepted that village pubs cannot survive on drink sales alone and income from food sales is essential. The kitchen facilities are dramatically reduced in size resulting in limitations on the amount of catering possible thus impacting directly on the viability of the business;*
 - c. *The beer store would be reduced to an extent that would restrict the range of drinks available.*
2. *The failure of the business would result in a need to dispose of it. The pubs listing as an Asset of Community Value would then in effect be neutralised because of the limitations imposed on it by the changes to its size and viability.*
 3. *No business case has been made to support the view stated in the application that the changes proposed would make the pub more viable.*
 4. *The application states that the saloon bar is not used. This is an over statement. The bar is used by a number of community groups.*
 5. *Contrary to what is written in the Design and Access statement there has been no prior consultation with Ermington Parish Council or the local community.*
 6. *The two vehicle access points onto Chapel Street pose a very real danger because of the lack of adequate sight lines.*
- Others

None received

Representations:

Representations from Residents

At the time of writing, circa 14 letters of objection to the proposal had been received, citing:

- Impact on the Area of Outstanding Natural Beauty (AONB)
- Poor pub management
- Loss of public meeting space
- Lack of Community Facilities
- Loss of space would render the business unviable
- Highway Safety
- Kitchen is not the right size for a viable business / Public House
- The loss of part of the Public House would mean that there is nowhere for members of the community to meet
- Lack of parking at the Public House to ensure it would be a viable business
- Loss of light to neighbouring properties from increase in size of development

At the time of writing 1 letter of support to the proposal has been received, citing:

- The village has existing community space (the Reading Rooms);
- The proposal is both reasonable and balanced
- Financial exposure of the owner would be reduced allowing the release of capital to re-invest;
- A smaller pub would mean reduced rents for landlords, so being more viable
- There is no obligation for the owner to improve the facilities at the pub to the standard that the village wants
- The proposals offer a chance for positive change

Relevant Planning History

None directly applicable

ANALYSIS

Principle of Development:

The site is located within the development boundary so development, per se, is acceptable in principle (subject to accordance with adopted Development Plan policies).

Impact on Amenity (loss of light) / Heritage Assets:

Comments have been received suggesting the changes proposed to deliver the scheme (the raising of the ridge height of 'New Dwelling 2' by circa 0.6 metres) would result in a loss of light to the west are not considered so detrimental as to warrant or support a recommendation of refusal in this instance.

The proposed development would enable the continued beneficial use of the buildings so ensuring this part of the CA retains its current character (being predominantly residential, together with the Public House), as well as continuing to preserve the quality of the environment (in accordance with policy DP6).

The character of the CA is not considered to be so negatively affected by the proposal in this instance as to warrant a recommendation for refusal, and to ensure effect is minimised (yet still deliver the requisite home improvements) the materials can be secured by way of a planning condition.

Impact on 'Community Asset' / Viability:

Policy DP9 relates to Local Facilities.

The part of the policy relevant to this planning application (sub section 2) states:

"In order to protect access to community services the change of use or redevelopment of a local facility will not be permitted unless:

- a. there is alternative local provision; and/or*
- b. there is proven absence of demand for the facility; and/or*
- c. it can be shown to be non-viable."*

In addition, consideration has also been given to Planning Case Law in relation to the loss of such facilities (notably Planning Appeals: APP/L3245/A/13/2192177 and APP/Z1510/A/12/2172854 that related to the loss of the last local facility in the respective appeal locations). In the aforementioned decisions, the appeals were dismissed on the grounds that the last community facility in the village would be lost.

In this instance, the proposal does not seek the removal of the Public House, but looks to alter the layout of the Public House to ensure its' long-term use. For clarity, paragraph 28 of the National Planning Policy Framework (NPPF) states that:

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*

Adopted policy and Government Guidance states that community facilities (which include in that definition ‘Public Houses’) should be promoted and supported in rural areas unless there is alternative local provision, and / or there is a proven absence of demand for the facility, and / or the facility is not viable.

Therefore, if the site accords with at least one of the three points of Policy DP9, it could be justifiably argued that to refuse a development solely on Policy DP9 would be unreasonable.

In this instance, objections have stated that the development of the site would result in the loss of a local facility.

In terms of there being no alternative local provision, local in this instance is considered to be the village of Ermington and its immediate surrounds. Within the village, if the areas identified were to be converted to residential use, the village would still have the following:

- The Reading Rooms (multi-function Community Space with kitchen) – 130 metres NE of the site
- The Crooked Spire Public House – at the site

It is evident that there are community facilities that could suitably cater for the needs identified as being lost by the proposal within the locality of the site.

In light of the above, it is not considered that the loss of the part of the Public House as a Local Facility is sufficient to warrant a recommendation for refusal on the grounds cited in objections as it would accord with the criteria of Policy DP9.

Others (highways / Area of Outstanding Natural Beauty (AONB) / 5 Year Housing Land Supply (5YHLS)):

Highways:

A number of objections have cited impact on highway safety as reason for refusing the proposal. In this instance, the view put forward is not one supported by the statutory consultee on such matters (DCC Highways) who have raised no objection.

In this instance, to recommend refusal on highways grounds is not considered one that would be suitably robust to stand up to challenge at Planning Appeal.

AONB:

One objection has stated the development would be to the detriment of the AONB. It is noted that the site is not within the AONB and as such this is not considered material to the planning application (or its consideration).

5 Year Housing Land Supply (5YHLS):

The South Hams District Council Housing Position Statement 2015 (October 2015) states:

The Council has carefully assessed its supply of land and evidence shows it had over 4 years supply in rural South Hams but less than a year in the PPUA (within South Hams) at April 2015.

This equated to 1.9 years supply for the district as a whole.

In summary, and to re-iterate, the District has a 1.9 year supply at present. This falls woefully below the 5 year housing land supply requirement as prescribed by paragraph 47 of the National Planning Policy Framework (NPPF), which states:

To boost significantly the supply of housing, local planning authorities should:

identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

Knowing the above, the fact that the proposed scheme can deliver 2 residential units must carry a reasonable and proportionate level of weight in decision making, even more so knowing the site is immediately adjacent to a settlement identified as sustainable by adopted policy CS1.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP3 Residential Amenity

DP6 Historic Environment

DP7 Transport, Access & Parking

DP9 Local Facilities

South Hams Local Plan (please delete as necessary)

IP 11 Ermington

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.