

<b>APPLICATION NO.</b>	<a href="#">P19/S2005/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	21.6.2019
<b>PARISH</b>	CHOLSEY
<b>WARD MEMBER(S)</b>	Anne-Marie Simpson Jane Murphy
<b>APPLICANT</b>	Fairmile Sports and Social Club Ltd.
<b>SITE</b>	The Morning Star, 98 Papist Way, Cholsey, OX10 9QL
<b>PROPOSAL</b>	Replacement function room with extension to club room, improved toilet provision and porch entrance for first floor accommodation. (As amplified by supplementary information and premises licence extracts accompanying email from agent received 11 September 2019 and Noise Assessment dated 27 January 2020 and amended by drawing 0.10B and Planning and Design Access Statement (amended) received 4 February 2020).
<b>OFFICER</b>	Paul Bowers

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 Your officer recommends that planning permission should be granted. This report sets out my justification for the recommendation. The application is referred to committee at the discretion of the Planning Manager.
- 1.2 The applications site comprises The Morning Star Public House, car park and pub garden and is located on the southern side of Papist Way, Cholsey. The site is surrounded on all sides by residential development.

The building is constructed in red brick with a tiled roof. It has been extended over the years to the side and rear and includes an existing rear addition in the form of a conservatory. The car park extends southward from the access along the western boundary. The pub garden extends from the rear of the building along the eastern boundary to the southern boundary and shares a boundary with a number of residential properties.

The building is not listed but is located within the North Wessex Downs Area of Outstanding Natural Beauty. A plan showing the location of the site can be found at **Appendix 1**.

- 1.3 The public house is owned by the Fairmile Sports and Social Club. Their facilities, which are open to their membership, are located within the single storey side extension to the western side of the building which provides toilets and a club room extends round to the conservatory at the rear. The detached single storey outbuilding very close to the rear of the building is used for snooker and also storage.

The main bar, accessed via the entrance on Papist Way, is open to the general public.

- 1.4 The application seeks planning permission from the council for a single storey extension coming off the back of the existing side addition and extending across the rear to replace the existing conservatory and link to the detached outbuilding.

The plans have been amended altering the internal layout of the proposed extension removing a function room area. The plans now show an extension of the club room, a family room which access to the pub garden, new toilet facilities and a meeting/quiet room along with an attached outside smoking shelter and a new entrance porch to the eastern side of the original building.

- 1.5 The application has also been accompanied by a noise survey which was submitted at the request of officers.
- 1.6 Reduced copies of the plans accompanying the application is attached as **Appendix 2** to this report.

The noise assessment is attached at **Appendix 3**.

All the plans and representations can be viewed on the council's website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 **Cholsey Parish Council** – Object to the development in its original and amended form for the following reasons;

- Concern about the original function room shown on the plans and the impact this would have on the surrounding area and could be let out for private functions.
- The development is unneighbourly and an overdevelopment.
- Concern about increase in number of vehicles and parking on the road.

**Third party representations**

15 x letters objecting to the original plans covering the following material planning issues;

- The extension is large and is compatible with undertaking function hire such as weddings and parties.
- The increase in noise and disturbance would cause a significant impact to the amenities of adjoining properties and a blight on the lives of residents and not appropriate in a residential area.
- Concern about a stage area being shown on the floor plan.
- Increase in the number of patrons causing parking on the public highway.
- Over development of the site.

21 x letters of objection (combined number) to the additional information September 2019 **and** amended plans and noise information submitted February 2020 covering the following material planning issues;

- The floor area of the development is the same and could be altered once completed.
- Concern that the mitigation measures rely on the management to police it.
- Poor relationship between the management and local residents of the existing site.
- Concern about existing noise levels.
- Questioning of the Highway Officers assessment.
- Concern about the hours of opening.

**OCC Highways Liaison Officer** – No objection.

**Env. Protection Team** – No objection subject to the development being carried out in accordance with the measures set out in the noise assessment.

3.0 **RELEVANT PLANNING HISTORY**

3.1 None.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

5.2 **South Oxfordshire Core Strategy (SOCS) Policies:**

CS1 - Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSQ3 - Design

CSS1 - The Overall Strategy

5.3 **South Oxfordshire Local Plan 2011 (SOLP 2011) Policies:**

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

EP1 - Adverse affect on people and environment

EP2 - Adverse affect by noise or vibration

G2 - Protect district from adverse development

T2 - Unloading, turning and parking for all highway users

TSM4 - New hotels, pubs and restaurants in the built up area

5.4 **Cholsey Neighbourhood Development Plan (CNDP) Policies:**

CNP E1

5.5 Paragraph 48 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

**South Oxfordshire Emerging Local Plan 2034 (ESOLP) Policies**

The council is currently progressing the emerging local plan through the examination stage. The plan currently carries limited weight. Relevant policies include;

DES1 - Delivering high quality development

DES2 - Enhancing local character

DES6 - Residential amenity

DES9 - Promoting sustainable design

ENV1 - Landscape and countryside

TRANS5 - Consideration of development proposals

5.6 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

Developer Contributions SPD

5.7 **National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)**

5.8 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Core Strategy 2027 (SOCS) which was adopted in December 2012, the saved policies of the South Oxfordshire Local Plan 2011 (SOLP) and Cholsey Neighbourhood Development Plan (CNDP).

6.2 There is clearly a strong feeling from local residents about this development and the existing premises. This is evident in the number and content of the representations submitted by third parties to the consultations.

A proportion of the comments have raised wider issues about existing noise from the site, management and behaviour of patrons. These are not matters that can be considered as part of the assessment in relation to this specific proposal.

If there are issues of anti-social behaviour these are matters for the police and not for consideration as part of a planning application for an extension to the premises.

6.3 The main material planning issues to consider in relation to this development are as follows;

- **The principle of development.**
- **Impact on the amenities of the occupants of nearby properties.**
- **Impact on the character and appearance of the building and locality.**
- **Impact on the special landscape of the North Wessex Downs Area of Outstanding Natural Beauty.**
- **Parking provision.**

6.4 **The principle of development.**

Policy TSM4 of SOLP states that extensions to existing premises such as hotels, serviced accommodation, public houses and restaurants will be permitted within the built up area provided that;

- the scale and location of the development is appropriate and the design and materials are in keeping with the locality;
- there is no significant loss of amenity by local residents;
- where appropriate the site is accessible by public transport and provision is made for pedestrian and cycle links with adjacent areas; and
- there are no overriding amenity, environmental or highway objections.

6.5 The following sections of this report will deal with the overall provisions of Policy TSM4 but I take from this policy that the council's position in relation to the extension of public houses is positive and that the principle of this development is acceptable.

6.6 **Impact on the amenities of the occupants of nearby properties.**

Policy TSM4 of SOLP is relevant in as much that development will be permitted providing that there is no significant loss of amenity by local residents.

Impact on residential amenity is normally considered in terms of whether a development results in material harm by way of overlooking, loss of sunlight or being so large and close that it is considered oppressive and overbearing.

In addition to that noise and disturbance can also affect residential amenity.

6.7 NPPF paragraph 180 states that Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

6.8 Policy EP2 of SOLP states that proposals which would, by reason of noise or vibrations, have an adverse effect on existing or proposed occupiers will not be permitted, unless effective mitigation measures will be implemented. In addition, noise sensitive development will not be permitted close to existing or proposed sources of significant noise or vibrations.

The thrust and content of Policy EP2 is reflected in emerging ESOLP Policy ENV11.

6.9 The existing site generates noise from both the building, the movement of cars and people in the car park and from within the pub garden. That is the existing situation. There is already an impact from this site in terms of how it affects surrounding properties. Existing laws outside of the Planning system exist to control these factors.

As part of this application the council cannot attempt to reduce, limit or constrain the existing lawful use of the site.

However, it is necessary to consider, assess and potentially look to mitigate any additional noise and disturbance that the proposed development will generate if it would result in a materially harmful impact.

6.10 As originally submitted the Council's Environmental Health Officer considered the development and concluded that the development is acceptable subject to the

imposition of a condition that would require the applicant to submit a scheme for the control of noise for approval before the development could commence.

However, in light of the number and content of objections raising concerns about the impact of noise I suggested that the applicants provide this for consideration prior to the council issuing a decision.

6.11 A noise assessment was submitted in February of 2020 and now forms part of the application. The content details what could be broadly described as changes and requirements of the management to deal with noise levels both within the building in terms of the occasions when sound amplification equipment is used but also the use of the smoking shelter from patrons.

6.12 In terms of the physical building works the new extension will undoubtedly be more soundproof, with its solid walls and roof, than the existing fully glazed conservatory.

Of course, the improvement in sound proofing can be easily undone when windows and doors are open during a potential period of time when noise amplification equipment may be used. It is at this point the mitigation measures set out in the noise assessment would be triggered.

6.13 The Council's Environmental Health Officer has considered the details of the assessment and in their independent professional opinion these are considered sufficient to mitigate the potential impacts. A planning condition is therefore proposed at their suggestion to ensure that the development is carried out in accordance with the measures set out in the noise assessment.

6.14 It is important to recognise that a balanced approach is needed in looking at the issue of noise. The pub garden already exists as does its relationship with the boundaries of the neighbouring properties. The types of occasions where noise amplification equipment will be used are highly unlikely to occur on a daily basis. For the most part the new extensions will not give rise to a significant increase in additional noise disturbance. It is on the occasions where there is an increase in potential noise that these are appropriately managed.

There are also other laws outside of the Planning system that can deal with a number of the issues raised by the objectors. If noise is a cause for concern, then the public can raise a noise complaint with the council's Environmental Health Team and they can investigate under Environmental Health laws. If Antisocial behaviour occurs, then that is matter for the Police.

6.15 In terms of noise and disturbance your officers are satisfied that given the existing and historical use of the site and the relationship with surrounding residential properties the proposed development will not give rise to a materially harmful impact in respect of noise and disturbance in conjunction with the proposed planning condition.

The development will therefore accord with SOLP Policy EP2.

6.16 In respect of the built form, the extension is single storey. It will not create issues of overlooking.

The height of the extensions and their depth is mitigated by the distance to the boundaries of the site to the extent that I am satisfied that the extensions will not give rise to an overbearing or oppressive impact or a loss of sunlight or overshadowing.

In this respect I conclude that the development accords with SOLP Policy TSM4.

**6.17 Impact on the character and appearance of the building and locality.**

Policy D1 of SOLP states that the principles of good design and the protection and reinforcement of local distinctiveness should be taken into account in all new development.

**6.18** The extension to the western side of the building continues the form of the existing extension and in that respect it is, in my view, in keeping.

The extension to the rear in part replaces the existing conservatory. Whilst it includes an extent of flat roof, which is not something generally encouraged, it replaces a more domestic looking conservatory which is also not a form of traditional extension especially to a public house.

Linking the main building to the existing outbuilding improves the relationship between the two. It currently appears rather awkward being such a big building so close to the back of the public house.

**6.19** The extensions are mainly to the rear and are single storey in height.

The footprint of the extensions is not so large that it would dominate or overwhelm the existing building. I am satisfied that the extensions are in keeping with the character of the existing building.

The extensions do not consume such a large area of the existing site that it could be argued to be an overdevelopment in my opinion.

**6.20** Overall, I conclude that the extensions do not harm the established character of the site or the building and the development in this respect accords with Policy TSM4 of SOLP.

**6.21 Impact on the special landscape of the North Wessex Downs Area of Outstanding Natural Beauty.**

Paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

This feeds down into SOCS policy CSEN1 which states that the district's distinct landscape character and key features will be protected against inappropriate development and where possible enhanced. It goes on to state the following;

(i) Where development is acceptable in principle, measures will be sought to integrate it into the landscape character of the area.

(ii) High priority will be given to conservation and enhancement of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs) and planning decisions will have regard to their setting. Proposals which support the economies and social well being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided they do not conflict with the aims of conservation and enhancement.

Policy CNP1 of the CNDP states that within the AONB great weight will be given to conserving landscape and scenic beauty.

The advice in the NPPF and the content of the current development plan policies follow through to emerging Policy ENV1 of the ESOLP

- 6.22 The Site is contained within the built confines of the village. It is surrounded on all sides by buildings.

The extensions are limited in nature and as discussed above are not considered to be out of keeping or harmful to the wider locality. I am therefore satisfied that in the context of the special landscape of North Wessex Downs AONB the proposed development conserves the AONB.

The development therefore accords with Policy CSEN1 of SOCS and CNP1 of the CNDP.

6.23 **Parking provision.**

With respect to highway safety matters the advice from Central Government set out in paragraph 109 of the National Planning Policy Framework (NPPF) is as follows:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.*

Policies T1 and T2 of SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas.

Emerging Policy TRANS5 echoes these provisions.

- 6.24 The access arrangements on to Papist Way remain unchanged as a consequence of this proposed development.

The Highway Authority have considered the highway implications of extending and increasing the capacity of the site. They have also considered the amount of parking provision currently on site which is to remain unchanged. They have concluded that there is sufficient parking provision within the existing layout to accommodate the extended premises. They have raised no objection and have not required any conditions to be imposed as part of any forthcoming planning permission.

I therefore conclude that the development accords with Policy T1 and T2.

- 6.25 I note the objectors concerns that the extension of the building will give rise to parking on Papist Way and potentially causing a highway safety issue. If this were to happen then this would be a matter for local resident to draw to the attention of the police.

7.0 **CONCLUSION**

- 7.1 The principle of extending public houses is acceptable. The increase in floor space may increase the level of noise and disturbance over and above the existing situation however the application has been accompanied by a noise assessment which mitigates that impact to the extent that the impact is acceptable.

The extensions are single storey and are of an appropriate design to ensure that they do not harm the character and appearance of the building or the wider area and in particular the special landscape of the AONB.



Parking provision on the site is acceptable for the extended facility.

The proposal overall and in conjunction with the proposed conditions accords with development plan policies.

8.0 **RECOMMENDATION**

8.1 **That planning permission is granted subject to the following conditions;**

**Standard conditions;**

**1: Commencement three years - Full Planning Permission**

**Pre commencement conditions;**

**2: Schedule of Materials**

**Compliance conditions;**

**3: Approved plans**

**4: Noise Mitigation as approved**

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