

Application reference: 12/0524/FUL
HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
21.02.2012	08.03.2012	03.05.2012	03.05.2012

Site:

The Royal Oak, Ham Street, Ham, Richmond

Proposal:

Change of use from public house (A4) to family dwelling (C3)

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Mr Neil Burgess
C/O Agent

AGENT NAME

Mr James Nicol
5 Strand Court
Bath Road
Cheltenham
Gloucestershire
GL53 7LW
UK

DC Site Notice: printed on 14.03.2012 and posted on 23.03.2012 and due to expire on 13.04.2012

Consultations:

Internal/External:

Consultee

14D Urban D
14D POL
LBRUT Transport

Expiry Date

28.03.2012
28.03.2012
28.03.2012

Neighbours:

89 Ham Street, Ham, TW10 7HL, - 14.03.2012
83 Ham Street, Ham, TW10 7HL, - 14.03.2012
87 Ham Street, Ham, TW10 7HL, - 14.03.2012
85 Ham Street, Ham, TW10 7HL, - 14.03.2012
Flat 2, Grey Court Stables, Sandy Lane, Petersham, TW10 7HB, - 14.03.2012
Flat 1, Grey Court Stables, Sandy Lane, Petersham, TW10 7HB, - 14.03.2012
Royal Oak, Ham Street, Ham, TW10 7HN, - 14.03.2012
Grey Court Cottage, Ham Street, Ham, TW10 7HN, - 14.03.2012
Beaufort Cottage, 195 Ham Street, Ham, Richmond, TW10 7HL, - 14.03.2012
101 Ham Street, Ham, TW10 7HL, - 14.03.2012
97 Ham Street, Ham, TW10 7HL, - 14.03.2012
91 Ham Street, Ham, TW10 7HL, - 14.03.2012
Grey Court School, Ham Street, Ham, TW10 7HN, - 14.03.2012
Beaufort House, 193 Ham Street, Ham, Richmond, TW10 7HL, - 14.03.2012
105 Ham Street, Ham, TW10 7HL, - 14.03.2012
103 Ham Street, Ham, TW10 7HL, - 14.03.2012
99 Ham Street, Ham, TW10 7HL, - 14.03.2012
95 Ham Street, Ham, TW10 7HL, - 14.03.2012
93 Ham Street, Ham, TW10 7HL, - 14.03.2012
Grove Cottage, 52 Ham Street, Ham, TW10 7HT, - 14.03.2012

History: Development Management, Appeals, Building Control, Enforcements:

Development Management
Status: REC

Application: 11/0130/VOID

Date:

Convert pub (ground floor) into residential. Pub and 4 bedroom ancillary flat to become 4 bed house with off street parking. Elevational changes to suit.

Development Management

Status: PCO

Date:

Application: 12/0524/FUL

Change of use from public house (A4) to family dwelling (C3)

Constraints:

File Reference: 12/0524/FUL

Address: The Royal Oak Public House, Ham Street, Ham,

Site history and proposal

Two-storey detached public house with residential accommodation above and pub garden to rear. Located at junction with Sandy Lane.

The property is within the Ham House Conservation Area and is designated as a Building of Townscape Merit.

The proposal is for alterations and change of use from a public house (Class A4) to family dwelling (Class C3).

Third Party Consultation

Two letters of representation received, objecting on grounds of:-

- Loss of community use/ public house
- Loss of a local business
- Failure to comply with DM TC 4 of the Development Management Plan.

Amendments

The application has been amended twice to meet with sustainability and transport requirements following requests from the case officer.

The amendments include:-

- Solar PV panels included on the roof slope;
- Removal of proposed on site parking;
- Retention of existing roof profile and reduction in size of front dormer.

During the lifetime of the application, the agent was given additional time to provide marketing evidence and an Alternative Use Assessment. These were submitted and have been considered in making the recommendation for the application.

Professional Comment

The main issues in this case are considered to relate to the loss of the public house use, which is considered to be an important community facility in the area and design.

Loss of existing social infrastructure provision

The loss of community facilities is resisted at Core Strategy and Development Management Plan policy levels.

The over-arching strategic policy is CP16 of the Core Strategy, which states:

8.3.4 CP16 Local Services/Infrastructure

16.A The overall strategic approach is to ensure the provision of services and facilities for the community.

16.B The Council in working with other partners will ensure the adequate provision of such services and facilities, especially in areas of relative deprivation. The Council will aim to facilitate co-location of council, health, library and school facilities where opportunities arise.

16.C Loss of community facilities will be resisted unless it can be shown that the facilities are no longer needed or that the service could be adequately re-provided in a different way or elsewhere.

16.D New developments will be expected to contribute to any additional infrastructure and community needs generated by the development. New development will also have to take account of the requirements set out in the Planning Obligations Strategy (Supplementary Guidance to the UDP). Obligations will be sought in accordance with Circular 05/05 and any superseding advice.

The application would result in the loss of a public house. The pub currently occupies the ground floor and garden area to the rear of the property, the upper floors of the building being residential. For the Council to allow the loss of a public house, which is regarded as a community service/facility, the proposal would need to satisfy Development Management Plan policies DM TC 4 and DM SI 2.

Policy DM TC 4 states:

Changes of use from public houses will not be permitted unless

- (a) there is another public house within convenient walking distance or
- (b) The public house use is inappropriate in terms of access or neighbourliness or
- (c) The proposed new use would provide a community service or function.

The supporting text of the policy requires further information to be supplied with the application:-

4.2.35 Before accepting the loss of any local pub or shop unit, the Council will require satisfactory evidence of full and proper marketing normally for at least 2 years, and will need to be satisfied that reasonable endeavour has been made to find new occupants for a full range of appropriate uses. If the retention of the pub or shop use is proven to not be possible then other compatible uses should be considered before residential.

The policy requires evidence of full and proper marketing, normally for period of at least two years, before accepting the loss of a public house. The Council's expectations with regard to marketing are illustrated in DMP policy DM EM 2 (loss of employment):

5.3.9 Given the length of economic and development cycles, a site should be marketed for an extended period, normally a minimum of two years. The Council will decide if the marketing is sufficient and appropriate, and as a rule recommends inclusion of the subject property to the South London Business property website www.southlondonbusiness.co.uk, which is free to view by prospective purchasers and tenants as well as other agencies.

The marketing evidence provided covers a four month period and is considered to be insufficient to satisfy the policy. The advertised price of £650,000 is £225,000 higher than the price paid for the property in September 2011.

The marketing history report confirms that the site was sold to a housebuilder but provides no details about who else had made enquiries of the site. No details have been provided about efforts made to dispose of the lease, suggested to be over an 18 month period.

Policy DM SI 2 deals with the loss of existing social infrastructure and states:

Policy DM SI 2

Loss of Existing Social Infrastructure Provision

In accordance with the Core Strategy, the loss of social infrastructure will be resisted

unless it can be shown that the facilities are no longer needed or that the service could be adequately re-provided in a different way or elsewhere in a convenient alternative location. Where a particular social infrastructure use ceases, the Council will encourage an alternative social infrastructure use. If no alternative social infrastructure uses are suitable, residential development will normally be required (unless there is an opportunity for mixed-use development), including affordable housing in accordance with Policy CP15 and other relevant policies.

In considering applications involving the loss of social infrastructure the following evidence will be required:

1. that the existing facilities are no longer needed or do not meet the needs of users and cannot be adapted in any way; or
2. that the existing facilities are being adequately re-provided in a different way or elsewhere in a convenient alternative location, in accordance with Policy DM SI 1 'Encouraging New Social Infrastructure Provision'; or that there are sufficient suitable alternative facilities in the locality; and
3. the potential of re-using or redeveloping the existing site for the same or an alternative social infrastructure use has been fully considered.

The Ham Brewery Tap is the nearest public house, a quarter of a mile to the south, which is a 5 minute walk away.

The application has failed to demonstrate that the public house/ community use is being adequately re-provided on site but the 'Alternative Use Assessment' is considered to provide evidence that there are suitable alternative community facilities in the locality.

Whilst this is beneficial to the application, this additional information does not assist with the lack of marketing evidence required under policy DM TC 4 which needs to first be satisfied to agree the principle of the change of use.

Overall, it is considered that there is insufficient of marketing evidence to adequately and robustly demonstrate why the public house, an important community and social infrastructure use, can be lost and is contrary to policies CP16 of the Core Strategy, DM SI 2 and DM TC 4 of the adopted Development Management Plan.

Affordable Housing

The application was received prior to the adoption of the affordable housing Supplementary Planning Document; it is therefore considered to be inappropriate to secure an affordable housing contribution, as required by DMP policy DM HO 6.

Design

The proposal includes a small increase in the size of the front dormer window with slate tiling. New replacement timber sash windows are proposed, with all render to be repaired and made good and roof tiles repaired with matching tiles.

Further alterations to the front and side elevations were originally proposed but were removed from the scheme following objections from the Conservation Officer. The original roof slopes are now to be retained and an originally proposed front porch has been deleted from the scheme.

The proposal is now considered to be acceptable in design terms, as it retains the appearance of the public house to both street elevations. It is considered that the character and appearance of the BTM and the conservation area would be preserved and enhanced by the renovation of the property. The proposal is considered to comply with policies DM HD 1, DM HD 3 and DM DC 1.

Neighbour Amenity

The proposed external alterations are modest in nature and are not considered to have any impact on neighbour amenity. As such it is considered to be acceptable in terms of impact on neighbour amenity and to comply with policy DM DC 5.

Sustainability

Given the prominent location of the site within the conservation area and BTM designation, the scope for achieving significant environmental and sustainable improvements is severely constrained. The Sustainable Construction Checklist illustrates attempts made to improve energy efficiency on site and on this basis DMP policies DM SD1, DM SD2 and Core Strategy policies CP1 and CP2 are considered to be satisfied as far as is practicable.

Transport

No parking on-site is proposed as a result of the scheme.

This is considered acceptable as the amount of parking required for the existing three bedroom flat with public house at ground floor level is considered to be similar to the proposed house. There is also not a shortfall in on-street parking on the surrounding roads.

As such the proposal complies with policy DM TP 2.

Recommendation: Refusal

The proposal, by reason of the loss of the Class A4 (Public House) use, would result in the loss of an important community and social infrastructure facility in the area, which Council policies seek to retain. Insufficient information has been provided in support of the application to justify an exception to those policies.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - (YES) / NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

Case Officer (Initials): RIT

Dated:

I agree the recommendation:

Team Leader/Development Control Manager

Dated: 26.10.2012

This application has been subject to representations that are contrary to the officer recommendation. The Development Control Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Development Control Manager:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS:	
INFORMATIVES:	

ADDITIONAL NOTES CONTINUED FROM ABOVE:



Professional Comments:

21 2

DRAFT

File Reference: 12/0524/FUL

Address: The Royal Oak Public House, Ham Street, Ham,

Site history and proposal

Two storey pre 1900 detached public house with residential accommodation on the upper floors and pub garden to rear.

The property is within the Ham House Conservation Area and is designated as a Building of Townscape Merit.

A lawful development Certificate for a side and rear roof extension was recently granted by 12/2066/PS192.

The proposal is for change of use from a public house (A4) to family dwelling (C3).

Third Party Consultation

Two letters of representation received.

They object on the grounds of:-

- Loss of community use/ public house
- Loss of an Local Business
- Failure to comply with DM TC4 of the Local Development Plan

Amendments

The application has been amended twice to meet with sustainability and transport requirements following requests from the case officer.

The amendments include:-

- Solar PV panels included on the roof slope
- Removal of proposed on site parking

Requests were also made to not change the roof slope of the main building and reduce the size of the proposed replacement front dormer. The dormer was reduced in size but the roof slope is still to be altered.

Professional Comment

The proposed change of use would, by reason of the loss of the A4 (Public House) floor space and garden would result in the loss of an important community facility in the area, in the absence of sufficient reason for an exception to be made, is therefore contrary to policies DM SI 2 and DM TC 4 of the Richmond upon Thames Local Development Framework Development Management Plan adopted November 2011.

Land Use

Loss of existing social infrastructure provision

The loss of community facilities is resisted at both policy levels at Richmond Upon Thames Borough Council.

The over-arching policy is CP16 of the Core Strategy.

8.3.4 CP16 Local Services/Infrastructure

16.A The overall strategic approach is to ensure the provision of services and facilities for the community.

16.B The Council in working with other partners will ensure the adequate provision of such services and facilities, especially in areas of relative deprivation. The Council will aim to facilitate co-location of council, health, library and school facilities where opportunities arise.

16.C Loss of community facilities will be resisted unless it can be shown that the facilities are no longer needed or that the service could be adequately re-provided in a different way or elsewhere.

16.D New developments will be expected to contribute to any additional infrastructure and community needs generated by the development. New development will also have to take account of the requirements set out in the Planning Obligations Strategy (Supplementary Guidance to the UDP). Obligations will be sought in accordance with Circular 05/05 and any superseding advice.

The Development Management Plan policies are DM SI2 and DM TC4.

Policy DM SI 2

Loss of Existing Social Infrastructure Provision

In accordance with the Core Strategy, the loss of social infrastructure will be resisted unless it can be shown that the facilities are no longer needed or that the service could be adequately re-provided in a different way or elsewhere in a convenient alternative location. Where a particular social infrastructure use ceases, the Council will encourage an alternative social infrastructure use. If no alternative social infrastructure uses are suitable, residential development will normally be required (unless there is an opportunity for mixed-use development), including affordable housing in accordance with Policy CP15 and other relevant policies.

In considering applications involving the loss of social infrastructure the following evidence will be required:

1. that the existing facilities are no longer needed or do not meet the needs of users and cannot be adapted in any way; or
2. that the existing facilities are being adequately re-provided in a different way or elsewhere in a convenient alternative location, in accordance with Policy DM SI 1 'Encouraging New Social Infrastructure Provision'; or that there are sufficient suitable alternative facilities in the locality; and
3. the potential of re-using or redeveloping the existing site for the same or an alternative social infrastructure use has been fully considered.

The application would result in the loss of a public house. The pub currently occupies the ground floor and garden area to the rear of the property, the upper floors are residential.

For the Council to allow the loss of a public house, which is regarded as a community service/facility, certain criteria must be met. These are contained within policy DM T4:-

Changes of use from public houses will not be permitted unless

- (a) there is another public house within convenient walking distance or
- (b) The public house use is inappropriate in terms of access or neighbourliness or
- (c) The proposed new use would provide a community service or function.

The supporting text of the policy requires further information to be supplied in the application:-

4.2.35 Before accepting the loss of any local pub or shop unit, the Council will require satisfactory evidence of full and proper marketing normally for at least 2 years, and will need to be satisfied that reasonable endeavour has been made to find new occupants for a full range of appropriate uses. If the retention of the pub or shop use is proven to not be possible then other compatible uses should be considered before residential.

There is one other public house within a 5 minute walk away and following a neighbour questionnaire sent out by the agent that showed locals in favour of the loss of the pub; the marketing evidence is insufficient.

The policy requires 2 years of substantial marketing to consider the loss of a public house. The requirements for the marketing are set out in policy DM EM2 (loss of employment)

5.3.9 Given the length of economic and development cycles, a site should be marketed for an extended period, normally a minimum of two years. The Council will decide if the marketing is sufficient and appropriate, and as a rule recommends inclusion of the subject property to the South London Business property website www.southlondonbusiness.co.uk, which is free to view by prospective purchasers and tenants as well as other agencies.

The only marketing that has been provided is for approximately three months and has been advertised at £650 000 which is £225 000 above the price paid for the property in September 2011 of £425 000. It is considered that this artificially inflated price would have warded off any potential buyers for the site, in fact this is demonstrated by one of the objection letters.

The marketing was also on a site which only advertises to 58000 businesses and did not have a high level of online visibility (easily searchable).

It is also noted that none of the neighbours who filled out the questionnaires actually supported the proposal following the council's own consultation process. Two letters of objection were received.

Attention must also be given to the loss of another nearby public house 'The Water Gipsies' on Ashburnham Road (04/0803/COU) leaving only this public house in this area. Without a full and proper assessment of the potential use of this public house as it is not considered it's loss would benefit the local area which is designated as deprived area of the borough.

The application has failed to demonstrate that the public house/ community use is being adequately re-provided on site and that there are suitable alternative facilities in the locality. Attention must be given to the alternative use assessment which states that there are pubs close by in Twickenham.

← INSERT
SECTION
ON
POLICY
COMMENTS

The alternative use assessment also does not adequately investigate the potential re-use of the existing site in the same or alternative social infrastructure.

Overall, the application has failed to adequately and robustly demonstrate why the public house, an important community and social infrastructure use should be lost and the application is contrary to DM TC4 and DMSI 2.

Affordable Housing

As the applicaiton was received prior to the adoption of the affordable housing Supplementary Planning Document; it is not liable to contributions.

Design *

The proposed alterations are considered to be acceptable following amendments as the character of the public house would be preserved.

Neighbour Amenity

The proposed external alterations are not considered to have a significant impact on neighbour amenity. As such it is considered to be acceptable in terms of impact on neighbour amenity.

Sustainability

The applicaiton following the amendments demonstrates a good attempt to provide on site renewable energy and improve the efficiency of the property overall.

Given the limitations of the site it is considered that the proposed Solar PV panels are a suitable source of renewable energy. The Sustainable Construction Checklist illustrates attempts made to improve efficiency on site to an extent which has satisfies polices DM SD1, DM SD2 and Core Policy CP1 and CP2.

Transport

Following the amendments, no parking is proposed.

This is considered acceptable as the amount of parking required is considered to be similar from the existing three bedroom flat with public house at ground floor level to the proposed house. There is also not a shortfall in on-street parking on the surrounding roads.

As such the proposal is complies with policy DM TP2.

Recommendation: Refusal