

**5c 3/12/0076/FP – Part retrospective consent for the provision of outdoor play equipment within the existing pub garden and external alterations to pub building including an outdoor storage building at The Catherine Wheel, Gravesend, Albury, SG11 2LW for Mr S Haslam**

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**Date of Receipt:** 17.01.2012

**Type:** Full – Minor

**Parish:** ALBURY

**Ward:** LITTLE HADHAM

**RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following conditions:

1. Within three months of the date of this decision the monkey bars, climbing nets and existing play equipment as shown in green on drawing No. 10-051-27 shall be permanently removed from the existing play structure.

**Reason:** In the interests of the appearance of the development and relationship with neighbour amenity in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

2. The play equipment hereby permitted shall not be used between the hours of 20:30 and 09:00.

**Reason:** In the interests of neighbour amenity in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. Within three months of the date of the decision details of soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out, as approved, during the next available planting season. These details shall include details of planting plans and schedules of plants, noting species, planting sizes and proposed numbers/densities and a timetable for implementation for planting to the northern and eastern boundary of the application site.

**Reason:** To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

4. All soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 3. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and

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number as originally approved unless the local planning authority has given written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

5. Approved plans (2E103) – '10-051-27; 11-051-28; 10-051-00; 11-051-02 A; 10-051-07 A; 10-051-08 A'
6. No external lighting (2E26)

#### Directive:

1. Other Legislation (01OL)

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular saved policies GBC2, GBC3, ENV1, ENV2, ENV11, BH6, OSV8) and the National Planning Policy Framework. The balance of the considerations having regard to those policies; the viability information submitted by the applicant and the retention of the public house as a community facility, is that permission should be granted.

\_\_\_\_\_ (007612FP.MP)

#### **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract.
- 1.2 Members will recall that the application was reported to the 20 June Committee Meeting. Officers' previous committee report relating to that application is attached as Essential Reference Paper A. Members resolved to defer the application at the June Committee Meeting to enable the applicant to come forward with a revised scheme that reduced the scale and extent of the play equipment. Members asked that the revised scheme be submitted to the 20 July 2012 Committee.
- 1.3 Officers were unable to report the item to the July Committee owing to the time needed to receive amended plans and undertake a further

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consultation exercise with neighbouring properties. The Chair of the Development Control Committee and Local Member were consulted on this.

- 1.4 Since the June Committee, the applicant has met with the local Ward Member and a revised scheme for the play equipment has now been submitted. This involves the removal of a section of the play equipment to the north east of the structure as well as those which the applicant had previously offered to remove on the western end of the play equipment.
- 1.5 This report will update Members on the responses received to the amended proposals and Officers views on the acceptability of the amended scheme.

### **2.0 Parish Council Representations:**

- 2.1 Essential Reference Paper A attached to this report advised Members that no comments had been received from Albury Parish Council.
- 2.2 However, since the application was reported to the 20 June Committee, correspondence has been received from the Parish Council which states that they support the project.
- 2.3 The Parish Council comment that they have never received objections to the development and have only received positive comments. They consider that there is a real need for a viable public house in the village and they acknowledge the difficulties faced by this type of enterprise. They comment that the provision of an exciting play area will make a real difference to its chance of success and they believe that the playground will also be a real draw for families from outside the village, who might otherwise go elsewhere. They request that permission is granted.

### **3.0 Other Representations:**

- 3.1 The amended plans have been advertised by way of neighbour notification and six letters of representation have been received which can be summarised as follows:
  - The amended plans do not properly address the concerns raised by Members at the 20 June Committee;
  - The play structure remains too large and results in harm to the Conservation Area and setting;

- The reduced size of the play structure will still result in significant harm to neighbour amenity;
- The play structure does not make the public house profitable;
- The balance of considerations set out in Officers previous report was wrong – greater weight should be attached to the harm associated with the play structure and impact on neighbour amenity, rather than viability matters relating to the public house.

#### **4.0 Considerations:**

- 4.1 The planning considerations in this case remain as set out in the previous report attached as Essential Reference Paper A. Members, however, were concerned with the scale and extent of the play equipment proposed and deferred the application to enable the applicant to bring forward an amended proposal.
- 4.2 The applicant has sought to address Members' concerns through the omission of part of the play equipment – that closest to the neighbouring properties to the east of the site. This involves the removal of the tower and slide structure to the north east of the play equipment and, as mentioned previously, this is in addition to the removal of the monkey bars and climbing nets on the western end of the play equipment.
- 4.3 Officers acknowledge that there remains some objection to the amended proposal from third parties. However, the further reduction in the play equipment is considered to be a significant benefit to the overall scheme which will both reduce the visual impact of the play equipment and reduce concerns regarding the potential for overlooking and loss of amenity which had been raised at the June Committee.
- 4.4 The proposal remains inappropriate development of course and some harm to the rural character and appearance of the area will remain as set out previously. However, that impact will be reduced and, as before, needs to be balanced against the benefits of supporting the viability of the business and ultimately the retention of the public house as a valuable community facility.
- 4.5 The Parish Council is supportive of the application in this respect and Officers remain of the view that the benefits of the scheme, together with satisfactory mitigation measures that can be achieved via appropriate conditions are sufficient to outweigh the harm caused to the rural area in this case. It is therefore considered that the provision of the amended play equipment should be viewed favourably in this case.

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**5.0 Conclusion:**

- 5.1 For the reasons set out above and within the previous report at Essential Reference Paper A, Officers recommend that planning permission is granted.