

AGENDA ITEM NO: 8/2(d)

Parish:	Marshland St James	
Proposal:	Change of use of public house with combined residential accommodation to a single dwelling house.	
Location:	The Marshland Arms 47 School Road Marshland St James Norfolk	
Applicant:	Mr S Woolner	
Case No:	18/01768/CU (Change of Use Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 28 November 2018 Extension of Time Expiry Date: 14 December 2018

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation.

Neighbourhood Plan: No

Case Summary

The Marshland Arms public house lies on the north-western corner of the crossroad junction between School Road, Hope Lane and Rands Drove approx. 300m away from the school. This proposal seeks to change the use of the public house and associated residential accommodation into a dwelling.

This is the last public house serving the village, but has been closed for some considerable time.

The application is accompanied by evidence of a marketing exercise for a period in excess of 12 months as required by policy DM9 of the Site Allocations and Development Management policies plan.

Key Issues

Loss of community facility
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The Marshland Arms public house (formerly known as England's Hope) lies on the north-western corner of the crossroad junction between School Road, Hope Lane and Rands Drove approx. 300m away from the school. This proposal seeks to change the use of the public house and associated residential accommodation into a dwelling.

18/01768/CU

Planning Committee
3 December 2018

The site covers an area of approx. 0.13Ha comprising the public house, beer garden and substantial gravel car park. It has frontages onto both School Road and Hope Lane. It is surrounded by agricultural land with the exception of a dwelling on the opposite quadrant of the crossroads junction.

The public house has been closed for some time and has been the subject of a marketing exercise since 3rd May 2017.

SUPPORTING CASE

The applicant has submitted the following statement in support of this proposal:

"I purchased the then England's Hope pub in Marshland St James in 1994. It had been closed for 12 months and the previous owner/landlord had found the pub unviable.

Between 1994 and 2000 I spent over £100,000 refurbishing the pub. I successfully rented it to 3 different tenants but every 2 years they would hand in their notice and leave for various reasons.

I found out why when I put my daughter in the pub from 2000 to 2003 with a chef and various staff. Over the 3 years it lost £25,000 and I could not subsidise it any longer.

I asked a pub agent to let it and a Mr John Wood and Mrs Karen Wood took over in 2004 on a 10 year lease. For the first 6 or 7 years it worked well and rent was paid but at the end of 2011 they were struggling to pay the rent. In 2013-2014 they gave up their lease for nothing and I agreed on the terms of the lease to let a Mr Steve Cox let the pub.

He paid the rent for no more than 6 months. He found the pub not viable and I had no rent for another 6 months. I had to pay Fraser's solicitors to remove him from the pub.

I decided to keep the pub empty and spent another £18,000 redecorating and refurbishing the premises from top to bottom. I tried again to make the pub work. I changed the name of the pub to The Marshland Arms and made it a nice venue for people to eat and drink.

The pub re-opened in June 2015 with the licence in mine and my daughter's name. We employed an experienced manager and a chef and 1 other full time staff member and various part time staff.

Between June 2015 and January 2016 the business was still not viable and lost more money. I closed it to find another suitable tenant to rent it again. In September 2016 I rented the pub on a 3 year lease provided by Fraser's solicitors to an experienced landlady but by April 2017 she said the pub was just not viable and she had tried everything to attract trade but to no avail.

In May 2017 I let the tenant stay in the pub rent free to help her get some money back for her losses as well. She left in August 2017.

I put the pub up for sale with Cruso Wilkin in May 2017. There were 2 potential buyers but both backed out. The first buyer decided it was too isolated from the village and wouldn't do any trade in the winter months. The second buyer backed out after 3 months because they couldn't raise a mortgage.

I asked the planners at BCKLWN what I could do and following CAMRA guidelines left the pub on the sale market for 15 months. Cruso Wilkin pushed the fact that the pub was for sale including 2 double page spreads in the Lynn News but to no avail. I saw no alternative but to apply for a change of use.

In November 2017 I asked for the future of the pub to be put on the agenda at a meeting of the Parish Council. I attended the meeting to discuss the pub as a community asset. I proposed holding 10% of the value if the parishioners would hold the other 90%. The reply I got was "we will put it on the Marshland St James website to see if we get any response". I telephoned the Parish Council chairman in February/ March 2018 to ask if there had been any response. She replied there had been no response from anyone to go down the community asset route. She suggested a proposal to have a bar in the new community centre in the village instead. The Parish Council sent me a letter confirming this which I sent in with planning permission for change of use to the pub.

When the Parish Council received planning permission at the October meeting they changed their minds on the use of the pub – hence this letter.

My conclusion is I have lived in the village for over 40 years. I have been a regular in the village pub and seen landlords come and go over the previous years. As the owner of a long established business in Marshland St James I have done my best in trying to keep the pub going. I am not prepared to do it any longer and do not have a bottomless pit of money. When I was on the Parish Council 15 years ago I told them to keep this village alive more houses needed to be built as it was the only way to keep the shop, pub and bus alive. The idea was poo-pooed at the time but 3 years ago the chairman apologized to me and said "we should have taken notice of you".

With regard to the pub it needed a footpath and streetlight to be built on the same side of the road as the pub 15 years ago. No-one took any notice.

In conclusion village pubs in small villages are not viable. Business rates, VAT, utility bills, staff wages and expenses needed to run a kitchen means the pub is just not viable in this village."

In response to the CAMRA Public House viability test criteria, the applicant has submitted the following information:

1. Local Trade

- a) The location of the pub is approximately central to Marshland St James village 250 metres from cross roads on the main road through the village, but is in open countryside with no footpath access from the village. It should be emphasised that the village is ribbon development of some 5 miles in length.
- b) The catchment area on foot is approximately 500 metres but essentially it is only safely accessible by vehicle the catchment might be 4 square miles.
- c) Approximately 300 adults live within a 1 mile radius.
- d) Approximately 60,000 adults live within a ten mile radius.
- e) There is sporadic residential development along both sides of Smeeth Road Marshland St James, approximately 20 new houses.

2. Customer Potential

- a) The pub does not act as a social hub. The newly built Marshland St James Community Hall is located on the village playing field.
- b) The pub is not in a well visited location and offers no attraction of any form. It is somewhat removed from the village.
- c) The pub is not in a location attractive to visitors.
- d) There is some tourism encouragement in the form of fishing lakes, but these have their own bar/club.

- e) It has not been recently in any tourist guide. [Officer note: The pub did feature in reviews on 'TripAdvisor', is listed in CAMRA's What Pub? Website (2016) and also featured in Cambridgeshire Fens official Fenland Town website]

3. Competition

- a) There are no pubs within 1 mile.
- b) There are no pubs within a reasonable walking distance.
- c) Due to the location and character it is not suitable for other than small pub and restaurant use.
- d) No the pub is too small for re-development.

4. Flexibility of the site

- There are no unused rooms (it is too small)
- The site is not large enough to extend the buildings, as car parking would then be compromised
- There have not been any planning applications made to extend the premises.
- There is no additional space available
- The pub has been completely refurbished 3 times since this current owner purchased it in 1994.

5. Parking

- a) There is only adequate parking available "one would not park on the road in this area".

6. Public Transport

- a) There is no bus or public transport which passes close to this location. It is not easily accessed on foot
- b) There is no public transport
- c) No public transport is available
- d) No local taxis. The nearest is in Wisbech and King's Lynn 8 miles away.
- e) No there are no transport agreements [with taxi firms].

7. Multiple Use

- a) With the advent of the newly constructed Village Community Hall there is no scope for multiple community use.
- b) The pub is the most remote facility within the village.

8. Partial Loss

- a) The pub is already small, thus cannot be effectively reduced in size. Reduction is not an option

9. Community Case Studies

- a) The only successful rural pubs in the area are located on main traffic routes

10. The Businesses Past and Present

- a) A change is sought because over a period of 20 years the pub trade has declined through nonattendance. This is a national proven statistic. Successive management as described in the attached document have tried and failed.
- b) "Local Support" The pub was offered to the Parish Council as a Parish Asset. The Parish Council notified the parishioners, but there were no responses. The Parish have built a new Community Centre, which will eventually attract a licensed bar. Further reducing "any" potential trade.
- c) Consecutive managers have found it increasingly difficult to maintain trade. The most recent manager came from a highly successful pub/restaurant in Wisbech but her clientele did not follow her, even though the pub that she vacated closed shortly afterwards.
- d) to j) All six headings ref viability have been tried. Even with the financial support of the owner.

The managers/tenants have not found sufficient customers to secure a necessary wage.

11. The Sale

- a) The pub has been on the market for 15 months with a well-established local agent, Cruso and Wilkin.
- b) It has not been advertised as a going concern because it isn't viable as it has been proven over the past 20 years.
- c) The market price is below that for which the property would be sold if it were a residential property.
- d) Two offers have been received and accepted, both deals fell through because the prospective purchasers could not raise the necessary funds.
- e) It has been valued by the selling agent.
- f) The pub is currently in a good state of repair, but is closed for business.
- g) As stated the pub is for sale at less than its equivalent residential value i.e. £50,000 less.

PLANNING HISTORY

2/03/1727/F: Approved 01.10.03: Creation of new entrance porch

2/01/1189/F: Approved 12.09.01: Extensions to public house

2/99/1437/F: Approved 21.12.99: Extensions and alterations to public house

RESPONSE TO CONSULTATION

Parish Council: OBJECT - The Parish Council considered the application at a meeting on 8 October and made a decision to OBJECT to the application as the Parish Council is concerned that the value as a public amenity is not being realised in the way it is being marketed and that it is a community asset which should be preserved, especially as the village is currently expanding.

Highways Authority: NO OBJECTION - Ultimately an approval of this application would result in a reduction of traffic visiting the site and therefore I believe that it would be difficult to substantiate an objection to the application on highway safety grounds. However, I do

observe that the applicant has not identified the final layout of the site and as a result a condition defining the parking and turning area for three vehicles/cars should be attached to any approval.

Emergency Planning Officer: NO OBJECTION – suggests that the occupiers sign up to Environment Agency's flood warning system and a flood evacuation plan is produced.

REPRESENTATIONS

OBJECTION received from West Norfolk CAMRA (Campaign for Real Ale) raising the following grounds:

- It is the only pub in a large and growing village. The nearest alternative is around three miles away.
- The Marshland Arms has proved to be a popular pub in the past and with the right management could become so again. My visits dating back to the time when it was known as England's Hope have indicated that it has had a good level of support from locals and visitors from further afield.
- CAMRA has produced a Public House Viability Test which is aimed at assisting planning decision makers to make fair, open and informed judgements on the question of viability, and I would urge that this is considered before a decision is made.

ONE item of **OBJECTION** from a third party on the following grounds:

- With more and more houses being built in the village it's a shame to lose an amenity, especially one that from time to time has been the venue for events that have brought villagers together.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The proposal effectively constitutes the loss of the last public house which serves the village of Marshland St James. It must therefore be considered against the following planning policies and guidance.

The National Planning Policy Framework (NPPF) contains a section on 'Supporting a prosperous rural economy' which at Paragraph 83 states inter alia:

"83. Planning policies and decisions should enable: ...d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

Core Strategy Policy CS13 of the Local Development Framework (LDF) states inter alia:
"(iii) ...Development will not be permitted in cases where it would result in a loss of existing cultural facilities, unless equivalent new or improved facilities, where need justifies, can be provided within the same settlement boundary or in close proximity of the existing facility."

Policy DM9 of the Site Allocations & Development Management Policies Plan (SADMPP) states:

"The Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth.

Development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either:

- a) the area currently served by it would remain suitably provided following the loss, or if not
- b) it is no longer viable or feasible to retain the premises in a community facility use."

Within the accompanying text of this policy, where viability is being agreed, there is a requirement to provide evidence of marketing the premises (usually a minimum of 12 months) at a price reflecting the authorised use, details of income/profit achieved in recent years and evidence of significant long term changes in the relevant market.

The applicant has shown evidence of suitable marketing for over 12 months, (since May'17) and it is accepted that the pub has not been profitable for some time, and is unlikely to be profitable in the future.

Whilst the applicant has provided some general figures on viability highlighting the financial pressures on the pub, detailed figures showing income/profit achieved in recent years, including balance sheets, has not been submitted.

The Campaign for Real Ale (CAMRA) has produced a viability test (November 2015), which has been generally accepted by Local Planning Authorities as being a reasonable approach to assessing proposals to close public houses. This contains the following criteria:

Assessing Trade Potential – Local trade, Customer potential, Competition, Flexibility of the site, Parking, Public transport, Multiple use, Partial loss, Competition case studies, The business - past and present, and The sale.

A copy of the document is attached as an appendix to this report for reference, whilst the response of the applicant to the CAMRA test is in the supporting case. This is considered to be a material consideration in this case.

The CAMRA assessment indicates approx. 60,000 head of population within 10 miles of the public house – CAMRA’s criterion that applies to ‘rural pubs’. However, this would include the towns of Wisbech, Downham Market and King’s Lynn. Even with a 5 mile radius Wisbech is still covered, plus Outwell/Upwell, Emneth, Walsoken, West Walton/Highway, Terrington St John, Tilney St Lawrence, Wiggshall St Germans etc. all containing public houses. Realistically the existing nearest pubs at Emneth, Terrington St John and Tilney St Lawrence would continue to attract and cater for the needs of villagers in Marshland St James (given the length of time that the pub has been closed), and contribute towards their sustainability. The Marshland Arms is detached from the heart of the village, without safe pedestrian linkages, is not in a position to attract passing trade, and is not financially viable.

Other material considerations

With regards to other material considerations, there are no significant crime and disorder issues related to this proposal; our Emergency Planning Officer’s comments may be covered via an informative note; the property lies within Flood Zone 3 of the Environment Agency’s flood warning maps – however this is a change of use with refuge at first floor level and is an acceptable proposal; and there is ample parking available to serve a dwelling, so the proposed condition from the Local Highway Authority fails the tests applied to the use of conditions as it is not considered to be ‘necessary’.

CONCLUSION

The Marshland Arms is located in a relatively isolated position within the linear village of Marshland St James. There is no footpath access to it, and it is accepted that many journeys to the pub would need to be by car.

Whilst the concerns of the Parish Council, CAMRA and a local resident are noted, and the loss of a village pub is regrettable the applicant appears to have taken all appropriate steps to sell the public house but to no avail. On the evidence submitted it has been proven to officers’ satisfaction that it is no longer viable or feasible to retain the premises in a community facility use.

The proposal therefore accords with the detailed provisions of Policy DM9 of the SADMPP and is duly recommended for approval.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.