

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting:	4 th October 2012		
Application Number:	S/2012/0826/Full		
Site Address:	Butt of Ale, Sunnyhill Road, Salisbury. SP1 3QJ		
Proposal:	Redevelopment of public house to provide 4 dwellings, car port and associated works.		
Applicant / Agent:	Plan-A Planning and Development Ltd.		
City/Town/Parish Council	Salisbury City Council		
Electoral Division	St. Francis and Stratford	Unitary Member	Cllr Mary Douglas
Grid Reference:	Easting: 414554.1		Northing: 131881.5
Type of Application:	Minor		
Conservation Area:	Cons Area: - NA		LB Grade:- NA
Case Officer:	Mrs. Janet Wallace		Contact Number: 01722 434687

Reason for the application being considered by Committee

Cllr Mary Douglas has called the item to committee on the grounds of public concern over loss of community facility and loss of employment.

1. Purpose of report

To consider the above application and the recommendation of the Area Development Manager that subject to the completion of a S106 agreement in relation to public open space and affordable housing that planning permission be **GRANTED** subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows

1. Principle of development/loss of public house
2. Visual impact/Design
3. Impact upon highway/parking
4. Provision of Affordable Housing/Amenity Open Space

14 letters of objection, including CAMRA. 3 letters of support.

Salisbury City Council does not object to loss of pub, but has concern about the proposed density of development

Support from Urban design officer, Public protection, Ecological officer, Highways

3. Site Description

The site comprises the two storey brick built Butt of Ale pub, the adjacent amenity area and the surrounding car park, measuring approximately 0.15ha. The public house is located at the crest of the hill in Sunnyhill Road and being on the corner at the junction of Sunnyhill Road and Oakway Road, the buildings are prominent in the street scene. A low wall bounds the site frontage with Sunnyhill and Oakway Roads and a higher boundary wall separates the outside seating area from the chalet bungalow at no. 39. There is a 2m panel fence, to the rear.

The pub was created as part of the Pauls Dene estate and it is an established residential area. Sunnyhill Road is characterised by detached and semi-detached single storey dwellings, along a uniform building line, although a pair of chalet bungalows have been recently erected on Sunnyhill Road to the south of the pub on what was formerly part of the pub's garden.

On the opposite corner of Oakway Road/Sunnyhill Road is a more tightly grouped complex of 5 small chalet dwellings with rear courtyard parking. To the rear of the pub site are 2 storey houses, located in St Francis Road. These houses are partially screened by trees on the site boundary.

4. Relevant Planning History

Application number	Proposal	Decision
S/2001/2348	Formation of raised patio and pergola and creation of gravelled amenity area	Approved
S/2003/1394	Construct 10 dwellings and associated parking (demolish existing building) and construction of access (detailed approval sought for siting & means of access)	Refused Appeal dismissed
S/2003/2535	Demolish existing building and construct seven new dwellings with associated garages, parking and access.	Not determined Appeal dismissed
S/2007/0907	Change of use to C3 and erection of dormer bungalow and associated walling	Approved
S/2008/0271	Change of use to C3 & erection of pair semi detached chalet bungalows & associated walling	Approved
S/2009/1642	Change of use to C3 and erection of semi-detached chalet bungalows and associated walling (amendment to boundary walls to include part fencing)	Approved

5. Proposal

It is proposed to demolish the existing public house building and erect four, three and four bedroomed, detached, two storey dwellings. There will be a parking court off Oakway Road and a shared car port; however, the three dwellings facing directly on to Sunnyhill Road will also have a parking area in front of the dwelling.

6. Planning Policy

Saved policies of the Salisbury District Local Plan which are part of the South Wiltshire Core Strategy:

G1 & G2	General criteria for development
H8	Housing Policy Boundary
D2	Design criteria
TR11	Off street parking
R2	Public open space

Salisbury District Council SPG

Creating Places

South Wiltshire Core Strategy:

Core policy 3 Affordable housing

Core policy 5 Retention of employment sites

Core Policy 21 Protection of services and community facilities

Core Policy 22 Green Infrastructure and Habitat networks

Draft Wiltshire Core Strategy

Core policy 3 Affordable housing

Core policy 48 Supporting rural life

Core policy 49 Protection of local services and community facilities in the smaller settlements

National Planning Policy Framework

7. Consultations

Salisbury City Council

Support subject to conditions. The City Council recognises the loss of the public house as being a sad reflection of today's financial climate however, has great concern about the density of development. SCC would support fully an application for fewer houses with 2 parking spaces per property

Fire and rescue

Comments upon need for adequate access to adequate water supplies for fire fighting and support for the provision of domestic sprinklers in new dwellings

Wessex Water

No objections

Bournemouth Water

No comments received

Public Protection

No objection subject to a conditions regarding hours of work in the interests of amenities of neighbours

Ecological officer

As survey shows that the risk of bats roosting in the roof is low, no comments

Highways

No objection subject to conditions regarding gradient of each vehicular access, height of boundary walls, consolidating vehicular surface and surface water drainage.

Urban Design Officer

No objection, scheme successfully turns the corner into Oakway Road, scale and mass of dwellings relates comfortably to scale of neighbouring dwellings, detailing will be important to ensure good overall composition, e.g. of perimeter walls. These should be conditioned

8. Publicity

The application was advertised by advert, site notice, and neighbour consultation which expired on 12 July 2012.

14 Third parties objected on the following general grounds:

- Butt of Ale is hub of community, provides public meeting place
- Large residential area needs a community pub.
- If pub goes; what plans are there to aid social cohesion of the area?
- Been a successful pub. in the past. Lack of investment, short tenancy have affected business
- Thriving pub till June 2009, when following an accident landlords retired
- Pub has been a busy hub of our community, providing a good choice and standard of ales, reasonably priced, home-cooked meals including Sunday lunches (which you needed to book as the place was regularly full), weekday lunches and snacks, well subscribed weekly quiz night, bar games including pool and darts teams and occasional functions. In the right hands could be the thriving amenity we are now missing.
- Pub was deliberately run down, did not open at lunchtimes, ceased selling good beer etc
- Owners have not supported landlords in building up trade.
- Could be successful pub with right landlord and landlady
- Could be a viable business again.
- Trading figures only cover last 5 years when it has had a chequered history. Pub open Nov 07-June 08, closed until July 09; open July 09-Feb 11; closed Feb 11 to April 11. Then in receivership and closed Sept/Oct 2011. Short term lease Oct 11-March 12. Pub has not had an opportunity to function effectively due to management/ownership issues; not an intrinsic problem, due to individual circumstances
- Nothing has changed since previous refusal for erection of dwellings on land, on grounds that community facility should be retained.
- Community should be given time/support to rally to save important amenity
- Pauls Dene estate has no other public facilities
- Area is poorly served by public transport
- Site is more valuable as housing than as a community asset.
- Should be offered for sale as a pub and priced accordingly
- Application form is inaccurate – there are trees alongside the site; therefore a tree survey needed
- There will be pressure to remove/reduce in height the existing trees on the boundary
- There are bats in the area.
- Car parking for proposal is inadequate.

Campaign for real ale (CAMRA)

Object

Pauls Dene estate is on a significant hill and without any other public facilities within half a mile of Butt of Ale. Poor public transport links and none after 8pm on Sundays and Bank Holidays. Pub was closed in face of local opposition. Was profitable. Viability based on last 11 months of trading is due to unrepresentative factors. Previous 3 years, with a stable tenant, was viable and had increased sales.

Recently adopted Core Strategy 48 and 49 are relevant. CP48 is directed at rural areas but given isolated nature of Butt of Ale principle should apply here. Community should be provided with support to take over and run community facilities. Permission should not be granted for an alternative use until the community has had a realistic opportunity to take control of asset. Supported by Localism Act.

CAMRA remains of the view that with the right management this pub can be viable and a valuable community asset.

2 letters of comment/support from third parties on the following general grounds:

- Pub is rundown eye-sore. Has had its day; it's had chance after chance and will never be a profit making venture
- Designs of new houses are in keeping with area.
- Butt of Ale is hub of community and should be retained, but perhaps redevelop as a smaller pub and two houses

Letter of comment/support from former landlord of Butt of Ale for 18mths from 2009 to 2011

- Landlord states that he did not pay rent for first 12 months but due to lack of business, struggled to meet general running costs. Organised darts teams, pool teams, quiz nights, theme nights, charity events, one off functions etc. but was supported only by small, loyal customer base, and not by vast majority of Pauls Dene estate. Wholeheartedly encourage the community pub, but Butt of Ale, like many other pubs, is not viable as a business.

9. Planning Considerations

9.1 Principle of Development/loss of public house

The former Salisbury District Local Plan policy PS3, applied to the smaller settlements in the district and not to the city of Salisbury. This position, was confirmed by the Inspector in the 2003 appeal, for the demolition of this pub and its replacement by 7/10 dwellings (S/2003/1394 and S/2003/2535). His view was that a policy which uses the word 'village' could not be stretched to apply to a community within part of the city of Salisbury. The Inspector's decision also effectively ruled out using policy E16 (changes of use away from employment) as a consideration when demolishing a public house. However, as the retention of public houses could be seen as contributing towards sustainability; it was on the grounds of policy G1 (ii) in the Salisbury District Local Plan, that these appeals were dismissed.

However this support for the vitality and viability of communities, and the retention of public houses is counterbalanced by Local Plan policy G1(i) and (iv), as well as national guidance in the NPPF, all of which seek to achieve an effective use of land in urban areas, which are in sustainable locations. This application would appear to raise these conflicting issues again, and in relation to this same pub.

The South Wiltshire Core Strategy policy C21 (which superseded policy PS3) whilst enjoining the retention of village shops and pubs, appears to also apply to community facilities in the wider community. So it could be argued that though the public house is not the sole remaining one in a small settlement, it is the only public facility on this estate in this part of the City and that the alternative public houses are located some distance away. Therefore, the loss of this particular public house would result in unsustainable travel patterns, as residents of the area would not be able to walk to other public houses in the

locality. On this basis, its retention would aid the sustainability of this community within the wider City.

However, as members will be aware, the economic situation with regard to public houses has deteriorated significantly since 2003, with research showing that some 50 pubs close every week. In this case, the applicants have submitted evidence that in the intervening period since the appeal decision, the Butt of Ale has had 4 landlords, none of whom have been able to make it pay. Professional evidence, supported by a letter from a recent landlord (2009 to 2011) suggests that this particular public house is not supported by local residents and is not viable. Some local residents dispute this and suggest that it is particular circumstances which have led to the non-support of the public house by residents and that if a sympathetic landlord was installed who was willing to provide food/amenities that the public house would be viable. In this they are supported by CAMRA.

Clearly, the closure of any public house is a matter of regret, particularly one which could be a centre for local residents, on an estate within the City with few public facilities. This particular public house has however, had a chequered history since the 2003 appeal refused consent for its demolition and a change of use to residential. The weight of evidence provided with this application, would appear to support the view that the pub is no longer viable and the City Council has apparently regretfully accepted this evidence and therefore that the permanent closure of this particular public house is inevitable.

The recent Localism Act would support residents who wished to acquire the building and use it as a public house. However, there is no evidence that the community has considered exercising its 'right to buy', which would be at a commercial valuation of the building. However, equally, no evidence has been provided to show that a mixed use, which retained a community use of the site, has been considered. Currently the proposed Wiltshire Core Strategy, Core Policy 49 is so worded as to apply only to villages and rural communities; and so this policy gives no overt support to the right of this local community in the City to retain its pub.

The viability of the business is therefore a principle consideration, and the evidence provided, suggests that a successful public house is not possible in this location. When considering alternative uses for the site, saved policy G1 of the Salisbury District Local Plan now part of the South Wiltshire Core Strategy; as well as national guidance in the NPPF, seeks to achieve an effective use of land in urban areas, as they are considered to be in sustainable locations. Moreover, in this case, the application site is within a Housing Policy Boundary and so policy H8 applies. This permits small scale residential redevelopment subject to certain criteria.

9.2. Visual Impact/Design

The surrounding established residential area primarily consists of detached and semi-detached single storey dwellings; though a chalet bungalow was recently erected to the south of the pub and opposite the pub on the corner of Oakway Road/Sunnyhill Road is a more tightly grouped complex of 5 small chalet dwellings with rear courtyard parking. To the immediate rear of the pub, are 2 storey semi-detached houses. It is therefore considered that the proposed linear style development, with the houses opening directly on to a parking area/front garden behind the footway would be in keeping with the character of the surrounding area and the Inspectors comments regarding the previous applications for residential development are relevant. In that case, whilst it was agreed that the proposed development of 10 dwellings 'would cause some harm to the predominantly single storey nature and spacious character of the existing development in the area', the Inspector 'was

not convinced that the impact on the character of the area and the street scene would be sufficient in itself to withhold planning permission' and in relation to the other proposal for 7 dwellings he concluded that 'the proposal would not cause unacceptable harm on the character of the area and the street scene'.

The submitted plans indicate that the proposed new dwellings will have a very simple architectural form which would be in keeping with the existing dwellings in the surrounding area. Overall, it is considered that disregarding the development that was formerly on this site, the proposed form, and scale of the proposed residential development would enhance the character and appearance of the area.

This scheme proposes 4 two storey dwellings on the site. Their main aspect of three would be east/west, with one, turning the corner and being primarily north/south. The scheme will change the relationships that adjacent residential properties have with the site. The vacant public house is a substantial two storey building, opposite more modest single storey dwellings. However with its surrounding amenity area and car park, it apparently did not affect the privacy of adjacent residents.

In terms of the impact of the proposed development on the amenities of the surrounding dwellings, it is considered that despite the site being elevated compared to that of the adjacent dwellings to the east, the separation distance is such that the impacts in terms of overshadowing would not be so significant as to warrant refusal on this basis alone.

However, the dwellings on the eastern side of Sunnyhill Road will now have a number of windows facing directly towards them, across the width of the street. However, whilst there may be some loss of privacy caused by the first floor bedroom windows it is considered that this would not be so significant as to warrant refusal.

On the western side of the site, the rear windows of the proposed new houses will overlook the rear of nos.53 and 55 St Francis Road as well as their gardens. However, the first floor rear windows of the proposed dwellings would be screened by the mature trees along the boundary of the site view and it is considered that the separation distance is such that the impact of this is acceptable within an established residential area, where there is considerable overlooking from rear windows over adjacent gardens.

The Inspector in the 2003 Appeal, raised concerns regarding the impact of residential development upon the side elevations of no.35 Sunnyhill Road; however, since then a pair of chalet bungalows has been erected between that bungalow and the pub. In this case, as the development would be to the north of these new dwellings, it not considered that there will be an unacceptable impact upon the living conditions of the occupants of that dwelling immediately adjacent.

So, whilst the inter-relationships between the dwellings will alter and the amenities enjoyed by adjacent dwellings may change in comparison with the existing situation of the public house occupying the site, it is considered that this would not be so significant as to warrant refusal.

9.3. Impact on Highway/Parking

The scheme provides off road parking, in front of the three dwellings on Sunnyhill Road and a shared car port adjacent to house no.4. The parking is located where traffic speeds are reduced due to the junction, and the Highway Authority has indicated that the proposed car parking is adequate, and complies with current standards

9.4 Provision of Amenity Open Space/ Affordable housing

The applicant has indicated his willingness to make a financial contribution towards public open space and affordable housing.

CONCLUSION

The closure of any community facility is a matter of regret, however, the weight of evidence supports the view that this facility is no longer viable and therefore the proposed development, accords with the provisions of the Development Plan, and in particular South Wiltshire Core Policy3 (Affordable housing) and Core Policy21 (Public facilities), as well as policies G1 and G2 (General Criteria for Development), D2 (Design criteria), H8 (Housing policy Boundary), TR11 (Parking) and R2 (Public Open Space) of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) insofar as the proposed residential development is considered compatible in terms of its scale, design and materials would not affect the character of the surrounding residential area or the amenities of the neighbours.

RECOMMENDATION

Subject to a S106 agreement relating to

- 1) A commuted sum towards the provision of public open space
- 2) A commuted sum towards the provision of affordable housing

then:

Planning Permission be GRANTED for the following reasons:

The closure of any community facility is a matter of regret, however, the weight of evidence supports the view that this facility is no longer viable and therefore the proposed development, accords with the provisions of the Development Plan, and in particular South Wiltshire Core Policy3 (Affordable housing) and Core Policy21 (Public facilities), as well as policies G1 and G2 (General Criteria for Development), D2 (Design criteria), H8 (Housing policy Boundary), TR11 (Parking) and R2 (Public Open Space) of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) insofar as the proposed residential development is considered compatible in terms of its scale, design and materials would not affect the character of the surrounding residential area or the amenities of the neighbours.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (A07B)

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004

2. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations

and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing no 1143.P1 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P2 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P3 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P4 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P5 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P6 rev B dated May'12 received on 12 June 2012
Drawing no 1143.P8.A3 rev A dated May'12 received on 8 June 2012
Drawing no 1143.P9.A3 rev A dated May'12 received on 12 June 2012

REASON For the avoidance of doubt

3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for all the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

REASON: To secure a harmonious form of development
POLICY: G2, H8 and D2

4 Notwithstanding the provisions of Class[es] A To F of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwellings nor the erection of any structures or enclosures within the curtilages and no additions or alterations to the roofs of the dwellings, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of neighbouring amenities and the character of the area.
POLICY: G2, H8 and D2

5 During construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site other than between the hours of 0800 to 1800 on Mondays to Fridays, 0900 to 1300 on Saturdays and at no time on Sundays, Bank and Public Holidays.

REASON: To minimise the disturbance which noise during construction of the proposed development could otherwise have on the amenities of nearby residential dwellings
POLICY: G2

6. The gradient of each vehicular access shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres from its junction with the public highway

REASON: In the interests of highway safety
POLICY: G2

7. The proposed boundary wall fronting the northern and eastern site boundaries, shall not exceed 600mm in height above the adjoining paved footway level

REASON: In order to provide inter-visibility between emerging vehicles and child pedestrians

POLICY: G2

8. The development hereby permitted shall not be first occupied until the first 5 metres of each access, measured from the back of the paved footway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: G2

9. No development shall commence until a scheme for the discharge of surface water from the site (including surface water front the accesses), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be satisfactorily drained.

POLICY: G2