

Supplementary Report

Applicant: ROSE AND CROWN INN

Description of Development

Change of use of public house and curtilage to 1 No. residential dwelling at Rose and Crown Inn, Woodhill Road, Stoke St Gregory

Introduction

The application was considered at Planning Committee on 28 February 2018, where a decision was deferred for six months for additional information to be requested from the applicant, namely:

'Clarification on marketing in particular viewings and offers received. Investigation of alternative uses and the opportunity for the Parish Council to submit a business plan'.

A copy of the report is attached in Appendix A.

Update to report

Response from Stoke St Gregory Parish Council

Stoke St Gregory Parish Council is in a difficult position. All members of the Council would prefer to see both of the pubs in the village remaining commercially successful, but we have been preparing for the eventuality that either or both pubs (and the shop) could close.

The location of the Rose and Crown makes it far less suitable for purchase by the community as a combined pub and shop, whereas the location of the Royal Oak is ideal. The PC does have contingency plans for the purchase of the Royal Oak for this purpose, including a business plan and the support of the Plunkett foundation, but we have not yet acted on them specifically so as to avoid competition with the Rose and Crown.

We have conducted a survey of all residents which demonstrates strong support for a community enterprise should it prove necessary.

We understand that a commercial sale of the Rose and Crown has recently been agreed, and that the application for a change of use may therefore be withdrawn, but it was felt that the position of the PC should nevertheless be made clear.

Marketing

The Rose and Crown has been marketed since November 2016, with a price reduction in April 2017.

The pub has been marketed on the internet and in print on various sites.

Since November 2016 653 sets of sales particulars have been requested and sent out.

There have been seven viewings since November 2016 and no offers were received from November 2016 to April 2018. One offer was received in April 2018 (below asking price). However the sale fell through in August 2018.

Accounts

The business accounts have been submitted for the period from 1 December 2015 to 31 May 2017, which indicated a small profit from 1 December 2015 to 31 May 2017. However this would appear to demonstrate that the business is not viable.

Recommendation

The above information clarifies the marketing exercise carried out and also the Parish Councils response to the opportunity to submit a small business plan.

The application is recommended for approval subject to conditions listed in the attached earlier report.

Copy of committee report from 28 February 2018

Taunton Deane Borough Council

Planning Officer's Report and Recommendations

Applicant: ROSE AND CROWN INN

Description of Development

Change of use of public house and curtilage to 1 No. residential dwelling at Rose and Crown Inn, Woodhill Road, Stoke St Gregory

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Floor plans
(A4) Site location plan
(A4) First floor plans
(A4) Block plan

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

3. The development hereby approved shall not be occupied or the use commenced until space has been laid out within the site for the parking and turning of vehicles, and such the areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development. The parking area shall be of sufficient size to accommodate three cars.

Reason: To ensure that there is adequate space within the site for the parking and turning of vehicles clear of the highway, in the interests of highway safety.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

Proposal

The application proposes the change of use of the public house, The Rose and Crown, (Class A4), to a single dwelling (Class C3). The existing terraces and car park would become the garden and car parking for the occupiers of the dwelling.

Site Description

The site lies in the hamlet of Woodhill, near the village of Stoke St Gregory. There are residential properties to the east and south with open agricultural land to the west.

Relevant Planning History

36/08/0009 - Reconstruction and extension to pub - Approved - 20 October 2008

Consultation Responses

STOKE ST GREGORY PARISH COUNCIL - We are unable to support the application on grounds that the planning statement is significantly flawed and there are factual inaccuracies.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies

PLANNING POLICY - No comments received

WESSEX WATER - No comments received

Representations Received

WARD CLLR STONE - I object to the proposed change of use and the loss of the public house which has been a popular venue for people to visit from a very wide area for decades. While the pub appears to have lost a lot of its trade recently it's reputation is such that it seems likely that it could be revived as a viable business with new owners or a different approach from existing owners. The planning statement appears to be inaccurate in a number of ways which suggest that the business is less viable than it actually is. While the Rose and Crown is not the only pub in Stoke there is only one other and this is also for sale and there is a distinct possibility that this one could also close in the foreseeable future. This possibility should be taken into consideration when this application is considered.

Twenty two submissions have been received objecting to the proposal on some or all of the following grounds:

- loss of an essential local facility
- loss of local employment opportunities
- the proposal is contrary to policy
- a number of inaccuracies in the report
- the business is well loved and extensively used by residents and visitors
- it is possible to build a healthy and viable business
- supports the local economy

One response refers to inaccuracies in the applicants report regarding a meeting of two parish councillors with two owners of businesses and that the meeting was not a parish council meeting.

Two representations received following the re-consultation exercise stating there were no changes in the situation.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
DM2 - Development in the countryside,
CP2 - Economy,
CP3 - Town centre and other uses,
C4 - Protection of community facilities,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of a dwelling is CIL liable.
Proposed dwelling measures approx. 350sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £43,750.00. With index linking this increases to approximately £53,000.00.

Determining issues and considerations

The main issues here are the policy considerations and Policies CP3 and DM2 of the Core Strategy and C4 of the Site Allocations and Development Management Plan are of particular relevance.

Policy CP3 relates to Town and other Centres and states at a. iv. Within the rural areas proposals for new rural services including shops, public houses, Post Offices and surgeries will be permitted within the defined settlement limits. Proposals which would result in the loss of such services will not be permitted where this would damage the vitality and viability of a settlement or increase car travel by local residents unless it can be independently proven to be unviable for re-use for local service provision.

The applicant has indicated the pub has been with two agents, including a national specialist, and has submitted evidence of a marketing strategy which commenced in 2014 and has been continuously marketed since November 2016. Advertising has been carried out on the internet and in national trade press. It was not considered appropriate to place a For Sale board on the property. A number of people have viewed the property on line, with two viewings. No offers have been received. The property has been reduced from £425,000 to £395,000. Details of the marketing documents have been submitted with the application.

Whilst submissions would indicate there is still a local need for the facility, information submitted with the application would indicate that the pub is no longer financially viable with turnover in 2016 being half that of 2012.

It is considered that the applicant has shown that the current use is not viable in the long term and has advertised the premises for in excess of the 12 months required with no success. The building is not in the settlement limits of the village and consequently it is not considered that the loss of this facility would damage the vitality/viability of the village given that there is a public house within the village boundary. The loss of the pub here consequently would not result in an increase in car travel by locals.

Policy C4 of the Site Allocations and Development Management Plan seeks to prevent the loss or change of use of existing community, cultural and social facilities. A public house is considered to constitute a community facility. The submitted report indicates that the use of the pub has significantly reduced to a point where it is unviable and there are no facilities beyond the food and drink use. In addition it is claimed that there is not a need and there is no similar community use that it could be put to.

Policy DM2 of the Core Strategy also seeks to support conversion of existing buildings to alternative uses and sets out a sequential approach to alternatives. The sequential test to be followed gives the following order of priority:

- i. Community use;*
- ii. Class B business use;*
- iii. Other employment generating uses;*
- iv. Holiday and tourism;*

- v. Affordable, farm or forestry dwellings;*
- vi. Community housing;*
- vii. In exceptional circumstances, conversion to other residential use.*

Alternative community facilities are located within the village of Stoke St Gregory, including a village store and a pub, two churches and a licensed hall. These amenities cater for the village and no other identified need has been established in this location. B class business uses and other employment generating uses have been looked at and it is claimed the nature of the building and site mean it is not easily adaptable to business use, particularly given the car park and limited parking.

The building could be used as a single holiday let, however there are often amenity issues with lets of this size and the lack of garden space and proximity to the road may affect potential rental value and occupancy rates. The agent claims that the letting rate is likely to be below the national average in this location and unlike other lets of this size the property is not sub-dividable, so could not be let to smaller groups. It is claimed that even if the national average occupancy rate of 21.5 weeks were achieved this would not cover the running costs and business rates.

A Housing Needs Survey carried out in 2016 indicated there was no additional need for affordable housing within the Parish given existing housing options. The building as it stands would not be likely to meet an affordable need and subdivision would be unsuitable and not provide satisfactory smaller units. Consequently the residential option of DM2.7.b.vii is considered acceptable.

The applicant's agent has responded to the allegations of inaccuracies in the planning report and the Parish Council and local residents have been given a further opportunity to comment on the additional information.

Confirmation has been received from the Council's Economic Development team that the Rose and Crown is not included on the Council's list as an Asset of Community Value.

There is an existing access and car parking area to the south of the pub. It is considered that the continued use of this area for access and parking for one dwelling would be of less intensity than the current use and would therefore be acceptable. Given the size of the proposed dwelling it would be appropriate to provide three off-street parking spaces plus turning facilities within the site in accordance with the Highways Authority requirements.

The proposal for the change of use of the building addresses the relevant policies. The marketing of the pub use has been complied with and the viability reports shows a loss of trade and a recent trading loss and as there are alternative facilities within the village it is regretful that approval is recommended.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Denise Grandfield

