

5g 3/10/1583/OP - The erection of a public house and two dwellings at the former Cock Public House, Stocking Pelham for Mr D Lyle Smith

Date of Receipt: a) 20.09.2010

Type: a) Outline – Minor

Parish: STOCKING PELHAM

Ward: LITTLE HADHAM

RECOMMENDATION:

That, subject to the completion of a legal agreement to cover the following matters:

1. completion and occupation of only one of the approved residential units prior to the provision of the public house;
2. provision of the public house within 12 months of the occupation of the first of the residential units approved;
3. state of provision of the public house, such that it is complete and capable of operation, be specified in the legal agreement.

That planning permission be **GRANTED** with the following planning conditions:

1. Outline permission time limit (1T131)
2. Outline – submission of details (2E012)
3. Construction hours of working – plant and machinery (6N072)
4. Contaminated land survey and remediation (2E333)

Directives:

1. Other legislation (01OL1)
2. Street name and numbering (19SN4)

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 policies GBC2, GBC3, ENV1, STC8, LRC11 and OSV8. The balance of the considerations having regard to those policies, and the benefit of providing a replacement public house for the local community, is that permission should be granted.

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. Members may recall that this application was reported to the 09 March 2011 Committee Meeting. The proposals involve the provision of two residential dwellings to enable the provision of a new public house on the site. Appendix A1 contains the previous report which was presented to the 9 March 2011 meeting of the committee and the minute.
- 1.2 Members will note that refusal of the proposals was recommended, however, it was resolved to grant planning permission subject to the formulation of appropriate conditions and a legal agreement which would secure the provision of the public house. It is with respect to those two issues and particularly the triggers in the legal agreement that Officers now report back to Members.

2.0 Considerations:

- 2.1 A trigger is required in the legal agreement so that there is clarity with regard to the timing of the provision of the public house. This matter was discussed at the 9 March 2011 meeting and, whilst the conclusion was not specifically highlighted in the resolution, it appeared to officers that Members were of the view that the public house should be provided prior to the completion and occupation of either of the two residential properties.
- 2.2 The applicant is concerned that this is not a practical arrangement. It requires all the costs associated with the development and fitting out of the public house building to be incurred before any income is generated from the sale of the new properties. It has been suggested that a compromise is to allow the completion and occupation of one of the two properties, and then require the completion of the public house within 12 months of the date of the first property occupation.
- 2.3 This, in officer's opinion, is a reasonable approach. It still provides a degree of assurance that the public house will be implemented on the site. Members are reminded, of course, that the Council can require the development and fitting out of the public house building to ensure that it is 'ready for operation'. It cannot however, insist on the operation of the use. The understanding of 'ready for operation' can be set out in the legal agreement. It is unlikely that there are greater safeguards that can be implemented in this situation. The applicant is in agreement with the approach suggested.

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2.4 With regards to planning conditions, Members will be aware that this is an outline application with all matters reserved. Accordingly, detailed matters relating to layout, highways, design and external appearance of the development will be considered within the submission of a reserved matters application. Only planning conditions relating to the principle of development can therefore be attached within this outline planning application. The stipulation of conditions was delegated to officers at the previous meeting. Given this matter is being reported back the opportunity is now taken to seek Members endorsement of the conditions set out in this report.

3.0 Conclusion:

3.1 Members have accepted that the provision of two enabling residential units is acceptable on this site in order to ensure the provision of a public house to replace that lost in a fire. This will provide the village of Stocking Pelham and the surroundings with a local community facility. Appropriate legal agreement triggers and permission conditions are set out in this report.