

APPLICATION NO	PA/2015/1499
APPLICANT	Mr Martin Moat
DEVELOPMENT	Planning permission to change the use of former public house to a single residential dwelling (C3)
LOCATION	The former Dolphin public house, 27 A18 Trunk Road, Althorpe, DN17 3HN
PARISH	Keadby with Althorpe
WARD	Axholme North
CASE OFFICER	James Roberts
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Keadby with Althorpe Parish Council Member 'call in' (Councillor John Briggs – significant public interest)

POLICY

National Planning Policy Framework: Paragraph 14 – at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 28 promotes the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Paragraph 35 – plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Paragraph 37 – planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 – housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50 – planning authorities should ensure that appropriate provision is made for affordable housing within their area via appropriate plan-making and decision-taking.

Paragraph 55 relates to the promotion of sustainable development to ensure that housing is located where it will enhance or maintain the vitality of rural communities.

Paragraph 56 – good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 70 – decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire) sets out the spatial vision for North Lincolnshire. Rural settlements will be supported with a strong focus on retaining and enhancing existing facilities and services to meet local needs. Development within rural settlements will be limited and should take account of levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS2 (Delivering More Sustainable Development) allows for small-scale developments within the defined limits of rural settlements to meet identified rural needs.

Policy CS3 (Development Limits) relates to development limits which will be applied to rural settlements, of which Althorpe is one. The limit will be drawn to reflect the need to protect and enhance settlement character, protecting areas of open space or land with the characteristics of open countryside or land within and adjacent to settlements by not including them within development limits or large rear gardens or paddocks stretching without the village's built form will also be excluded.

Policy CS5 (Delivering Quality Design in North Lincolnshire) – new development in North Lincolnshire should be well designed and appropriate for its context. It should contribute to creating a sense of place. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character or quality of the area will not be acceptable.

Policy CS7 (Overall Housing Provision) – proposals for housing should include a variety of house types, sizes and tenures to meet local housing needs.

Policy CS8 (Spatial Distribution of Housing Sites) – new housing within the rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy CS22 (Community Facilities and Services) aims to ensure that loss of community facilities will be resisted unless they are no longer needed or can be adequately replaced.

North Lincolnshire Local Plan: Policy H8 (Housing Design and Housing Mix) – new residential development will be permitted provided that it respects and reflects the form, scale, massing, design and detailing, materials, and nature of the local environment.

Policy T2 (Access to Development) – sets out the council's expectation that new developments can be accessed safely and conveniently.

Policy T19 (Car Parking Provision and Standards) – sets out the council's expectations in relation to car parking standards.

Policy DS1 (General Requirements) – a high standard of design is expected in all developments.

Policy DS14 (Foul Sewage and Surface Water Drainage) aims to ensure that new developments do not place unacceptable strain on existing foul and surface water infrastructure.

Policy DS16 (Flood Risk) aims to ensure new developments are not unacceptably exposed to existing sources of flooding and do not increase the risk of flooding elsewhere.

Housing and Employment Land Allocations DPD adopted March 2016: The main building and associated curtilage is located inside the development limit for Althorpe. Further land within the red line is outside the settlement limit.

CONSULTATIONS

Highways: No objections subject to a condition.

Environment Agency: No objections.

Environmental Health: No comments.

PARISH COUNCIL

Objects to the scheme on the grounds that the building could be operated as a successful business, that the applicant has not taken adequate steps to run the business successfully, that the site has not been advertised appropriately and that the site is an asset of community value.

PUBLICITY

Neighbouring properties have been notified. Forty two letters of objection have been received raising the following concerns:

- Nothing has changed since the previous refusal and the site is a much needed community facility.
- The intention of the owner has always been to turn it into a private dwelling.
- The business could be a success if run properly.
- The local community would like to take the business on and run it as a public house.
- The asking price for the site has been set too high.
- The work to change the building to a dwelling has already started.

Two hundred and twenty five letters of support have been received, although the vast majority of these have been sent anonymously and without any comments. The points raised in support of the application are as follows:

- The local community failed to use the facility when it operated as a pub.

- The proposal would result in visual betterment.
- There are other facilities that can be used as community hubs.
- More houses are needed in the area.

ASSESSMENT

The application site is The Dolphin public house, off the A18 trunk road on the outskirts of Althorpe. The public house is registered as an asset of community value (ACV). The main building within the site is a large detached building with associated garage, car parking and garden areas. An internal inspection of the building showed that various features have been removed, including the bar, seating and some equipment. Whilst the main building is within development boundary of Althorpe, a large portion of the land to rear is outside. The building is no longer functioning as a public house. The building is not listed and the site is not located within a conservation area. This application seeks planning permission to change the use of the premises to a dwelling house.

Planning history

The relevant planning history for this site is as follows:

PA/2013/1555 for change of use to residential and to erect a double garage, refused permission (March 2014) on the grounds that insufficient evidence had been provided to demonstrate that the business was no longer viable and that alternative community facilities were available. It was also concluded that the proposed garage would be harmful to the character of the area.

This decision was subsequently upheld at appeal (APP/Y2003/A/14/2215979).

The main issues to consider in the determination of this application are the principle of development, highway safety and flood risk.

Principle of development

The applicant seeks permission to convert the existing public house into a dwelling.

Policy C2 (Community Facilities in Minimum Growth Settlements and Rural Hamlets and Villages in the Open Countryside) is the most relevant planning policy to the determination of this application. Policy C2 states that the retention of community facilities in rural local centres is considered essential in maintaining the long-term vitality and viability of these areas. It goes on to state that proposals which would lead to the loss of key village services, including the change of use of vacant premises to uses located in rural local centres, will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.

Policy CS22 (Community Facilities and Services) of the Core Strategy for North Lincolnshire also states that the loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.

It is acknowledged that the building is registered as an asset of community value and that the public house is considered to be a key village service in the locality, particularly as Althorpe has very few existing services. Therefore the loss of this facility would be detrimental to the long-term vitality of the village and should only be supported if it is no longer viable and all options for its continuance have been considered.

It is also accepted that in determining the previous appeal at the site, the Inspector concluded that insufficient evidence had been provided to justify the proposed change of use. In particular she commented:

“Bringing matters together, I appreciate the national trend of pub closures as well as the local examples provided. However, I have found no compelling or substantiated evidence regarding the viability or marketing of the business to persuade me that the pub does not have the potential to prosper in the future under the existing or an alternative ownership. As such, the loss of an important local service is not justified. I therefore conclude on this issue that the proposal would fail to support a prosperous rural economy, with particular regard to the viability and marketing of the public house, and would be contrary to the Local Plan Policy C2, Core Strategy Policy CS22 and paragraph 28 of the Framework.”

The current application is accompanied by a ‘Viability Report and Business Appraisal’. The submitted report includes a viability study of the business, a marketing report, details of other local pubs and a summary of current trends in the pub industry. The main conclusions of the report are as follows:

- Since the Dolphin public house has been closed local residents have become accustomed to visiting alternative pubs and the permanent loss of the pub would not therefore affect the day-to-day needs of the community.
- The owner has invested a significant amount of money in the business and cannot afford further investment. It is not a lack of investment which has caused the business to fail.
- The business was in decline for a significant period prior to its closure. Previous owners/operators have also failed to make the business profitable. Changing habits have resulted in a long-term loss of custom.
- There is nothing to suggest that customer trends are set to change in the near future which would make the business viable.

It is also noted that the removal of many of the pub features (seating, bar, etc) would mean an increased level of investment to bring the site back into use as a pub.

It is acknowledged that some local residents, and the parish council, have suggested that the business could be run in a profitable manner, that the owner has deliberately neglected the business, that the price of the pub has been set too high and that the local community would be willing to take the business on if the asking price was significantly reduced.

However, the pub has now been closed for a significant period of time and there does not appear to be any realistic prospect of it re-opening in the near future. The property is privately owned and, whilst some members of the local community have suggested they would be willing to take the business on, there is little evidence that this is a realistic prospect. The applicant has provided a full and detailed report which demonstrates that the

business is not financially viable and the lack of previous custom suggests that the importance of the facility to the local community is not as significant as might be the case. With these factors in mind, and whilst the status as an asset of community value is noted, it is considered that sufficient justification has now been provided to allow the proposed change of use to a residential dwelling.

It is noted that the submitted red line boundary extends around a large area of land to the rear of the pub, including land which is within the open countryside. This area of land, whilst owned by the applicant, is not within the curtilage of the pub and is not considered suitable for use as residential curtilage. It is therefore recommended that any approval be accompanied by a suitably worded condition ensuring details be provided of the full extent of the residential curtilage to be provided at the site.

Subject to the aforementioned condition, it is considered that the application has adequately addressed the previous reason for refusal and the principle of development is acceptable.

Highway safety

Vehicular access to the site is currently obtained off the main road to the front of the site. There are no plans to change this arrangement and the proposed use of the building for residential use would be likely to result in a reduction in the overall number of vehicle movements at the site. There is adequate space within the site for vehicle parking and turning facilities. With these factors in mind, and given that the council's Highways team has offered no objections to the scheme, it is considered that the proposal would not result in harm to vehicular or pedestrian safety.

Flood risk

The application site is located within an area known to be at risk of flooding (zone 3 according to the Environment Agency maps). The applicant has submitted a Flood Risk Assessment (FRA) with the application. Whilst the Environment Agency has found flaws with the submitted documentation, it has offered no objections to the scheme on the grounds that both the existing and proposed uses are classed as 'more vulnerable' and that all proposed bedrooms would be located at first-floor level. Given the nature of the proposal, it is not necessary for the sequential or exceptions tests to be applied in this instance. Given the nature of the consultation response from the Environment Agency, it is considered that the proposal would not be unacceptable in relation to flood risk.

Conclusion

For the reasons set out in the above report, it is considered that the applicant has adequately addressed the previous reason for refusal relating to the principle of development. It is considered that the conversion of the public house to residential use has been sufficiently justified and that the loss of the asset of community value is acceptable in this instance. Furthermore, the proposal is considered acceptable in all other regards.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: PP3 Ground Floor Proposed 2015 and First Floor Proposed 2015.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

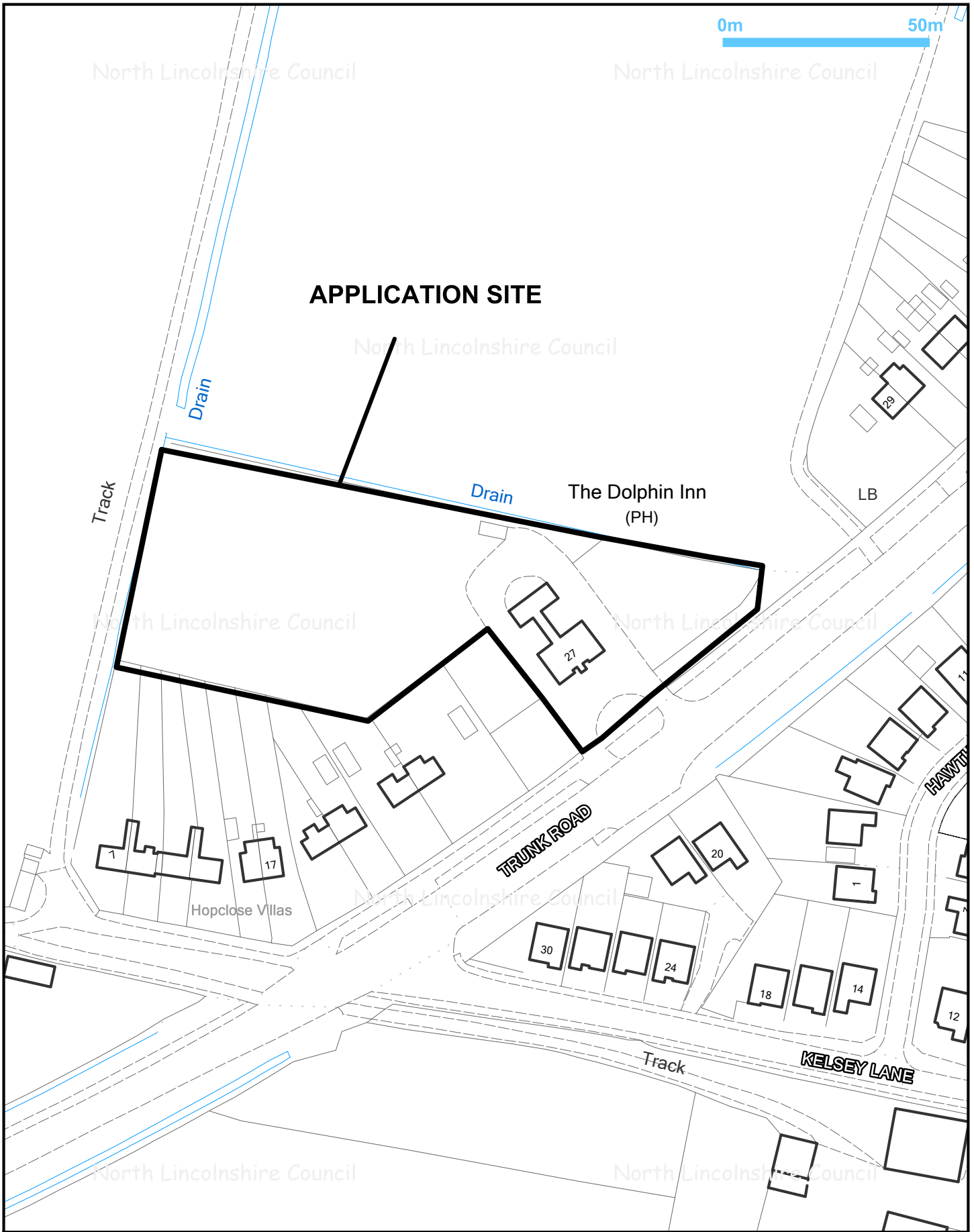
The development hereby approved shall not be brought into use until a scheme detailing the extent of the residential curtilage associated with the converted building has first been submitted to and approved in writing by the local planning authority. The scheme shall include details of the nature of boundary treatments to be used at the site and shall not, wherever it is practicable, encroach into the open countryside.



Reason

In the interests of preventing unacceptable encroachment into the open countryside and to accord with policies RD2 of the North Lincolnshire Local Plan and CS3 of the North Lincolnshire Core Strategy.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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