

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 March 2016

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/1527/15/FL

**Parish(es):** Guilden Morden

**Proposal:** Change of Use from A4 (Drinking Establishment) to C3 (Single Residential Dwelling House)

**Site address:** 30 High Street, Guilden Morden

**Applicant(s):** Ms Beverly England (Florin Interiors Ltd)

**Recommendation:** Approval

**Key material considerations:** Loss of Public House, Asset of Community Value, Impact to Listed Building and Conservation Area

**Committee Site Visit:** 3 November 2015

**Departure Application:** No

**Presenting Officer:** Rebecca Ward, Senior Planning Officer

**Application brought to Committee because:** The officer recommendation conflicts with that of the Parish Council and also at the request of the Local Member

**Date by which decision due:** 2 March 2016

### Planning History

1. S/2040/14/LB and S/2042/14/FL (2014) - Change of use from pub to residential dwelling (including replacement extension) – Withdrawn  
  
S/0177/08/LB and S/0178/08/F (2008) – Smoking Shelter, Patio Area, Gate and Lanterns – Approved  
  
S/0654/86/F (1986) – Extension – Approved  
  
SC/0113/71/D (1971)– Dining Room and Toilet Facilities – Approved  
  
SC/0465/65 (1965) – Siting for Three Caravans - Approved
2. On Friday 12 February 2016 officers received confirmation that the applicant has lodged an appeal against the Council's failure to determine this application. As such the Planning Committee cannot formally determine the application. It is, however, required to make a recommendation, to inform the Council's stance when the

Secretary of State considers the appeal.

### **Planning Policies**

3. *National Planning Policy Framework*

*Local Development Framework*

4. ST/6 Group Village  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Village Frameworks  
CH/3 Listed Buildings  
CH/5 Conservation Areas  
HG/1 Housing Density  
SF/1 Protection of Village Services and Facilities  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards

*South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

5. District Design Guide SPD – adopted March 2010  
Open Space in New Developments SPD – adopted January 2009  
Landscape in New Developments - adopted March 2010

*Draft Local Plan*

6. CC/4 Sustainable Design and Construction  
H/7 Housing Density  
H/8 Housing Mix  
H/11 Residential Space Standards  
HQ/1 Design Principles  
NH/14 Heritage Assets  
S/3 Presumption in Favour of Sustainable Development  
S/7 Development Frameworks  
S/10 Group Villages  
SC/3 Protection of Village Services and Facilities  
SC/7 Outdoor Playspace, Informal Open Space, and New Developments  
SC/8 Open Space Standards  
TI/2 Planning for Sustainable Travel

### **Consultation**

7. Guilden Morden Parish Council – Recommends Refusal for the following reasons :
- There has not been concerted effort to market the pub for 12 months
  - The application doesn't appear to fully appreciate and accept the situation
  - Loss of amenity
  - Green area to disappear
  - Historic pub – Grade 2 Listed
  - Lack of viable alternative

Following the Council commissioning and publishing a viability report the parish council were invited to make additional comments. A copy of this letter is attached in

Appendix 1 to this report. However, in summary the following points were raised:

- Perception to the PC that the report is not truly independent
- The report is too narrow and only considered a local wet trade business model
- Food-led-model should be considered
- Report does not focus on pubs in the area which are being re-furnished.
- The Three Tuns is protected as a 'Asset of Community Value'

8. **Conservation Officer (SCDC)** – The building has suffered a period of lack of maintenance and it is important that the building is used, which not only occupies it but provides the incentive to carry out regular maintenance to help preserve and enhance the building.

The existing layout of the building could be converted to a residential use. As the first floor has already been used as a flat, the required services for a bathroom are already in place. The removal of the bar will not impact on the character or fabric of the building.

It is noted that a listed building application was not submitted in relation to this application. Repairs to the fabric can be carried out to the building. It is recommended that the owner/agent should contact the consultancy team prior to carrying out any works to the building and advice can be given on if certain work requires Listed Building Consent and the appropriateness of the work.

Update – The Council's Listed Building Officer visited the building on 15 December 2015 following a request from the Planning Committee. The condition of the building is generally ok. The building is weather tight. From the exterior I couldn't see any loose tiles. There is some sign of damp/mould in the modern flat roof cask store. In the historic part of the building there is a first floor room where the ceiling is bowing a lot, but I understand this has been like that for some time. There is no sign of damp or water ingress on this ceiling. There are clear signs that birds have been/are nesting in the chimneys as twigs etc have fallen through. The owner only knows of one bird, a rook that has been in the building and believes it entered via the inglenook. I couldn't see any obvious means of access.

9. **Expert Witness - Tony Wheeler (Fleurets - Chartered Surveyor)** – An expert witness report has been undertaken by Tony Wheeler who was instructed on behalf of South Cambridgeshire District Council to provide an opinion as to whether the Three Tuns would be considered by operators in the market to represent a viable business proposition for the use as a Public House. A full copy of this report can be found on the Council's website.

The report concludes that there are a number of factors why, in Mr Wheeler's experience, that lead him to conclude that the Three Tuns would not be considered by operators in the market to represent a viable business proposition as a public house. These are summarised as follows:

- Volume throughput data information provided for the Three Tuns demonstrates a history of low business performance since 2008.
- After allowance for finance costs the business is not capable of returning a profit.
- The availability of finance in the market for a business of this nature is extremely thin. It would be viewed as a high risk and highly unlikely a purchaser could raise funding without offering alternative security.
- The property is not capable of sustaining a level of net profit sufficient to

provide an owner with an adequate return to reflect efforts, labour, risk and capital investment required to purchase the property, restore it to a proper state of repair and to re-open and re-establish the business.

- Competition in neighbouring area is strong and in relation local custom from Guilden Morden, direct competition is provided by another village pub.

Following issuing the above report, Mr Wheeler was also asked to provide comments in response to the issues raised by the Three Tuns Action Group, which amongst other things, indicates that with the right operator the Public House would be viable. Please see appendices with a full copy of this letter., Point 5 indicates that Mr Wheeler has not been asked to consider viability on the basis that the business of a public house may be subsidised by operators with special financial circumstances.

10. **CAMRA (Campaign For Real Ale)** – The review of the planning application for change of use of the Three Tuns, Guilden Morden has been postponed pending the review of additional relevant submissions. I am hoping that includes the Public House Viability Test (PHVT) submitted by the Guilden Morden Community Action Group (enclosed)

The key to assessing pub viability is all about an objective determination of potential, and that is what CAMRA's PHVT is designed to do. Applicants may point to the failings of the last operator of a pub as evidence of lack of potential viability, but clearly that is a biased viewpoint. I sent the template to the Guilden Morden Community Action Group, because local knowledge is key to making an accurate assessment. I have reviewed their document and I believe that they have arrived at a fair and objective assessment.

### **Representations**

11. Roughly 5 representations were received from residents of Guilden Morden **in favour** of the application. In summary the following comments were made:
  - Pubs are not considered to be an asset to the village community
  - Village of this size cannot sustain two pubs and both be viable
  - High quality gastro pubs can be found in neighbouring villages
  - Support the re-generation of the property
  - The Three Tuns was not supported well enough by the local community
  - The village needs to continue to support the existing facilities of the Edward VII and the village shop
  - Speculations from other residents that there is local interest to buy the pub are not sustained as no one has come forward
12. Roughly 80 representations were received from residents of Guilden Morden, The Three Tuns Action Group and surrounding villages, **objecting** to the application. In summary the following comments were made:
  - Loss of valuable social amenity
  - Lack of service within village
  - Local interest in buying the pub to better advantage the community
  - Loss of Asset of Community Value
  - Cliental of the Edward VI is different (TV, Pool and Darts facilities)
  - Caters for a different customer
  - Traditional pub character
  - Family orientated pub
  - Attracted people to the village

- Mismanaged by previous brewer
- No attempts to retain facility through community emprise
- Provided a place to eat in the village
- New housing likely to come to the village
- No attempts have been made to re-open the pub since it was sold
- Residents having drive to alternative villages to use facilities
- Licenced as a beer house since 1855
- Economy is stronger than it was before
- Objections raised by Edward VI landlord are not valid
- No 12month marketing exercise has been undertaken
- Pubs with the facilities of the Three Tuns are thriving in other villages
- No pubs are up for sale within 30 miles
- Public transport finishes at 4pm and only runs Monday to Friday.
- No work had been undertaken to the property since 1990s. As a result it started to look very shabby and uninviting towards its closure.
- Three Tuns is 0.4 miles from the Edward VII
- Roads are no lit between other villages. Walking at night or in the winter to other venues is not an option.
- Reasonable walking distance from Steeple Morden
- Re-opening of the pub would encourage visitors back into the village
- Hub for many sports, church and hobby clubs

13. **Heidi Allen (MP for South Cambridgeshire)** – As a member of Parliament for South Cambridgeshire, I strongly object to the application before you. This planning application has galvanised residents of Guilden Morden to join together to oppose The Three Tuns being lost forever demonstrating overwhelming support for this property to remain a community facility.

Ms Allen proceeds to make comments that the change of use is contrary to the NPPF and local policy SF/1. Furthermore, without having actively marketed the business for a full 12 months in line with planning guidance for the change of use, the local authority and local residents will never know if a suitable buyer may come forward, renovate the property and be actionable to successfully run it as a village pub with a food offering. As such members are urged to refuse the application. A full copy of this letter is attached to this report as **Appendix 3**.

14. **Interested Purchaser** - A representation has been received by an interested party indicating a continued interest in purchasing the property and running it as a public house.

#### **Site and Proposal**

15. The proposal is primarily to convert The Three Tuns Pub, which is a Grade II Listed building that lies within the village of Guilden Morden to form a self contained residential dwelling. The site also lies within the Guilden Morden Conservation Area.
16. Prior to the applicants purchasing the site, officers have been advised that the Public House continuously traded for at least 160 years. For some 26 years up to March 2003, the Three Tuns was operated by the same tenant and was a Greene King Pub. A new tenant took over the lease in 2006 and continued to operate the business until its closure in 2013.
17. The public house was first designated an Asset of Community Value (AVC) in March 2013 but this expired when it was sold by Greene King. It was re-

designated as an ACV again in October 2014. This was subsequently appealed by the owner/occupier of the property, however, the Council upheld this decision on 28 January 2015. The current ACV status is now valid until October 2019.

18. Following the purchase of the property by the applicant the doors have remained closed as a Public House. The Licensing Department at South Cambridgeshire District Council confirmed that the premises licence was surrendered on the 13 August 2013.
19. The applicant has renovated one of the down stairs rooms for use as an office space to run the applicants business 'Florin Interiors Ltd'. At the time of the officer site visit the front door of the building was locked and the business was not trading from the building. There has been no application to change the use of the premises to A2 or B1. As such the buildings remains as an A4 use.
20. Given the extensive period of time a Public House has been trading from this site and its comparative recent closure, it is considered the change of use of the building to a residential dwelling would result in a permanent loss of a village service (Public House).
21. The application seeks planning permission solely for the change of use to a single residential dwelling. Any internal works to the building following a decision might require a Listed Building Consent.

### **Planning Appraisal**

22. The government's Policy Statement on Assets of Community Value (September 2011) and paragraph 2.20 of the Non-Statutory Guidance Note on the Community Right to Bid (October 2012) advise that the fact that a site is listed as an ACV may affect planning decisions but that it is open to the decision maker to decide whether listing is a material consideration if an application for a change of use is submitted, considering all the circumstances of the case.
23. Nationally the NPPF set out the Government's planning policies of England and how these are expected to be applied. Section 8 relates to 'Promoting healthy communities, where paragraph 70 advises planning decisions should 'Plan positively for the provision of community facilities such as public houses' and 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities abilities to meet its day-to-day needs.
24. Local Policy SF/1 of the adopted Development Control Policies DPD seeks to protect village services, including Public Houses, where this would cause an unacceptable reduction in the level of community or service provision in the locality, and advises the following matters will be considered in determining the significance of the loss;
  - a) Established use of the premises and its existing and potential contribution to the social amenity of the local population;
  - b) The presence of other village services and facilities which provide an alternative with convenient access by good local public transport

services or by cycling or walking and

- c) The future economic viability of the use including, in appropriate cases, financial information and the results of any efforts to market the premises for a minimum of 12 months at a realistic price

Emerging Local policy SC/3 Protection of Village Services and Facilities proposes to retain this policy position.

25. Officers consider the importance attached by the government to assets of community value is such that the ACV listing of the property is a material consideration to this decision. However, it is necessary to consider what information has been submitted to explain and substantiate the reasons for the proposed change of use and what the likely impact on the local community of Guilden Morden would be if the application was to be allowed.

#### **Established Use of the Premises and Potential contribution**

26. As previously stated the Public House has provided for the village of Guilden Morden for a number of years. Representations received from local community identify the Three Tuns as being a 'social hub', 'place of historic ambience and atmosphere', 'family friendly', 'appealing to different social needs'. Its status as an ACV is strong evidence that it was and still is valued as a community facility. Other representations received provide alternative views to this, which are cited in paragraph 10.
27. Notwithstanding the above and subject to appropriate financial investment, the potential for it to be returned to give the population of Guilden Morden an additional place to socialise could, in theory, is achievable. Thus its retention would comply with policy SF/1 2(a). However, there are a number of constraints which could realistically hinder this from happening and which require consideration.

#### **Presence of other village services and facilities**

28. Policy SF/1 requires consideration to be given to the presence of other village services and facilities which provide an alternative with convenient access by good local public transport services or by cycling or walking.
29. There are a number of public houses within a three mile radius of the Three Tuns of which any future operator would be in competition with. These pubs include:
  - a) Edward VII (2 Foxhill Road), Guilden Morden (0.5 miles)
  - b) Waggon and Horses, Steeple Morden (1.7 miles)
  - c) Pig and Abbot, Abington Pigotts (4.3miles)
  - d) Crown, Litlington (3.2miles)
  - e) Chequers, Wrestlinworth (3.2miles)
  - f) March Hare, Dunton (5.1miles)
30. The residents of Guilden Morden would continue to have direct access to another Public House in the village. The Edward VII Public House lies to the east side of Fox Hill, opposite the junction to Church Street. It comprises the two storey public house (with residential accommodation at first floor) and an attached is the single storey village shop (which is under the same ownership

as the pub). To the north is the Village Hall, with its parking area and the entrance to the recreation land which is at the rear of the site.

31. The Edward VII provides two small bar areas and a games room for darts and pool. It has a small trade garden and they currently only trade wet sales. The pub is open Monday to Thursday 18:00 to 23:00, Friday 14:00 to 23:30, Saturday 12:00 to 23:30 and Sunday 12:00 to 22:30. Residents of the village can access the Edward VII pub safely (lit public footways) by means of walking or cycling.
32. A letter, which was included in the application from Mr K Saban (owner/occupier of the Edward VII), states that they have recently revamped the pub inside and fully decorated the outside, introduced new beers and is getting a listing in the good beer guide. The 'Wheels for Martins Friends' village charity held an annual event at the pub and made a record profit. Reference has also been made to the local darts team meeting at the pub on a weekly basis and live entertainment. From the evidence submitted it is reasonable to say that some of the events/groups that once were held in the Three Tuns are now held at the Edward VII. The owner/occupier considers the premises to now having a greater viability to continue trading as a public house.
33. Notwithstanding this, officers are mindful that the Edward VII does not currently have a restaurant serving food to customers. Due to the constrained nature of the site it is not reasonable to say there would be potential to serve food from the premises unless the footprint of the village store is reduce and/or land is acquired for a potential extension. As such, local residents would need to go to neighbouring villages for access to this particular facility. The reports submitted by Pinders and local representations identify a number of gastro pubs/restaurants in the locality, which offer this service, albeit it cannot be assumed that residents of Guilden Morden would walk or cycle to these destinations.
34. It is clear from the number of representations received that having a pub serving food in the village is desirable to some members of the community. However, in planning terms having this additional facility would not solely represent a facility that will further the social-well-being of the village or which would be considered as a basic day-to-day facility as stated by local and national planning policy.
35. It is clear that local residents would not reasonably be able to access other pubs by bike or walking as the roads between the villages offer no separate footway or lighting, especially after dark and in bad weather. However, with those that have access to a car, most of these destinations would be within a convenient reach.
36. Whilst public transport on this side of the district is limited, officers consider the proximity to the existing services is reasonable given the areas rural locality. As such officers consider there would still be a choice of services and facilities available to local residents if the proposed development was to be approved. As such officers consider there would not be any significant conflict with policy SF/1 2(b).

#### **Future economic viability of the use (financial and marketing)**

37. Local planning policy asks for the future economic viability of the use including, in appropriate cases, financial information and results of any efforts to market the premises.

#### *Marketing*

38. Policy SF/1 requires that consideration be given to the results of any efforts to market the premises for a minimum of 12 months at a realistic price.
39. The Greene King placed the property on the open market in January 2013 following its closure. In March 2013 the property was listed as an Asset of Community Value.
40. In accordance with the ACV status an owner of a listed site may not place the property on the open market for disposal until 6 week interim moratorium period (unless it falls within one of the exemptions or is to a community interest group) has been entered into and following any indication of a bid from the community with this period, a full moratorium period of 6 months.
41. During the initial 6 week moratorium period no representations were received by the Council from any Groups with an intention to bid for the property. As such the full 6 month moratorium period was not triggered.
42. Following this, the property was placed on the open market. This then led to the purchase by the applicant in August 2013. The sales particular at the time confirms the property was on the market for £295,000 plus VAT and it was clearly marketed for its authorised use as a public house.
43. Mr Wheeler indicates (paragraph 5.1.3) that other interest was received to use the property for various other uses. As a result of the consultation undertaken as apt of this application, one of these persons has come forward to demonstrate their ongoing intention to purchase the property and run it as a Public House.
44. Officers are mindful that several factors might subdue demand for future operators including the following; Grade II listed Building, extensive restoration costs, cost of up-keep to an older property, limited ability to alter internal layout and competition with other services in the area.
45. It is clear that there have not been any efforts to market the premises for a period of 12 months in order to secure interest. However, this factor should be considered together with any findings in relation to the viability tests as detailed in policy SF/1 (criterion 2c).

#### *Financial*

46. Policy SF/1(criterion 2c) also requires that consideration be given to any financial information.
47. The planning statement and supporting details submitted by the applicant/agents indicates that it is highly unlikely that the premises will ever revert to a Public House whilst the Edward VII continues to trade as there is insufficient demand in the village to support both. They also consider its current state of repair, costs of bring back into a viable use, completion with other facilities in the locality and size of Guilden Morden population would

also be factors which would deter risk to a future purchaser.

48. This conclusion has been reached by viability assessments that have been undertaken by professional consultants, which include Pinders and Croyland Building Surveyor. The agent also instructed Savills to examine the views of the viability reports prepared by Pinders. These documents can be found on the public file/website.
49. Following the submission of the application with the above documents, officers instructed Fleurets to provide an independent opinion as to whether the Three Tuns would be considered by operators in the market to represent a viable business proposition for use as a public house.
50. Mr Wheeler (for Fleurets) has previously given advice to the Council on the viability of public houses. The most recent being The Plough at Shepreth and as such has a reasonable knowledge of the market forces in this particular district. The estimations and calculations by Mr Wheeler have been made in an assumption the future operations run on a free-tie basis.
51. In preparing the report Mr Wheeler has had special regard to considering its viability in terms of the following: Repair and refurbishment, Management, Competition, Profitability and any other material changes. The assessment has also looked into the trading potential for the property in its current format and also in assuming there is an extension to the kitchen facility.
52. The model Mr Wheeler has used is considered to be broadly in accordance with the CAMRA viability model.
53. *Repair and refurbishment* - The building in question has suffered from neglect in the past and as such a considerable level of expenditure is required to restore the property to a proper state of repair and decoration to meet commercial requirements. Future purchasers will also be mindful that the property is a Grade II Listed Building and as such all works will need to be undertaken with due care and attention to no harm the historic fabric of the building.
54. The report undertaken by Fleurets in comparison to the Croylands report identifies that a total estimated cost of £107,500 (without any major work to the kitchen facility or extension) as being the amount a contemplating purchaser of the property would need to budget for these works. Officers have no reason to dispute the recommendations of these technical reports.
55. It is important to also note that any alterations or extension to a listed building would require planning permission and/or listed building consent and as such there is a need to pay special regard to the desirability of preserving the listed building, its setting or special features it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, this figure might change subject to discussions with a Historic Building specialist.
56. Representations indicate that the neglect of the property was down to the previous owner and the period it has been left unoccupied. Whist officers are minded that the responsibility should be with the owner/occupier of the

premises to undertake general maintenance and upkeep. It is not the reasonable for the owner to upgrade/extend the building if market forces are not generating enough profit/custom to enable them to do so at the time. Notwithstanding this, Mr Wheeler has had regard to the circumstance that an operator would consider modifying the facilities and expanding the kitchen for a food-led public house.

57. *Management* - Mr Wheeler summarises that poor management can lead to the deterioration of a business to the point it becomes unviable. As mentioned above, Greene King operated the pub for roughly 40 years with the most recent tenant being in the pub from 2006 to 2013. The tenant has not made any comments on the current application with regard to their tenancy. However, representations indicate that the Public House was not managed to what was considered to be an acceptable standard and as a result deterred customers from visiting the pub.
58. During there tenancy, there has been a downturn in the use of the Public House during the recession and the smoking ban. As a result this would have also deterred customers from using the premises. As the lead up to its closure happened at the same time, it is unclear to officers if the business failed due to poor management or market forces. As such officers cannot give substantial weight to this part of the model.
59. *Competition and Visitor Potential* - Officers are minded that there are a number of other public houses trading in the locality as cited above. The closest being the Edward VII. Comments from local residents, the Pinders report and Mr Wheeler identifies the location of these pubs and their proximity to The Three Tuns.
60. As evidenced by Mr Wheeler, in accordance with 2011 census data the total population of 9 parishes (in a three miles radius of the site) is 6,730 people. Including the subject property, this equates to one pub every 673 members of the population. Guilden Morden with two pubs in the village would equate to one pub for every 493 members of the population. Mr Wheeler explains in paragraph 4.3.8 that this is almost twice the national average of one pub for every 1,316 members of the population.
61. Any future operator of the market considering taking on the Three Tuns Public House would be mindful of the relatively remote location and the proximity to existing facilities that already serve the community. Furthermore, there are limited businesses/offices in the local surrounding area, where the public house could pick up local trade during the day.
62. Whilst Guilden Morden is allocated as a 'Group Village' in the Local Development Framework, there is currently little scope to see any significant expansion to the village through the Local Plan. An application has now been received for the provision of 30 dwellings on the edge of the village but this in itself is not considered to be a significant amount in which would make a difference to the viability of a public house in any event this application has not been determined and therefore no weight can be attached to this point.
63. *Trading Potential* – Mr Wheeler expands on the trading history of the property in part 5.1 of the report and continues into the chapter to assess its future trading potential. Special regard has been given to the viability of the premises in its existing format and regard to an extension to the kitchen, to

expand the business.

64. *Other Matters* - The Three Tuns Action Group have challenged these documents (**Appendix 4**) and believe that there is a possibility that the Three Tuns may be capable of operation as a lifestyle choice by a special purchaser with access to alternative sources of income. They have submitted an alternative business model which they consider to be suitable. This includes no extension to a kitchen which would subsequently reduce refurbishment costs and a higher value placed on the existing residential unit than these reports.
65. An interested buyer has also come forward during the course of the application with an interest in regenerating the property and re-opening the Public House.
66. Officers have not been able to certify with a specialist consultant that this alternative model, as presented by the Action Group, would be a viable proposition. However, as previously mentioned Mr Wheeler has had regard to its viability in its existing format (please see paragraph 6.1.1) which he concludes would still produce a net annual loss to an operator. The assumptions on costings/figures within the report are based on Mr Wheeler's expert opinion and in accordance with the requirements of the RICS (Royal Institution of Chartered Surveyors) Practice Statement.
67. Whilst a potential purchaser might be interested, officers are still of the opinion that the financial return should be adequate to provide an owner or operator with appropriate remuneration, with funding to cover loan interest and capital repayments for site purchase and essential investment. As such, anyone taking on the Public House even as a lifestyle choice or with other sources of income would still need to be mindful of this.
68. Taking the above considerations into account collectively, it is considered the information provided demonstrates that there has been a low business performance for a number of years before its closure and the future projections by Mr Wheeler (along with alternative viability models) indicate the situation would not get any better.
69. On this basis, it is considered that the property could not be sold at market value (which was underestimated by Mr Wheeler in his viability calculations at £200, 00) and retained as a viable business use as a public house to operators in the market. As such, officers do not consider it be appropriate in this case for the applicant to demonstrate any attempts to market the premises for a 12 month period. Officers consider the scheme would generally accord with policy SF/1 2(c) of the Local Development Framework

#### **Impact to Listed Building and Conservation Area**

70. The Council's Listed Building Officer has made comments on the proposed scheme. These are detailed earlier in the report. In principle no objections are received however, the applicant is encouraged to discuss any future internal alterations with the Council before undertaking works to establish if Listed Building Consent is required.
71. As there are no internal and external alterations proposed at these stage officers consider the proposal would comply with the statutory tests in respect

of the impact on the Listed Building and Conservation Area.

### **Contributions**

72. In August 2015, the 28 November 2014 amendment to the PPG in relation to seeking 'tariff based' and affordable housing on schemes of less than 10 dwellings or below 1000 square metres floor area was quashed in the High Court. This ruling ensuring a return to a position where contributions can be sought where they are necessary to make the development acceptable in planning terms (in line with the Community Infrastructure Levy regulations).
73. The application seeks permission to change the use of the Public House into a single residential property. As the first floor of the public house is currently used as a residential flat, the proposed change of use to a single property would not put any significant pressure on the existing services and facilities in the village. As such, a S106 agreement is not considered to be necessary to meet the tests of sustainable development as set out in the NPPF and in accordance with the CIL.

### **Other Matters**

74. The Three Tuns Action Group and the Parish Council have questioned the validity of the viability report undertaken by Tony Wheeler of Fleurets. For clarification Mr Wheeler has submitted a letter to the council clarifying the points raised. A copy of this letter is attached as appendix 2 to the committee report. Officers do not believe there is any conflict of interest.
75. The proposal would make an efficient use of the property by adding to the local stock of housing and contribute to the local economy as future occupiers would be likely to use local services and facilities. These matters weigh in support of the applicant's case. However, officers have not given significant weight to these matters by virtue of the building being a Community Asset.
76. The recent appeal decision at The Pear Tree Inn (Hildersham) refused planning permission to convert a pub/shop to a residential dwelling. Representations received have indicated that this appeal is material to the determination of this application. Officers have had regard to this decision when making a recommendation; however circumstances in Hildersham are different from Guilden Morden, in that the Hildersham application lacked any supporting information from the applicant on the future viability of the premises. Notwithstanding this, the building did not require substantial repair works, nor was there a competing business in the village. Weight was given to its ACV status and in order for members to make a balance view; officers have attached this appeal decision as **Appendix 5** (website only) for reference.

### **Conclusion**

- 77.. It is abundantly clear from the bulk of the representations received and the pub's status as an Asset of Community Value that there is strength of local feeling that its current status should be retained. While there has been a stated interest from a third party, Policy SF/1 does not say that all proposals for a change of use of an existing facility should be refused simply because of that interest.

78. In accordance with the wording of Policy SF/1, the determining issue is whether the proposed conversion to a self-contained dwelling would cause an unacceptable reduction in the level of community provision in the locality. This is not the same as saying that all public houses should be retained, whatever their current status or a potential interest in them as a public house. Alternative services can be found in and around the locality some which are assessable via foot/bike. These include the Edward VII, village store and the village hall. There are other facilities further afield albeit these are likely to require the use of a private motor vehicle. In addition, it appears that the Edward VII has become more of a viable enterprise now that any direct competition with the Three Tuns has ceased.
79. Given this level of provision, and their ability to serve the daily needs of the village, officers find that the closure of the public house, should that be the outcome of a grant of planning permission, would not result in a situation where the needs of the village, in terms of community meetings, activities and other forms of interaction, cannot be met.
80. Realistically the viability studies seem to demonstrate that the Three Tuns, as it stands, would not be considered by operators in the market to represent a viable business proposition. For this reason, officers do not consider it an appropriate case for the applicant to demonstrate a further 12 month marketing exercise following the previous efforts in 2013.
81. Taking all of the considerations into account, officers have to conclude – albeit with great reluctance given the history behind the application – that the application does not materially conflict with the main objective of Policy SF/1 and should be approved.

### **Recommendation**

82. Officers recommend, that had the Planning Committee still had powers to formally determine the application, that it should have been approved subject to the following:

### **Conditions**

- (a) Time Limit (3 years) (SC1)
- (b) Drawing Numbers (SC95)

### **Informatives**

- (a) Any internal or external works that affect the historic fabric of the building might require listed building consent.

### **Background Papers:**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)

- Planning File : S/1527/15/FL
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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