

ITEM 7

APPLICATION NO.	18/01531/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	13.06.2018
APPLICANT	Lady S Bailey
SITE	The Star Inn, East Tytherley Road, Lockerley, SO51 0LW, EAST TYTHERLEY
PROPOSAL	Change of use to provide 2no. rooms for bed and breakfast
AMENDMENTS	Received on 01.08.2018: <ul style="list-style-type: none">• Amended Proposed Site Plan (confirming the utilisation of a low level picket fence as the internal boundary treatment)

CASE OFFICER Mr Graham Melton

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of the Local Ward Member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is an existing public house, located on the east side of East Tytherley Road in land designated as countryside.

2.2 The main public house is a detached two storey building located at the northern end of the plot, with a variety of single storey extensions and outbuildings located in close proximity.

3.0 PROPOSAL

3.1 The proposal is for the conversion of the existing single storey extension to the main public house, located at the northern end of the site and currently in use as a skittle alley, to two rooms for bed and breakfast accommodation.

3.2 In association with the creation of the two bed and breakfast units, two outdoor seating areas would be created to serve the additional accommodation, located in the north-east and north-west corners of the application site.

4.0 RELEVANT HISTORY

4.1 **TVS.07473/2** - Erection of detached building to provide overnight holiday accommodation. *Permission subject to conditions and notes, decision issued on 27.09.1996.*

5.0 CONSULTATIONS

5.1 **Highways** – No objection.

5.2 **Planning Policy – No objection (summarised):**

Policy COM2

- Application site is on land designated as countryside, therefore the application is required to demonstrate compliance with Policies COM8-COM14, LE10 or LE16-LE18 or that it is essential

Policy COM14

- COM14 is not engaged
- Whilst the proposal would result in the loss of the skittle alley, this is ancillary to the public house and therefore is not considered a concern in planning policy terms

Policy LE16

- The re-use of buildings in the countryside for commercial use (including tourist accommodation) will be permitted provided that criteria a) to d) are satisfied

Policy LE18

- Given that the proposal is located within the countryside, criteria bi) – iv) needs to be satisfied for the development to be deemed permissible in principle
- Policies E1 and E7 are also applicable

6.0 **REPRESENTATIONS** Expired 13.07.2018

6.1 **East Tytherley Parish Council – Comment.**

- East Tytherley parish council have considered the above submitted application and whilst the parish council is very in support of tourist accommodation in the area we are not in support of seeing the demise of a skittle alley as we are aware that there continues to be skittle leagues and other skittles events which support the local community.

6.2 **Mulberry Cottage – Objection (summarised):**

- Do not oppose the conversion of the skittles alley at the Star Inn but do have an objection to the outside seating area and double doors.
- This seating area is located at the eastern end, right up against our boundary and only 18 yards away from our house.
- It is unfortunate to make this objection, but we were never consulted before the planning application was submitted.
- More than happy to withdraw the objection if the outside seating area and double doors closest to use is omitted.

Impact on the amenity of neighbouring property

- Appreciate that living next door to a pub there will always be some noise and occasional disturbance.
- Until now the pub has been laid out to direct commercial noise away from our property.
- The new seating area will put an end to this and as it is at the back of the pub, noise levels will difficult or impossible for the applicants to monitor.

- The pubs licensing hours are restricted to 11pm which ensures we are not kept awake at night.
- As it is a private seating area, it could even be used late at night after hours, and is inconceivable that it will not at times create a noise and disturbance.
- Suffer from tinnitus for 18 years and as a result, particularly sensitive to noise.
- The room would be eminently lettable without the outside access.
- Would ask that the broken wooden wall, adjacent to the seating area at the far end, is replaced with a more sturdy and protective one.
- There is also an issue of loss of privacy, it will be difficult to enjoy that area of our garden without feeling that any conversation is being eavesdropped on.
- It will also be possible to look into our son's bedroom from the seating area, as the wall is only 6ft high (4ft on our side) and the vegetation does not provide sufficient coverage in winter.
- This could be resolved by raising the height of the boundary wall but will not address the concerns regarding noise and additional disturbance.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016) (TVBRLP)

Policy COM2: Settlement Hierarchy

Policy COM14: Community Services and Facilities

Policy LE16: Re-Use of Buildings in the Countryside

Policy LE18: Tourism

Policy E1: High Quality Design in the Borough

Policy E8: Pollution

Policy LHW4: Amenity

Policy T1: Managing Movement

Policy T2: Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the amenity of neighbouring property
- Highways

8.2 **Principle of Development**

Policy COM2 of the TVBRLP states that development outside the boundaries of settlements, on land designated as countryside will only be permitted if:

- a) *It is appropriate in the countryside as set out in the RLP Policy COM8 – COM14, LE10, LE16 – LE18; or*

b) It is essential for the proposal to be located in the countryside

8.3 Policy COM14: Community Services and Facilities

The proposed scheme will result in the loss of the existing skittle alley, currently sited in the building to be converted. However, given that the skittle alley is an ancillary feature to the public house and therefore is not considered a community service or facility in planning terms. Consequently, Policy COM14 of the TVBRLP is not engaged on this occasion.

8.4 Policy LE16: Re-Use of Buildings in the Countryside

Policy LE16 is pertinent to the proposal and states as follows:

The re-use of buildings in the countryside for commercial use (including tourist accommodation) will be permitted provided that:

- a) the building is structurally sound and suitable for conversion without substantial rebuilding, extension or alteration; and*
- b) the proposal would not result in the requirement for another building to fulfil the function of the building being converted; and*
- c) the proposed use is restricted primarily to the building; and*
- d) development would lead to an enhancement of its immediate setting.*

8.5 Criteria (a)

The proposed conversion consists of erecting additional internal walls and the installation of additional fenestration only, with no further structural work or substantial rebuilding required. Therefore, it is considered that the proposed scheme complies with criteria (a) of Policy LE16.

8.6 Criteria (b)

Although the proposed development would result in the loss of the existing skittle alley, as this use is ancillary to the main public house, it is not necessary to accommodate this facility in an additional building. Consequently, the proposal is in accordance with criteria (b) of Policy LE16.

8.7 Criteria (c)

The proposed accommodation, serving as two rooms for bed and breakfast will be predominantly utilise the existing building with the only exception two outside seating areas. As such, it is considered that the proposed use is restricted to primarily occupy the existing building, in accordance with criteria (c) of Policy LE16.

8.8 Criteria (d)

The submitted site plan demonstrates that the areas adjoining the existing building will be enhanced through the erection of internal boundary treatment, to delineate the areas allocated for the bed and breakfast rooms from the seating area for the public house. As such, it is considered that the proposal complies with criteria (d) of Policy LE16 and subsequently the policy as a whole.

8.9 Policy LE18: Tourism

Policy LE18 covers the creation of tourism accommodation and states as follows:

Proposals for tourist development will be permitted provided that:

- a) the proposal is located within a settlement; or*
- b) where the proposal is located within the countryside:*
 - i) it utilises an existing building and meets the requirements of policy LE16; and*
 - ii) any extension or new buildings form part of an existing tourist facility; and*
 - iii) in the case of seasonal structures these are temporary in nature and do not have an adverse impact on the landscape; and*
 - iv) in the case of touring caravans and camping sites these are not prominent in the landscape.*

8.10 Criteria (a)

As the application site is located outside of a settlement boundary, criteria (a) of Policy LE18 is not applicable in this instance.

8.11 Criteria (b)

In the relation to point (i) of criteria (b), it is considered that the proposal meets the requirement of Policy LE16 as assessed in paragraphs 8.4 to 8.8. With regard to points (ii), (iii) and (iv) the proposal does not include the provision of any external extension, new buildings, seasonal structures, touring caravans and the application site is not a camping site. Consequently, the proposed development complies with criteria (b) of Policy LE18 and is in accordance with the policy as a whole.

8.12 **Impact on the character and appearance of the area**

The proposed scheme will result in a modest amount of external alterations to the existing building including the provision of additional fenestration and internal boundary treatment, demonstrated on the submitted proposed site plan as consisting of 1m high picket fence. Subsequently, it is considered that the proposal will integrate and respect with the appearance of the existing buildings, when viewed from East Tytherley Road to the west. As such the application is in accordance with Policy E1 of the TVBRLP.

8.13 **Impact on the amenity of neighbouring property**

Noise

With regard to any noise arising from the potential occupation of the outside seating areas adjoining the existing building, it is noted that the currently the building is utilised as a skittle alley and the same area serves the operation of the public house. Therefore, it is considered that the level of noise arising from its use as part of the public house is likely to exceed the level arising from the proposed use as a bed and breakfast room. Furthermore, the proposed use as a bed and breakfast unit of accommodation will result in a lower threshold in terms of acceptable noise pollution, with regard to an assessment under the Environmental Protection Act (1990).

- 8.14 In addition, it is noted that the proposed seating areas are located a significant distance away from Mulberry Cottage, sited approximately 14m away. Therefore, it is considered that the proposal will not result in any materially significant impact on additional noise pollution above the present situation and is considered likely, to lead to an improvement.

8.15 Privacy

The proposed scheme includes the alteration of an existing window in the rear (east) elevation to bi-fold doors, but these will face the rear of the application site in the same manner as the existing window. Furthermore, the proposed scheme also includes the provision of an additional window in front (west) elevation looking out towards East Tytherley and therefore, will not give rise to any adverse overlooking.

8.16 With regard to any possible views of Mulberry Cottage available from the adjoining seating areas, it is noted that these will be obtainable from the existing site layout. In addition the shared boundary with neighbouring property is served by an approximately 1.8m high fence at the western end, transferring to an approximately 1.8m high brick wall. Consequently, it is considered that the existing boundary treatment provides sufficient screening from any views towards Mulberry Cottage and as such, the proposal will not significantly impact the privacy level of adjoining neighbour.

8.17 Provision of daylight/sunlight

Any additional shadow created by the modest external changes proposed will fall on the application site itself and therefore, it is not considered that the proposal will materially impact the existing provision of daylight or sunlight for any neighbouring property. Consequently, it is considered that the proposal is in accordance with Policy LHW4 of the TVBRLP.

8.18 **Highways**

Access

The proposed development will not result in any alterations to the existing vehicular access onto East Tytherley Road and subsequently, it is considered that the proposal will not give any adverse highway safety impact, in accordance with Policy T1 of the TVBRLP.

8.19 Parking

The existing use as a skittle alley triggers the need for 5 car parking spaces, in comparison to the proposed use as 2 new bedrooms requiring 2 car parking spaces and consequently the proposal reduces the overall need for car parking capacity. As a result, the application is in accordance with the parking standards as set out in Annexe G and Policy T2 of the TVBRLP.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:**

Composite Plan (001 Rev A)

Reason: For the avoidance of doubt and in the interests of proper planning.

Note to applicant:

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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