

<b>APPLICATION NO.</b>	<a href="#">P23/S2135/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	18.7.2023
<b>PARISH</b>	WEST HAGBOURNE
<b>WARD MEMBER(S)</b>	Ben Manning Anne-Marie Simpson
<b>APPLICANT</b>	Cordage 7 Ltd
<b>SITE</b>	Horse & Harrow Main Street West Hagbourne, OX11 0NB
<b>PROPOSAL</b>	Change of use of existing public house (Sui Generis) to provide a three-bed dwelling and a four-bed dwelling (Use C3), erection of two four-bed dwellings and a five-bed dwelling (Use C3) on land adjacent to the public house accessed from Main Street, with associated parking and landscaping, along with the demolition of existing outbuilding. (Amended site plan and highways technical note received 15 September 2023 to amend car parking and access and amended red line plan received 10 November 2023 and as amended by plans received 20 November 2023).
<b>OFFICER</b>	Andy Heron

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**1.0 INTRODUCTION**

- 1.1 This application was deferred from the planning committee meeting on the 20 February for members to visit the site. The site visit is to take place on Monday 11 March 2024.
- 1.2 This report sets out the officer's recommendation that planning permission should be granted having regard to the material planning considerations and the development plan.
- 1.3 A similar application was referred to planning committee in April 2023 (P22/S3609/FUL). This application was refused as members considered the pub remained a viable and essential community facility. An appeal against the refusal of planning permission has been lodged with the Planning Inspectorate and is currently awaiting a decision.
- 1.4 This current application is referred to planning committee following an objection received from West Hagbourne Parish Council. The parish council have raised concerns that the owners of the public house have not marketed the pub for sale or lease, concern has also been made that the pub has been purposely run down and the potential impact the development would have on the conservation area. A map extract identifying the site is **attached** at Appendix 1.

- 1.5 The site consists of a public house and overflow car parking area which is located on Main Street to the south-western fringe of West Hagbourne. Neighbouring dwellings are situated to the east and south, whilst dwellings are currently under construction to the west. Agricultural land is situated to the north. Vehicle access is taken via a road which runs to the west of the pub and to the east of the overflow car park.
- 1.6 The overflow car park which forms the western part of the site is within the North Wessex Downs National Landscape, whilst the public house is situated within the West Hagbourne conservation area which runs to the east. A public right of way runs to the north of the pub.

**PROPOSAL**

- 1.7 Planning permission is sought for the change of use of the existing public house to provide a 3 bed dwelling and a 4 bed dwelling, and the erection of two detached four-bed dwellings and one five bed detached dwelling on land adjacent to the east and west of the public house. The dwellings will be designed with a mix of pitched and hipped roofs, with a white render finish to appear in keeping with the recently approved dwellings which are located to the east and west. Four of the properties will benefit from vehicle access from Main Street, whilst unit 3 will utilise the existing access to the west.
- 1.8 The only difference between this application and the previous refused application is that the proposed dwellings on plots 4 and 5 now have one more bedroom, and a slight increase in floor space. The applicants have chosen to submit this application with an updated viability note and a tenant support letter which demonstrates that the pub will not be a viable business in the future and is not currently utilised by local residents.
- 1.9 An aerial photograph showing the surrounding area is shown below. Please note this does not show the newly constructed houses to the west, whilst the houses to the east are still under construction on this photograph.



1.10 Reduced copies of the plans accompanying the application are **attached** as Appendix 2 to this report. All the plans, supporting information 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 The comments below represent the latest comments on the scheme. Full details of the representations can be viewed on the Council’s website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning reference number.

West Hagbourne Parish Council	<b>Object.</b> The owners of the public house have not marketed the pub for sale or lease, we are concerned with the way the pub has been purposely run down and the potential impact the development would have on the conservation area.
Upton Parish Council	<b>No objection.</b>
Letters of representation	26 letters of objection received which were concerned with; <ul style="list-style-type: none"> <li>- Impact on the character of the area</li> <li>- Flooding</li> <li>- Impact on the conservation area</li> <li>- Loss of the pub</li> <li>- Traffic implications</li> <li>- Unsustainable location</li> <li>- Lack of infrastructure</li> <li>- Landscape impact</li> <li>- Drainage</li> <li>- Loss of villages last public meeting place</li> <li>- No need for additional housing</li> <li>- The pub could be viable in the future with investment.</li> </ul>
Highways officer (Oxfordshire County Council)	<b>No objection</b> , the development proposal is unlikely to have a significant adverse impact on the highway network. I recommend parking, access and cycle parking conditions.
Conservation	<b>No objection.</b> The building is considered a non-designated heritage asset. I am satisfied that its interest and contribution to the conservation area will not be lost by these proposals. The conservation area will not be demonstrably harmed by this application. I suggest that conditions are applied to agree the final materials to be used in the proposed new dwellings and the final boundary treatments across the units.

CAMRA (Campaign for Real Ale)	<b>Object.</b> This is not only the last pub left in the village, it is the only building in West Hagbourne with any community function. Policy CF1 and the wider text in Chapter 10 of the Local Plan stresses that a community facility, such as this, should not be allowed change of use unless it can be demonstrated that it is not economically viable. The tests are quite stringent and included in the Community Facilities Viability Assessment document. Paragraph 4 of this latter document mentions specifically advertising of the facility for sale at a reasonably competitive price. There is no evidence that this has occurred. Instead, the applicants have included an assessment, which unsurprisingly concludes that the pub is not economically viable. The viability report fails to consider the potential of the premises to generate income from other sources, be they mother and baby coffee mornings, letting rooms, retail opportunities or other activities which could not only provide complementary services but also cement the pub more into village life and become a focus for the community. The independent viability report commissioned by the council also fails to consider any alternative income streams.
Countryside officer	<b>No objection</b> , subject to conditions requiring a biodiversity management plan, ecological pre-works check, external lighting and biodiversity enhancements.
Drainage	<b>No objection</b> , subject to surface water conditions.
Forestry officer	<b>No objection</b> , subject to tree protection and landscaping conditions.

3.0 **RELEVANT PLANNING HISTORY**

3.1 6 applications of relevance.

[P23/V2573/FUL](#) – Currently under consideration.

Change of use of land (currently Sui Generis) to provide additional residential garden space (Use Class C3), associated with planning application (ref no. P22/S3609/FUL) submitted to South Oxfordshire District Council.

[P22/S3609/FUL](#) - Refused (21/04/2023) (Appeal made – currently awaiting decision).

Change of use of existing public house (Sui Generis) to provide a three-bed dwelling and a four-bed dwelling (Use C3), erection of a three-bed and two four-bed dwellings (Use C3) on land adjacent to the public house accessed from Main Street, with associated parking and landscaping, along with the demolition

of existing outbuilding (amended plans received 1 and 8 December 2022 to rectify discrepancy on existing elevation plans, amended boundary treatment, revised energy statement, revised site plan to include air source heat pumps and biodiversity metric and amended red line plan to reduce site area received 8 February 2023. Further amended plans also received on 15 February 2023 to include amended visibility splays, turning area, car parking, amendment to the roof of plot 1, amendment to the finish of the dwellings to render, and the setting back of plot 5).

[P23/V0475/FUL](#) – Refused (21/04/2023).

Change of use of land (currently Sui Generis) to provide additional residential garden space (Use Class C3), associated with planning application (ref no. P22/S3609/FUL) submitted to South Oxfordshire District Council.

[P21/S1436/FUL](#) – Approved (15/06/2021)

Erection of a 3 bed house and garage.

[P19/S0398/FUL](#) – Appeal allowed (17/02/2020)

Erection of a 4 bedroom house.

[P17/S4097/FUL](#) - Approved (23/02/2018)

Retention of public house (Use Class A4) and largest outbuilding, demolition of remaining outbuildings and reconfiguration of parking. Construction of 3 no. dwellings (Use Class C3) together with associated access, parking, refuse/cycle storage and landscaping (as amplified and amended by drawings and information received 24 January 2018 and as amended Arboricultural Implications Assessment and Method Statement 3 received on 22 February 2018).

#### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development is not EIA development.

#### 5.0 **POLICY & GUIDANCE**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory Development Plan comprises:

- The Local Plan 2035
- Adopted neighbourhood plans

5.2 The South Oxfordshire Local Plan (SOLP) 2035 policies which are relevant to the proposed development consist of:

- CF1 - Safeguarding Community Facilities
- DES1 - Delivering High Quality Development
- DES2 - Enhancing Local Character
- DES5 - Outdoor Amenity Space

- DES6 - Residential Amenity
- DES8 - Promoting Sustainable Design
- DES10 - Carbon Reduction
- ENV1 - Landscape and Countryside
- ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
- ENV3 - Biodiversity
- ENV6 - Historic Environment
- ENV8 - Conservation Areas
- ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)
- EP3 - Waste collection and Recycling
- H1 - Delivering New Homes
- H11 - Housing Mix
- H16 - Backland and Infill Development and Redevelopment
- INF1 - Infrastructure Provision
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- TRANS2 - Promoting Sustainable Transport and Accessibility
- TRANS5 - Consideration of Development Proposals

### **5.3 Neighbourhood Plan**

There is no neighbourhood plan for this area.

### **5.4 Other material considerations include government guidance, in particular:**

- The National Planning Policy Framework (NPPF)
- The National Planning Practice Guidance (NPPG)
- National Design Guide Planning practice guidance for beautiful, enduring, and successful places (NDDG)
- South Oxfordshire and Vale of White Horse Joint Design Guide 2022
- South Oxfordshire Infrastructure Delivery Plan (April 2020)
- South Oxfordshire Developer Contributions Supplementary Planning Document (3 January 2023)
- North Wessex Downs AONB Management Plan 2019 – 2024
- Countryside and Rights of Way Act 2000
- West Hagbourne Conservation Area Character Appraisal April 2006
- South Oxfordshire Community Facilities Viability Assessment
- CAMRA Public House Viability Test

### **5.5 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 **The relevant planning considerations are the following:**

- **Principle of development**
  - *Infill development*
  - *Loss of a community facility*
  - *Community facilities viability assessment*
  - *Whether the Horse and Harrow is an “essential community facility”*
  - *Whether the Horse and Harrow is “economically viable”*
  - *Marketing*
  - *Viability summary*
- **Design**
- **Impact on the character and appearance of the conservation area and the North Wessex Downs National Landscape**
- **Residential amenity**
- **Access and parking**
- **Biodiversity**
- **Flooding and drainage implications**
- **Energy statement**

6.2 **Principle of development**

*Infill development*

SODC’s settlement hierarchy designates West Hagbourne as an ‘other’ village. Policy STRAT1 of the SOLP allows for limited amounts of housing in other villages. Policy H1 of the SOLP further adds that residential development may be permitted where development involves infilling in other villages. The council will also support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

6.3 Policy H16 of the SOLP follows on from policy H1, which concerns back land and infill development and the redevelopment of previously developed land within smaller and other villages. The policy defines infill development as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. It states that the scale of infill should be appropriate to its location.

6.4 Neighbouring dwellings have recently been constructed to the east (P17/S4097/FUL), and 5 dwellings are currently under construction to the west (P19/S3098/FUL). A copy of an appeal decision for application P19/S3098/FUL is included in **appendix 3**. This appeal is important as the inspector stated that the land to the west, ‘whilst it may be a short distance from the core of the village...is part of the village’. The inspector also concluded that the dwelling would represent infill development.

6.5 In view of the above developments which are located to the east and west of the site the proposed dwellings would represent infill development, as they would infill a small gap in an otherwise continuous built-up frontage.

6.6 *Loss of a community facility*

Policy CF1 of the SOLP seeks to safeguard community facilities such as public houses. **Proposals that result in the loss of an essential community facility or service, through change of use or redevelopment, will not be permitted unless:**

- I. it would lead to the significant improvement of an existing facility or the replacement of an existing facility equally convenient to the local community it serves and with equivalent or improved facilities;
- II. it has been determined that the community facility is no longer needed; **or**
- III. in the case of commercial services, it is not economically viable.

6.7 Appropriate, detailed, and robust evidence will be required to satisfy the above criteria. Para 10.4 of the supporting text states that planning applications for the loss of community facilities should be guided by the council's community facilities viability assessment. The council will also require the independent assessment of the evidence submitted by the applicant. The policy adds that a community facility or service may be essential, either because it is one of a limited number of that nature in a settlement or area, or is fundamental to the quality and convenience of everyday life in a settlement. If suitable alternative provision already exists, any facility or service will not be considered essential.

6.8 Criterion I above is not relevant in this instance as the proposal seeks to change the use to a dwelling, which is not an essential community facility. We will therefore need to assess whether the community facility is no longer needed, **or** whether it is no longer economically viable. ***Please be aware that only one of these criteria need to be met to satisfy policy CF1.***

6.9 *Community facilities viability assessment*

The application and viability assessments have been assessed against the advice contained within the community facilities viability assessment. Much of this is discussed within the sections below.

6.10 *Whether the Horse and Harrow is an “essential community facility”*

Policy CF1 helpfully explains that a community facility may be considered essential either because it is one of a limited number of that nature in a settlement or **area**, or is fundamental to the quality and convenience of everyday life in the settlement.

6.11 It is a fact that the Horse and Harrow is the only public house in West Hagbourne. However, policy CF1 is specific in referring to the '**settlement or area**'. The council's viability assessor has confirmed in both of their viability assessments that West Hagbourne with its 263 residents is not sufficiently sized to expect or indeed sustain its own public house. The viability assessor adds that 'most operators require a minimum population of about 3,000 to sustain a pub on local trade'. Our own viability assessor explained in their



original viability assessment they would not consider it a necessity nor expectation that a small village of around 300 people would have access to a pub or other licensed community facility, such as a football club or working men's club, in which to congregate.

6.12 We must therefore look at whether residents of West Hagbourne have access to alternative facilities in the 'area' (as per policy CF1). The George and Dragon is located within 800 metres walking distance of West Hagbourne on a road that is mostly served by a pedestrian footway (***please note that since our own viability was written in January 2024 the George and Dragon has closed and is now advertised for lease***). In addition, our own viability assessor has confirmed that there are four other pubs in the 'area' (in nearby villages) that would likely be used by residents of West Hagbourne. These pubs are the Fleur de Lys in East Hagbourne, The Blueberry, and The Red Lion in Blewbury, and the Hart of Harwell in Harwell. The Horse and Harrow is not the only public house in the area and cannot therefore be considered 'fundamental to the quality and convenience of everyday life' in the settlement, and so is not an essential community facility. For these reasons the Horse and Harrow is not considered to be an 'essential' community facility.

6.13 *Whether the Horse and Harrow is "economically viable"*

The pub is closed with no plans to re-open. Historically, it is understood that the Horse and Harrow was a local wet led pub, with a sales split of about 70% wet sales to 30% food sales. The customer base was largely the local resident population, with limited destination trade. The property is owned by a major pub company and was operated by a tenant. This is typical for this kind of pub, given the lack of sales volume. Our viability assessor has confirmed that the pub was once a viable business, unfortunately due to the changing market it is no longer a viable business. It is understood that recent sales volumes were approximately 70 barrels per annum. This is very low, and certainly not sufficient to enable the pub to operate profitably.

6.14 The existing kitchen is small and not equipped to a commercial standard. It is therefore not capable of operating as a full-scale food led pub. The property is only capable of offering a small volume of simple dishes, on a small-scale basis.

6.15 For a business to be considered viable it must be capable of generating a profit on a sustainable basis in the long term. The latest viability assessment commissioned by the council has analysed and compared the Horse and Harrow to other neighbouring pubs within a 2 mile radius. This is following concerns raised by councillors at April's committee meeting that the assessment has not referenced similar pubs which have become profitable in recent years, such as The Red Lion in Blewbury and The Crown at South Moreton. This assessment is in accordance with the CAMRA Public House Viability Test which suggests viability assessments should examine pubs within a suggested radius of 8km with a similar population density. The CAMRA Public House Viability Test suggests these assessments should examine the factors which contribute to the success of these neighbouring pubs.

- 6.16 Unlike some of the other pubs within the area, the council's viability assessor advised that the other villages are more successful as they are situated within larger villages. For example, the Fleur de Lys in East Hagbourne has a population of 857, the Blueberry and The Red Lion in Blewbury has a population of 1,709, and Harwell has a population of 3,070. The George and Dragon in Upton is about twice the size of West Hagbourne with a population of 421. Unlike the Horse and Harrow, the George and Dragon has a main road location, and therefore has the benefit of passing trade. Its trading potential is therefore much better. The George and Dragon is also a larger premises which offers a full food menu and bar facilities include a large indoor games area as well as a large children's play area and large car park.
- 6.17 The applicant has submitted an addendum to their original viability assessment to demonstrate that the pub is no longer viable (these and the tenants support letter are included in **appendices 4, 5, and 6**). The applicant's addended viability report includes an account of the financial investment that has been made into the business over the years preceding the first planning application by both the tenants and the owner of the public house. The level of investment over the nine year period has amounted to **£195,000**. The applicants have submitted this information to overcome the concerns raised by the committee that: "*The Horse and Harrow has suffered from an historic lack of investment*".
- 6.18 The applicants and are own viability assessment conclude that the pub is making a loss and is not viable in the short or long term. This is largely due to strong competition in the area which means any future investment is unlikely. The council's original and updated viability reports are included in **appendices 7 and 8**.
- 6.19 Concern has been raised that the pub operators have not explored a flexible use, for example, a dual village shop / public house or use as flexible community space. Clearly further investment would be needed to implement this which is stated in the applicant's original viability statement. Unlike a free house, the pub operates under a tied lease agreement which would complicate such a proposal.

6.20 *Marketing*

The property has not been marketed for sale or to let as a pub. The supporting text to policy CF1 at para.10.4 requires facilities, including pubs, to satisfy the provisions of the council's Community Facilities Viability Assessment (CFVA). The CFVA explicitly refers to the marketing of a facility in paragraph 4 and is not dissimilar to the Public House Viability Test produced by CAMRA.

- 6.21 Whilst policy CF1 does not explicitly require marketing to take place, the supporting text is very clear in this respect. Both the applicants, and the council's viability reports have confirmed that if the property were marketed, interest would be minimal given the overall condition and capital expenditure required to restore the pub. Our own viability assessor has commented that 'such a marketing campaign would be highly unlikely to result in any significant

interest being received to run the pub, either in its existing format, or to take it on to invest in the premises'. This is because the level of profit (or in this case loss) would make the investment risky and commercially unviable.

- 6.22 The council's viability assessor has advised that £10,000 investment is required to re-open the pub as a wet-led pub as per its previous use. This investment would cover the costs of stock, fridges and freezers.
- 6.23 The council's latest viability assessment has increased the investment required for the pub to operate at its full potential from £100,000 to £150,000. This **£50,000 increase is due to the cost-of-living crisis**. The council's viability consultant has advised that it is unlikely that an operator would spend at least £150,000 to restore the pub as even following extensive refurbishment the Horse and Harrow could only achieve a pre-tax loss of £42,750 per annum concluding that the surrounding population is too small to sustain a local pub.
- 6.24 The council's viability assessor has added that the Horse and Harrow would only appeal to a food led operator because the size of the local community is too small for it to support its operation as a wet led pub. He adds that the property is too small to operate successfully as a food led pub because it does not have sufficient capacity to justify the high fixed costs, particularly labour costs that food led businesses require. Furthermore, the nature of the location is such that the property would only ever be capable of appealing to a local independent operator and would never appeal to a multi-site corporate operator.
- 6.25 The council's viability assessor has also advised that the market has not improved since the original application was submitted. The ongoing impact of sustained interest rates which are above those of the last 10 years are having an increasingly adverse effect on many operators. Trading conditions are unlikely to improve in the immediately foreseeable future. The UK has an excess of pubs for current consumer demand and a continued diminution on the total number of pubs in the UK is expected as consumer behaviour changes.
- 6.26 *Viability summary*

In summary, our own viability assessor has confirmed on two occasions that the Horse and Harrow is not a viable public house currently, nor could it be made viable following a significant financial investment. This is evidenced by the financial investment that the tenant / landowner have already made into the business. Notwithstanding its nonviability, the Horse and Harrow whilst invariably a community facility, is not an 'essential' community facility per the definition contained with policy CF1. This is due to the fact that West Hagbourne is a) too small a settlement to expect or indeed sustain a public house of its own, and b) due to the presence of at least five alternative public houses in surrounding villages, one of which is readily accessible within walking distance (the George and Dragon, Upton).

- 6.27 In their latest viability report our own viability assessor has confirmed that even if £150,000 was invested in the pub to improve the kitchen and other facilities the operators would be expected to make an annual £43,000 pre-tax loss. They have also stated that the cost of reopening a closed pub (which would currently require £10,000 investment to replenish stock, goods, furnishing etc) is much higher than giving an already open pub a facelift, emphasising customers form new habits, and begin frequenting other pubs.
- 6.28 In view of the above, the principle of the change of use of the public house to provide a three-bed dwelling and a four-bed dwelling is considered acceptable on the basis that the public house is no longer viable, or indeed no longer needed for a small village like West Hagbourne as evidenced by competition from other public houses within the area. Furthermore, the proposed dwellings would represent infill development. The principle of development is therefore acceptable as the development accords with policies STRAT1, H1, H16, and CF1 of the South Oxfordshire Local Plan 2035.
- 6.29 **Design**
- Policy DES1 of the SOLP seeks to ensure that all new development is of a high-quality design. One of the key requirements of the policy is to ensure development respects the local context working with and complementing the scale, height, density, grain, massing, type, and details of the surrounding area.
- 6.30 The proposed layout of the housing will follow the existing ribbon development and building line of other dwellings which front onto Main Street. The dwellings have also been designed to reflect the appearance height and scale of the newly constructed dwellings to the east and west. The dwellings will have pitched and hipped roofs to appear in keeping with neighbouring dwellings, whilst the white render will match with the pub and dwellings to the east.
- 6.31 The Vale of White Horse district boundary runs through the rear of units 1 – 3. A separate planning application (P23/V2573/FUL) is currently under consideration for the change of use of land to the rear of these proposed units to provide additional residential garden space for each unit. The residential garden areas for all properties will therefore comply with policy DES5 of the SOLP in providing amenity space which is similar in size to the neighbouring dwellings to the east and west. A ditch runs to the rear of units 4 and 5 officers do not consider this ditch will create a harmful impact on the amenity of the future residents. The dwellings will also accommodate bin and cycle stores which will accord with the requirements stated within the joint design guide SPD.
- 6.32 In view of the above the development is considered to accord with policies STRAT1, DES1, DES2, and DES5 of the South Oxfordshire Local Plan 2035.
- 6.33 **Impact on the character and appearance of the conservation area and the North Wessex Downs National Landscape**

Policy DES2 of the SOLP requires development to enhance local character, it states that new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

- 6.34 Policy ENV1 of the SOLP seeks to protect the rural landscape and countryside against harmful development, particularly within the National Landscape areas. The western part of the site is situated within the North Wessex Downs National Landscape. Designation of a National Landscape confers formal recognition that the natural beauty of the area is of national importance. The primary purpose of the designation is to conserve and enhance natural beauty.
- 6.35 Paragraph 182 of the NPPF confirms that ‘great weight’ should be given to conserving and enhancing the character and qualities of AONB’s (now renamed National Landscape areas) ‘which have the highest status of protection’. This is also emphasised by policy ENV1 of SOLP and reinforces the statutory duty placed on the council under S85 of the Countryside Rights of Way Act 2000.
- 6.36 The site lies within two gaps between the pub and neighbouring houses. The development will follow the ribbon layout of the surrounding area and will front onto Main Street. Furthermore, the mass height and scale of the buildings will follow that of neighbouring dwellings.
- 6.37 The eastern area of the site is within the West Hagbourne conservation area. The Horse and Harrow public house dates from at least 1750 and is identified as a building of local note in the conservation area appraisal document (2006) and should be considered a non-designated heritage under local and national policy tests.
- 6.38 Policy ENV6 seeks to protect the historic environment and heritage assets. Proposals for new development that may affect designated and non-designated heritage assets should take account of the desirability of sustaining and enhancing the significance of those assets and putting them to viable uses consistent with their conservation. Heritage assets include statutorily designated listed buildings or structures, conservation areas, and non-designated buildings, structures or historic landscapes that contribute to local historic and architectural interest of the district’s historic environment.
- 6.39 The policy adds that proposals for new development should be sensitively designed and should not cause harm to the historic environment. Proposals that have an impact on heritage assets (designated and non-designated) will be supported particularly where they:
- i) conserve or enhance the significance of the heritage asset and settings. The more important the heritage asset, the greater the weight that will be given to its conservation.
  - ii) make a positive contribution to local character and distinctiveness (through high standards of design, reflecting its significance, including through the use of appropriate materials and construction techniques).
  - iii) make a positive contribution towards wider public benefits.

- iv) provide a viable future use for a heritage asset that is consistent with the conservation of its significance; and/or
  - v) protect a heritage asset that is currently at risk.
- 6.40 Policy ENV8 of the SOLP states that development within or affecting the setting of a conservation area must conserve or enhance its special interest, character, setting and appearance. Development will be expected to preserve the special characteristics of the conservation area such as existing walls, buildings, and historic routes. Proposals should also take into account important views within, into or out of the conservation area and show that these would be retained and unharmed. Development should respect the local character and distinctiveness of the conservation area in terms of the development's: siting; size; scale; height; alignment; materials and finishes (including colour and texture); proportions; design; and form and should have regard to the design guide and any relevant conservation area character appraisal.
- 6.41 Policy ENV8 also requires development to be sympathetic to important spaces such as paddocks and other gaps or spaces between buildings which make a positive contribution to the pattern of development in the conservation area.
- 6.42 Where a proposed development will lead to substantial harm to or total loss of significance of a conservation area, consent will only be granted where it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a conservation area, this harm will be weighed against the public benefits of the proposal.
- 6.43 Policy ENV8 further adds that wherever possible the sympathetic restoration and re-use of structures which make a positive contribution to the special interest, character or appearance of the conservation area will be encouraged to prevent harm through the cumulative loss of features which are an asset to the conservation area.
- 6.44 The development is not considered to harm the setting of the conservation area by virtue of its appearance, size, and scale. The conservation officer has been consulted who has raised no objection, advising that the proposed dwellings follow the existing pattern of development and are consistent with the scale of the local vernacular. The conservation officer has also added that the proposals for the conversion of the pub intend to remove some of the 20<sup>th</sup> Century additions which detract from its original features. The proposed works to the pub will therefore improve the buildings appearance within the conservation area and will make a positive contribution to the conservation area by virtue of its architectural character and situation within the settlement. The conservation officer has also advised that the removal of the large area of hardstanding for the pub car park will soften the appearance of the village edge.
- 6.45 To protect the appearance of the area a condition requiring details of external materials will be recommended along with details of boundary details. External lighting and glazing conditions are also recommended to minimise visible light transmittance. The external lighting scheme will require a lighting scheme and

plan to be submitted to and approved by the local planning authority prior to the first occupation of the development. Any such lighting must be directed to a low level. A landscaping condition is also recommended to help to assimilate the development into its surroundings.

- 6.46 In view of the above the development accords with policy DES1, DES2, ENV1, ENV6, and ENV8 of the SOLP and paragraph 182 of the NPPF. Regard has also been given to Section 85 of the CROW Act (2000) in this assessment.

**6.47 Residential amenity**

The proposed dwellings will be sufficiently distanced away from neighbouring dwellings. The layout of the development has also ensured there will be no loss in privacy or harmful loss in sunlight to neighbouring occupants.

- 6.48 The development will not result in significant adverse impacts on the amenity of neighbouring uses and is therefore considered to comply with policy DES6 of the South Oxfordshire Local Plan 2035.

**6.49 Access and parking**

Policy TRANS5 of the SOLP requires development to provide safe and convenient access for all users to the highway.

- 6.50 Oxfordshire County Council's highway liaison officer has no objection to the proposed development, subject to parking, access, and cycle parking conditions. The parking and manoeuvring areas are considered adequate and acceptable and are unlikely to result in displaced vehicles onto the highway.

- 6.51 The proposal will result in a relatively modest increase in vehicular numbers, compared to the existing use which is unlikely to adversely impact the highway. In view of the above the development accords with policy TRANS5 of the SOLP.

**6.52 Biodiversity**

Policy ENV2 of the SOLP seeks to avoid adverse impacts on ecological receptors (protected species, priority habitats, designated sites, etc.). Where adverse impacts are predicted, development must meet the tests outlined under the policy. The applicants have submitted a preliminary ecological appraisal (PEA) which has been reviewed by the council's countryside officer. The countryside officer has confirmed that the PEA demonstrates that the habitats on site are not a constraint to development and that impacts on protected species are unlikely.

- 6.53 Policy ENV3 of the SOLP supports development that will conserve, restore, and enhance biodiversity. It requires all development to provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity.

6.54 The council's countryside officer has confirmed they are satisfied that the development will achieve a net gain for biodiversity via the creation of gardens and drainage features which are an improvement to the existing features situated on the site. To secure biodiversity enhancements on site conditions requiring submission of a biodiversity management plan, ecological pre-works check and biodiversity enhancements are recommended.

6.55 In view of the above the development is not considered to harm local wildlife or create a net loss in biodiversity and is therefore in compliance with policies ENV2 and ENV3 of the SOLP, and paragraphs 180 and 186 of the NPPF.

**6.56 Flooding and drainage implications**

Policy INF4 of SOLP aims to ensure that development proposals demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development. Policy EP4 of the SOLP aims to minimise flood risk directing new development to areas of the lowest probability of flooding and also aims to achieve sustainable drainage systems.

6.57 The council's drainage officer has been consulted who has raised no objection subject to surface water drainage conditions to ensure the proper provision of drainage and to ensure flooding is not exacerbated in the locality.

**6.58 Energy Statement**

Policy DES10 of the SOLP seeks to reduce carbon emissions and requires all new build residential dwellings to incorporate renewable energy and other low carbon technologies and / or energy efficiency measures. To comply with the policy an energy statement and SAP calculations has been submitted in support of the planning application. The energy statement demonstrates the dwellings can achieve a 40% uplift above 2013 Building Regulations baseline requirements.

6.59 A condition is recommended requiring a verification report to be submitted prior to occupation to demonstrate all carbon reduction energy efficiency measures have been implemented in accordance with the energy statement.

**6.60 Conditions**

Paragraph 55 of the NPPF is clear that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. The NPPF goes on to state at paragraph 56 that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

6.61 A condition is necessary relating to the plans approved, in order to ensure the satisfactory appearance of the completed development. Time frame conditions will also be attached to secure the proper planning of the area in accordance



with development plan policies. Material samples will also need to be submitted to ensure the development accords with neighbouring dwellings and the surrounding conservation area.

6.62 The forestry officer has also recommended a tree protection condition to safeguard existing trees. All other conditions have been discussed in the relevant sections of the committee report.

6.63 For your reference the full wording of the conditions are contained within appendix

**6.64 Community Infrastructure Levy**

The development is CIL liable to the amount of £91,780.00.

**7.0 CONCLUSION**

7.1 The application has been assessed against relevant policies in the development plan, the NPPF, PPG, the adopted SPD's and all other material planning considerations. Officers acknowledge the committee refused planning permission for a similar application in April on the basis that it was considered the pub remained a viable and essential community facility. However, an important material consideration in this instance is that new viability information has been submitted and supported by the council's viability consultant. Officers consider this new viability information is a strong material consideration that should be given great weight in taking a different approach to this decision.

7.2 The proposal is acceptable on the basis that the pub is no longer viable. The proposed dwellings and change of use will create 5 residential units within a sustainable area of the district and will not unduly harm the character and appearance of the conservation area, National Landscape area or neighbouring amenity. Furthermore, the council's viability assessor has advised that the pub is no longer needed for a small village like West Hagbourne due to competition from other public houses within the area.

7.3 The application will provide an economic and social role via the creation of additional jobs during construction and the deliverability of additional dwellings within the district. The development is also CIL liable and will contribute towards local infrastructure.

7.4 There are no technical concerns with this application, subject to the recommended conditions. Overall, in the planning balance, the benefits of the development outweigh any potential harm. As such, the application is recommended for approval.

**8.0 RECOMMENDATION**

**To grant Planning Permission subject to the following conditions. The full wording for conditions can be found in Appendix 9.**

**1 : Commencement 3 years - Full Planning Permission**

**2 : Approved plans**

- 3 : Sample materials required
- 4 : Boundary details
- 5 : Biodiversity management plan
- 6 : Ecological pre works check
- 7 : Tree protection
- 8 : Surface water drainage
- 9 : Surface water
- 10 : Landscaping Scheme (trees and shrubs only)
- 11 : External lighting
- 12 : Glazing
- 13 : SUDs compliance
- 14 : Access
- 15 : Biodiversity enhancements
- 16 : Cycle parking
- 17 : Parking and manoeuvring areas
- 18 : Energy statement verification
- 19 : Vision splays
- 20 : Trees and hedges

**Informatives**

- 21 : CIL- informative
- 22 : APC - informative
- 23 : S137 of the Highways Act - informative
- 24 : S151 of the Highways Act - informative

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