

APPLICATION NO	PA/2018/604
APPLICANT	Sue Rainton, Harriton Beracha Ltd
DEVELOPMENT	Planning permission for the change of use of an existing public house into three dwelling houses with associated parking
LOCATION	Nelthorpe Arms, 1 Bridge Street, Brigg
PARISH	Brigg
WARD	Brigg and Wolds
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest

POLICIES

National Planning Policy Framework: 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 56 – The Government attaches great importance to the design of the built environment. 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 – To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- 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;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 100 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local plans should be

supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local plans should apply a sequential, risk-based approach to the location of development to avoid, where possible, flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Paragraph 128 – In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 129 – Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131 – In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

North Lincolnshire Local Plan: DS1, DS11, DS14, HE2, HE5

North Lincolnshire Core Strategy: CS1, CS3, CS5, CS6, CS19, CS22

Housing and Employment Land DPD: TC-1

CONSULTATIONS

Highways: No objections.

Environment Agency: No objections and find the FRA acceptable.

Drainage: No comments received.

Archaeology: No objections subject to conditions securing a programme of historic building recording prior to and during the alteration work.

Conservation: The conservation officer considers that the scheme of adaptation is acceptable and has no objections subject to conditions controlling windows, materials and the internal staircase.

Spatial Planning: Put forward relevant policies for consideration.

TOWN COUNCIL

Support the proposal.

PUBLICITY

The application has been publicised by means of a press and site notice. A significant number of objections have been received. The concerns are summarised as follows:

- loss of the public house is detrimental to the conservation area
- people are nostalgic about the building being used as a public house
- loss of the public house will change the character of Brigg
- loss of the public house will impact upon the vitality of the town centre
- the public house is part of Brigg's history and must be retained
- the facility provides a venue for functions, live arts and music
- its loss is detrimental to the community
- loss of local employment
- many objectors believe that the public house is viable
- loss of history
- drainage concerns
- impact upon utility services

- traffic generation
- impacts upon the CAMRA as the venue hosts the Lions Club International Beer Festival.

ASSESSMENT

The site is located within the town centre of Brigg as identified by the HELA DPD. The public house is a grade 2 listed building located within the conservation area for Brigg. The site is also located within flood zone 2/3a in accordance with the North and North East Lincolnshire SFRA 2011 and is within 30 metres of the Ancholme.

The applicant seeks the change of use of the existing public house into three dwellinghouses with associated parking.

The issues relevant to the determination are:

- **the principle of the discontinuation of the public house;**
- **flooding Implications;**
- **impacts upon the historic environment;**
- **impacts upon amenity.**

Relevant planning history

- 7/1978/0802:** Change of use of land to form a sitting out area with associated landscape improvement works. Approved 7.12.1978.
- LBC/1980/0081:** Listed building consent to demolish an existing warehouse. Approved 24.02.1981.
- 7A/1984/0339:** Planning permission to use land for the extension of an existing car park. Approved 19.03.1981.
- 7A/1984/0339:** Consent to display a number of signs, including barrel above door. Approved 06.09.1984.
- LBC/1991/0554:** Listed building consent to display a wooden board depicting the tolls historically levied in the town. Approved 29.08.1991.

The principle of discontinuation of the public house (PH)

The PH is located within the limits for the town shopping district of Brigg where the relevant policy is TC-1 of the HELA DPD. The policy, however, is solely concerned with the retention of retail uses as well as other compatible uses within a town centre. Given the proposal relates to the conversion of a PH the aforementioned policy, which Spatial Planning have drawn reference to, is not considered relevant in this case. Paragraph 23 of the NPPF states that [authorities should] "...recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites."

Policy CS22 seeks to provide new and improve existing community facilities across the district. The PH can certainly be described as a community facility and its loss should be mitigated. The policy states the following:

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.

The policy therefore requires applicants to demonstrate that there is no longer a need for the PH in any form of community use **OR** there is acceptable alternative means of replacement. The applicant has submitted a planning statement which describes the measures taken to secure the PH for the long-term. These include the implementation of the CAMRA viability for pubs principles such as serving food, sponsoring/providing facilities for sports clubs, music, and upgrades/improvements to the building, as well as trialling different tenancy/lease agreements with managers. Furthermore, the applicant has put forward a list of public houses that currently exist in Brigg:

- Bridge Street – Yarbrough Hunt, White Hart, Nelthorpe Arms
- Market Place – Woolpack, Lord Nelson
- Streets off Market Place – Dying Gladiator, Black Bull, The Exchange
- Other end of town – White Horse, The Britannia.

The applicant has also submitted financial information which demonstrates that the PH has been running at a loss over the previous five years. It is therefore considered that the applicant has satisfied the aforementioned policy by demonstrating that there is no longer a need for the Nelthorpe Arms in any form of community use whilst there is an acceptable level of alternatives.

The site is previously developed and represents a conversion within the established settlement limits for Brigg and whilst there is a loss of community facility the applicant has demonstrated that there is an abundance of alternative facilities available. It is therefore considered that the discontinuation of the Nelthorpe Arms as a public house would align with the aforementioned planning policies.

Flooding

The site is located within Flood Zone 2/3a in accordance with the North and North East Lincolnshire SFRA. In line with both policy CS19 and paragraph 100 of the NPPF a flood risk assessment is required. The applicant has provided this and both the Environment Agency and the LLFA have been consulted. Only the Environment Agency has made comment stating that the FRA is appropriate in scale, nature and location of the proposed development.

Planning Practice Guidance Flood Risk Vulnerability Classification identifies both drinking establishments and residential homes as 'more vulnerable', therefore there is no increase in risk on flooding grounds over the proposed use. The applicant has (within the FRA) put forward mitigation measures such as the positioning of electrical points and provision of emergency flood kits, as well as registering for the flood warning system operated by the EA; any approval would be linked to the details provided by the FRA.

It is therefore considered that the proposal would align with the relevant policy and paragraphs and is acceptable.

Impact upon the historic environment

The Nelthorpe Arms is a grade 2 listed building as well as being located within the Brigg conservation area. The applicant has provided a detailed heritage statement, including a photographic commentary, as well as floor plans and elevations.

The conservation officer has been consulted as he considers that there is some harm to the significance of the listed building by the loss of its use as a historic community building. The officer states that should the continued use of the Nelthorpe Arms as a public house not be considered viable then the new use for residential conversion has been well designed to respect the historic fabric of the building and its architectural features and the proposed alterations can be justified to achieve the long-term sustainability of the listed building.

The physical works are not extensive and are fully justified within the heritage statement. The conservation officer recommends conditions relating to the control of windows, doors and the internal staircase. Furthermore, the council's archaeologist has stated that a recording condition should be attached to any permission. It is considered, given the aforementioned mitigation, that the proposal would align with policies HE2 and HE5 of the North Lincolnshire Local Plan and CS6 of the Core Strategy.

Impact upon amenity

Part of policy DS1 is concerned with amenity and it seeks to protect neighbouring properties from unacceptable loss of residential amenity rights. The proposal, being a conversion, does intensify the use of internal rooms. There are four existing windows on the western elevation that would serve the lounge of 'house 3' and the bedroom of 'house 2'. These would allow for an unacceptable level of overlooking into the neighbouring property. Therefore a condition will be attached to any permission to ensure that these are obscurely glazed.

All other openings do not give rise to any impacts relating to visual amenity. It is therefore considered that, subject to the aforementioned mitigation, the proposal is in accordance with policy DS1 of the North Lincolnshire Local Plan.

Highways

The proposal is located within the town centre of Brigg which represents a sustainable location in transport terms. Access to both buses and trains are only a short walk away whilst there is already a car parking infrastructure within Brigg town centre. That said, the applicant does provide parking provision within the curtilage of the property, including a visitor space. Highways have been consulted and have stated that they have no objections to the proposal.

An objector has stated that there will be an increase in vehicular movements; however, it is unlikely that three dwellings would create a greater volume of movements over that of a public house. It is therefore considered that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

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: Proposed Block Plan NA/18/02A; Floor Plans NA/18/06; Floor Plans and Elevations NA/18/07; Proposed Elevations NA/18/08; West Elevation NA/18/09.

Reason

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

3.

The proposal shall be carried out in accordance with the Flood Risk Assessment unless otherwise agreed in writing with the local planning authority.

Reason

To mitigate against any flooding issues and in accordance with policy CS19 of the North Lincolnshire Core Strategy.

4.

The openings on the western elevation shall be obscured to level 3 of the Pilkington Scale unless otherwise agreed in writing with the local planning authority.

Reason

In the interests of residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

5.

Development shall not take place until details of all replacement windows and doors are supplied on a plan at a scale of 1:20, including colour, design, openings and glazing bars where applicable. The approved details shall then be retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason

To protect the historic environment and in accordance with policies HE2 and HE5 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

6.

Development shall not commence until samples of any new facing materials are submitted to and agreed in writing with the local planning authority.

Reason

To protect the historic environment and in accordance with policies HE2 and HE5 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

7.

Development shall not commence until detailed drawings of the new staircase are submitted to and agreed in writing with the local planning authority.

Reason

To protect the historic environment and in accordance with policies HE2 and HE5 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

8.

Development shall not commence until an agreed methodology for recording the loss of historic fabric has been submitted to and agreed in writing with the local planning authority. The works shall then be subject to the proposed methodology.

Reason

To protect the historic environment and in accordance with policies HE2 and HE5 of the North Lincolnshire Local Plan and CS6 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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