

APPLICATION NO	PA/2017/1017
APPLICANT	The Co-operative Group
DEVELOPMENT	Planning permission for change of use from use class A4 to use class A1 with extension, external alterations and works to car park area, including some demolition works
LOCATION	Royal Oak Inn, High Street, Barrow upon Humber, DN19 7DB
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Peter Clark and Richard Hannigan – significant public interest) Significant public interest Third party request to address the committee

POLICIES

National Planning Policy Framework (NPPF): Paragraph 14 sets out that there is a presumption in favour of sustainable development which lies at the heart of the NPPF.

Paragraph 15 states that at the heart of the National Planning Policy Framework 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 17 sets out the 12 core planning principles that should underpin plan-making and decision-taking.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that to promote a strong rural economy plans should support the sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings and well-designed new buildings and to promote the retention and development of local services and community facilities in villages.

Paragraph 32 states that all developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 56 states that 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 58 – planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 128 states that 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 specifies that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Planning policies and decisions should therefore address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 131 states that 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.

Paragraph 132 states that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

North Lincolnshire Local Plan:

DS1 (General Requirements)

DS11 (Polluting Activities)

C3 (Planning for Accessibility)

C2 (Community Facilities in Minimum Growth Settlements and Rural Hamlets and Villages in the Open Countryside)

T1 (Location of Development)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

LC12 (Protection of Trees, Woodland and Hedgerows)

HE2 (Development in Conservation Areas)

HE3 (Demolition in Conservation Areas)
HE5 (Development Affecting Listed Buildings)
HE8 (Ancient Monuments)
HE9 (Archaeological Excavation).

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)
CS2 (Delivering More Sustainable Development)
CS3 (Development Limits)
CS5 (Delivering Quality Design in North Lincolnshire)
CS6 (Historic Environment)
CS14 (Retail Development)
CS17 (Biodiversity)
CS19 (Flood Risk)
CS22 (Community Facilities and Services)

Housing and Employment Land Allocations Development Plan Document (DPD)

Planning Practice Guidance

Supplementary Planning Guidance: Barrow upon Humber Conservation Area Appraisal and Barrow upon Humber Supplementary Planning Guidance

CONSULTATIONS

Highways: The evidence provided within the Transport Statement does demonstrate that the level of on-street parking is sufficient in planning terms. Highways agrees with the comments made about pedestrians not easily being seen by vehicles exiting the site. The nature of the store, as demonstrated within the supporting documentation, is such that there is a much larger turnover of traffic using the access, which in turn increases the risk of conflict. Highways are concerned in relation to the proposed method of servicing the site. It is accepted that if there will be servicing from the road there would be less of an immediate danger than attempting to manoeuvre vehicles from High Street. However, Highways do not consider that the proposed solution is an acceptable way of servicing a store. The vehicles will be parked on the street opposite a junction. It will be necessary to hold stock along with empty cages on the footway/carriageway which will create unwanted and potentially unsafe obstructions. Refusal is recommended.

Archaeology: No objection subject to conditions.

Ecology: This application should not be determined, except for a refusal, until a bat and nesting bird survey has been carried out and we have considered the findings. Whilst the

outbuilding is no longer to be demolished, the submitted documents suggest that a survey will be required for the large extensions that are to be demolished.

Environmental Protection: The proposed development is close to residential dwellings. The submitted noise assessment is considered to be inadequate as insufficient information has been submitted to fully assess the impact of the development on nearby residents.

Heritage Officer: No objection subject to conditions.

Historic England: In our view, there is an element of harm to the historic fenestration of the Royal Oak by way of the loss of the right-hand window, and its replacement with a modern shop entrance. This is indeed unfortunate and regrettable, as the new shop entrance is particularly at odds with the architectural design and character of this key building, and somewhat weakens the positive contribution that it makes to the character and appearance of the conservation area, and setting of the scheduled monument. A more sympathetic solution in terms of design, materials, glazing style and detailing might mitigate the impact to some extent, although it has to be said that the creation of a new entrance is not at all ideal, and we would recommend that guidance on this matter is sought from conservation staff. As previously advised, significance can be harmed or lost through development within a heritage asset's setting and any harm or loss to significance 'should require clear and convincing justification' (paragraph 132, NPPF, and in guidance, including GPA3 The Setting of Heritage Assets (published by Historic England on behalf of the Historic Environment Forum, March 2015). Your authority should therefore aim to achieve the objective of sustainable development which in this context means guiding development towards a solution that achieves economic, social and environmental gains jointly and simultaneously (paragraph 8, NPPF). In this case the potential impact on the setting of designated heritage assets must be carefully considered. Historic England has concerns regarding the application on heritage grounds as outlined above. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 131, 132 and 134 of the NPPF. In determining this application it should be borne in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

PARISH COUNCIL

Object. The development is inappropriate for the conservation area. Part of the development falls within the conservation area and the rest borders it. Non-traditional materials are being used which are not in keeping with the style of the area. There is currently insufficient parking and this development will only exacerbate this which will cause traffic problems. The increase in traffic to the development will cause issues with congestion. HGV traffic will cause difficulties with traffic flow and could be potentially dangerous. NLC currently reviewing traffic issues in Barrow. A recent traffic review was also undertaken in the afternoon rather than the morning when the area is at its busiest. The hours of business extend beyond that of any other businesses in the town. The economic impact on small businesses within the town is likely to be significant. There have been numerous complaints from residents regarding the development. For this reason the parish council requests that the application be called in for consideration at committee level. The development constitutes a loss of green space in the beer garden area.

Concerns that deliveries to the front of the building could prove dangerous, especially with children at school times/buses and with commuter traffic which already circle and make U turns. This is a thriving local business with new restaurant trade. Loss of residential unit within the building. Speculation that the only public house in the village could close if no new tenant is found at the end of 2017. The property is listed as an Asset of Community Value.

Environment Agency: No objection.

PUBLICITY

Advertised by site and press notice.

One hundred letters of objection have been received and seven letters of support.

A petition submitted under PA/2016/834 has been resubmitted containing 231 signatures objecting to the application.

In addition, a letter has been received stating that local businesses in Barrow joined together and delivered leaflets to households all over Barrow upon Humber and Barrow Haven to find out residents' views of the Co-Operative Group taking over the Royal Oak. Twenty-five residents were in favour, 217 were against another store competing with existing shops and services, 30 were in support and 268 felt another shop was not required. Eight residents were in favour.

The letters of objection raise the following issues:

- there is no need for another shop in Barrow
- loss of a public house
- the proposal is out of character with buildings in the vicinity
- loss of business
- additional traffic, including large trucks
- loss of jobs
- loss of a family home
- loss of on-street parking due to deliveries
- increased risk of accidents, especially as site is close to the bus stop
- harmful visual impact on adjoining buildings
- the proposal is out of character with the conservation area
- increased noise and pollution
- the noise assessment has not assessed noise correctly

- increased congestion and on-street car parking
- new retail entrance proposed
- the proposed replacement aluminium-framed windows are not in keeping with the conservation area
- the roof tiles should be clay
- lack of car parking
- the site is located close to a watercourse (Midby Drain)
- loss of trees
- no tree survey has been submitted
- loss of wildlife
- removal of the beer garden as an adverse impact on the conservation area
- the outbuilding could be used as a museum to John Harrison
- loss of car park for community events
- adverse impact on the Schedule Ancient Monument (Market Cross)
- adverse impact on the listed building
- there is no need to change the front façade of the building
- the Royal Oak is of townscape merit
- disturbance from deliveries
- pollution from delivery vehicles
- Thornton Street is an unsuitable route for HGVs
- loss of a building and garden which is used for community events and by all sections of the community
- there are no details of external lighting – light pollution could be caused
- loss of privacy
- there are no cycle spaces
- the Co-op are leasing the building and may leave the premises
- contrary to policies within the Core Strategy, North Lincolnshire Local Plan and the Conservation Area Appraisal

- loss of greenspace
- signage not shown
- flood risk area and the area has flooded previously
- increased litter
- cash machine proposed but not shown on the plans
- the application is inaccurate
- the Royal Oak has improved – it now operates a meal service
- existing and proposed uses are different
- lack of trial trenching
- congestion
- if the lease ends there is no guarantee the building will be returned to its previous design
- lack of pedestrian visibility
- loss of the other public house in Barrow.

The letters of support raise the following issues:

- more choice
- the shop would serve the whole village
- employment opportunities
- the building and the Market Place would be improved
- other social/meeting places in the village
- increased vibrancy of the village
- deliveries will be minimal
- the design of the building is in keeping with the building and the village
- increased competition.

ASSESSMENT

This application is a resubmission of PA/2016/834 which was refused on highway, archaeological and noise grounds at planning committee on 11 January 2017. A copy of this report (PA/2016/834) is reproduced in an appendix at the back of this report. The

applicant has decided to resubmit the application in an attempt to overcome the reasons for refusal.

The proposal contains several elements. The first element is to change the use of the building from a public house (A4) to a retail shop (Co-op) (A1). The building has been designated as an Asset of Community Value (ACV) and therefore planning permission is required for the change of use. On the front elevation it is proposed to remove one window at ground-floor level to provide a retail entrance with double doors. The building will be extended to the rear with a single-storey extension with some of the existing extensions to the building being demolished to facilitate the proposed extension. The existing outbuilding on the site frontage will be retained. The existing car park will be reconfigured to provide 13 car parking spaces with the existing beer garden incorporated into the proposed car park. Conifer trees and hedges/bushes on the site will be removed to facilitate the extension and the car park. Internally the building will be stripped out at ground and first floor in order to provide the retail accommodation required.

The site is located within the development boundary of Barrow upon Humber. The building is located within the Barrow conservation area that is also covered by an Article 4 Direction. The building and the adjacent outbuilding have been identified as being of Townscape Merit and have also been designated as an Asset of Community Value (ACV). The building is located close to the Market Cross which is a listed building and a Schedule Ancient Monument (SAM). The Market Cross is sited within the Market Place which has been identified as an Important Public Open Space in the Conservation Area Appraisal. The site is located within the core of the settlement where archaeological remains of Roman, Saxon and medieval date may be anticipated. The building and outbuilding are located on one of the medieval burgrave plots on the west side of the High Street with both buildings having potential archaeological interest in their structure and fabric. The site is located primarily in Flood Zone 1 with a very small area of the Royal Oak, most of the outbuilding and part of the access located in Flood Zone 2/3a.

The main issues associated with this proposal are whether it is acceptable in principle, the significance of the building being designated an Asset of Community Value, the impact the proposal would have on the highway, the impact the alterations and extensions would have on the building itself, the impact on the conservation area, and on adjacent listed buildings and the scheduled ancient monument, impact on any potential archaeology, impact on ecology, impact on the trees, flood risk and impact on residents.

The principle of the development

The site is located within the development boundary of Barrow upon Humber and the building is currently being operated as a public house. It is located on the High Street, close to other shops and another public house. The proposal involves the change of use from a public house to a retail store, with a rear extension, associated internal and external alterations, and the existing beer garden incorporated into the car park. In principle the proposal will provide a new community facility for Barrow. This is supported through policies CS1 and CS2 of the Core Strategy as the proposal will enhance local services to meet local needs and the site is considered to be a sustainable form of development.

Policy CS14 of the Core Strategy supports local centres to fulfil their role in providing day-to-day shopping facilities for local communities in both urban and rural areas; the retention and enhancement of local centres and corner shops will be supported. This policy seeks to

ensure that the scale and type of development reflects the centre's existing and proposed function and its capacity for new development. A balanced range of facilities and uses are encouraged within district and local centres in keeping with their size and function to meet the everyday needs of the local population. Local shops located within smaller settlements, particularly in rural areas, will be protected where they are important to the day-to-day needs of people. Shopping facilities are accessible by a range of means including by car, walking, cycling and public transport. New developments are of an appropriately high quality design, particularly in the town centre. In this case, in broad planning terms the proposal does accord with this policy as a new retail shop will meet the day-to-day needs of residents in Barrow, the site is located in a sustainable location and an existing building is to be used and extended to facilitate the development. The proposal therefore accords with policy CS14 of the Core Strategy and is supported within the NPPF.

Policy CS22 of the Core Strategy states that good quality services and facilities will be provided to meet the needs of local communities which are accessible by public transport, cycling or on foot. This policy states that the provision of new facilities should be focused in residential areas where there is no adverse impact on the amenities of neighbouring properties and the provision of services and facilities will be of a scale appropriate to the type and size of the settlement. The site is within walking and cycling distance of residential properties in Barrow and is located on a bus route. An existing building will be utilised with an extension added to the rear. The location is considered to be sustainable and compatible with the size and function of the settlement and therefore accords with policy CS22 of the Core Strategy and advice given in the NPPF.

Policy C2 of the North Lincolnshire Local Plan seeks to protect the loss of key village services. In this case there would be a change from an A4 use to an A1 use. Both these uses are considered to be community facilities. As a result there would not a loss of a key village service but a change. The proposal therefore accords with policy C2 of the North Lincolnshire Local Plan.

To conclude, in terms of the principle of the development, it is considered to be acceptable in terms of paragraphs 14, 15, 19 and 28 of the NPPF, policies CS1, CS2, CS3, CS14 and CS22 of the Core Strategy, and policy C2 of the North Lincolnshire Local Plan.

Asset of Community Value

The Royal Oak Public House and the outbuilding have been nominated and designated as an Asset of Community Value under the Localism Act 2011. This results in the change of use requiring planning permission. As a result the loss of the public house needs to be addressed. The applicant has submitted no details of the viability of the Royal Oak and has merely stated that the owners have concluded that the pub is no longer viable in its current form. It is noted that some of the letters of representation considered that trade had increased at the pub due to a meal service being provided. There is another public house in Barrow (The Six Bells Inn) located on Lords Lane within the centre of Barrow. Letters of representation suggest this pub could be lost as the lease is for sale shortly. However, at the present time The Six Bells Inn is still in operation. The proposed A1 retail use is also a community use. As a result there is no loss of a community asset but a change of the type of community asset. An A1 retail use, in this case the Co-op, would meet the day-to-day needs of residents and therefore it is contended that there will be no loss of a community asset in this case.

Highway impact

The existing access to the site will be utilised to facilitate the retail use. Part of the existing car park will be retained and the existing beer garden incorporated into the car park. Car parking is proposed to the southern and western sides of the site. Thirteen car parking spaces, including two disabled spaces, will be provided within the site to serve the retail use. The comments made by Highways are noted. There are already high levels of on-street parking on the High Street and in the vicinity of the application site. The outbuilding is of townscape merit and needs to be retained. However, this does result in pedestrian visibility being restricted. Delivery vehicles will only be able to service the site by parking on the High Street, which already has high levels of on-street car parking. Servicing will take place opposite a junction and adjacent to a bus stop which increases hazards to all highway users. The council also considers that it will be necessary to hold stock along with empty cages on the footway/carriageway which will create unwanted and potentially unsafe obstructions to pedestrians and vehicle users. It is accepted that delivery vehicles already access the public house, but the public house has a larger site area and more car parking available. The public house will have far fewer deliveries than the proposed retail use. As a result it is considered that the proposal will have an adverse impact on highway and pedestrian safety. The proposal is therefore contrary to policies T2 and T19 of the North Lincolnshire Local Plan.

Impact on the Royal Oak and outbuilding, the conservation area, the adjacent listed buildings and Schedule Ancient Monument

The Royal Oak and outbuilding are located in the conservation area and have both been identified as a building of townscape merit. The plans show the outbuilding to be retained, an extension to the rear with a mono-pitched roof and an enclosed rear service yard. On the front elevation a window will be replaced with the retail entrance doors. On the drawing these doors do look rather bland in relation to the rest of the front façade but the final details of these doors drawn to a larger scale, including joinery details and a material specification, can be controlled by a planning condition. The council would not accept aluminium doors on this elevation; timber entrance doors would be required in a traditional timber shop-front style in order to preserve the character and appearance of this building and the conservation area. Facing and roofing materials can also be controlled by planning conditions.

The outbuilding is to be retained which protects the character of the conservation area with its rigid sense of enclosure and, due to its position on the site frontage, reduces the visual appearance of the large expanse of car park within the street scene. The Royal Oak is to be extended to the rear, but this extension will uniform the design of the building which has had many extensions in the past of differing designs and the front façade will largely be retained in situ. In terms of the adjacent listed buildings and the Schedule Ancient Monument, including the Market Cross, as the outbuilding and the front façade of the building are to be retained, there will be no adverse impact on the setting of the adjacent listed buildings.

The comments made by Historic England are noted. The council's Heritage Officer has no objection to the amended proposal in conservation terms. A balance must be struck between the conservation of the building and the alterations proposed to facilitate its change of use. The only alteration on the front façade is the loss of a window at ground floor to provide a ground floor entrance. A suitable entrance for the shop is required and needs to be accessible by all members of the community. The optimum location is on the front elevation as an entrance on the side elevation would result in conflict between pedestrians and vehicles accessing the site. This alteration will facilitate a retail use that is

located in a sustainable location and will serve the day-to-day needs of the community of Barrow. The details and materials of the proposed entrance doors can be carefully controlled by planning conditions in order for a traditional shop frontage to be provided in order for the character of the building and the conservation area to be retained. On balance, the alterations to the front façade are considered acceptable in light of the significant sustainability, and social and economic benefits of the development to Barrow.

The impact on the conservation area, the setting of the adjacent listed buildings and the Scheduled Ancient Monument is considered to be acceptable, subject to planning conditions, and accords with advice given in the NPPF, policies CS5 and CS6 of the Core Strategy and policies HE2 and HE5 of the North Lincolnshire Local Plan.

Impact on archaeology

In terms of archaeology, the site is located within the core of the historic settlement where archaeological remains of Roman, Saxon and medieval date may be anticipated. The Royal Oak is an 18th century building that may contain features of historic significance, as may the adjacent outbuilding. The applicant has submitted a thorough and informative heritage assessment in accordance with paragraph 128 of the NPPF and local plan policy. The council's archaeologist has agreed a written scheme of investigation for archaeological excavations in advance of construction groundwork and further recording as appropriate. A programme of monitoring and recording is proposed during the stripping out works to record the Royal Oak's history and origins. The council's archaeologist has raised no objections to the proposal subject to conditions. In terms of archaeology, the proposal is considered to be acceptable and accords with guidance in the NPPF, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

Impact on ecology

In terms of ecology, the council's ecologist has been consulted on the scheme. They have requested that a bat and bird survey be carried out on the extensions to the rear that will be demolished. There is potential for a bat roost in the extensions that are to be demolished due to various features within and around the building. This survey was not submitted with the application and therefore the proposal is contrary to policy CS17 of the Core Strategy.

Impact on trees

In terms of the trees on the site, these will be removed to facilitate the extension and car parking. The trees mainly comprise conifers and are of limited amenity value. They cannot be retained on the site as they are located where the extension and car parking are to be provided. In terms of policy LC12 of the North Lincolnshire Local Plan, the loss of the trees on the site is considered to be acceptable.

Flood risk

In terms of flood risk, the majority of the site is located in flood zone 1. This includes the area where the extension is proposed. The outbuilding, part of the access and a small part of the front of the Royal Oak is located in flood zone 2/3a. The outbuilding is to be retained in situ. The proposal is for a shop which is considered to be a 'less vulnerable' use in terms of flood risk. As a result, in view of the majority of the site where development is occurring being located in Flood Zone 1, and the sequential and exceptions tests set out in the NPPF not being required for this type of development, the proposal is considered to be

acceptable in terms of flood risk and accords with advice given in the NPPF and policy CS19 of the Core Strategy.

Impact on residential amenity

The proposed development is close to residential dwellings. The development has the potential to result in noise and disturbance to neighbours from additional vehicles accessing the site. A noise assessment has been submitted with the application. The submitted noise assessment is considered to be inadequate by Environmental Health as it does not accurately assess noise levels for the proposed use and there is no justification for noise levels submitted. It is considered that the impact on neighbours in terms of noise and disturbance cannot be assessed without a more accurate and justified noise assessment. The proposal is therefore contrary to policy DS11 of the North Lincolnshire Local Plan.

In terms of the impact of the proposed extension and alterations to the Royal Oak, the proposed extension is to the rear of the building and is single-storey. Whilst the extension and associated alterations will be visible from some residential properties, no demonstrable harm will be caused to residential amenity due to the siting and design of the extension and the distance it is from residential properties. This aspect of the proposal accords with policies CS5 the Core Strategy and DS1 of the North Lincolnshire Local Plan.

The concerns in relation to light pollution are noted. However, no external lighting is shown on the submitted plans and any external lighting to be installed in the car park will require a planning application which neighbours would be able to comment on.

Other issues

The letters of representation have raised a number of other issues. The issue of another new retail unit not being required and potentially leading to the loss of other shops in Barrow is noted, but the planning system cannot be used to control competition. The loss of the residential unit above the public house is noted, but planning permission cannot be refused on the loss of a residential unit, particularly when the development proposed has wider sustainable, economic and social benefits for Barrow. The drainage issues for the site can be dealt with by planning conditions. The concern about the potential use of the land to the rear of the application site is noted, but the application must be determined on the basis of the details submitted to the council. This is also the case with regard to the letters received requesting that the Royal Oak be used for alternative uses as the council can only determine the planning applications that are submitted. The issue of the signage of the public house would require advertisement consent. The installation of a cash machine on the building would also require planning permission and advertisement consent. Issues raised in the accuracy of the application are noted, but the application contains all the details necessary to validate the application. The loss of the building and car park and garden for community events is noted, but this is not material to the application. The provision of cycle parking within the site could be controlled by planning conditions.

RECOMMENDATION Refuse permission for the following reasons:

1.

The site has inadequate pedestrian visibility and cannot be adequately serviced by delivery vehicles. Delivery vehicles would have to service the site from the High Street adjacent to a

junction which would create an unsafe situation on the High Street for all highway users in an area which already suffers from high levels of on-street car parking. The proposal is therefore contrary to policies T2 and T19 of the North Lincolnshire Local Plan.

2.

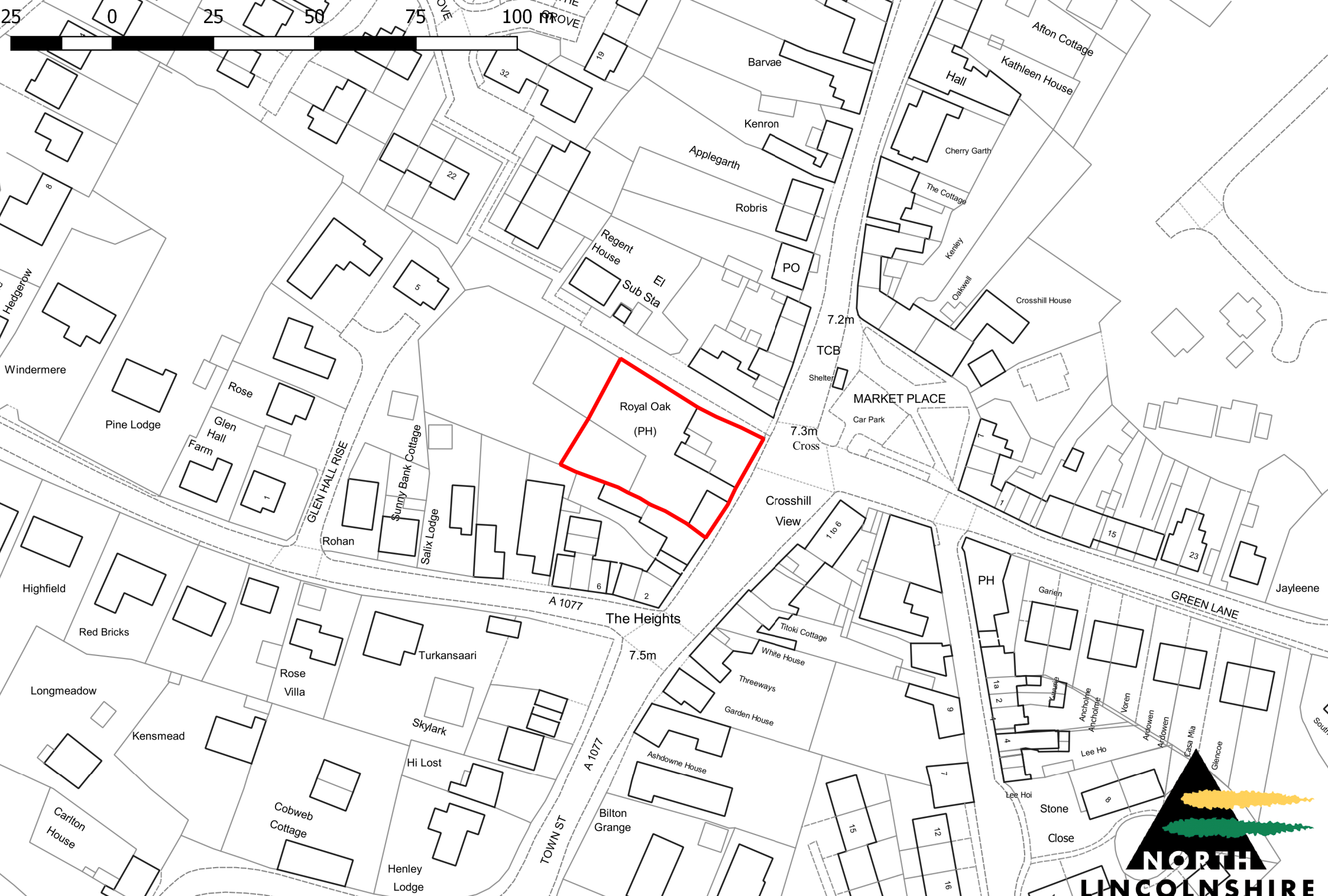
The site is located within the development boundary of Barrow-upon-Humber adjacent to residential properties. The development has the potential to result in increased noise and disturbance to neighbours by virtue of additional vehicles accessing the site. The noise assessment that has been submitted with the application is considered to be inadequate as the impact that the proposed development would have on adjacent residential properties in terms of noise cannot be accurately assessed. The proposal is therefore contrary to policies DS1 and DS11 of the North Lincolnshire Local Plan.

3.

The proposed extensions that are to be demolished have the potential to contain a bat roost due to their internal and external features and their surroundings. No bat and bird survey has been submitted with the application. In the absence of this survey, the proposal could have a detrimental impact on any bats and birds roosting inside the building. The proposal is therefore contrary to advice in the National Planning Policy Framework and policy CS17 of the North Lincolnshire Core Strategy.

Informative

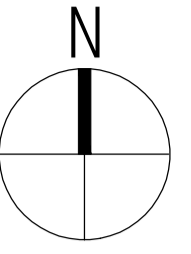
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



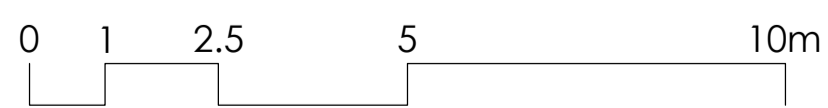
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PA/2017/1017 Proposed Site Plan Not To Scale



A - 12.09.16 - AMENDED FOLLOWING CLIENT COMMENTS
Revision:

Client
THE CO-OPERATIVE ESTATES

Drawing title
STAGE 2B - PROPOSED SITE PLAN

Project
**ROYAL OAK, HIGH STREET,
BARROW-UPON-HUMBER, DN19 7DB**

Scale
1:100@A1

Drawn
BP

Checked
PJH

Date
25/04/2016

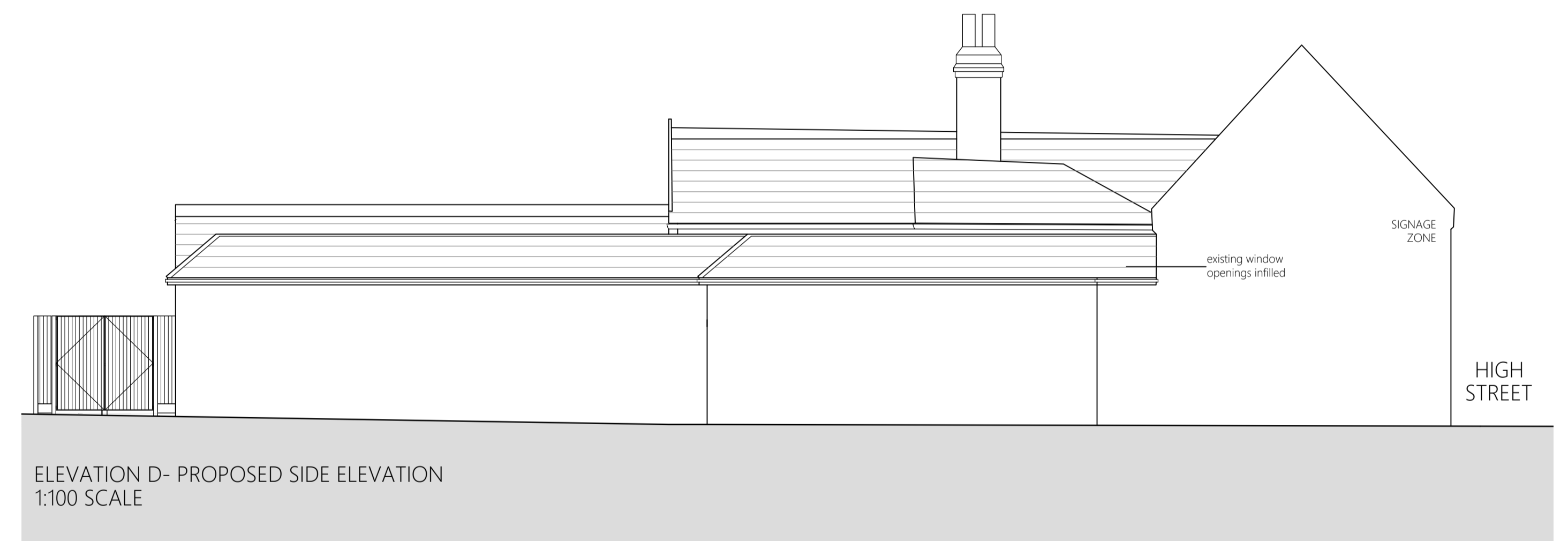
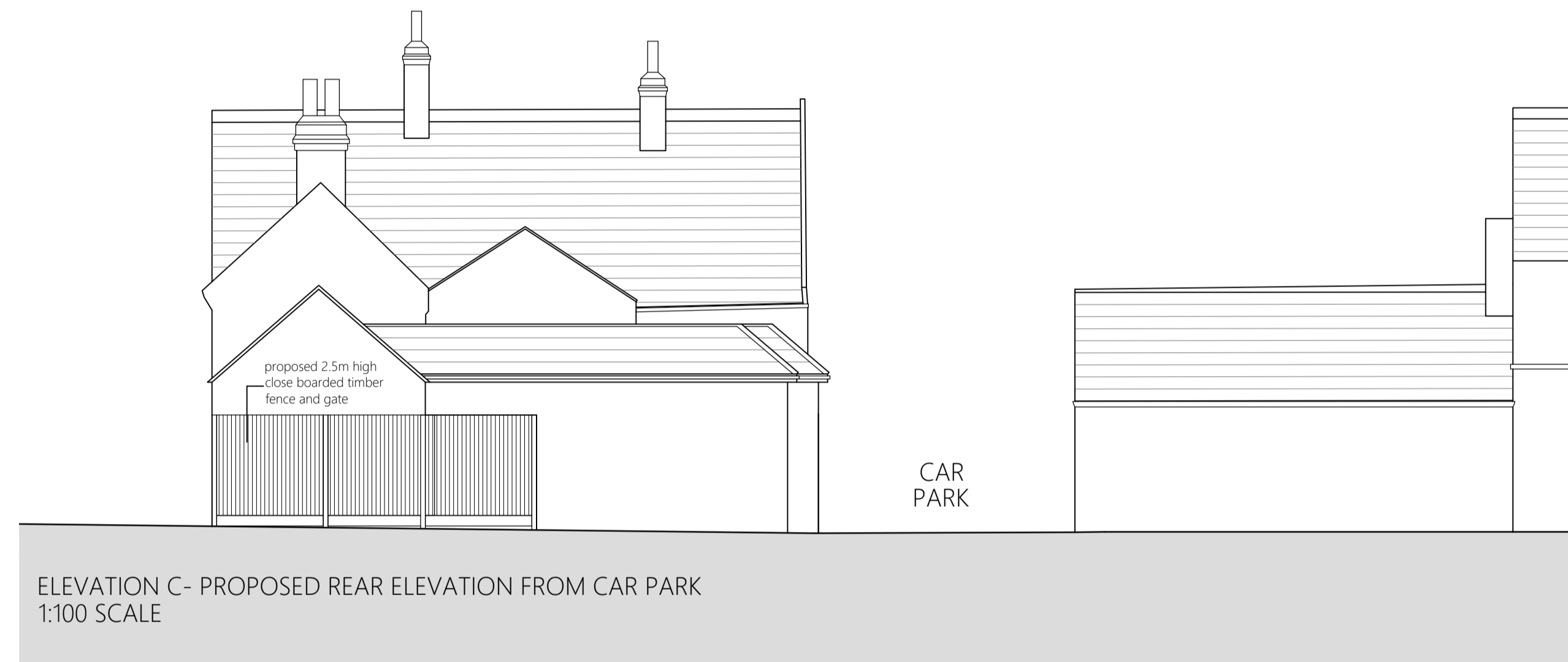
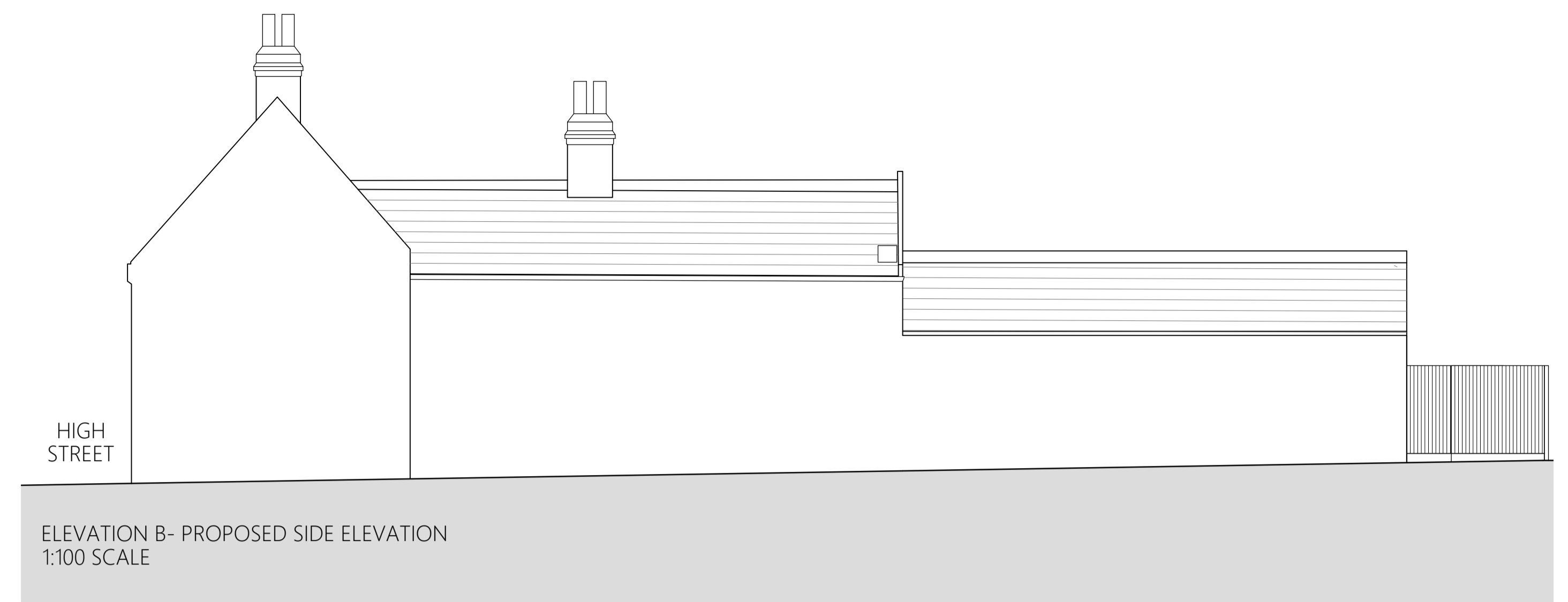
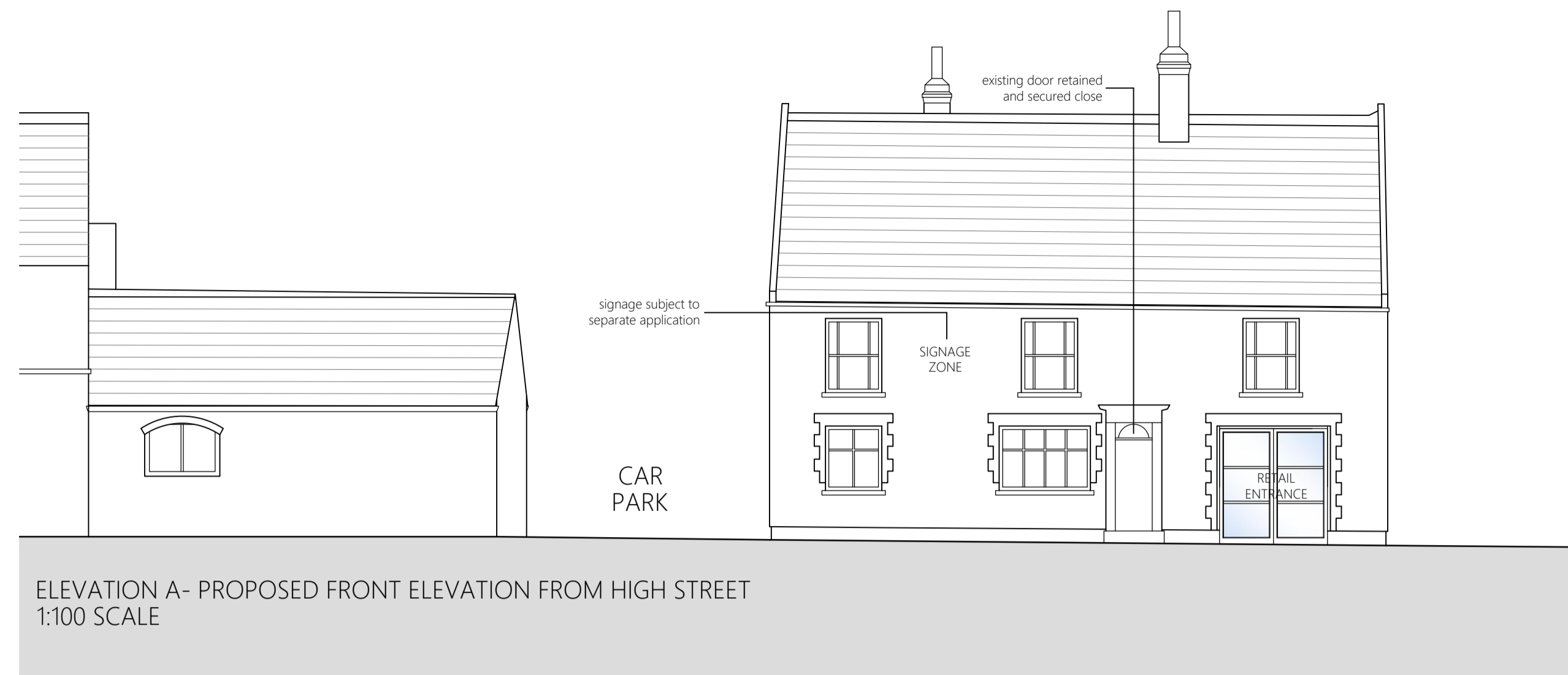
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architecture

Drawing number
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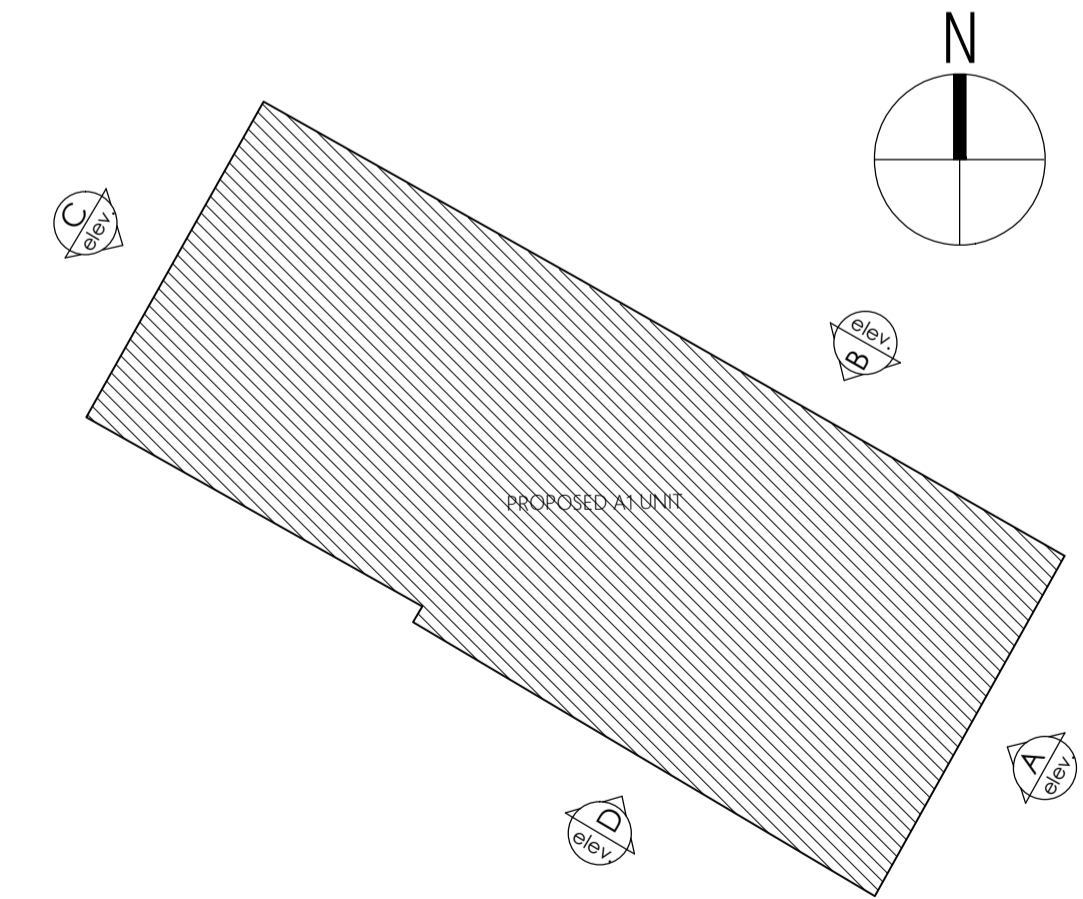
Revision
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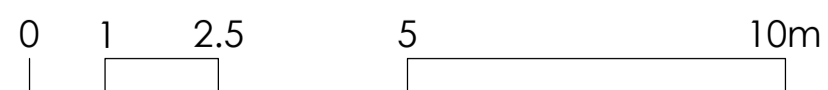
archersstevenage | suiteB4 | first floor | mindenhall court |
high street | stevenage | SG13UN | t: 01438 365 968
archersmanchester | citibase | 5th floor | 40 princess street |
manchester | M1 6DE | t: 0161 228 6020
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PA/2017/1017 Proposed Elevations Not To Scale



ELEVATION KEY - NTS



MATERIALS SCHEDULE -

WALLS -	THRU COLOUR RENDER TO MATCH EXISTING
ROOF -	LIGHT GREY FLAT ROOF MEMBRANE TILES TO MATCH EXISTING
WINDOWS / DOORS -	GREY (RAL 7043) ALUMINUM WITH CLEAR GLAZING
RAINWATER GOODS -	BLACK UPVC TO MATCH EXISTING



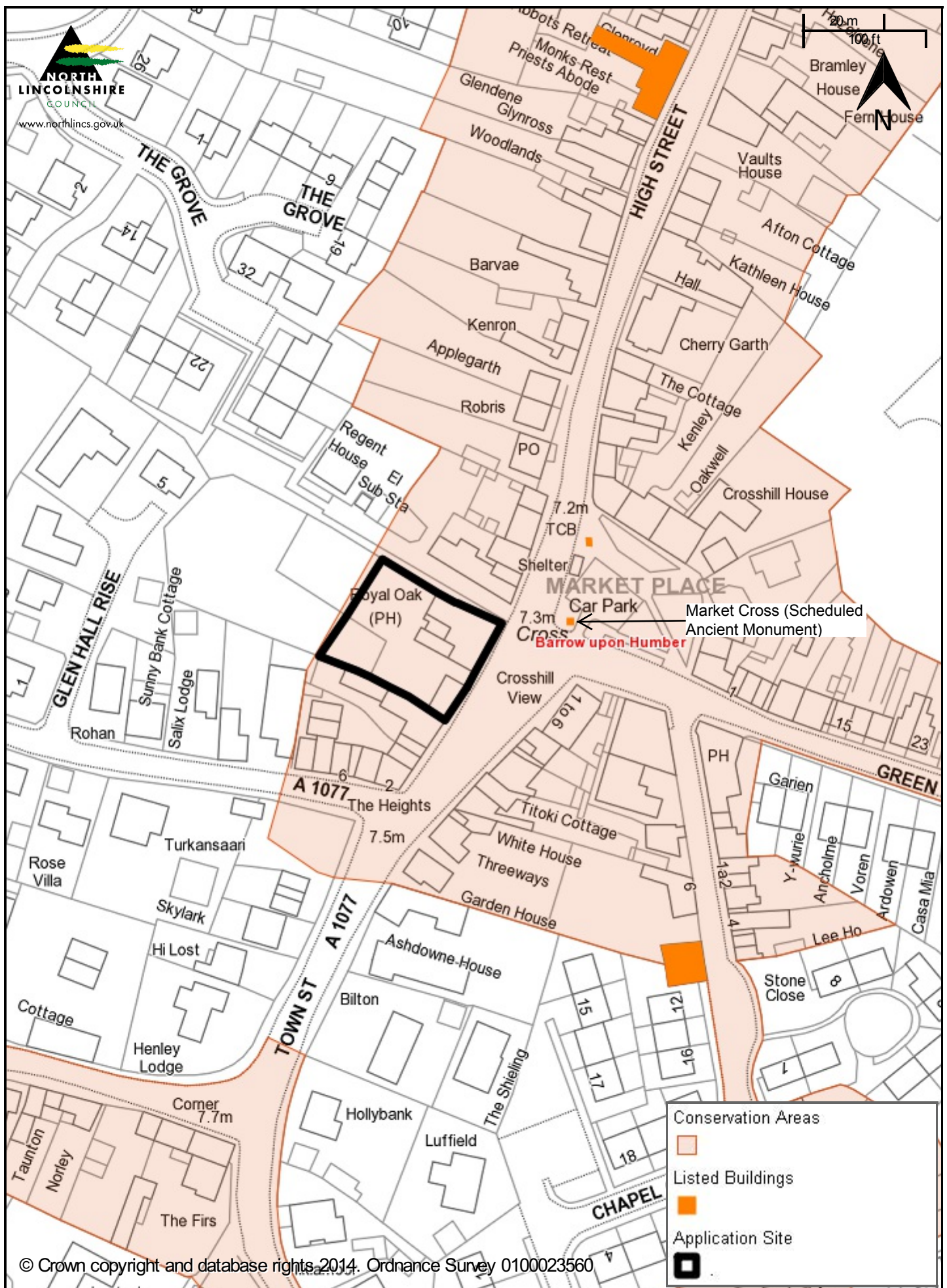
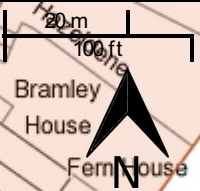
8 - 29.09.16 - AMENDED FOLLOWING PLANNING CONSULTANT COMMENTS
 A - 12.09.16 - AMENDED FOLLOWING CLIENT COMMENTS
 Revision:

Client	THE CO-OPERATIVE ESTATES	Drawing title	STAGE 2B - PROPOSED BUILDING ELEVATIONS
Project	ROYAL OAK, HIGH STREET, BARROW-UPON-HUMBER, DN19 7DB	Scale	1:100@A1
By	PJH	Date	25/04/2016
App		Drawing number	5611(P)203

Drawn	BP	Checked	PJH
Issuing Discipline	architecture	Revision	B



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 archersmanchester | citibase | 5th floor | 40 princess street | manchester | M1 6DE | t: 0161 228 6020
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Market Cross (Scheduled Ancient Monument)

- Conservation Areas**
 Conservation Areas
 Listed Buildings
 Application Site

APPLICATION NO	PA/2016/834
APPLICANT	The Co-operative Group
DEVELOPMENT	Planning permission for change of use from use class A4 to use class A1 with extension, external alterations and works to car park area, including demolition of outbuilding in conservation area
LOCATION	Royal Oak Inn, High Street, Barrow upon Humber, DN19 7DB
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Peter Clark and Richard Hannigan – significant public interest) Significant public interest

POLICIES

National Planning Policy Framework (NPPF): Paragraph 14 sets out that there is a presumption in favour of sustainable development which lies at the heart of the NPPF.

Paragraph 15 states that at the heart of the National Planning Policy Framework 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 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that to promote a strong rural economy plans should support the sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings and well-designed new buildings and to promote the retention and development of local services and community facilities in villages.

Paragraph 32 states that all developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or

refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 56 states that 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 58 – planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 128 states that 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 specifies that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Planning policies and decisions should therefore address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 131 states that 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.

Paragraph 132 states that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

North Lincolnshire Local Plan:

DS1 (General Requirements)

DS11 (Polluting Activities)

C3 (Planning for Accessibility)

C2 (Community Facilities in Minimum Growth Settlements and Rural Hamlets and Villages in the Open Countryside)

T1 (Location of Development)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

LC12 (Protection of Trees, Woodland and Hedgerows)

HE2 (Development in Conservation Areas)

HE3 (Demolition in Conservation Areas)

HE5 (Development Affecting Listed Buildings)

HE8 (Ancient Monuments)

HE9 (Archaeological Excavation).

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (Historic Environment)

CS14 (Retail Development)

CS17 (Biodiversity)

CS19 (Flood Risk)

CS22 (Community Facilities and Services)

Housing and Employment Land Allocations Development Plan Document (DPD)

Supplementary Planning Guidance: Barrow upon Humber Conservation Area Appraisal and Barrow upon Humber Supplementary Planning Guidance

CONSULTATIONS

Highways: The proposed level of parking would seem slightly low for this use. What are the proposed servicing arrangements for the site? Swept paths need to be provided to demonstrate how service vehicles can access the service yard. Cycle parking needs to be provided. The most likely way in which service vehicles will access the site is by reversing in. This is not considered to be an acceptable solution in this location. The application form states that there is to be no amendment to the access. This may be inaccurate. It is likely that existing street furniture may need to be relocated to accommodate safe movement of vehicles.

In response to the amended plans, Highways consider that there would be an issue with pedestrian visibility with the retention of the outbuilding. Whilst it is appreciated that the car park already exists, the proposal would represent an intensification of use and the lack of pedestrian visibility is a concern. Also, the available on-site parking facility is rather limited and a situation is envisaged where people using the store would park (possibly inappropriately) on the High Street. Similarly there are concerns that the store could not be adequately serviced: vehicles would either be required to park on the street or attempt to perform a difficult reversing manoeuvre that would create an unacceptable and potentially unsafe situation on High Street. With the above points in mind, Highways have no option but to advise that permission be refused.

Conservation: The application does not preserve or enhance the character of the Barrow conservation area or the setting of the adjacent listed building and scheduled ancient monument.

In response to the amended plans, the amended scheme has incorporated the recommended design alterations and is acceptable for the Barrow conservation area.

Archaeology: The application site is situated within the Barrow conservation area, on the edge of the historic market place opposite the remains of the medieval village cross (a designated listed building and scheduled monument). The site is within the core of the historic settlement where archaeological remains of Roman, Saxon and medieval date may be anticipated. The Royal Oak is an 18th century building that may contain features of historic significance, as may the adjacent outbuilding. The applicant has not consulted the Historic Environment Record (HER) during preparation of the application contrary to the requirements of paragraph 128 of NPPF. The submitted heritage statement is inadequate as there is insufficient assessment of the significance of the heritage assets of archaeological interest in relation to the application site and the buildings and village cross. A heritage assessment is required prior to the determination of this application in accordance with policy 128 of the NPPF. The HER advises a holding objection until further information is provided regarding the potential impact of the development on the archaeological interest of any heritage assets, including the buildings. The application should not be determined, except for a refusal, until this information is submitted and any appropriate mitigation measures agreed to avoid adverse impact or adequately mitigate loss of archaeological significance of any heritage assets.

In response to the amended plans, the amended information does not address the requirement for the assessment of all heritage assets as set out in paragraph 128 of NPPF. The necessary archaeological assessment and evaluation fieldwork set out in the HER's memo dated 20 July has not been carried out.

Ecology: This application should not be determined, except for a refusal, until a bat and nesting bird survey has been carried out and the findings have been considered.

In response to the amended plans, no objection subject to an informative in relation to bats and nesting birds.

Environmental Protection: The proposed development is close to residential dwellings. The department does not have sufficient information from the applicant to assess the impact of noise from the development on nearby residential receptors. Therefore this department would recommend that prior to determination; the applicant shall submit a site-specific noise impact assessment.

Historic England: In response to the amended plans, Historic England are pleased to see that the outbuilding is now to be retained and that most of the principal elevation of the Royal Oak Inn is also to be retained. They also note that there are some minor changes to the proposed rear extension. These amendments are an improvement on the scheme that they originally commented on, and they recognise that the level of harm that they originally identified has been reduced. There is, however, an element of harm to the historic fenestration by way of the loss of the right-hand window and its replacement with a modern shop entrance. This is unfortunate and regrettable as the new shop entrance is particularly at odds with the architectural design and character of this key building, and somewhat weakens the positive contribution that it makes to the character and appearance of the

conservation area and setting of the scheduled monument. A more sympathetic solution in terms of design, materials, glazing style and detailing might mitigate the impact to some extent, although it has to be said that the creation of the new entrance is not at all ideal, and it is recommended that guidance is sought on this matter from the council's conservation staff. As previously advised, significance can be harmed or lost through development within a heritage asset's setting and any harm or loss to significance 'should require clear and convincing justification' (paragraph 132, NPPF, and in guidance, including GPA3 The Setting of Heritage Assets (published by Historic England on behalf of the Historic Environment Forum, March 2015). North Lincolnshire Council should therefore aim to achieve the objective of sustainable development which in this context means guiding development towards a solution that achieves economic, social and environmental gains jointly and simultaneously (paragraph 8, NPPF). In this case the potential impact on the setting of designated heritage assets must be carefully considered. Historic England recommends that the council determines this planning application in accordance with local and national policy, and that if minded to grant permission, must be convinced that any harm to significance is outweighed by clear justification.

PARISH COUNCIL

Object. The development is inappropriate for the conservation area. Part of the development falls within the conservation area and the rest borders it. Non-traditional materials are being used which are not in keeping with style of the surrounding area. There is insufficient parking for the development which will cause traffic problems. The increase in traffic to the development will cause issues with congestion. HGV traffic will cause difficulties with traffic flow and could be potentially dangerous. The hours of business extend beyond that of any other business in the town. The economic impact on small businesses within the town is likely to be significant. There have been numerous complaints from residents regarding the development. For this reason, the parish council requests that the application be called in for consideration at committee level. The development constitutes a loss of green space in the beer garden area.

In response to the amended plans, there is strong public feeling both for and against this proposal. The parish council would like to see a full consultation with the local residents, businesses etc prior to resolution. The Royal Oak is also on the Register of Community Assets. Can the parish council be assured that all protocols within this remit are fully dealt with prior to determination?

PUBLICITY

Advertised by site and press notice, and adjoining properties notified. In response to the amended plans 99 letters of objection, 9 letters of support and 3 letters of observation have been received.

A petition containing 231 signatures has also been received objecting to the application.

In addition, a letter has been received stating that local businesses in Barrow joined together and delivered leaflets to households all over Barrow upon Humber and Barrow Haven to find out residents' views of the Co-Operative Group taking over the Royal Oak. 25 residents were in favour, 217 were against another store competing with existing shops and services, 30 were in support and 268 felt another shop was not required. 8 residents were in favour.

The letters of objection raise the following issues:

- there is no need for another shop in Barrow
- loss of a public house
- the proposal is out of character with buildings in the vicinity
- loss of business
- additional traffic, including large trucks
- loss of jobs
- loss of a family home
- the proposal is out of character with the conservation area
- noise
- increased congestion and on-street car parking
- new retail entrance proposed
- the proposed replacement aluminium-framed windows are not in keeping with the conservation area
- the roof tiles should be clay
- lack of car parking
- the site is located close to a watercourse (Midby Drain)
- loss of trees
- no tree survey has been submitted
- the outbuilding is of significance and should be retained, potentially for a heritage centre
- the outbuilding should be a community asset
- loss of the outbuilding will have an adverse impact on the street scene
- adverse impact on the Schedule Ancient Monument (Market Cross)
- there is no need to change the front façade of the building
- a cash machine is proposed in the front elevation that is not shown on the drawing, which may lead to bollards restricting pedestrian access
- what are the plans for the remaining land outside the application site?
- the pub could be a viable business

- HGVs will need to reverse into the car park which is dangerous
- a lockable barrier is required to the car park
- concern in relation to the demolition process of the outbuilding
- the building should be used as a restaurant, tea room, coffee shop, village hall, flats
- other facilities are available, some a short drive or bus ride away
- the outbuilding is in good condition and should be retained
- the Royal Oak is of townscape merit
- disturbance from deliveries
- pollution from delivery vehicles
- the pub should be retained and the Co-op moved into an existing retail unit in the village
- the pub toilets are used as public conveniences, which would be lost
- Thornton Street is an unsuitable route for HGVs
- loss of a building and garden which is used for community events and by all sections of the community
- signage and illumination would be out of character and contrary to policy
- there are no details of external lighting: light pollution could be caused
- there are no cycle spaces
- the need for road surfacing would be increased due to damage caused by an increased number of HGVs
- the Co-op are leasing the building and may leave the premises
- loss of chimneys
- no evidence has been submitted that the public house is no longer viable
- no noise assessment has been submitted and therefore the impact on adjoining properties cannot be assessed
- the outbuilding may be used by protected species but no assessments have been submitted
- contrary to policies within the Core Strategy, North Lincolnshire Local Plan and the Conservation Area Appraisal
- loss of the central chimney stack and surround would destroy the historic integrity of the building and affect the safety of the building.

The letters of support raise the following issues:

- more choice
- the shop would serve the whole village
- employment opportunities
- the building and the Market Place would be improved
- residents may be able to park in the car park instead of the market square
- improved wellbeing for residents
- an increase in the number of shops in the village
- there is no need for two public houses in the village.

The amended plans have been advertised by site and press notice, and adjoining neighbours have been re-consulted. Seventeen letters of objection have been received and one letter of support.

The objections raised in these letters are as follows:

- the amendments do not address the objections
- it is unclear where delivery vehicles will park whilst unloading
- retention of the outbuilding will make the car park space, and lorries parking and unloading, more dangerous
- increased danger to highway users
- loss of other businesses
- the building is a community asset
- the appearance of the Market Place will be changed
- alterations to pedestrian and road access are proposed
- the access is unsuitable for delivery vehicles
- further alterations to the building may be required
- loss of further car parking spaces
- increased noise and disturbance
- loss of internal features may affect the safety of the building
- loss of a residential unit

- the materials not appropriate for the conservation area
- increased traffic onto Barton Lane
- sliding doors are out of character
- no use is intended for the outbuilding
- the archaeological significance of the proposed rear extensions needs to be assessed
- negative impact on the Market Cross and the Market Place
- loss of residential and visual amenity
- loss of wildlife
- loss of trees
- there are no details of signage
- loss of vibrancy in the conservation area
- there is no justification for the loss of the public house
- further reduction to visibility splays.

The letter of support raised no further issues.

ASSESSMENT

The proposal contains several elements. The first element is to change the use of the building from a public house (A4) to a retail shop (Co-op) (A1). The building has been designated as an Asset of Community Value (ACV) and therefore planning permission is required for the change of use. The building will be extended to the rear with a single-storey extension with some of the existing extensions to the building being demolished to facilitate the proposed extension. The existing car park will be reconfigured to provide 13 car parking spaces with the existing beer garden incorporated into the proposed car park. Conifer trees and hedges/bushes on the site will be removed to facilitate the extension and the car park. Amended plans have been received which retain the existing outbuilding on the site frontage which was previously to be demolished. The scheme has been amended to retain the existing chimney stacks on the building. The front façade of the building has been amended to only remove one window at ground-floor level to provide a retail entrance with double doors. Internally the building will be stripped out at ground and first floor in order to provide the retail accommodation required.

The site is located within the development boundary of Barrow upon Humber. The building is located within the Barrow conservation area that is also covered by an Article 4 Direction. The building and the adjacent outbuilding have been identified as being of Townscape Merit and have also been designated as an Asset of Community Value (ACV). The building is located close to the Market Cross which is a listed building and a Schedule Ancient Monument (SAM). The Market Cross is sited within the Market Place which has been identified as an Important Public Open Space in the Conservation Area Appraisal. The site is located within the core of the settlement where archaeological remains of Roman, Saxon

and medieval date may be anticipated. The building and outbuilding are located on one of the medieval burgage plots on the west side of the High Street with both buildings having potential archaeological interest in their structure and fabric. The site is located primarily in Flood Zone 1 with a very small area of the Royal Oak, most of the outbuilding and part of the access located in Flood Zone 2/3a.

The main issues associated with this proposal are whether it is acceptable in principle, the significance of the building being designated an Asset of Community Value, the impact the proposal would have on the highway, the impact the alterations and extensions would have on the building itself, the impact on the conservation area, and on adjacent listed buildings and the scheduled ancient monument, impact on any potential archaeology, impact on ecology, impact on the trees, flood risk and impact on residents.

The principle of the development

The site is located within the development boundary of Barrow upon Humber and the building is currently being operated as a public house. It is located on the High Street, close to other shops and another public house. The proposal involves the change of use from a public house to a retail store, with a rear extension, associated internal and external alterations, and the existing beer garden incorporated into the car park. In principle the proposal will provide a new community facility for Barrow. This is supported through policies CS1 and CS2 of the Core Strategy as the proposal will enhance local services to meet local needs and the site is considered to be a sustainable form of development.

Policy CS14 of the Core Strategy supports local centres to fulfil their role in providing day-to-day shopping facilities for local communities in both urban and rural areas; the retention and enhancement of local centres and corner shops will be supported. This policy seeks to ensure that the scale and type of development reflects the centre's existing and proposed function and its capacity for new development. A balanced range of facilities and uses are encouraged within district and local centres in keeping with their size and function to meet the everyday needs of the local population. Local shops located within smaller settlements, particularly in rural areas, will be protected where they are important to the day-to-day needs of people. Shopping facilities are accessible by a range of means including by car, walking, cycling and public transport. New developments are of an appropriately high quality design, particularly in the town centre. In this case, in broad planning terms the proposal does accord with this policy as a new retail shop will meet the day-to-day needs of residents in Barrow, the site is located in a sustainable location and an existing building is to be used and extended to facilitate the development. The proposal therefore accords with policy CS14 of the Core Strategy and is supported within the NPPF.

Policy CS22 of the Core Strategy states that good quality services and facilities will be provided to meet the needs of local communities which are accessible by public transport, cycling or on foot. This policy states that the provision of new facilities should be focused in residential areas where there is no adverse impact on the amenities of neighbouring properties and the provision of services and facilities will be of a scale appropriate to the type and size of the settlement. The site is within walking and cycling distance of residential properties in Barrow and is located on a bus route. An existing building will be utilised with an extension added to the rear. The location is considered to be sustainable and compatible with the size and function of the settlement and therefore accords with policy CS22 of the Core Strategy and advice given in the NPPF.

Policy C2 of the North Lincolnshire Local Plan seeks to protect the loss of key village services. In this case there would be a change from an A4 use to an A1 use. Both these uses are considered to be community facilities. As a result there would not a loss of a key village service but a change. The proposal therefore accords with policy C2 of the North Lincolnshire Local Plan.

To conclude, in terms of the principle of the development it is considered to be acceptable in terms of paragraphs 14, 15, 19 and 28 of the NPPF, policies CS1, CS2, CS3, CS14 and CS22 of the Core Strategy, and policy C2 of the North Lincolnshire Local Plan.

Asset of Community Value

The Royal Oak Public House and the outbuilding have been nominated and designated as an Asset of Community Value under the Localism Act 2011. This results in the change of use requiring planning permission. As a result the loss of the public house needs to be addressed. The applicant has submitted no details of the viability of the Royal Oak, although it was noted on the case officer's site visit that opening hours of the public house were limited. In addition, there is another public house in Barrow (The Six Bells Inn) located on Lords Lane within the centre of Barrow. The proposed A1 retail use is also a community use. As a result there is no loss of a community asset but a change of community asset. An A1 retail use, in this case the Co-op, would meet the day-to-day needs of residents and therefore it is contended that there will be no loss of a community asset in this case.

Highway impact

The existing access to the site will be utilised to facilitate the retail use. Part of the existing car park will be retained and the existing beer garden incorporated into the car park. Car parking is proposed to the southern and western sides of the site. Thirteen car parking spaces, including two disabled spaces, will be provided within the site to serve the retail use. The comments made by Highways are noted. The level of car parking is not sufficient for the proposed use and there are already high levels of on-street parking on the High Street. The proposal will exacerbate this situation. The outbuilding is of townscape merit and should be retained. However, this does result in pedestrian visibility being restricted. Delivery vehicles will only be able to service the site by parking on the High Street, which already has high levels of on-street car parking, or by reversing into the site, which will be dangerous to other highway users and users of the car park. It is accepted that delivery vehicles already access the public house, but the public house has a larger site area and more car parking available. The public house will have far fewer deliveries than the proposed retail use. As a result it is considered that the proposal will have an adverse impact on highway and pedestrian safety. The proposal is therefore contrary to policies T2 and T19 of the North Lincolnshire Local Plan.

Impact on the Royal Oak and outbuilding, the conservation area, the adjacent listed buildings and Schedule Ancient Monument

The Royal Oak and outbuilding are located in the conservation area and have both been identified as a building of townscape merit. In response to concerns about loss of the outbuilding, the alterations proposed to the Royal Oak, particularly to the front elevation, and the design of the extension, the applicant has submitted amended plans showing the retention of the outbuilding in situ, alterations to the design of the extension including the substitution of the flat roof with a pitched roof, retention of the chimneys and retention of the front façade of the building, the only alteration being the insertion of a pair of entrance

doors. On the drawing these doors do look rather bland in relation to the rest of the front façade but the final details of these doors drawn to a larger scale, including joinery details and a material specification, can be controlled by a planning condition. Facing and roofing materials can also be controlled by planning conditions.

The outbuilding is to be retained which protects the character of the conservation area with its rigid sense of enclosure and, due to its position on the site frontage, reduces the visual appearance of the large expanse of car park within the street scene. The Royal Oak is to be extended to the rear, but this extension will uniform the design of the building which has had many extensions in the past of differing designs and the front façade will largely be retained. The amended plans have reduced the negative impact that the proposal would have on the conservation area and on the setting of the adjacent listed buildings and Scheduled Ancient Monument.

In terms of the adjacent listed buildings and the Schedule Ancient Monument, including the Market Cross, as the outbuilding and the front façade of the building are to be retained, there will be no adverse impact on the setting of the adjacent listed buildings.

The comments made by Historic England are noted. The council's Heritage Officer has no objection to the amended proposal in conservation terms. A balance must be struck between the conservation of the building and the alterations proposed to facilitate its change of use. The only alteration on the front façade is the loss of a window at ground floor to provide a ground floor entrance. A suitable entrance for the shop is required and needs to be accessible by all members of the community. This alteration will facilitate a retail use that is located in a sustainable location and will serve the day-to-day needs of the community of Barrow. The details and materials of the proposed entrance doors can be controlled by planning conditions so that the character of the building is retained. On balance, the alterations to the front façade are considered acceptable in light of the significant sustainability, and social and economic benefits of the development to Barrow.

The impact on the conservation area, the setting of the adjacent listed buildings and the Scheduled Ancient Monument is considered to be acceptable, subject to planning conditions, and accords with advice given in the NPPF, policies CS5 and CS6 of the Core Strategy and policies HE2 and HE5 of the North Lincolnshire Local Plan.

Impact on archaeology

In terms of archaeology, the site is located within the core of the historic settlement where archaeological remains of Roman, Saxon and medieval date may be anticipated. The Royal Oak is an 18th century building that may contain features of historic significance, as may the adjacent outbuilding. The HER has not been consulted during the preparation of the application which is contrary to the requirements set out in paragraph 128 of the NPPF. The heritage statement that has been submitted is inadequate as there is insufficient assessment of the significance of the heritage assets of archaeological interest, in relation to the application site and the buildings. Any groundwork within the application site may encounter archaeological remains of Roman, Saxon and medieval periods. The proposed development has the potential for adverse impact on any archaeological remains that may exist within the development site and within the two buildings (Royal Oak and outbuilding). Furthermore, it is unclear who has submitted the heritage statement and what their qualifications are in respect of archaeology heritage assets. As a result, the impact of the development on the archaeological interest of any heritage assets, including the buildings, cannot be assessed within this application. Without this assessment no appropriate

mitigation measures can be agreed to avoid adverse impact or adequately mitigate the loss of archaeological significance of any heritage assets. The proposal is therefore contrary to the NPPF, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan.

Impact on ecology

In terms of ecology, the original application included demolition of the outbuilding. The council's ecologist considered that the outbuilding could have the potential for bats and nesting birds and therefore a bat and nesting bird survey was required. The amended plan shows the outbuilding to be retained and therefore these surveys are no longer required. The proposal therefore accords with policy CS17 of the Core Strategy.

Impact on trees

In terms of the trees on the site, these will be removed to facilitate the extension and car parking. The trees mainly comprise conifers and are of limited amenity value. They cannot be retained on the site as they are located where the extension and car parking are to be provided. In terms of policy LC12 of the North Lincolnshire Local Plan, the loss of the trees on the site is considered to be acceptable.

Flood risk

In terms of flood risk, the majority of the site is located in flood zone 1. This includes the area where the extension is proposed. The outbuilding, part of the access and a small part of the front of the Royal Oak is located in flood zone 2/3a. The outbuilding is to be retained in situ. The proposal is for a shop which is considered to be a 'less vulnerable' use in terms of flood risk. As a result, in view of the majority of the site where development is occurring being located in Flood Zone 1, and the sequential and exceptions tests set out in the NPPF not being required for this type of development, the proposal is considered to be acceptable in terms of flood risk and accords with advice given in the NPPF and policy CS19 of the Core Strategy.

Impact on residential amenity

The proposed development is close to residential dwellings. The development has the potential to result in noise and disturbance to neighbours from noise from deliveries, air conditioning and refrigeration units, for example. No noise assessment has been submitted with the application. It is accepted that there is an existing public house use on the site, but the proposed retail use will have many more deliveries throughout the day and night, is likely to have more refrigeration and air conditioning plant equipment, and will be open longer hours than the existing use. The comments made by Environmental Protection are noted and it is considered that the impact on neighbours in terms of noise and disturbance cannot be assessed without a noise assessment. The proposal is therefore contrary to policy DS11 of the North Lincolnshire Local Plan.

In terms of the impact of the proposed extension and alterations to the Royal Oak, the proposed extension is to the rear of the building and is single-storey. Whilst the extension and associated alterations will be visible from some residential properties, no demonstrable harm will be caused to residential amenity due to the siting and design of the extension and the distance it is from residential properties. This aspect of the proposal accords with policies CS5 the Core Strategy and DS1 of the North Lincolnshire Local Plan.

The concerns in relation to light pollution are noted. However, no external lighting is shown on the submitted plans and any external lighting to be installed in the car park will require a planning application which neighbours would be able to comment on.

Other issues

The letters of representation have raised a number of other issues. The issue of another new retail unit not being required and potentially leading to the loss of other shops in Barrow is noted, but the planning system cannot be used to control competition. The loss of the residential unit above the public house is noted, but planning permission cannot be refused on the loss of a residential unit, particularly when the development proposed has wider sustainable, economic and social benefits for Barrow. The drainage issues for the site can be dealt with by planning conditions. The concern about the potential use of the land to the rear of the application site is noted, but the application must be determined on the basis of the details submitted to the council. This is also the case with regard to the letters received requesting that the Royal Oak be used for alternative uses as the council can only determine the planning applications that are submitted. The loss of toilets that can be used by the public inside the Royal Oak is also noted. This appears to be an informal arrangement and is not a material consideration in relation to this application. The issue of the signage of the public house is subject to an advertisement application (PA/2016/1617) which has recently been refused. It is accepted that PA/2016/1617 depicts a cash machine on the front elevation which is not shown on PA/2016/834. This does require planning permission and the applicants for PA/2016/1617 and PA/2016/834 have been made aware of this.

RECOMMENDATION Refuse permission for the following reasons:

1.

The site has inadequate pedestrian visibility, has an inadequate level of car parking available for the proposed retail use within the application site and the site cannot be adequately serviced by delivery vehicles. This would result in customers and delivery vehicles parking on the High Street. Delivery vehicles would also have to perform difficult reversing manoeuvres into the site. This would create an unsafe situation on the High Street for all highway users in an area which already suffers from high levels of on-street car parking. The proposal is therefore contrary to policies T2 and T19 of the North Lincolnshire Local Plan.

2.

The application site is located within the core of the historic settlement of Barrow-upon-Humber where archaeological remains of Roman, Saxon and medieval date may be anticipated. The Royal Oak Inn is an 18th century building that may contain features of historic significance, as may the adjacent outbuilding. The Historic Environment Record has not been consulted during the preparation of the application. The submitted heritage statement is inadequate as there is insufficient assessment of the significance of the heritage assets of archaeological interest, in relation to the application site and the buildings. The proposal is therefore contrary to paragraph 128 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

3.

The site is located within the development boundary of Barrow-upon-Humber adjacent to residential properties. The development has the potential to result in increased noise and

disturbance to neighbours by virtue of noise from deliveries, air conditioning and refrigeration units. No noise assessment has been submitted with the application and therefore the impact that the proposed development would have on adjacent residential properties in terms of noise cannot be assessed. The proposal is therefore contrary to policies DS1 and DS11 of the North Lincolnshire Local Plan.

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.