

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Planning Manager

**To:** Planning Committee – 25 September 2013

**(Author:** Tracey Meachen – Planning Assistant)

**Subject:** The Golden Ball, Main Road, Holbeach Drove

**Purpose:** To consider Planning Application H09-0636-13

**Application Number:** H09-0636-13    **Date Received:** 22 July 2013

**Application Type:** Full

**Description:** Change of use of public house to D1 use for childrens nursery school and day centre

**Location:** The Golden Ball, Main Road, Holbeach Drove

**Applicant:** Miss Paula Somers    **Agent:** Miss Paula Somers

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You can view this application on the Council's web site at

<http://www.sholland.gov.uk/doitonline/plandev/plansearch.aspx> .

Just enter the Application Reference Number, press 'Get the details' and follow the links to see the documents and plans held

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 Objections received and issues merit Committee consideration

### **2.0 PROPOSAL**

2.1 This application seeks to change the use of a village public house to a Class D1 use for children's nursery school and day centre. The application includes new fencing and the retention of the existing car park. The proposed hours of use are 6.30am to 7.30 pm Monday to Fridays and Saturdays 8.30am to 1pm. The existing public house is located within a rural settlement outside a defined settlement limit.

### **3.0 SITE DESCRIPTION**

3.1 The existing public house sits well back on the plot with tarmac car park to the west side of the site and grassed area to the east of the site. Bungalows in St Polycarp's Drive are located along the rear boundary separated by a 2 metre close-board fence with no windows belonging to the bungalows visible above the fence line. A bungalow is located to the west of the two-storey public house which is further forward on its plot with no windows facing and with landscaping along the shared boundary forming a hedge. To the east, the

neighbouring property is not visible from the site due to the existing landscaping and fencing. The site is situated on the main road from Holbeach Drove to Gedney Hill with bungalows opposite and some two storey houses in close proximity.

#### **4.0 RELEVANT PLANNING POLICIES**

##### **4.1 The Development Plan**

###### South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below clearly accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

Policy SG1 – General Sustainable Development

Policy SG17 – Protection of residential amenity

Policy EC3 – Existing employment area/premises

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

##### **4.2 National Guidance**

###### National Planning Policy Framework (NPPF), March 2012

Paragraph 17 – Core planning principles.

Section 1 – Building a strong competitive economy

Section 3 – Supporting a prosperous rural economy

Section 8 – Promoting healthy communities

#### **5.0 RELEVANT PLANNING HISTORY**

H09-1243-07 – change of use from public house to residential – refused 15 November 2007.

H09-0958-08 – change of use from public house to residential – refused 29 October 2008.

## 6.0 REPRESENTATIONS

### 6.1 District Councillor

Cllr M Chandler – has received serious concerns from a local resident regarding the proposed loss of the public house. He believes consideration should be given to the potential loss of local community facilities when determining the application.

### 6.2 County Highways

The proposed change of use would not be expected to have a materially harmful impact upon the safe use of the adjacent highway or create any capacity issues provided adequate space is reserved within the curtilage of the site for the parking of the vehicles of staff members and for the vehicles of parents dropping-off and collecting their children. This detail should be included on the submitted plans.

### 6.3 Environmental Health

No objections.

### 6.4 LCC Historic Environment Officer

No archaeological input required.

### 6.5 Public

3 objections received from residents of Ravensclaws and Rosedene, Holbeach Drove Gate, Holbeach Drove and from Crossways, Chapel Drove, Holbeach Drove who has also sent in a comment and support. The points raised are summarised as follows:

- A small nursery within a village is not sustainable.
- Highway issues are of concern re traffic flow and overestimation of parking spaces on the site, inadequate footpath along a road with a 40mph speed limit, etc.
- Loss of amenity and secular meeting place in Holbeach Drove and surrounding villages.
- Fencing with 2 proposed advertising hoardings are harmful to the character of the village.
- Current use of pub more family orientated and not considered a nuisance as has been in the past.
- Survey was misrepresented to people and did not realise it would form the basis of an application.
- The management committee of Jubilee Preschool in Gedney Hill believe that there is not sufficient demand for 2 establishments in the area to access the EYE funding available.

In addition, a petition was raised with 102 signatures from around the district and as far afield as Australia and Canada, and only 7 from Holbeach Drove, 2 already having objected above. The petition raised objected to the loss of the public house.

3 representations received in support from Rosella, Main Road, 12 Hillgate, Gedney Hill and Crossways, Chapel Drove. Points made are summarised as follows:

- Few facilities for child care in the area, and would be a better used facility for the whole community.
- Few people use the public house facilities which have been a source of noise and disturbance.
- Announcement of measures to bring underused buildings in rural communities to life with permitted change of use.
- Would welcome anything other than a public house which is not family friendly.

Along with 3 additional anonymous letters of support which have been quoted in an article in the Guardian newspaper, the applicant has also provided the results of an anonymous questionnaire where only 23% (6 out of 26) had any cause to complain. Out of these, only 3 related to the last 6 months, 2 related to an incident unconnected to the running of the pub, and 1 related to the last 2 years. Only 4 therefore complained about noise and anti-social behaviour. Of all those asked, none objected to another use for the pub, but only 6 have a specific use in mind, and only 1 specified a nursery play school. 3 specified a retail use.

#### 6.6 Applicant or Agent

- Small village pub viability is very much in question.
- Would not result in loss of a community facility but an alternative community facility which would support childcare and child development within Holbeach Drove and the wider locality, encouraging take-up for local primary schools.
- The survey provided accurately reflects discussions with residents who voluntarily participated.
- The application seeks to extend an existing successful childminding business due to increasing demand for childcare.

#### 7.0 **MATERIAL CONSIDERATIONS**

7.1 The key issues for consideration in this application are:

- Loss of a community facility
- Loss of accommodation in association with the public house
- Sustainability
- Impact on residential amenity
- Highway safety
- Other issues

#### 7.2 Loss of a Community Facility

The Golden Ball is a small country pub with a small catchment area but represents an important community facility. Two applications have previously sought to convert the public house into a residential dwelling which were well supported by villagers at the time with no objections received from residents. Both applications were refused on the grounds of the loss of an important community facility. Although the current application is to convert the public

house into a children's nursery school and day care centre which represents a change rather than a loss of community facility, in contrast to previous applications this application has attracted a number of objections as well as letters of support.

- 7.3 The Golden Ball is the only public house in the village of Holbeach Drove. There are other public houses in the surrounding area within a 5 mile radius, such as in Whaplode Drove, Holbeach St Johns, Gedney Hill and Parsons Drove. The objector argues the public house in Gedney Hill is for sale, but there has not been an application for a change of use, so it is still currently a public house. However, none of these are within safe walking distance of Holbeach Drove.
- 7.4 The petition submitted by the objectors does indicate that there is more support of the public house by those outside the village with only 5 having signed it from Holbeach Drove, the other signatures from those who benefit from a choice of public houses in the area if prepared to travel. However, the applicants have also indicated that the children's nursery school and day centre will also be used by the wider locality as well as families within Holbeach Drove. The applicant already runs a successful children's nursery in Gedney Hill and wishes to expand.
- 7.5 The Public house is at the moment occupied by a tenant landlord on a 'tenant at will' basis which means the current landlord can serve notice on the owner to leave the premises at his own choosing. The applicant argues that this does not provide a permanent arrangement. However, there is no indication that the public house is not being run successfully at the moment or that the current landlord has plans to terminate the tenancy in the near future. The owner of the Golden Ball has attempted to sell the premises since 2009. Although interest has been generated, the owner of the property has not been able to sell the business on as a public house due to the rural location and low levels of trade.
- 7.6 The argument in this case is not to remove a community facility but to decide which community facility may be of more use to most members of the existing community, a public house or child nursery school and day care facility. Both uses have received support. The objectors maintain that the social function of the pub is important while the applicant stresses an alternative vital facility that would support child care and child development in the area, which may be a greater community service. However, the need for a nursery day centre in this location has not been proven such as through the applicant's submitted questionnaire as no preferences were stated in most cases, and when it was, a greater preference was given for a retail use. Of the letters of support, only 1 was a resident of Holbeach Drove, 1 from Gedney Hill and 1 from Holbeach Clough who works in the area.

7.7 Sustainability

Although the use of the site as a children's nursery school and day centre will attract attendance by children arriving by car from outside the village, these will likely be due to parents travelling to their place of work and dropping children off on the way as well as local area residents from nearby villages who may well use similar facilities in Holbeach of Gedney Hill. A closer facility may well reduce car travelling time rather than increasing it. The majority of those travelling to the existing public house appear to arrive by car as few appear to live close by. Therefore the use as a children's nursery school and day centre will be no less sustainable in principle than the present use.

7.8 Impact on Residential Amenity

The public house has been difficult to maintain in the past due to the lack of custom, and has had a frequent change in management. No information has been provided concerning the present pub management. The impact of the pub on the village appears to depend on how the pub is managed at any one time. Poor management in the past has created noise and anti-social behaviour complaints. The objectors have argued that the complaints are historic and have been resolved under current management. Although previous poor management may have resulted in some issues regarding noise and disturbance which may have impacted negatively on residential amenity, there is not much evidence to indicate this is a current issue. The survey submitted by the applicant does not appear to reflect any recent issues regarding the negative impact of the public house on the surrounding residential amenity due to the running of the business from this location.

7.9 Policy SG17 of the South Holland Local Plan seeks to safeguard the amenities of local residents. The use of a property as a day nursery does have the potential to create a noisy environment, which may impact on the amenities of neighbouring properties. The application proposes to carry out the operation from 06:30 to 19:30 Monday to Friday and 08:30 to 13:00 on Saturdays. When considering the impact of the development proposed, regard must also be given to the existing lawful use, which in this instance is a drinking establishment (Use Class A4). Whilst the proposed use would result in some noise during the hours of use, it is a daytime use that, unlike a public house, would not generate noise at more unsociable hours during the night. There is no objection from Environmental Health and it is considered that the overall impact of the site on the residential amenity of the nearby properties would be no worse than the existing use and may well be an improvement.

7.10 Highway safety

There are no concerns with regard highway safety from the Highways Department due to the existing car park space which would be adequate if managed properly. Highways therefore commented that more information should be provided with regards the provision of adequate parking facilities. This detail can be conditioned to be provided should the application receive approval.

#### 7.11 Other Issues

The details for fencing and signage to replace the existing have not been provided as part of this application. These details would therefore form the basis of a subsequent application should the current application receive approval. Whether such details would change the character and appearance of the area would be considered within subsequent applications. No external changes are to be made within this application which considers a change of use only.

- 7.12 The existing children's nursery owned by the applicant is already based in Gedney Hill. The accessing of funding such as EYE funding which may compromise another existing children's nursery is not a planning consideration. However, both premises are at the moment in Gedney Hill while one proposes to move to the application site in Holbeach Drove.

#### 7.13 Conclusions

The arguments for and against are finely balanced. The results of the consultation exercise demonstrate that there are conflicting views in the local community, with some wishing to see the public house retained and others keen to see the proposed children's nursery use come forward.

- 7.14 There do appear to be more public houses in the area than children's nurseries, so there is possibly a greater need for the proposed community facility of a children's nursery than a public house. A nursery would comply to a greater extent to the policies of the National Planning Policy Framework 2012 such as Section 1 – Building a Strong Competitive Economy as it may create more jobs, Section 3 – Supporting a Prosperous Rural Economy by enabling more parents with children to work and Section 8 – Promoting Healthy Communities by providing an essential community facility. Where the existing public house appears to be dividing the local community, a children's nursery may potentially better serve the day to day needs of a greater number of people, and may become a place to socialise as people meet while dropping off or picking up children.

- 7.15 On balance, whilst the loss of a public house in any settlement is regrettable, in this case the proposed children's nursery school and day centre is considered to have the potential to benefit the surrounding area to a greater degree than the existing public house, and may improve the rural economy to a greater degree by enabling more parents to work.

### 8.0 **RECOMMENDATIONS**

- 8.1 **Grant Permission subject to those Conditions listed at Section 9.0 of this report.**

## 9.0 CONDITIONS

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
Dwg nos. USER001, MAND001, MAND002, USER003, MAND003 and USER004 received 22 July 2013 .  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The use hereby permitted shall not be open to customers except between the hours of 06:30am to 7.30pm Monday to Friday and 08:30am to 13:00pm on Saturdays without the express written consent of the Local Planning Authority.  
Reason: In the interests of the amenity of local residents.  
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006
- 4 Before the development hereby permitted is first brought into use, details of the arrangements within the curtilage of the site for the parking of vehicles for staff members and the provision for the dropping off and picking up of children by parents shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and to accord with Policy SG16 of the South Holland Local Plan 2006.

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Background papers:- Planning Application Working File

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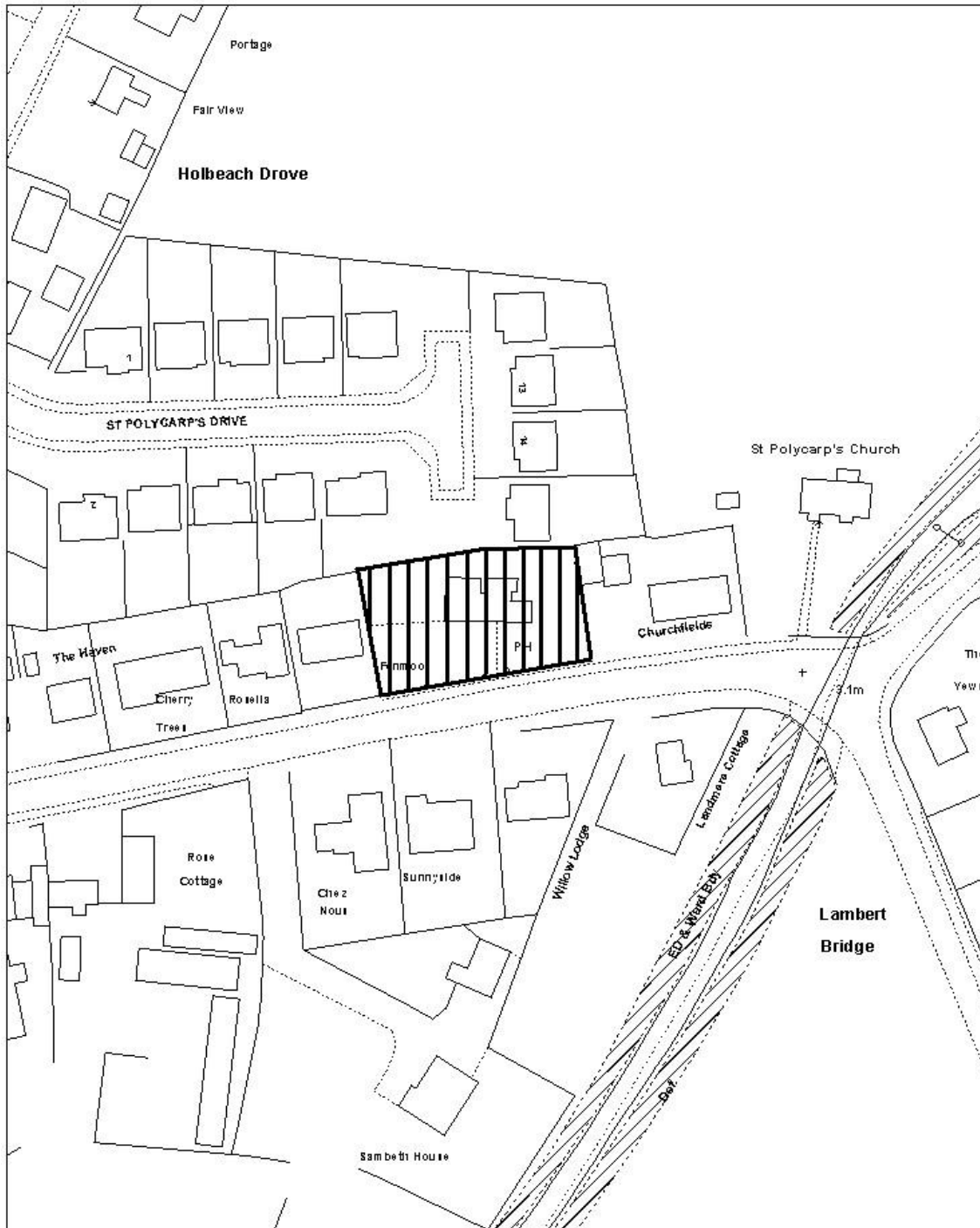
### **Lead Contact Officer**

Name/Post: Paul Jackson; Planning Manager  
Telephone Number: 01775 764402  
Email: paul.jackson@breckland-sholland.gov.uk

### **Appendices attached to this report:**

Appendix A - Plan A

Plan A



Council Offices, Priory Road, Spalding,  
Lincolnshire PE11 2XE

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1:1000

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