

Officer Report On Planning Application: 14/04475/FUL

Proposal :	Change of use from public house to two dwellings (GR 346670/123622).
Site Address:	Crown Inn, Long Load, Langport.
Parish:	Long Load
MARTOCK Ward (SSDC Members)	Cllr G Middleton Cllr P Palmer
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	9th December 2014
Applicant :	Mr Oliver Buzza
Agent: (no agent if blank)	Mr Stuart Sinclair, Seymour Studios, Bratton Seymour, Wincanton BA9 8BY
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO AREA NORTH COMMITTEE:

This application is referred to committee at the request of the Ward Member Cllr Middleton with the agreement of the Chair to enable the local issues raised to be debated.

SITE DESCRIPTION AND PROPOSAL



POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

EP15 - Protection and Provision of Local Shops, Community Facilities and Services

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy EQ2 - General Development

EQ3 - Historic Environment

EQ7 - Pollution Control

Policy EQ4 - Biodiversity

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 3 - Supporting a prosperous rural economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting healthy communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Long Load Parish Council: Object. Do not wish to lose this facility and feel that 12 months is insufficient time to fully test the market for a commercial enterprise and decide it is not viable. They feel that an inflated price was paid for it based on the expectation of change of use and which has put it beyond the reach of anyone wishing to invest in it as a business. The viability study may be biased as it was commissioned by the purchaser. Building is proposed right on the boundary and would be unacceptable to the neighbour and make maintenance difficult. The parking space proposed at the front would be unacceptable as it is not big enough for turning.

County Highways: Referred to their standing advice

County Archaeology: No objections

Environmental Protection: Recommended a contamination condition.

Economic Development: No objection.

Whilst it is unfortunate that public houses are closing, I acknowledge that this particular Inn has had particular issues to contend with, which have made it unviable to continue operating as a public house. The number of residents in Long Load has remained static, with little new

development. There continues to be a decline in the number of people who frequent pubs. Often, it is the association of food with a pub which provides the catalyst for it to survive. Simply, the infrastructure at The Crown Inn with car parking, kitchen and pub layout were such that competing against other pubs in the reasonable vicinity became very difficult. This year particularly, the closure of the road due to flooding prevented any interested parties pursuing interest in the pub.

The Crown Inn has been marketed in accordance with the suggested marketing plan of this authority. It has been conducted by a professional commercial agent and the number of enquiries has remained low. Whilst I reluctantly accept the loss of another public house, on this occasion I conclude that the change of use to residential is acceptable.

Area Development: No objection.

It is always disappointing to see the loss of the last pub in any village. The Crown Inn was marketed for some time, prior to its sale, and we had no contact from the local community with a view to registering the premises as a community asset, under the Localism Act, or to discuss options for securing community ownership. (It is also possible that the business has insufficient viability for even a community owned venture). I understand that the applicant has provided information with respect to our commercial marketing guidelines, and there are no objections from Spatial Policy or ED.

In respect of your query about community re-use for the Crown Inn, I think if this was a serious option the community would have actively considered this before the current application. Long Load has a small village hall, which is limited in space but well used and highly valued. The closure of the church was of local concern and some tentative consideration given to whether there was a community re-use for this. This has not progressed and is (I understand) now in private ownership.

REPRESENTATIONS

Written representations have been received from four local residents objecting and raising the following concerns:

- Disappointed that a change of use was not applied for before and independent of this residential application.
- The pub has been badly run and no effort has been made to appeal to the correct market.
- The applicant has not made any effort to run it as a pub or any intention to do so. How can it be deemed to be unviable.
- The village should not lose its pub due to bad practice with the profit going to an individual and not the community.
- The pub manager pitched the pub at the wrong demographic, it was more like a working men's watering hole. Mid to up-market pubs prosper in the area. A pub needs good quality food.
- The pub was marketed at too high a price.
- The applicant has paid less than the property is worth as a residential house with further plot potential because it did not have those permissions, yet paid too much for a genuine publican to afford as the building needs investment if it is to attract customers again. Had he not done so presumably market forces would eventually have caused a sale at a figure that would have been viable for a publican to then invest around £100,000 in improvements. The District Council should not reward property developers

for taking this kind of gamble.

- This village has already lost its school, post office, shop and church. With the loss of the pub this will leave only the village hall.
- Planning goals are there to help preserve the spirit of our village.
- The viability report is biased as it was written by a company specialising in such matters and should be discounted. The report appears to be generic with reference made to the White Horse on page 7. The references to the flooding is irrelevant as the pub ceased trading before the flooding. In regard to the references to what villagers think, i.e. a close association with Long Sutton, it is unclear how this information was obtained other than a brief search of the internet. No survey has been taken to back up this speculation.
- There is no valid evidence to show that the pub is unviable.
- I take issue with the statement in the Viability Report (pg 23) which says that "none of the interested parties who made a successful offer had expressed a desire to maintain the previous use of the property as a pub". The report lists Ms Bloxham and Mr Cordell as two interested parties. Ms Bloxham who is known to me wanted to run a pub and restaurant but it was hard to raise the money needed as she felt that £100,000 would be needed for renovations. She has gone on to run the Old Inn at Holton which I think she has bought. Mr Litchfield and Mr Parfitt are or have been in the pub trade, it is reasonably likely that they would have considered running it as a pub.
- When I called Greenslade Taylor Hunt to enquire about the pub I was informed an offer had been made at the asking price and so I did not take my enquiry further. They showed no interest in taking my details at that stage. How many other interested parties had this same experience? There is no reference to my enquiries in their report. The report does not therefore seem to show the full picture of all interest expressed in the pub.
- If the pub is lost to the community the applicant should be required to make a significant financial contribution to other community assets. I have previously seen a developer who removed a pub make financial contributions towards community assets and towards education costs of the relevant authority.
- The immediate neighbours (Riverview) have no objection to the principle of the change of use stating that they have witnessed the steady decline in the pub's trade over recent years. They are concerned however that the plans show the south facing wall of the new single-storey dwelling coming on to our boundary / fence line and on to the edge of the concrete driveway. It would be better if it were built on the footprint of the existing extension and would allow pedestrian access around the south side of the new dwelling. Currently there is no external access to the rear garden.
- The block and roof plan shows vehicle access to the front parking area when coming from the south as turning across our forecourt and into the parking area.

CONSIDERATIONS

This application is seeking to carry out alterations and to convert a public house to two dwellings.

Principle:

This proposal will lead to the loss of the only pub in the village of Long Load and would leave just the village hall as the only remaining community facility within the village and as such is considered to represent a significant loss of a local facility. Para 70, Part 8 of the NPPF requires that planning policies and decisions "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its

day-to-day needs". This requirement is mirrored in the local plan under policy EP15 which seeks to prevent the loss of significant local shops and community services unless the applicant has made every reasonable attempt to secure suitable business or local community re-use.

Several local residents have objected to this proposal raising concerns at the manner in which the pub has been marketed, its price and suggested that the viability report lacks robustness and that this would result in the loss of one of the few remaining community facilities. It has also been noted that the applicant has bought the pub with the express intention of a residential reuse rather than to run it as a business. The Parish Council has also suggested that 12 months is insufficient time to test the market for a commercial enterprise and determine its viability.

A Viability Report and Business Appraisal accompanied the application and sets out the marketing strategy undertaken by the agents, Greenslade Taylor Hunt, and includes details with regard to the interest expressed in the property and any offers made and why they did not result in a successful sale.

The Economic Development (ED) Officer however has confirmed that the marketing undertaken complies with this authority's suggested marketing plan and raised no concerns with regard to the price at which it was advertised or the method of advertising. The ED Officer acknowledges that the pub has had particular issues to contend with, which have made it unviable to continue operating as a public house observing that the number of residents in Long Load has remained static with lack of new development and a continuing decline in the number of people who frequent pubs. He observes that the association of food with a pub often provides the catalyst for its survival, however the infrastructure at the Crown Inn requires considerable investment making it difficult to compete against other pubs in the area.

It is clear from the number of offers received that there has been interest in this property however for a variety of reasons these offers have not lead to a completed sale until the applicant's offer which was made in March 2014 by which time it had already been marketed for more than 12 months. The ED officer is satisfied that the asking price was reasonable and that it has been marketed in a robust manner for a reasonable period of time to satisfactorily test the market. Therefore whilst the application will result in the loss of a community facility it is accepted that the marketing campaign has been thorough and that every reasonable attempt has been made to secure suitable business reuse of these premises.

The Area Development Officer has raised no objection to this proposal and confirmed that they are unaware of any local interest in trying to acquire this building for a community re-use and that it has not be listed as a community asset .

On this basis the application is considered to have met the requirements of policy EP15.

It is noted that there is local concern that the applicant has purchased this property with only residential intention in mind. This however does not detract from the marketing campaign carried out by the previous owner which is considered to be robust. The Parish Council's concern in regard to the duration of the marketing is also noted however 12 months is considered to be reasonable period of time to have tested the market demand for these business premises and is a period of time recommended by the Economic Development team. Therefore, whilst it is always disappointing to accept the loss of a village pub, in this instance it would be unreasonable to object to its change of use based on the submitted marketing information and the views of the Economic Development Officer and Area Development Officer.

Residential amenity:

The proposal includes alterations to the single-storey element to the south side of the pub which is to form part of the smaller two-storey dwelling. These alterations include the enlargement of this wing including expanding it along the boundary with the adjacent neighbour and raising its height by installing a gabled roof. The neighbouring dwelling immediately to the south does have a couple of windows at ground floor level within their north elevation facing towards the site. One of these windows is quite small and does not appear to serve as the main source of light or outlook for any principle accommodation. The other window is larger and is likely to be a more important to the occupant's amenities. The nature of the extension works are likely to impact upon on this neighbour in particularly the smaller more subservient window however the second larger window positioned further to the rear of the neighbour's house should be little affected and it is not considered that this proposal will result in any substantial loss of light or other amenity concern to this neighbour.

The proposed layout will ensure that both dwellings are served by an acceptable level of outside amenity space without resulting in any poor relationship issues. The application therefore poses no significant residential amenity concerns.

Visual amenity:

The proposed alterations changing the mono-pitched roof over the single storey element should be an enhancement to that existing. In all other respects the scale and nature of any alterations are relatively low key and raise no significant visual amenity concerns.

Highway safety:

Whilst concerns have been raised with regard to the proposed parking arrangements to the front, this is just making use of what is already there and which would have been in use by patrons of the pub when it was still in use. These spaces are to serve the smaller, two-bedroom unit, and although there is no space for on-site turning do meet the highway authority's size requirements. The proposed change of use is unlikely to lead to any substantial increase in vehicle movements using these spaces over and above that which could potentially be generated under its lawful use as a pub and as such it would not be reasonable to object to this proposal on this basis. The next door neighbour has also expressed concern that the plans indicate the path of vehicles approaching from the south and turning into these front parking spaces as crossing their forecourt. Although this is the case the parking area is to remain unchanged and as such there is no reason why there will be any change in driver behaviour to that existing or that it should result in any new encroachment to the neighbour's property.

Conclusion:

For the reasons set out above, it is accepted that the reasonable attempts have been made to secure a business re-use of this site and that there is a lack of demand for a community use. In all other respects the proposed change of use of these premises to two dwellings raises no substantive residential amenity, visual amenity or highway safety concerns, as such the application is recommended for approval.

RECOMMENDATION

Grant permission for the following reasons:

Based on the submitted information, it is accepted that there is a lack of demand for these

premises either for commercial or community purposes and that, by reason of its location, nature and design, that the development is an appropriate form of development that raises no substantive highway safety, residential or visual amenity concerns and therefore accords with the aims and objectives of policies SD1, EP15, TA5, TA6, EQ2, EQ4 and EQ7 of the South Somerset Local Plan (2006-2028) as well as the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered TC1438/1, TC1438/2 and TC1438/3 submitted 06/10/2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. In the event that contamination is found or is suspected to be present at the site when carrying out the approved development then development shall be halted (unless otherwise agreed in writing with the Local Planning Authority) and it must be reported in writing to the Local planning authority. An investigation and risk assessment must be undertaken, in accordance with the requirements of BS10175 Year 2011 - Investigation Of Potentially Contaminated Sites Code of Practice, BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments, and CLR 11 Model Procedures For The Management Of Land Contamination, issued by The Environment Agency, and any remedial proposals submitted and agreed in writing prior to the recommencement of the development.

Reason: In order to safeguard against the risk of contamination to accord with policy EQ7 of the South Somerset Local Plan 2006-2028.

04. The development hereby permitted shall not be commenced unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan 2006-2028.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, or other openings (including doors) shall be formed in south elevation of the single-storey dwelling hereby permitted without the prior express grant of planning permission.

Reason: To safeguard residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.
