

The Planning Inspectorate

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18 OCT 2011

THE PLANNING
INSPECTORATE
PINS 3

COMMENTS ON CASE

Please note that comments about this case need to be made within the timetable for it. This can be found in the notification letter attached. Comments submitted after the deadline may be considered invalid and returned to sender. Your comments can also be made on-line at www.planningportal.gov.

This form will be published on the Planning Portal, please do NOT sign it. This is to ensure that all personal data is protected in line with the requirements of the Data Protection Act 1998.

DETAILS OF THE CASE

Case Reference:

H/6955/A/2160262

Address of site

CHURCH ROAD
MINERA
WREXHAM

Postcode
(if known)

LL11

SENDER DETAILS

Name

CHRISTINE GRANT, DAVID GRANT

Acting On Behalf Of

(leave blank if writing on
your own behalf)

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?
(Neighbour, Councillor, Owner, Tenant)

NEIGHBOURS

What kind of representation are you making?

AGAINST THE APPEAL

YOUR COMMENTS ON THE CASE (*continued*)

see attached letter



Case No. H/6955/A/2160262

Dear Sir

In answer to Mr Roberts Appeal. The Tyn Y Capel – I refer to the appellant's comments:-

3.2 The pub certainly is in an exceptional location, ideally suited for a destination pub, as well as being in a small village within walking distance for many households (974 in total) so why was it not a success?

3.3 There is no evidence of extensive advertising, certainly the pub was not marketed properly as many of the previous letters of objection state. Custom was refused on many occasions. Some promotional offers may have been used, I know of only one, the loyalty card which is mentioned later, but these were only half hearted attempts and not marketed widely.

3.4 ECR Hospitality was actually DCR Hospitality which could not be termed fully independent as it was owned by the appellant's son and daughter in law. Their management did in fact lead to bankruptcy in 2009. Despite this they continued to manage the pub and restaurant, under a different guise, until it was closed in February 2011!

3.6 Residential use of part of the building could have reduced costs for the business as the manager or chef could have lived in as part of a wage package. This arrangement, someone living on site also could have reduced costs of insurance.

3.7 The appellant's other business is in the residential care sector. Since 2010 he has used the pub as a day care centre without permitted change of use. This has had a detrimental effect on the pub and restaurant business as the pub was not open during the day and closed for 4 evenings each week and closed early. It was closed for a month after Christmas for 2 years running and patrons would never know when the pub would be open or closed. During this time the pub and restaurant business were therefore being run down at the expense of his other business interests, far from supporting the pub the unlawful change of use led to its demise.

3.9 The pub was closed without notice in February, not March, although there were advance bookings taken for local events.

3.11

There is an overwhelmingly strong feeling from the local community to keep the pub as shown by:

- Questionnaires 100% in favour of fighting the application to keep the pub.
- Public meeting attended by over 70 people who voiced their support for the committee's aims
- The local council objection
- The high number of written objections received
- The feedback from the public with regard to volunteer help to reopen the pub
- The amount of money promised through pledges so far in order to purchase the pub
- The unanimous decision by the planning committee
- Facebook page

3.12

The appellant failed to prove non viability and still has not done so as no supporting documents can be produced. The appellant is now marketing the pub but at an inflated price, he is also not supplying and information with regard to sales to prospective purchasers. Nothing has changed. The application still does not accord to S9.

4.2

We have already been to view the pub and are trying to raise funds to purchase this as a community enterprise.

4.3

The appellant sites poor local patronage as a reason for the failure of the business. While he also states that there are not enough locals to make the pub viable. The lack of proper marketing should be seen as the main reason for failure as the pub is ideally situated to be a great destination pub and restaurant. The former management made little attempt to encourage either the local community or further afield. However locals did support events very well when these were offered and when they found out about them! I have already mentioned that the pub was closed much of the time although staff were paid during the closures. Local custom was not encouraged by the management (although staff did their best) and on many occasions bookings for locals were refused. Special deals were not advertised well (if at all) I know of only one, the loyalty card which the appellant uses to indicate non-viability.

The loyalty card was used for a very short period and was handed to customers. I do not know how the appellant would know who received them as no forms were filled in for these. The card gave 10% discount in the restaurant and was a good idea but it was not given out to all locals and had many exclusions, for example if a meal was booked for a large number of people it could not be used. Many locals used the pub more than the restaurant because it was quite expensive and not really good value for money. Although the food was usually good it could be hit and miss. As menus were rarely changed locals would not really use the restaurant regularly. As food sales should make up a higher % of profit it is not really surprising.

The pub was a thriving business prior to the present ownership and very well supported by the local community. Many locals however were put off or discouraged by the latest management.

The social needs of the community must be considered, now there is no comparable social meeting place, no village hall or shop. The amenity proposed to take the place of the pub is at present serving 12 or so elderly people, none of whom are from the local community. While it is important for them to enjoy a place to socialise should this be at the expense of the entire community?

The Five Crosses is situated on a main road and cannot be compared at all to the Tyn Y Capel. It is a brewery owned pub which mainly deals in wet sales and does not have the atmosphere of a family pub, nor does it have the facilities for community events. Furthermore during the last year it has undergone a series of management changes which do not bode well for the future.

In the so called thriving village of Coedpoeth there are currently 3 pubs up for sale or lease, these are all wet sales pubs and one does not allow children.

The appellant makes reference to a business plan and uses this to infer that the campaign group did not wish to lease the pub. This is completely untrue and has been included as a brazen attempt by the appellant in which he has manipulated the facts to suit this appeal. In fact the campaign committee wrote to Mr Roberts prior to the planning committee meeting. Two days following the rejection of the application Mr Roberts agreed to meet three members of the committee for a preliminary meeting. At the meeting the campaign group asked Mr Roberts if he were willing to lease the pub to the group. He told the group that he would be prepared to do so if the lease were for at least 5 years. A further meeting was then arranged for the group to bring their business plan to the table. Mr Roberts also told of his plan to appeal. Unfortunately before the date of the arranged second meeting an e mail was sent to one of the committee members stating that he had changed his mind and was no longer willing to lease the pub. He then said that he would market the pub for sale. At this point the campaign group made the decision to try to purchase the pub and we have since let this fact be known to the press and to our supporters. The campaign group has hard evidence to support this correct account of the facts and indeed in his following paragraph the appellant states that it was his decision not to lease the pub thus contradicting himself.

The appellant seems to insinuate that he is only marketing the pub to suit the requirements of the S9 and that he is not fully intending to accept reasonable offers or indeed the full asking price certainly whilst the appeal is on going after which I believe he will appeal against the enforcement. He clearly has no regard for correct procedure and believes that he has the right to behave in the way he has which has deprived the village of a once successful and social hub of village life.

4.7 The appellant then tries to make a case that the loss of the day care centre would contravene S9. This is surely the weakest of his arguments. Firstly permission for this use was never sought. The day care was formerly operating at another premises. Neither the staff nor the customers are local to the community and no jobs were created as staff came from former sites or are agency staff. There are no benefits to the local economy (4.10.) Of course the elderly people are entitled to day care but this should not be at the expense of a community facility which should be protected and indeed improved upon in order to save village life. Under

the right management there is potential for previously untapped enterprise which could further benefit the locality socially, economically and culturally. The day care centre which supposedly employs 13 staff (this figure includes his other businesses run from the premises) is certainly not the largest employer in Minera as the industrial estate sites the very successful Village Bakery, Minera Builders and a number of small companies.

4.11 Had Mr Roberts taken us up on our offer, the building could have been 'kept alive' by the community running the pub on a lease as we originally requested.

4.12

There are other facilities which would be better suited to care of the elderly although the appellant says it is not possible to find one. He himself has care homes in Llangollen and there may be room in these for day care. There are other purpose build day care facilities in Coedpoeth.

4.13 – 4.15

The appellant goes on to talk about permitted development which could be construed as a veiled threat, if he does not get his way then the community will still lose the pub. This remains to be seen. If the appeal is rejected then the community certainly will stand more of a chance of securing the pub than not. The appellant still has the opportunity to lease or sell the pub. The price is surely prohibitive to developers due to the nature of the site and conservation area planning. It is also an old and historically interesting building. It is doubtful that other uses could be made due to the price and location.

5.2

We have no argument that the Tyn should be a destination pub and that it was not supported by locals. The two are not mutually exclusive however and with the right management, a sense of community and a warm welcoming approach more locals, once again, would be fully supporting their local pub and using it for family events and local functions as they have in the past.

In answer to Mr Robert's personal letter

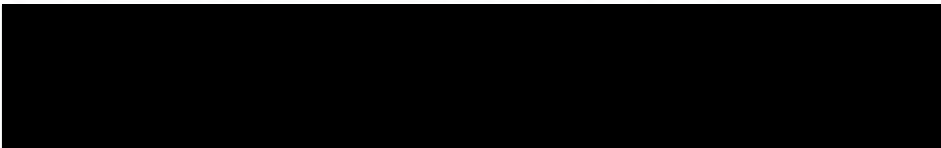
As a member of the Committee I object to the inflammatory remarks made by Mr Roberts in his concluding letter. His references to the Community can only support the fact that he does not have any loyalty to the Community himself. He continually complains about lack of support instead of looking at the genuine reasons why the business did not prosper as it should have done. He continues to threaten closure and boarding up of the premises when he has had every opportunity to work with the Community (and still has) to make the pub thrive.

In truth it appears that there was never any real motivation to make a success of the pub by embracing the community as well as offering a great destination for other customers.

He also suggests that a campaign has been run to his detriment when we have always been careful and professional in our approach. During the last 8 months Mr Roberts has agreed to meet us only once, dismissing our attempt to lease the pub at the first opportunity. Much of the appeal case is based on scant or no evidence and his assertions that locals do not want the pub can only be denied by the volume of letters received by planning.

He attempts to make a case for his day care facility meeting the policy S9 as an insult to planning because he is contravening the law and seems to believe that this is the way things should be done. A change of use by the back door!

I hope that the Planning Inspectorate will see through this attempt and reject the appeal accordingly allowing us at least a chance to reinstate our much needed pub.


Christine and David Grant

I also request a copy of the appeal decision