

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	11 September 2013		
Application Number	N/13/01191/FUL		
Site Address	Peterborough Arms, Dauntsey Lock, Chippenham, Wiltshire, SN15 4HD		
Proposal	Change of Use of Public House to a Single Dwelling		
Applicant	Wadworth & Co Ltd		
Town/Parish Council	Dauntsey Parish Council		
Electoral Division	Brinkworth	Unitary Member	Cllr Toby Sturgis
Grid Ref	399592 180160		
Type of application	Full		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in by Cllr Sturgis in order to consider the impact of the proposal on the amenities of the local area.

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the amenities of the area
- Impact on the character and appearance of the listed building
- Impact on highway safety

3. Site Description

The Peterborough Arms is a substantial property located in the centre of the hamlet of Dauntsey Lock, itself situated on the B4069 route between Chippenham and Lyneham. The land surrounding the public house comprises a reasonably large surrounding loose stone parking area, together with a sizeable beer garden that extends to the southeast alongside the highway, from which it is separated by a traditional stone wall. The building itself is Grade II-listed, although a number of additions have been made over an extended period of time, and its operation as a public house dates from the early part of the C20th, remaining in business until relatively recently. The route of the former Wilts & Berks Canal runs close to the northern site boundary.

Internally, the building comprises a pair of modest bar areas, limited restaurant seating, kitchen, toilets and a part-attached skittles alley/function room at ground floor level, with a large cellar below. The upper two floors contained within the original building are arranged as ancillary staff accommodation, including kitchenette and bathroom, with a further four letting rooms. The building is finished externally for the most part in painted brick and masonry, with a diverse mixture of roof forms reflecting the various ages and styles of the numerous lower-scale extensions, although largely finished in matching slate.

4. Relevant Planning History		
Application Number	Proposal	Decision
05/02845/FUL & 05/2846/LBC	External Illumination to Existing Signage	Refused
04/02825/ADV & 04/2824/LBC	Erection of Signboards, Fascia Sign and Forecourt Signage	Permitted

5. Proposal

Planning permission is sought to change the use of the property from a public house (Use Class A4 – Drinking Establishments) to a single residential unit (Use Class C3 – Dwellinghouses). The application does not include any external or internal alterations at this time, for which a Listed Building Consent application would likely be required owing to the building's status as a designated heritage asset.

6. Consultations

Dauntsey Parish Council – strong objections
 Highways – no objection
 Conservation Officer – no objection

Owing to the nature of the scheme as a relatively straightforward conversion, no Section 106 financial contributions would be payable should the application succeed.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

52 letters of objection received

Summary of key relevant points raised:

- Loss of a community asset
- Lack of alternative services locally
- Extent of marketing undertaken and reasonableness of valuation

8. Planning Considerations

Principle of development

Policy R6 of the adopted North Wiltshire Local Plan 2011 (Existing Local Shops and Services) remains the primary policy consideration in this instance, although some material weight should also be ascribed to Core Policy 49 of the emerging Wiltshire Core Strategy (Protection of services and community facilities). Policy R6 stipulates at point (i) that the change of use of such local services is contingent upon '*the business no longer being viable and every reasonable attempt to market the premises [having] been made*'. The applicant has submitted supporting information in this regard, examining the recent business conditions, wider economic context, maintenance obligations on the building, local demographics and efforts made to market the premises as a public house. This report concludes that the business is unviable at the present time and that no prospective buyers have expressed interest in the past 18 months of the premises' marketing.

An independent assessment of the viability and marketing of the business and premises has been undertaken by Chesterton Humberts, at the instruction of the Council under Paragraph 11.16 of the Retail Topic Area of the adopted Local Plan. This subsequent report reaffirms much of the information originally submitted, validating the combination of circumstances that has led to the

business's steady decline. It is opined that, whilst the market asking price of £325,000 is excessive, the lack of interest or offers even at a substantially reduced sum is demonstrative of the significant financial risk associated with taking the premises on as a pub. However, following the addition of the property to the Community Assets Register, it is understood that a bid is to be expected on behalf of the Wilts & Berks Canal Trust and a funding application already underway with a view to exploring a more focused range of local services.

The themes of the two relevant local policies, adopted and emerging, are largely consistent throughout, although CP49 places a greater emphasis upon examining alternative uses in a sequential order. The policy test set out under CP49 is, therefore, one of whether the premises is viable as a *community* use, as an exception process prior to considering conversion directly to residential use. This has not been examined in detail by the applicant, although the inclusion of the property on the Community Assets Register indicates that its social contribution to the local area is acknowledged. It is understood that the Wilts & Berks Canal Trust is currently engaging with residents and local organisations, including the local cricket team, to understand how the property can be best adapted to serve an inclusive and sustainable community function, in line with the requirements of CP49.

With the lack of viability in respect of the current enterprise beyond reasonable doubt, judgement on largely depends upon whether an alternative, community use is a realistic prospect. Regard should be paid to the prospective viability of an alternative community-led arrangement and, given the statutory timescales now in place under the community asset legislation, it is considered that the application is premature in this respect. Although CP49 can only be ascribed limited weight in its draft form, it is clear that the proposal fails to accord with point (ii) of Policy R6, as the development would not result in the provision of greater community benefit.

Impact on the amenities of the area

Owing to the site's proximity to RAF Lyneham, the population of the extended locality was reduced significantly by the MoD's temporary closure of the facility at the end of 2012, with the transferral of most of its 1,500 staff. However, the downturn in food and drink sales at The Peterborough Arms can be seen prior to the redeployment of staff from the air base, although it is probable that this has hastened the decline. In any case, there are other pubs (The Mallard, The White Hart) operational within Lyneham and located significantly closer to the air base, such that The Peterborough Arms would still have to compete with more conveniently-located premises for similar trade. As such, it is questionable how much weight can be ascribed to this factor.

Point (iii) of Policy R6 stipulates that alternative facilities should be available in the locality to justify the loss of a business such as a pub, which serves an obvious community function. Undoubtedly the loss of an established public house in a community area of this limited size will adversely affect the amenities of the area. In this instance, it is considered that The Peterborough Arms is the only public house within reasonable walking distance for residents of Dauntsey Lock. Although other pubs are located relatively nearby (The Cross Keys, Bradenstoke – closest at 0.7 miles – Lyneham within 2 miles and several others at Great Somerford, Little Somerford, Upper Seagry, Sutton Benger) these can only be readily accessed on foot via narrow, unlit country roads without pavements. It is considered that their limited safety, together with the distances and evening-time nature of the business, render these routes unreasonable as alternatives.

Also worthy of consideration is the prospect of refurbishment of the adjacent section of the Wilts & Berks Canal, which if operational would almost certainly increase trade and exposure available to the public house. Whilst negotiations between the Trust and landowner had previously stagnated, it is understood that progress on this front is now beginning to be made. Although refurbishment is a long-term prospect, an enhanced degree of assurance is certainly a material consideration in relation to the future commercial potential of the property.

In terms of the impact of the proposed development upon the residential amenity of neighbouring properties, inevitably this will create a marginal improvement by way of a likely reduction in outside noise and vehicular movements, and the times of day these are likely to occur.

Impact on the character and appearance of the listed building

Given the building's later conversion to a public house around 150 years after the construction of its principal element, it is not considered that this use forms and integral part of its character as a designated heritage asset. The Council's Conservation Officer has taken the view that a change of use alone, as sought by the applicant at this time, would not detrimentally alter the character of the property or its setting. Any significant alterations to the interior or exterior of the building or its curtilage would require the consideration of a further Listed Building Consent and/or subsequent planning application.

Impact on highway safety

The Council's Highways Officer has confirmed that no objection is raised on highway safety grounds in respect of the proposed development. The change of use to a single dwellinghouse, albeit a substantial one, will almost certainly result in a substantial reduction in traffic to and from the site. The existing areas of hard standing provide ample opportunity for adequate parking and turning space, together with suitable visibility and access onto the adjacent highway. Owing to the building's listed status, any alteration to these arrangements would be subject to a subsequent full planning application.

Conclusions

With regard to the relevant local plan policy, R6, it is considered that the application accords with point (i) in strict terms, in that the business is demonstrably unviable in its present condition and reasonable marketing efforts have been made.

Due to the location and nature of the development, it is considered that points (ii) and (iii) of Policy R6 are not adequately addressed by the application, with the loss of a community asset with realistic alternative functions if a change of use were to proceed at this time. For this reason, it is considered prudent to take a view on the probability that an alternative community use for the site could come forward within a reasonable timeframe. Regard should be paid in particular to the prospect of a community bid to purchase and operate the pub, as well as the timeliness of the Wilts & Berks Canal Trust's planned restoration of the adjacent section of waterway.

On balance, it is considered that the information available, in light of the realistic prospect of a timely and significant enhancement to the commercial and social value of the property, suggests that the application is premature. Whilst undoubtedly the proposed development could offer some minor improvement to residential amenity and highway safety, it is not considered that these factors alone outweigh the inherent local benefit of a pub and/or other community uses.

9. Recommendation

Planning Permission be REFUSED for the following reason:

On balance, the proposed development will result in the detrimental loss of a local service with a realistic prospect of viable community use and therefore conflicts with Policies R6 of the adopted North Wiltshire Local Plan 2011, CP49 of the emerging Wiltshire Core Strategy and Paragraph 28 of the National Planning Policy Framework.

