

ITEM:		RECOMMENDATION: REFUSAL
REF NO:	3PL/2022/1033/F	CASE OFFICER Lisa ODonovan
LOCATION:	BAWDESWELL Church View The Street	APPNTYPE: Full
APPLICANT:	Mr J Lilwall & Mr P Jervis Church View Bawdeswell	POLICY: In Settlemnt Bndry
AGENT:	Hawkins Architecture Holly Cottage Birch Court	CONS AREA: Y
PROPOSAL:	Change of use of the public house and flat above to ancillary accommodation to the main dwelling included internal alterations demolition of internal walls and formation of staircase	
		LB GRADE: Grade II
		TPO: N

REASON FOR COMMITTEE CONSIDERATION

The application is brought to Planning Committee at the request of Chairman's Panel.

KEY ISSUES

Principle
Impact on character and appearance
Amenity impact
Heritage impact
Highway safety

DESCRIPTION OF DEVELOPMENT

The application proposes the change of use of the public house and flat above to ancillary accommodation to the main dwelling - including demolition of internal walls and the formation of staircases.

SITE AND LOCATION

The building is a Grade II listed building which lies on a corner plot inside the Bawdeswell Settlement Boundary and Conservation Area. The site is surrounded by residential dwellings with All Saints' Church lying to the north-west. There are open views of the property.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2022/0462/F and 0463/LB - Change of use of the public house and flat above to ancillary

accommodation to the main dwelling (Church View) - includes internal alterations - demolition of internal walls and formation of staircases - withdrawn

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

COM01	Design
COM03	Protection of Amenity
COM04	Community Facilities
ENV07	Designated Heritage Assets
GEN02	Promoting High Quality Design
HOU06	Principle of New Housing
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

BAWDESWELL PARISH COUNCIL

Bawdeswell Parish Council would like to record; as it has been confirmed that as it is non-viable as a business, and as sad as it is to see the loss of a village Pub, the Parish Council have no objection to the application.

NORFOLK COUNTY COUNCIL HIGHWAYS

The proposal to change the use of a public house and incorporate it into an existing dwelling will not result in any adverse highway impacts and therefore there are no highway objections to the proposal.

HISTORIC BUILDINGS CONSULTANT

No objection.

LISTED BUILDING SOCIETIES

No Comments Received

CAMRA

No Comments Received

REPRESENTATIONS

Site notice erected: 15-09-22

Consultations issued: 13-09-22

One objections received raising the following:

- the building should be retained for the use of the community as a public house
- the building has not been marketed for sale or for lease
- loss of a good village addition/hub

Two letters of support received from the previous tenant raising the following:

- Covid impacted sales and post covid sales remained restricted given the small bar space and people were used to drinking from home
- Since closing in March, all local groups now use the village hall
- The regulars were not from the village but surrounding villages
- The public house has been struggling for some time

ASSESSMENT NOTES

1.0 Background

1.1 The application is the re-submission of a previously refused scheme for the same proposal. The application is largely as per the last submission with the addition of some supporting information in respect of the financial viability.

Principle

2.1 Policy COM04 of the Breckland Local Plan (adopted 2019) states in part that:

Proposals, including change of use (outside permitted development rights), which result in the loss of local community buildings (most recently used for this purpose where the use has ceased), will not be permitted unless:

- *It can be demonstrated that there is no local need for the facility or that its continuing function is no longer viable following appropriate marketing; or*
- *An equivalent facility in terms of quality is provided to serve the same community in an accessible location.*

2.2 The pub is the only pub within the village therefore there is considered to be a local need.

2.3 The supporting text of policy COM04 goes on to say that:

Proposals which would result in the loss of a community facility must demonstrate that efforts have been made to retain the facility and that opportunities for conversion to alternative community uses have also been explored. Supporting information should typically include:

- *Marketing information such as the length of time for sale and the asking price;*
- *Details of the level of interest generated and any offers received;*
- *Consultation with, and level of interest from, the local community / service providers on a possible alternative community use;*
- *Whether there is scope for the multi-use of buildings or innovative ways of combining a range of services and facilities on one site.*

2.4 No evidence has been provided to demonstrate that any alternative uses have been explored, neither has the business been marketed or efforts been made to find a new landlord in order to retain the community facility.

2.5 It is acknowledged that the application states that Covid made the business difficult to sustain and the landlords have been subsidising it for the last two years and the size restrictions of the pub made it difficult to socially distance. However, we are now at a point where normal socialising can take place.

2.6 The financial information provided is also noted and acknowledged. However, this is projected profit and loss and it is considered that as the public house was run by the previous tenant from 2010 to March 2022 that actual figures could have been submitted to better demonstrate the actual profit and loss. We were allowed to socialise again from July 2021, therefore figures from this date to closing in March 2022 should also be submitted. Given this and the lack of attempt by way of any marketing to find alternative interest to continue the running of the public house or the unit as a community facility of any kind have been made, the requirements of Policy COM04 of the Breckland Local Plan (adopted 2019) remain unmet.

2.7 In light of the above, the proposal is not considered to meet the aims of Policy COM04 of the Breckland Local Plan (adopted 2019) and the proposal is therefore recommended for refusal.

3.0 Impact on the character and appearance of the area

3.1 Policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019) requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

3.2 The proposal involves internal alterations and the blocking up of one external door opening, therefore the impact on the character and appearance of the area will not be affected and the proposal is considered to comply with Policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019)

4.0 Amenity impact

4.1 Policy COM03 of the Breckland Local Plan (adopted 2019) seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

4.2 Given the change of use back to ancillary accommodation of the dwelling, the proposal is not considered to give rise to any adverse amenity impact issues, in accordance with Policy COM03 of the Breckland Local Plan (adopted 2019).

5.0 Heritage impact

5.1 Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular sections 66 and 72, as well as satisfying Section 16 of the National Planning Policy Framework and Policy ENV07 of the Breckland Local Plan (adopted 2019).

5.2 The Bawdeswell Conservation Area includes the historic core of the village and is characterised by an

intricate pattern of development, with narrow streets lined by predominantly traditional brick buildings, creating an enclosed character.

5.3 The significance of the listed building derives principally from its historic fabric, architectural features and prominent location.

5.4 Whilst it is acknowledged that the proposal seeks to make relatively sensitive internal alterations therefore the impact on the conservation area will be limited. Subject to the use of permeable materials, the integrity of the listed building will also be largely preserved.

5.5 Paragraph 200 of the National Planning Policy Framework states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

5.6 The proposed works are considered to result in less than substantial harm to the fabric and special interest of the building, through the removal of features, such as the Bar. It is considered that as there is insufficient justification to support of the loss of the public house, as sought by the accompanying Full application (3PL/2022/0462/F). On this basis there is also insufficient justification to support the proposed works to the Listed Building, which include the removal of the bar and the loss of the public house permanently to the village, which are not considered to be public benefits. As such, the consent to carry out the works to the listed building as set out in this application is considered to harm the special interest and significance of the listed building and this less than substantial harm is not outweighed by public benefit. It is noted that Leathes Prior state that it is not in the best interest of the building to stand empty, which is agreed. However, insufficient evidence has been provided to demonstrate that this is necessary. On this basis, the application is accordingly recommended for refusal contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy ENV07 of the Breckland Local Plan (adopted 2019), Section 16 of the NPPF.

6.0 Highway safety

6.1 Policies COM01, TR02 of the Breckland Local Plan (adopted 2019) seeks to ensure that all access and safety concerns are resolved in new developments. Policy HOU06 of the Breckland Local Plan (adopted 2019) requires sufficient parking for all new development. Paragraphs 110 and 111 of the NPPF are also relevant

6.2 Norfolk County Council Highways Team was consulted and advised that the proposal to change the use of a public house and incorporate it into an existing dwelling will not result in any adverse highway impacts and therefore there are no highway objections to the proposal. The proposal are therefore considered to accord with Policies COM01, HOU06 and TR02 of the Breckland Local Plan (adopted 2019)

7.0 Other issues

7.1 A supporting letter from Leathes Prior has been received, they conclude that:

- The applicants have demonstrated that it is not possible to operate a viable business from the premises and the Council should give great weight to the viability assessment rather than relying solely on this being demonstrated by a prolonged and unnecessary period of marketing.

- In any event the facilities at the village hall are equivalent in terms of quality and serve the same community in an accessible location thereby showing full compliance with adopted local plan policy COM 04. The application therefore accords with policy COM04 and should be approved.

- The accompanying listed building consent application has raised no objections from any source and should be approved.

- The property is an important listed building, and it is not in anyone's interest for parts of it to remain empty and unused whilst an unnecessary, time consuming and expensive marketing exercise is carried out to demonstrate the viability of the business when supporting information clarifying this has already been submitted to the Council and is uncontested.

7.2 In respect of the village hall providing an equivalent facility as referred to in the Policy, this use is not considered "equivalent". It is accepted that it is a place for local groups to meet, however it is not considered to be an equivalent facility to that of a village pub, which is open regularly without the need to be hired or run by a group or individual first.

7.3 For the reasons outlined in the Officer report and Listed Building application assessment, the proposal is not considered to have due regard to Policy COM04 of the Local Plan and the works to the listed building is therefore not justified.

8.0 Conclusion

8.1 In light of the above assessment, the principle of the development is not considered acceptable having due regard to Policy COM04 of the Breckland Local Plan (adopted 2019) and is therefore recommended for refusal.

RECOMMENDATION

The application is recommended for refusal.

REASON(S) FOR REFUSAL

1 Non compliant with COM04 - Loss of community facility

The proposal would result in the loss of a local community facility, to the detriment of the function and well-being of the local community.

The submitted supporting evidence is not considered to have demonstrated satisfactorily that the public house is not needed to meet a local need; that it is no longer viable; or there is an alternative provider or equivalent facility available in the village. Accordingly the proposal is contrary to Policy COM04 of the Breckland Local Plan (adopted 2019).