

Planning Committee
Wednesday 19 October 2016

Addendum Report

Item 7 – P16/V1457/FUL – 51 High Street, Sutton Courtenay

Highways comments

The county highways officer has provided his comments, raising no objections subject to conditions relating to vision splays, parking and drainage. These three conditions are added to the recommendation.

Asset of Community Value

Since writing the report it has been brought to officers' attention that there was an application to nominate the pub as an Asset of Community Value (ACV) before the first application for nomination mentioned in paragraph 5.25 of the report. This preceding application was invalid and was not determined. Therefore at the time of writing the report there had been three applications for nomination.

Following the publication of the agenda a new (fourth) application for ACV nomination has been submitted to the council. Officers are mindful that the procedure for nominating an ACV is an entirely separate legal process to the planning process. In light of the nature of the refusal reason for the determined nomination, officers do not consider it is reasonable to delay consideration of the planning application any further to await the outcome of this latest application for nomination.

Letter from the objector

A further letter of objection has been circulated among the committee members. The points raised in the received representation, and the officer response, can be summarised as follows:

1) The pub landlord had no interest in the pub or the community, and would open and close the pub as he wished and quite often the pub would be closed early in the evening hence not giving the business a full chance to make money.

Response – The submitted evidence shows a decline was occurring before the occupation by the last tenant. The decline continued under his tenure. Officers consider that, in the face of mounting losses, a reduction in opening hours is a pattern that is equally consistent with a tenant seeking to open only at set times when trade may be expected to minimise costs. In the absence of corroborating evidence the pattern is not proof of a tenant deliberately running down a business.

2) The figures which have been provided to you are only for sale of beer and ale. None of the other drinks sold went through the books.

Response - The figures provided in the submitted viability reports have been assessed by the independent viability consultant, who has raised no concerns in relation to the provided figures. Therefore the officers are of an opinion that the provided data and information were sufficient enough to provide a detailed assessment.

3) After contacting Hawthorn Leisure, and asking them to buy the pub, they did not

get back to me, and later I was informed they had decided to sell the pub as a development project.

Response – Officers consider that the applicant has followed an entirely reasonable strategy for marketing the pub, aimed initially at experienced industry operators.

5) The pub has not come up for sale.

Response - As outlined in the committee report paragraphs 5.21 and 5.22, the findings in the submitted documents, confirm that there was a three stage marketing strategy. A 'to let' or 'for sale' sign was not erected outside the property due to the current tenant's agreement, which contains a specific clause which contractually prohibits erecting either a 'for sale' or 'to let' sign on or outside the property, unless the tenant's agreement is in the last 4 months of its expiration. Further to that there is no requirement for the pub to be advertised in the normal trade magazines.

6) The pub needs renovation which I plan to do in order to put a kitchen in so the pub can compete with today's market and to keep the pub open so it can continue to be a valuable community asset of Sutton Courtenay for many years to come.

Response - It has been confirmed by the independent consultant that the continued use of the property as a public house, even if a commercial kitchen would be installed, would be unviable.

Response to questions from a committee member

1) Within your report you mention Savill's have written a report about viability. Although I am sure this is commercially sensitive, are you able to tell me whether the assessment for the future of this PH takes into account the large numbers of planning consents granted around Sutton Courtney.

Response – Objections from local residents have referred to the number of new dwellings granted planning permission in the village. The viability report does not take account of these because it is impossible to know exactly when they will be built and occupied and therefore when any custom from them can be theoretically added to any projected annual income of the pub. However, in light of well-documented national trends and changes in behaviour, even if these dwellings were all built very quickly it is unreasonable to expect that these additional residents will swell the numbers visiting The Plough to the degree necessary to significantly change its economic performance.

2) I am also interested to read that the tenancy of this establishment prohibited sale/let signs, although it would seem that the PH has been closed since late spring without any chance for the PH to be advertised fully as a going concern. Do you know whether the PH was offered in the normal trade magazines etc?

Response - The findings from the submitted documents, confirm that the pub was marketed by a well-respected firm of specialist agents. The three stage marketing strategy (which targeted restaurant operators, commercial operators, as well as developers and investors) detailed in the submitted documentation was considered

sufficient in the Local Planning Authority's opinion. It has not been advertised in the normal trade magazines, as there is no requirement to do that under Planning Legislation.

Equalities Act, 2010

The council has a duty under section 149 of the Equalities Act 2010 to have due regard to the implications of the application on potential discrimination. Of particular importance are the implications for age- and disability-discrimination of the loss of the pub. Clearly the proposal involves the loss of a local facility which will mean longer trips for people to find a similar facility. However, the evidence shows that the pub is not viable and the tests of reasonableness apply. In terms of attaching weight to each side officers consider the weight to be attached to the resulting need for people to travel further is not sufficient to outweigh the economic case that the pub is not viable.

Item 8 – P16/V1791/RM – Fernham Fields, east of Coxwell Road, Faringdon

Amendment

Following the publication of committee papers, and in response to objections from Great Coxwell Parish Council and Faringdon Town Council, the applicant has submitted amended plans to reduce the scale of the three apartment blocks in the centre of the site from three storeys to two ½ storeys. This amendment has been circulated to all committee members, the Parish and Town Council and local ward members.

Officer Response: The amendment is welcomed and ensures greater compatibility with the requirements of the Great Coxwell Neighbourhood Plan.

Additional consultation responses

Faringdon Town Council have provided a further objection to the application in response to the 15 September amendment as follows:

- Conflict with Great Coxwell Neighbourhood plan in relation to ridge heights policy
- Housing density inappropriate for a semi-rural location
- Concerns with access for emergency vehicles
- Concern that removal of private drive reduces space for parking

Officer Response: These concerns are noted. The issue of ridge heights is addressed by the amendment discussed above. The issue of density is discussed in the report. OCC Highways have no objections to the proposal.

A resident has provided a further objection to the application in response to the 15 September amendment as follows:

- Layout must stand alone given lack of certainty over delivery of second phase
- Density on part of development facing Great Coxwell is therefore too urban in character

Officer Response: Noted. Phase Two of the development has now been submitted under reference P16/V2582/RM and closely accords with the overall masterplan shown with this application.

Item 9 – P16/V1283/FUL – J Curtis and Sons Ltd, Thrupp Lane, Radley

No updates

Item 10 – P16/V1721/O – Grove Business Park, Downsview Road, Wantage

This item has been removed from the agenda

Item 11 – P16/V2033/FUL – Metisse House, Carswell Golf Course, Carswell

No updates