

MAIN CASE

Reference No: 17/02000/FUL

Proposal: Change of use from a licensed public house to a residential property.

Site Address: The Carpenters Arms 76 Brook Street Soham Ely
Cambridgeshire CB7 5AE

Applicant: Mr Matthew Killick

Case Officer: Catherine Looper, Planning Officer

Parish: Soham

Ward: Soham South
Ward Councillor/s: Councillor Hamish Ross
Councillor Ian Bovingdon
Councillor Dan Schumann

Date Received: 14 November 2017 **Expiry Date:** 8th March 2018

[S252]

1.0 **RECOMMENDATION**

1.1 Members are recommended to approve the application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

1. Approved Plans
2. Time Limit

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks consent for the change of use of a public house to a residential dwelling (C3).

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.3 The application has been called into Planning Committee by Councillor Carol Sennitt.

3.0 PLANNING HISTORY

3.1

76/00069/FUL	ERECTION OF A TOILET BLOCK AND GENERAL IMPROVEMENT	Approved	26.04.1976
77/00651/FUL	EXTENSIONS TO PUBLIC HOUSE AND DWELLING	Approved	04.04.1977
89/00497/FUL	EXTENSION TO PUBLIC BAR AND NEW TOILET BLOCK	Approved	24.05.1989

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the east of Soham and comprises a two storey detached public house. The area is predominantly residential, with dwellings fronting the road. The building itself is rendered in a light coloured render with a mono-pitch porch at the front and white upvc windows. The building fronts directly onto the public footpath, and there is parking to the side of the building.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Parish – Further to the letter of the 26th January 2018 I can confirm that this matter was reviewed by Soham Town Council at its full council meeting on the 13th February 2018. It was approved that to protect this vital and viable asset, an application be made for its nomination to be listed as an ‘asset of community value’ (ACV) under the terms of the Localism Act 2011. Accordingly this Office will submit the necessary application today and as such I would be grateful if this action could be recorded and brought to the attention of ECDC Planning Committee which is due to consider this PA at next meeting (March 2018).

Ward Councillors - The application for change of use from public house to residential ref 17/02000. All five district councillors for Soham South and Soham North oppose this application. This amenity would be a great loss to the town. There are a large number of new houses planned for this part of town and we feel this would be the inappropriate change of use.

Ward Councillors- Councillor Carol Sennitt- We feel with all the pending residential developments down that end of town it would be a great loss of a community asset. We have lost many public houses in Soham and including The Carpenters Arms we have only 4 left. Eventually Soham’s population will be around 17,000 people, we feel it is short sighted to lose this business and community social area. A business

that has thrived for many years, to be changed to a residential building, would be disappointing to Soham residents.

Thrift Soham Community Land Trust- Thrift Community Land Trust for Soham would like to lodge an interest in this application. We are looking into the possibility of the CLT taking this over as a Community Pub because we are very concerned at the loss of yet another pub in Soham. However, we will need more time to determine whether this is feasible. We would be grateful if you could put the determination of this application on hold.

Business Development Manager- Martin Smith- There is argument that the community would lose some amenity by change of use. However the owners have clearly struggled to maintain the business and with declining footfall, lack of competitive edge (no food provision compared to close by competitors) and a relatively 'off the beaten track' frontage - the owners reported decline in turnover and interest is self-explanatory! The area has four other competitor pubs.

It is policy that any such change of use would require a minimum of 12 months marketing to see whether a going concern purchaser/lease for the business could be found or secured. The file shows evidence that adequate attempts to market the property (since October 2015?) have been made. The original expert valuation then was circa £500K. In that this was reduced to £375K, with little interest by 2017, then fair to assume there is low demand for such a business and adding the probable investment that would be required to turn the business around (catering?) – it is easy to surmise that the price would need to fall much further.

I note that the business was removed from market in August 2017, so with nearly two years of marketing through three agents the owners have more than met the policy criteria and outcomes for consideration of change of use.

From a purely commercial view it would therefore seem difficult to argue against a change of use. With a significantly declining footfall/revenue evident it would also be challenging to make the case that there is a retained amenity position when competitors must be taking up demand.

5.2 Neighbours – Six neighbouring properties were notified and no responses have been received.

5.3 A site notice was posted on 5th December 2017.

6.0 The Planning Policy Context

6.1 **East Cambridgeshire Local Plan 2015**

ENV 2 Design
COM 3 Retaining community facilities
COM 7 Transport impact
COM 8 Parking provision

6.2 **Supplementary Planning Documents**

Design Guide

Developer Contributions and Planning Obligations

6.3 **National Planning Policy Framework 2012**

7.0 6 Delivering a wide choice of high quality homes

7 Requiring good design

3 Supporting a prosperous rural economy

7.1 **Submitted Local Plan 2017**

LP22 Achieving Design Excellence

LP19 Maintaining and Improving Community Facilities

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

8.0 PLANNING COMMENTS

8.1 The main issues to consider in the determination of this application are the principle of development, transport impacts and highway safety, the impacts it may have on the residential amenity of nearby occupiers, and the impact it may have on the visual appearance and character of the area.

8.2 **Principle of Development**

8.3 Policy COM3 of the East Cambridgeshire Local Plan 2015 states that proposals that would lead to the loss of commercial community facilities will only be permitted if:

- It can be demonstrated that the current or an alternative community use is not financially viable and that all reasonable efforts have been made to sell or let the property for community purposes at a realistic price for at least twelve months; or
- Development would involve the provision of an equivalent or better replacement community facility (either on-site or in an appropriately accessible alternative location); or
- Development would involve the provision of an alternative community facility which brings demonstrable greater benefits to the settlement or neighbourhood- except in the case of open space, sports and recreational facilities which should be retained where possible in accordance with paragraph 74 of the National Planning Policy Framework.

8.4 Policy LP19 of the Submitted Local Plan 2017 states that the loss of a community facility will only be permitted if it is demonstrated that:

- The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility, as demonstrated by evidence including that all reasonable efforts have been made to sell or let the property for community purposes at a realistic price for at least twelve months; or
- The service provided by the facility is met by alternative provision that exists within reasonable proximity; what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or

- The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.

- 8.5 The public house is currently still operating, however the applicant has confirmed due to decreases in trade, the public house is now closed between the hours of 15:00 – 19:00 Monday and Thursday, and 12:00 – 15:00 on Fridays. The property was put up for sale in October 2015 at £495,000 and was advertised for lease in July 2016. The applicant has provided evidence relating to the extensive marketing of the property with three different estate agents. The price has been dropped at intervals from the starting price of £495,000 to 375,000, however the applicant has confirmed that only three viewings have taken place, the last of these in July 2016. The applicant has submitted sales particulars from the estate agents and a covering letter giving a timeline of the marketing actions taken and the price reductions, as well as when viewings took place.
- 8.6 While the change of use to a residential dwelling would mean the loss of a community facility, the applicant has marketed the property for a substantial period of time, and the price has been lowered incrementally by £120,000 during this period. There are a number of other public houses within the town of Soham, which are more focussed at the centre or on main through-routes. The Carpenters Arms is considered to be located some distance from the centre of the town and the majority of other community facilities such as eating, drinking and shopping establishments. In addition, the premises does not offer food, and this is likely to contribute to lower footfall.
- 8.7 It is therefore considered that the proposal complies with Policy COM3 of the Local Plan 2015 and with Policy LP19 of the Submitted Local Plan 2017 as it has been marketed extensively, not just for use as a public house but as a community facility. The views were sought of the Council's Economic Development Officer, who is of the opinion that the property has been marketed for an appropriate period of time and at a reasonable price to attract any potential occupiers or users.

8.8 Transport and Highway Safety

- 8.9 The proposal would not alter the access or parking arrangements for the building. The public house currently does not have an adequate private car parking facility, and this increases the demand for on-street parking in the vicinity. The applicant has indicated on the application form that there is an existing driveway with a capacity for four vehicles. The arrangement for this is tandem parking, however the parking arrangement remains unchanged from the existing arrangement, and a residential use reduces the need/requirement for customer parking.

8.10 Residential Amenity

- 8.11 The building is currently situated within a predominantly residential area and is bounded on three sides by residential curtilages. The proposed change of use is not considered to be harmful to the amenity of neighbouring residential dwellings which sit in close proximity to the property and may in fact improve due to the change of use from a public house to a residential dwelling. In addition, future occupiers of the proposed dwelling would benefit from sufficient rear private amenity space. No responses have been received from neighbouring occupiers

during the consultation process. The proposal is considered to comply with Policy ENV2 of the Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017 in terms of its impact on residential amenity.

8.12 Visual Amenity

8.13 The application does not propose any external changes to the building. The building already has the appearance of a residential dwelling, and is positioned within a predominantly residential area. The proposed change of use is not considered to significantly alter the appearance of the building, or its appearance within the wider street scene, and is considered to comply with Policy ENV2 of the Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017.

8.14 Other Matters

8.15 It is not considered necessary to condition that details of foul and surface water drainage are submitted due to the building being existing and currently in use.

8.16 Planning Balance

8.17 On balance the application complies with planning policy, and is not considered to create any significantly detrimental effects on the residential amenity of neighbouring occupiers, on the visual amenity and character of the street scene, or on highway safety. The application is therefore recommended for approval.

9.0 APPENDICES

9.1 Appendix 1- Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/02000/FUL	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
76/00069/FUL	Ely	catherine.looper@e astcambs.gov.uk
77/00651/FUL		
89/00497/FUL		

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Appendix 1- Conditions

1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
LOCATION PLAN		14th November 2017

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.