

MID SUFFOLK DISTRICT COUNCIL

Minutes of the **DEVELOPMENT CONTROL COMMITTEE 'A'** held at the Council Offices, Needham Market on Wednesday 15 July 2015 at 9:30am.

PRESENT: Councillors: Matthew Hicks (Chairman)
Gerard Brewster
David Burn
Lavinia Hadingham
John Levantis
Sarah Mansel
Lesley Mayes
Penny Otton *
David Whybrow

Denotes substitute *

Ward Members: Councillor: James Caston
John Whitehead

In attendance: Corporate Manager – Development Management
Senior Development Management Planning Officer (JPG)
Senior Development Management Planning Officer (MP)
Communities Officer (Enabling)
Governance Support Officer (VL)

NA01 APOLOGIES/SUBSTITUTIONS

An apology for absence was received from Councillor Diana Kearsley. Councillor Penny Otton was substituting for Councillor John Field.

NA02 DECLARATIONS OF INTEREST

There were no declarations of interest.

NA03 DECLARATIONS OF LOBBYING

There were no declarations of lobbying.

NA04 DECLARATIONS OF PERSONAL SITE VISITS

There were no declarations of personal site visits.

NA05 MINUTES OF THE MEETING HELD 29 APRIL 2015

Report NA/13/15

The minutes of the meeting held 29 April 2015 were confirmed as a correct record subject to an amendment to Minute NA72, Item 5 to clarify that the applicant Mr R Stacey was the partner of District Councillor Rachel Eburne.

NA06 PETITIONS

None received.

NA07 QUESTIONS FROM MEMBERS

None received.

NA08 SCHEDULE OF PLANNING APPLICATIONS

Report NA/14/15

In accordance with the Council's procedure for public speaking on planning applications representations were made as detailed below:

<u>Planning Application Number</u>	<u>Representations from</u>
1799/15	Kevin Griggs (Parish Council) Sue Cosford (Objector) Peter Wells (Agent)

Item 1

Application Number: **1876/15**
Proposal: Pollard and reshape, reducing by approx. 35% Yew Tree at front
Site Location: **STRADBROKE** – Fir Cottage, Church Street
Applicant: Mr C Edwards

It was noted that the application had been referred to Committee as the applicant was a staff member. A motion for approval was proposed and seconded.

By a unanimous vote

Decision – That no objection be raised to the proposed works

Item 2

Application Number: **1799/15**
Proposal: Change of use of existing public house to residential dwelling including removal of part of existing car park
Site Location: **HENLEY** – The Cross Keys Inn, Main Road
Applicant: Mr Hammond

Senior Development Management Planning Officer (MP) drew Members attention to the tabled papers which included: details of a recent offer for the property of £225k which had been rejected; examples of other public houses sold or for sale in the area and prices of those properties; and confirmation that the Cross Keys Inn had been listed as an Asset of Community Value (ACV) as of yesterday.

He advised that although the ACV listing indicated more support for the public house to be retained than previously thought the Officer recommendation remained unchanged. It was still considered that the rural location required customers to drive to the premises and there were other public houses in the locality within similar driving distance. Viability was also an issue.

However, guidance stated that it was for the local planning authority to decide if an ACV registration was a material consideration and how much weight should be given to it.

In response to a question regarding the effect on the ACV of granting permission for change of use, the Communities Officer (Enabling) advised that there were implications. The value of the property might increase making it more difficult for the community to raise the necessary funds to purchase it and ultimately it would have to be removed from the ACV list as it was not possible to list a private property.

Kevin Griggs, speaking on behalf of the Parish Council, advised that although a minority of residents felt it was time to let the pub be closed there had been considerable support to the owner during the short time it was open. Events had been advertised and people encouraged to attend. The previous application for a dwelling in the car park had been supported as the owner had said it would help with business expansion and it had been disappointing when as soon as the application failed the business was closed. The owner had stated it was unviable but he did not believe this was the case. It was wrong to see the Community Centre as able to provide the same service as the pub as it was a charity run by volunteers and only open for a limited time two evenings a week. The public house served a far wider community than Henley and the Parish Council believed it should be retained as a pub/restaurant and had a future as a business.

Sue Cosford, an objector, said she understood from the Supplementary Planning Guidance policy statement that for change of use of a village public house to alternative use three main criteria must be achieved. She did not believe that any of the three criteria had been met and therefore the application should not be supported. Firstly, it was the last pub in the village and the excuse that Henley Village Hall was equal to a public house was invalid. Secondly, (a) reasonable efforts to sell or let the property as a public house and: (b) it was not economically viable had not been proved. The measures taken to sell the pub had been engineered to discourage a sale with an excessive price hike from the 2013 purchase price which was also loaded with a 20 year overage for residential development. The pub was also economically viable up until the day the last application was refused, since then the business started its decline optimized by the owner. Thirdly, it was stated there was no evidence of significant support from the community for its retention when local support had been significant. Although 14 people took the trouble to object more would have done so if the change of use notice had not been relatively hidden and had been seen by more. Many people supported the pub through attendance when it was open and this support was proven by the ACV listing. There was support from the public including 900 members of CAMRA and Henley Parish Council.

Peter Wells, the Agent, said the previous application for a tied dwelling had been for the owner and his family to live in so that bed and breakfast could be offered in the pub to increase the income stream. This application had the support of the Ward Members, Parish Council and some of the then Committee but was refused as it was considered that the pub could fold leaving a dwelling on green land resulting in a change of use application for both the dwelling and the public house. The property had been marketed for almost 12 months and the price had been reduced and the owner had been open regarding offers made and the price he was prepared to accept. He and his family were currently living in the pub but if

purchased it could be re-opened at short notice as no changes had been made to the kitchen or bar area. He had much experience in the trade and his intention had been for the Cross Keys to be the last public house he ran and to pass it on to his family and he was disappointed that it had been necessary to close the pub. However, there was no way forward and he had to look to the future. The ACV meant that time had to be allowed for a bid to be put together but the property had already been on the market for 12 months and no such bid had been put forward.

Councillor John Whitehead, Ward Member was also speaking on behalf of Councillor James Caston, the second Ward Member. He said that at the time of the previous application for a dwelling the then Ward Members and the Parish Council had spoken in support as it was felt appropriate for the site and the business. There was now much anecdotal evidence regarding food decline and erratic opening hours which painted a picture of an owner who had lost interest but he had no personal evidence of this. There had been a history of viability issues for the premises and some felt it was time to say enough, however others believed it could be a successful business and a community asset. Henley Community Centre was not a valid alternative as it relied on volunteers and did not provide the same facilities as a pub/restaurant. Many local people and groups, eg CAMRA would like to see the premises remain as a pub/restaurant and it not be lost forever.

Member opinion was divided.

Some Members felt that it was no longer usual for every village to have a public house with many such businesses becoming unsustainable. In this case its closeness to the village settlement was questionable and the lack of linkage in respect of footpaths or street lighting had a negative impact on the business and its future viability. There was also a history of viability issues. The ACV had been driven by CAMRA and not the community and this lessened the weight that should be given to it. Although the Community Centre could not be considered a public house there were others locally that were as easy to drive to. It was considered the application complied with the NPPF paragraph 49.

Others considered that the ACV was a material consideration that gave evidence of community support and should be given significant weight. There were no other public houses within the Settlement Boundary and the Community Centre was not comparable. It was felt that the application did not demonstrate that reasonable efforts had been made to market the property; it had not been marketed for the full 12 months and the price had only been reduced for a short time. It was considered that the application was contrary to the adopted Supplementary Planning Guidance on the Retention of Shops, Post Offices and Public Houses in Villages and paragraphs 28 to 70 of the NPPF.

A motion for refusal was proposed and seconded.

By 6 votes to 3

Decision – That Full Planning Permission be refused for the following reasons:

- The application fails to satisfactorily demonstrate that the public house has been appropriately marketed with clear independent valuation and fails to satisfactorily demonstrate that the business is not viable. Furthermore it is considered that there is significant support from the community for the retention of the public house demonstrated, including nomination as an Asset of Community Value. On that basis the proposed change of use is considered contrary to the Council's adopted Supplementary Planning Guidance on the Retention of Shops, Post Offices and Public Houses in Villages, adopted 2004 that seeks to retain essential facilities for villages and to ensure that proposals are properly justified. Moreover the proposal is contrary to paragraphs 28 to 70 of the NPPF that seek to guard against the unnecessary loss of valued facilities and promotes retention of such uses.