

WORTHENBURY ARMS
CHURCH ROAD, WORTHENBURY.

STATEMENT OF CASE.

In order to keep this statement as concise, factual and relevant as possible the format is based on the headings used in the Chief Planning Officer's Report to the Planning Committee. This report, which recommended approval for the development, forms the basis of this statement.

The description of development, location, history, development plan policies and consultation sections within the report are accepted as being accurate.

Applicant's Submission.

The precis of the applicant's submission is accurate. The Inspector is guided to the length and breadth of the advertising identified within the report including the marketing of the property on the Council's own website in addition to the professional marketing by an established commercial agent, Legat Owen.

In addition to the marketing of the site evidence was submitted in the form of certified accounts from the last trading years of the public house. These accounts are included within the information provided to the Inspector in the Council Questionnaire and remain a valuable insight into the very low level of trading within the public house.

The Inspector is guided to the fact that the accounts are based upon the original full size of the public house and not the subsequently approved reduction to 50% use.

The reduced public house has never traded due to the clearly identified lack of interest in the pub trade and particularly in the Worthenbury Arms. The marketing of the site since April 2007 until the 7th December 2009, as identified in the Planning Officer's report, resulted in 14 enquiries with 3 viewings of which none resulted in an offer for the property.

Since the date of the Planning Committee meeting on the 7th December 2009 marketing of the site by Legat Owen has continued. Interest has been limited to four further enquiries with no subsequent follow up of an offer for the premises. The is substantiated in the attached up to date letter from Legat Owen.

The details of the 17 vacant or available public houses within the area were submitted during the planning application process. The appellants can confirm that these public houses are still being marketed and are an indication of the continuing decline in the public house trade.

Also within the Applicant's Submission section of the planning officer's report it is clearly stated that within the planning report for the approval in the conversion of part of the public house and erection of four dwellings (2005/0512) reference is made, by the Planning Officer, to the reduced viability of the public house when its size is reduced by 50%. This is accepted within the report and it is not disputed by the planning officer.

Special Considerations/Issues.

Background.

The appellants concur with the description of the application site and the identification of the previous planning approval for the erection of four dwellings and part residential conversion of the public house. The Planning Officer correctly identifies that the residential conversion has not been undertaken, however, the planning approval has been implemented as the four approved dwellings have been constructed.

The reason for the delay in the part residential conversion of the public house is due to the lack of interest in the business. The appellants were hoping to coordinate any

conversion works with the person running the public house. It was hoped that the preferences of the new landlord could be accommodated when the conversion work was done.

The Planning Officer's report also identifies a previous planning application submitted in 2007 for the total residential conversion of the public house. This application was refused on the grounds that marketing of the site as a public house had not been undertaken for a sufficient length of time. The site has been continually marketed since April 2007 and the appellants contend that all appropriate actions have been undertaken to comply with the relevant policies of the UDP which relate to community facilities.

Policy

Within the Planning Officer's report seven development plan policies are identified as being relevant to the proposed development. The policies are CLF 1, EC7, GDP1, H2, PS2, S9 and T8. In addition Local Planning Guidance Notes 4, 16 and 21 are identified as being relevant. Copies of these documents were submitted by the Council within the questionnaire.

With regards to policy S9 , and in part CLF1, the planning officer identifies that the loss of a public house facility may be acceptable “ if the use is no longer viable and all reasonable attempts to sell or let the business over a 12 month period have proved unsuccessful”. The report goes onto identify that the property has been marketed since April 2007 which is much longer than the policy requires. In addition the Council's own valuation Dept. states that the reduction in the size of the public house facility has had an implication in the viability of the business.

This statement regarding the limited viability of the public house should be read in

conjunction with the submitted accounts which showed that even a full sized public house was struggling for viability in previous years.

The planning officer agrees that the marketing exercise was appropriate and satisfies the requirements of policy S9(a).

With regards to the reason for refusal, which will be examined later in this statement, it is interesting to note that the planning officer states that, in terms of policy S9(b) the criterion does not apply as the property is not derelict.

The planning officer's report goes on to state that policy S9(c) relates to the loss of a facility which should not prove detrimental to the social and economic fabric of its locality. The evidence provided within the application process through the audited accounts of the latest trading years and the lack of interest in the business as identified in the marketing exercise indicate that the public house has not been at the heart of the community for some years. The lack of custom, as highlighted in the accounts, show little interest in the public house from local residents. If it was used regularly and in sufficient numbers the viability of the business would not be drawn in to question, but that is not the facts in this case.

Conversion Scheme.

The conversion to residential use will have minimal impact upon the external elevations of the public house. Most of the works to the building will be internal alterations. Existing opening will be used and the appellants are also willing to accept reasonable conditions relating to a landscaping scheme.

The parking arrangements are considered acceptable and in line with the provisions of policy T8 and Local planning Guidance notes 16 and 21. This is noted within the planning officer's report.

The conversion scheme has regard for the Conservation Area and there will be no detriment caused to the desirability of preserving the character and appearance of the Conservation Area. The proposed development is, therefore, considered to fully comply with the provisions of policies EC7, GDP1, H2, PS2 and T8 in addition to those policies previously discussed.

Conclusion.

The Chief Planning Officer clearly recommends approval of the development as it complies with the relevant policies of the Wrexham UDP. With little or no prospect of the public house operating on a viable level its conversion to a residential purpose is accepted as being reasonable given the evidence provided.. The appellants fully agree with this statement.

Reason for Refusal.

The Council contends that the proposed development is contrary to policy S9 of the UDP as adequate steps have not been taken to market the public house as the buildings are not in a condition in which they are suitable for re-use as a pub.

This runs contrary to the professional recommendation of the Chief Planning Officer in his report to the Planning Committee.

The public house has been maintained in a dry and tidy state and structurally safe. The integrity of the building has been maintained and its re-use as a public house has been the intention of the appellants.

Objectors to the proposed development have submitted photographs of the internal structure and suggested that the property was not being maintained. This is not the case.

The pictures taken by objectors do not reflect the public house element of the property. Attached to this statement are pictures taken on the 19th February 2010 showing the public house element laid out as it has been for a number of years. The pictures submitted by the objectors show the area of the former pub that is to be converted into a dwelling as per the previously implemented planning approval. This work is on hold until the outcome of this appeal is known.

The Inspector will clearly see from the site visit that the public house is in a clean and tidy state and can reasonably be used as pub immediately.

The property has been fenced off with temporary fencing to keep out trespassers. The outside maintenance of the public house is carried out by contractors on a regular basis.

The delays in processing the application have held up the appellants in their business plans for the property. The uncertainty surrounding the future of the site have impacted on the state of part of the building with approval for residential conversion.

The public house element was always maintained to a reasonable standard. People who viewed the public house with a view to taking over the business were informed of the residential conversion works to be undertaken. They were also informed that the works would be carried out to their satisfaction and involvement in the overall scheme.

No evidence has been put forward by the Council to suggest that any viewers of the public house business thought the building was not suitable for a public house use.

The reason for refusal is supposition by planning committee councillors and runs contrary to evidence submitted by the appellants and considered as acceptable by the Chief Planning Officer.

As such the appellants contend that the appeal proposal fully complies with the

provisions of the development plan as identified previously and the Inspector is requested to allow this appeal.