**Minutes of the Appleton with Eaton Parish Council extraordinary meeting**

**at the village hall,**

**Saturday, 12th May at 12:30pm**

**Present:** Mr John Adams, Mrs Mary Carey, Mrs Liz Gilkes, Dr Mark Richards (chairman), Mr Tony Sibthorp, Mrs Anna Yalci

**Also present:** parishioners in attendance

**Apologies for Absence:** Mr Tony Sibthorpe, Mr Darren Vinton, Mrs Susan Blomerus (Parish Clerk).

**Declarations of interest:** None

**Dr Richards’ speech:**

Hello ladies and gents, thanks for coming at short notice

We are here to discuss planning application for the plough garden, a second application regarding this.

Firstly I will give a brief summary on the events that have lead to this new planning application.

As we now know Hawthorne Leisure, the owners of The Plough have sold the development rights for the Plough garden to REL Capital subject to planning permission.

The parish council were first approached in March 2017 with a proposal to build 2 or 3 properties on the site of the garden, removing its use from the pub entirely.

The motivations in submitting the planning application were to improve the viability of the Plough by investing the property development profits.

An EGM was held at the time and the response from the village was almost unanimously against development of the garden.

Although at that time it was decided not to go forward with a planning application, REL Capital submitted an application in December 2017 to build 2 detached houses on the site of the garden, removing the garden from use by the plough and villagers. The application also states that a new garden will be situated where the current toilet block is, with toilets being relocated inside the main building, a new extension to the kitchen being constructed and the oil tank being re-sited underground.

Again the response from the village was to wholly oppose the application and there were a large number of objections, over 50, submitted to the VOWH by Appleton residents reflecting this and the outcome of the January 2018 meeting was for the PC to object on behalf of the village. In forming a robust response the PC was compelled to engage with professional planning advice and attempt to begin a dialogue with Hawthorne leisure and/or REL which Simon Jeffries will summarise later.

Whilst the application was in the consultation period the PC got in contact with the VOWH planning officer Abbie Barnes and managed to glean her analysis of the application. Her view of the application was that it would be recommended for refusal.

The main issues Abbie identified were:

* The location of the proposed residential development in Appleton village and The impact of the proposal on the surrounding the site, and the character and appearance of the conservation area;
  + Specifically: We are concerned that development on the site would erode the outdoor amenity space of this village asset, potentially harming the long-term use of the facility. We consider this application would constitute harm to the setting of the non-designated heritage asset and the character and appearance of the Conservation Area
* The impact of the proposal on the long term viability and functionality of the public house;
  + Specifically: no information or evidence has been submitted to explain how the dwellings would help to safeguard the pub’s long term future. . In fact officers consider there is a strong likelihood that the proposal will jeopardise the long term viability of the pub
* Whether there is sufficient off-street parking provision for the public house and new residential development.
* Impact on neighbours
  + we have concerns in relation to a loss of outlook and potential over-looking into the neighbour's existing first floor side bedroom window

Other points raised were...

Additional important criticisms from Vale authorities were:

**VOWH conservation officer:** I am unable to support this application as it would undermine the setting of this non-designated heritage asset and more importantly have a harmful impact on the Appleton Conservation Area. The proposals would enclose the existing open space, over-developing the site and generating access/parking issues.

**VOWH Highways Liasion officer:** The proposal would intensify vehicle movements, associated with the residential development, from the existing access – as submitted the proposal has not demonstrated vision splays in accordance with standards or improvements to mitigate the intensification. The application was submitted has not demonstrated that the car parking provision, in terms of numbers of spaces, required for the public house are in accordance with standards. Furthermore, the proposed car parking spaces do not accord with standards. The application has fails to demonstrate, using vehicle swept paths, access/egress for emergency and servicing vehicles to the public house and proposed residential development.

These criticisms resulted in the withdrawal of the application.

As we now know REL Capital have submitted a revised planning application registered on 26th April 2018.

The current application has clearly had more time taken and is more thorough and professional.

However, the revisions are minor, the main differences being...

* retaining 2 detached properties in the plough garden but changing the number of bedrooms from 3 to 4.
* The creation of modest number of extra parking spaces or so claimed.
* A slight change of language no longer designating the garden area as surplus land

REL have attempted to counter the criticisms of the first application in their planning statement despite the lack of significant changes from the previous application.

REL Capital have also included with the application this time round a supporting letter from an expert in the viability of pubs defending the application.

However due to the minor changes in the application we have had advice that the the criticisms of the previous applications still stand.

Can I emphasise that comments to the previous application no longer apply and fresh comments need to be submitted. Deadline is 30th may.

I will now invite Simon Jeffries to update us on the efforts by the pub working group in consulting professional advice and engaging with Hawthorne Leisure and also give a long term view on the development of the garden in the event of a refusal of the application.

**An explanation of the activities of the core pub working group was then given by Mr Simon Jeffries:**

Simon Jeffries, Richard Dick, John McDonnell and Mary Carey formed a pub working group with the approval of the Parish Council and have been working on this as they want the pub to remain in the village in the long term.

The pub is registered as an Asset of Community Value. This means that if the private owner of the property wants to sell, there is a 6 month moratorium during which the village can raise funds to match the highest offer to buy the property. The pub garden is designated as an ancillary space. When the decision was taken to register this as an ACV, REL opposed this. They sent a letter to the Vale of White Horse council, listing many objections and ending it with stating that if the council list the garden as an ACV, REL lose out financially and will sue the council. Councils are nervous of this possibility. If the planning application fails and goes to appeal, the ACV may be approved in the meantime.

The working group have researched to find out how Hawthorne Leisure and REL work.

Hawthorne Leisure is a Hedge Fund Bank, and bought Greene King out. They own 320 pubs. They have £90million debt. Last year’s turnover was £90million and they lost £3 million. They are a loss-making company and they are wanting to sell. They have preference stocks that are owned in Luxembourg. The group asked Hawthorne Leisure whether the Plough is in the portfolio where they want to offload the debt, but were told that the Plough ‘breaks even’. They have sold the garden to REL who are developers. They have exchanged contracts, but completion is subject to planning, and the contract could be voided if they do not get planning permission. REL could go to appeal, but it is not certain that they will do this. Hawthorne have no control over what happens to the garden or planning application. REL have been unsuccessful in about half of their submissions in Oxfordshire. Our pub is making a loss on their balance sheet.

The group asked Andy Scott of REL for a compromise and a meeting was arranged to talk about this a couple of Fridays ago, but then REL submitted the application for planning permission on the Wednesday before the meeting without giving any notice, so the meeting was cancelled.

The group had a meeting with our planning expert this morning. The application has changed from 2 3-bedroomed houses to 2 4-bedroomed houses, which increases the value for REL. The application says the pub is profitable, but there is no business plan, including from Hawthorne Leisure, to support this. Their expert says the pub will look nice, but that cannot be proved.

If the application fails:

REL could go to appeal and could beef up their expert reports, but probably won’t succeed

They could resubmit their application with smaller houses but this would make the development worth less to them, so may not be financially worthwhile for them.

If it is rejected, Hawthorne Leisure could close down the pub, put money into the pub to make it profitable, do a deal with the village to get it off their balance sheet, or keep it and sell the whole plot to REL.

The coopted committee would like the Parish Council to oppose the plan. There is no business sense, it is overdevelopment, and sight lines are a problem.

We should re-engage REL for a concession and re-engage Hawthorne Leisure for the village and continue dialogue otherwise the pub may close. Hawthorne’s prime objective is to get rid of the property. The exchange of contracts is likely to have a long period of validity, so could go on for several years. If REL have to appeal, they may need permission from Hawthorne Leisure, so maybe we could do a deal.

If the village want to take over the pub, we may later need to develop the garden with just one house to raise money to pay for the pub refurbishment, so we need to be careful that we do not rule out any development.

As soon as we know the result, we need to re-engage with Hawthorne Leisure.

**Mary Carey then spoke:**

She thanked Simon Jeffries for giving an overview of who we are dealing with. She stated that Mike Gilbert, our expert planning consultant, says that this application does not really address the previous concerns. The village wants to see the pub thriving. If the application is refused, the pub may be closed. The Parish Council knows the pub needs investment, and probably the best way to do this is to have it as a community pub.

There is a folder circulating, so please could people sign up to become ‘Friends of the Pub’.

Please send in a letter to comment on the planning application, as comments to the previous application do not apply.

**Questions raised and discussion by parishioners:**

**Graham Rose:** Would it be sensible to urge one house over two in the objection to the application?

**Answer:** No, as we do not have the option to comment, just approve, object, etc

**John McDonnell** also said that that is not a good idea as there is a strong feeling the application will be turned down as it stands, so it is best if they do not dilute it. They have also said that no objection has been made by the villagers and there is no indication that the village want to buy, and Simon Jeffries said that it is best to leave that inaccuracy in.

**John McDonnell** also stated that the application states that the parking spaces will be increase from 10 to 17, but actually the existing parking provides for 14 cars, and their number of 17 includes 3 for each of the houses.

**Annewen Rowe** asked if there is any point in suggesting that the planning permission is conditional on refurbishing the pub. On the first plan it was formally conditional, but his is not quantified in this second application.

The answer was that the opposition to the application will be drafted by the Planning Consultant who will discuss this, and then it will be approved by the Parish Council.

**Liz Gilkes** stated that if food is to be served as planned, the number of two toilets would not be enough under Environmental Health guidelines.

**Sue Staunton** said she has had experience of REL. They purchase something for nothing to turn it around and do not follow a normal business model. If they do not get planning permission, or even if they do, they can close down the pub and convert it to a dwelling later. They are driven by venture capitalists.

**John Adams** asked if we can split REL and Hawthorne and ask Hawthorne to sell the pub to us. **Simon Jeffries** answered that it is REL’s decision whether they want to walk away. REL own the garden, and even if we own the pub, REL’s contact continues. There are two things we do not know about the contract as it is private– how long it continues, and if planning is refused, does it lapse? If the contract is for a year and the planning application is refused it could end, but we do not know this.

**Mary Carey** warned that we would put ourselves in a dangerous position if we bought the pub alone, and **Graham Rose** said that if we buy the pub without the garden it may not be sustainable.

**Liz Gilkes** asked if we should all submit our comments to the application in the last week as then that would not give REL enough time to modify their application, but **Mary Carey** said that the number of people objecting previously raised concerns in the Council early on.

**A member of the Tennis Club** asked us to circulate what happened in this meeting so that more people can hear about it and **John McDonnell** said we should find the list of emails from the previous meeting.

A newcomer to the village said it is strange how the pub is not used. **Simon** **Jeffries** said that the pub is privately owned and it is probably better to make the pub non-conducive so that they can sell it more easily. **Liz Gilkes** said that we can still use the garden, but they have cut down trees, not mended the play equipment, not cut the grass or put benches out and it has been reported there are some planks with nails in so it is not safe for children to play. Two people said that they used the pub regularly, but the food is not good and the beer is not well kept.

**Liz Gilkes** has contacted Layla Moran, our local MP for support as she was very helpful previously and Anthony Hayward, our District Councillor, but she has not heard anything from him.

**Mary Carey** asked people to put their comments in to the application. We want a day when we can get a good beer, good food and smiling faces in the pub.

The public meeting finished at 1:35pm.

The Parish Council then resolved to oppose the application and will submit a response with the aid of the planning expert Mike Gilbert.

1. **Matters for report:** None
2. **Date of the next meeting:** The next meeting of the Parish Council is to be held on Monday 14th May 2018 at 7:15 in the village Hall.

Meeting ended 1:40 pm