

<b>APPLICATION NO</b>	<b>PA/2023/424</b>
<b>APPLICANT</b>	Mr James McDonald, Micro pub 1
<b>DEVELOPMENT</b>	Planning permission for change of use from residential outbuildings to a micropub, including enclosing of existing covered area
<b>LOCATION</b>	Kingswell, Howe Lane, Goxhill, DN19 7HU
<b>PARISH</b>	Goxhill
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Goxhill Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 2: Achieving Sustainable Development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving Well-designed Places

### **North Lincolnshire Local Plan:**

Policy DS1: General Requirements

Policy DS4: Changes of Use in Residential Areas

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

## **North Lincolnshire Core Strategy:**

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS15: Culture and Tourism

Policy CS19: Flood Risk

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

Policy SS1: Presumption in Favour of Sustainable Development

Policy SS2: A Spatial Strategy for North Lincolnshire

Policy SS3: Development Principles

Policy SS10: Development Limits

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

## **CONSULTATIONS**

**Humberside Police (Crime Reduction Officer):** No objections to the proposal.

**Ecology:** Has reviewed the submitted bat survey and has no objection to the application subject to conditions.

**Highways:** No objection to the application subject to conditions.

**Environmental Protection:** No objection subject to conditions.

**LLFA Drainage:** No objections but have commented that there is an existing well within the site which will need to be given consideration and may need protection as part of the works.

## **PARISH COUNCIL**

Objects based on the following concerns:

- The proposed location of the micropub is on the main bus route in the village and regularly gets congested with parked vehicles accessing the local amenities. It is also situated between two major bottlenecks between the doctor's surgery and the library.

- Due to the proximity of the micropub to neighbouring properties, the potential noise pollution from the outside seating areas and usable courtyard would affect the quality of life of the local properties.
- The sui generis class of the building could allow for a multitude of uses in the future, including the storage of waste.
- The proposal as detailed states addition/expansion can be applied in the future which would result in this being changed from a 'micropub' to something on a larger scale.
- The premises have previously been used as a slaughterhouse/butcher's and light engineering works, and there are no details of potential ground contamination included within the application.
- No evidence of traffic or pollution-mitigated plans having been submitted.
- No evidence of an assessment establishing if bats are occupying the outbuildings.

## **PUBLICITY**

A press advert and site notice have been posted. A total of 41 comments have been received which include multiple objections. Excluding the multiple objections, 19 objections have been received from the public and 10 in support, which are summarised below:

### **Objections:**

- Noise nuisance
- Access and parking
- Drainage
- Overlooking
- Antisocial behaviour
- Privacy
- Impact on a nearby listed building
- Loss of bat habitat.

### **Support:**

- The residents of Goxhill need a public house for socialising.
- No issues with parking because it is the heart of the village which is within walking distance.
- A great asset to the local area especially as there is no longer a pub in Goxhill.

## **ASSESSMENT**

### **Constraints**

Heritage

SFRA flood zone 1

Within the development boundary

### **Planning history**

7/1983/0180: Change the use of the ground floor of a former butcher's shop, house and slaughterhouse into a wine bar and licensed restaurant – approved with conditions 02/06/1983.

7/1983/0444: Change the use of a former shop to residential, to treat the external walls of a building, install new windows and carry out associated alterations – approved with conditions 04/08/1983.

PA/2006/1858: Planning permission to erect three detached houses with detached domestic garages and one detached domestic garage to serve Kingswell House – refused 30/01/2007.

### **Site description and proposal**

Planning permission is sought for a change of use from residential outbuildings to a micropub (*sui generis*), including enclosing an existing covered area at Kingswell, Howe Lane, Goxhill.

The site is within the development boundary of Goxhill and is a corner plot, in the centre of the village. It is bounded by Howe Lane to the south, Westfield Road to the east, Well Cottage to the west and Rose Villa to the north.

The site comprises outbuildings and disused kennels within the curtilage of the Kingswell property. The applicant owns the Kingswell property.

Goxhill is a small settlement, and the site is within the settlement centre. This proposal involves the change of use of the existing outbuilding to a micropub and the demolition of the disused kennels to provide parking spaces.

There will be minimal external changes to the outbuilding, retaining its appearance and keeping the local character. The distinctive internal features will also be retained. No new buildings are proposed, other than a wall to enclose an existing space. The new wall will be built in brick, matching the existing walls.

In support of the proposal, the applicant has submitted a justification statement indicating that Goxhill has no public house and limited local shops. The last local pub (The Brocklesby Hunt) closed some years ago and attempts by the local community to preserve it as a community asset failed.

Furthermore, an informal consultation with the local community confirms a significant local demand for a service such as the pub in the village. The proposal would reflect local

demand for pubs, and it would be small-scale, high-quality, with a local focus. It would reinvigorate the heart of the village.

The proposed business will also support other local businesses, most notably the local microbreweries producing craft beers.

## **Key issues**

**The key issues to be considered in determining this application are:**

- **principle of development**
- **layout, siting, and design**
- **impact on the residential amenities of neighbouring properties**
- **flood risk**
- **access and parking**
- **impact on protected species.**

## **The principle of the development**

Section 6, Building a strong, competitive economy of the NPPF requires that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider development opportunities. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, among other guidance the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.

Section 7, Ensuring the vitality of town centres states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.

Section 6, Building a Strong, Competitive Economy (Supporting a prosperous rural economy) states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. It goes on to say that planning should support the sustainable growth and expansion of all types of businesses and enterprises in rural areas and should promote the development of local services and community facilities in villages, including public houses.

Section 8, Promoting Healthy and Safe Communities (Chapter 93A) encourages local authorities to plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

This proposal falls under the A4 Use Class which relates to drinking establishment premises, for example, public houses (pubs), wine bars or other drinking establishments. It is judged that the proposed A4 Use Class will add to the vitality of the village of Goxhill by providing a small drinking establishment in a village where public houses have closed. It will also provide employment opportunities.

Policy CS3 of the Core Strategy supports new development within the settlement boundary of the Scunthorpe urban area, the market towns and rural settlements. It states that development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside.

Policy DS4 of the North Lincolnshire Local Plan aims to help encourage the growth and development of small businesses but to maintain control over the impact that business activity, carried out at home, can have on the surrounding area.

Goxhill is a rural settlement in the countryside, and the development is within the development boundary.

As indicated above, the local development plan policies do not presume against the establishment of micropubs within development boundaries.

Notwithstanding the above, the acceptability of this proposal would be judged subject to compliance with other relevant local development plan policies to be discussed below.

From the above policies and the NPPF, the principle of the change of use from residential outbuildings to a micropub is acceptable, subject to compliance with other relevant local development plan policies as assessed below.

### **Layout, siting, and design**

Policy CS5 of the Core Strategy sets out the key design principles for all new developments in North Lincolnshire. It aims to ensure that development supports the creation of a high-quality built environment that is attractive to residents, investors, and visitors.

Policy DS1 of the local plan expects a high standard of design in all developments in both built-up areas and the countryside, and proposals for poorly designed development will be refused. All proposals will be considered against the quality of design, amenity impact, conservation, resources, utilities, and services.

As indicated earlier, this proposal is for a change of use of an outbuilding to a micropub and the demolition of the disused kennels to form parking spaces. There will be minimal external changes to the outbuilding, retaining its appearance. No new buildings are proposed, other than a 2m high brick wall at the rear of the property to enclose the site. The new wall will be built in brick, matching the existing walls. The existing 1m high wall alongside Westfield Road and the 1.8m high wall at the front of the property alongside Howe Lane would be retained.

Having reviewed the proposal, the siting and design do not raise any planning issues since the proposal is a change of use of the outbuilding and the existing footprint would be retained.

In terms of appearance, there will be minimal external changes to the outbuilding, retaining its appearance. The walls alongside Howe Lane and Westfield Road are acceptable and

the new wall at the rear of the property would not raise any visual implications that would be detrimental to the character of the area. Furthermore, the wall will enclose the site to protect the privacy of the site and the rear property. In general, the wall would not raise any significant issues from overbearing impact or overshadowing and would not harm the street scene.

Overall, the location, scale and design of the proposal are acceptable and comply with the relevant policies of the local development plan.

### **Impact on residential amenity**

Core Strategy policy CS5 and DS1 of the local plan expect a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. On amenity impact, these policies require that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust, or other nuisance, or through the effects of overlooking or overshadowing.

As indicated earlier, the site is within a residential area and is a corner property. It is bounded by Howe Lane to the south, Westfield Road to the east, Well Cottage to the west and Rose Villa to the north.

In terms of scale, the proposal would not result in an overbearing impact, overlooking or overshadowing.

Turning to potential noise nuisance, the applicant has indicated that the ambience will be that of a small traditional pub, with a selection of board games. Little noise is anticipated (for example, no amplified live music) and any such noise will not be audible outside the property.

The Environmental Health team has commented on potential noise nuisance and contaminated land and has no objection subject to conditions.

The officer has commented that there is the potential for the activities at the micropub to cause a disturbance to nearby residents. To prevent sensitive receptors from being adversely affected by this development, the department recommends a condition be attached, should the application be approved. The recommended condition relating to opening hours would be applied to any approval.

### **Contaminated land**

The NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell, or noise, do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenities.

Regarding land contamination, considering the sensitive end use of the proposed development and the outbuildings on site, the Environmental Protection Department recommend a condition should the application be approved that should any contamination

be found to be present at the site no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority.

## **Highways**

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by satisfactory access. Policy T19 is concerned with parking provisions as well as general highway safety.

The applicant has submitted amended plans showing five vehicular parking spaces within the site.

Highways have been consulted and have commented that the amended site plans demonstrate that dedicated parking can be provided on site for residents and staff/customers. Whilst the level of parking for the micropub is on the low side, the site is within walking distance of much of the village.

The Highways officer has commented that there may be a need to remove vegetation on Westfield Road, to achieve the required visibility splays; however, this is within the applicant's control. The case officer has reviewed the drawing and can confirm that there will be no new vehicular access from Westfield Road. The Highways officer has been made aware.

The recommended condition would be applied to any grant of permission.

It is therefore judged that the parking provision would meet the council's parking standards and there would be no issues with public safety. Accordingly, the proposal would comply with policies T2 and T19.

## **Drainage**

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

The application site is within SFRA flood zone 1, which has a low probability of flooding. The LLFA Drainage Team has no objections.

The officer has commented that there is an existing well within the site which will need to be given consideration and may need protection as part of the works. This will be added to any permission as an informative.

## **Ecology**

Policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 170 states in part that a net gain for biodiversity should be achieved.

The site is not designated for any known ecological interest. However, the application is supported by a Bat Inspection Report.

The report concludes that all areas that were accessible were searched for current and/or historic evidence that would suggest bats have or do use the buildings; at no point during a site visit was evidence found to confirm this. For these reasons, the buildings have been



classed as having negligible bat roost potential (NBRP) and no further survey work is required.

The development to take place on this site is expected to have a negligible impact on foraging activities as the surrounding habitats will remain unaltered. Therefore, there will be no net loss of suitable foraging habitat on site.

The alteration to the existing buildings is expected to have a negligible impact on roosting bats as no roosts have been identified within or close to the building.

There will be no loss of potential roost sites in trees as no suitable trees are to be felled. If possible additional bat boxes should be incorporated into the trees to offset the lack of suitable tree roosting sites.

The council's ecologist has reviewed the submitted report and has no objection to the proposal.

The officer has commented that surveyors found no evidence of bat roosts or nesting birds. However, some buildings have been re-roofed, and others have been cleaned out before the survey. There are several bat records nearby, including records of juveniles (thus implying the presence of maternity roosts).

Planning conditions are proposed to minimise harm to protected and priority species and to seek a net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

The proposal is therefore considered to be acceptable in this regard and aligns with the aims of policy CS17.

### **Parish council objection**

Goxhill Parish Council has objected to this planning application based on concerns about car parking spaces, vehicular congestion on the road, potential noise pollution, potential ground contamination, and impact on bats. All the relevant planning considerations raised have been addressed in the report.

### **Public comments**

The objections from the public are similar to the concerns raised by the parish council. These include concerns about noise nuisance, access and parking, drainage, overlooking, antisocial behaviour, privacy, impact on a nearby listed building and loss of bat habitat.

All these concerns have been addressed in this report.

### **Conclusion**

The principle of the change of use from residential outbuildings to a micropub, including enclosing an existing covered area, is acceptable.

The details of the proposal demonstrate that the works associated with the change of use of the existing ancillary outbuilding to a micropub would not significantly harm the character of the area.

The proposed micropub operation would retain the scale and character of the existing outbuilding and would have no significant adverse impact on the village centre or the street scene.

Due to the nature of the micropub operation, and subject to appropriate conditions, the proposed development would have no adverse impact on the residential amenities of surrounding occupiers.

The proposal is in accordance with the relevant policies of the North Lincolnshire Local Plan and the Core Strategy, and the provisions and intentions of NPPF.

The application is therefore recommended for approval.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

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

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- 2149 - 001 c Location Plan
- 2149 - 002 c Block Plans
- 2149 - 003 b Existing Plans
- 2149 - 004 b Proposed Plans.

Reason

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

3.

Within three months of the change of use hereby approved, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of at least three permanent bat roosting features to be installed on buildings;
- (b) details of nesting sites to be installed to support house sparrows;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) proposed timings for the above works in relation to the change of use.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

4.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features to the local planning authority, within two weeks of installation, as evidence of compliance with this condition.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

5.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

6.

The opening hours shall be restricted to the following:

- Monday and Tuesday: closed
- Wednesday and Thursday: 4 pm to 10 pm
- Friday: 3 pm to 11 pm
- Saturday and Sunday: 12 midday to 11 pm
- Bank and Public Holidays: 12 midday to 6 pm.

There shall be no amplified music at the micropub.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it has been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

The proposed development shall not be brought into use until a delivery/servicing management plan (including delivery times) has been submitted to and approved in writing by the local planning authority. The management of deliveries and servicing of the development shall be carried out in accordance with the approved plan.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

### **Informatives**

1.

In determining this application, the council, as a local planning authority, has taken account of the guidance in paragraph 38 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.

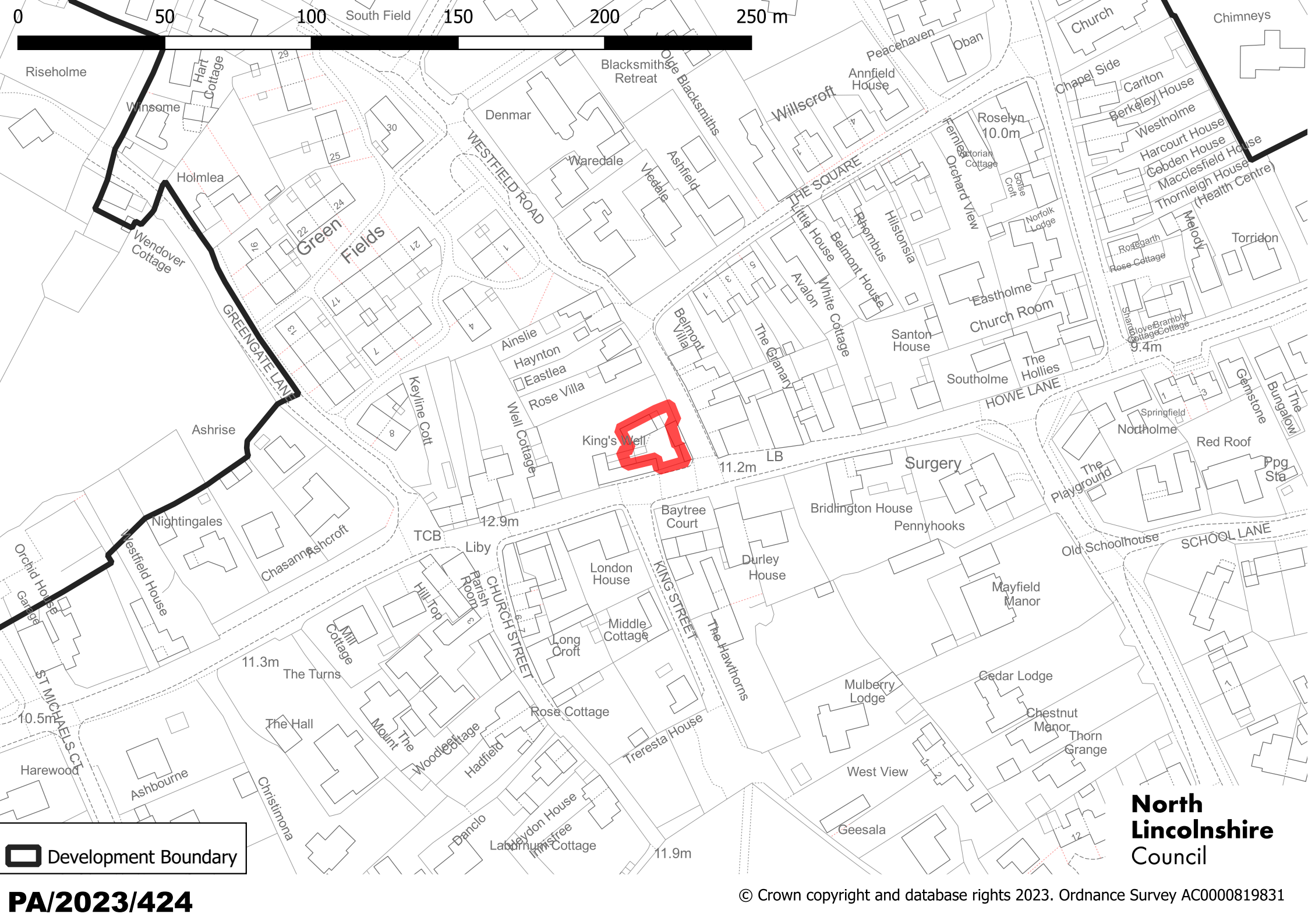
2.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

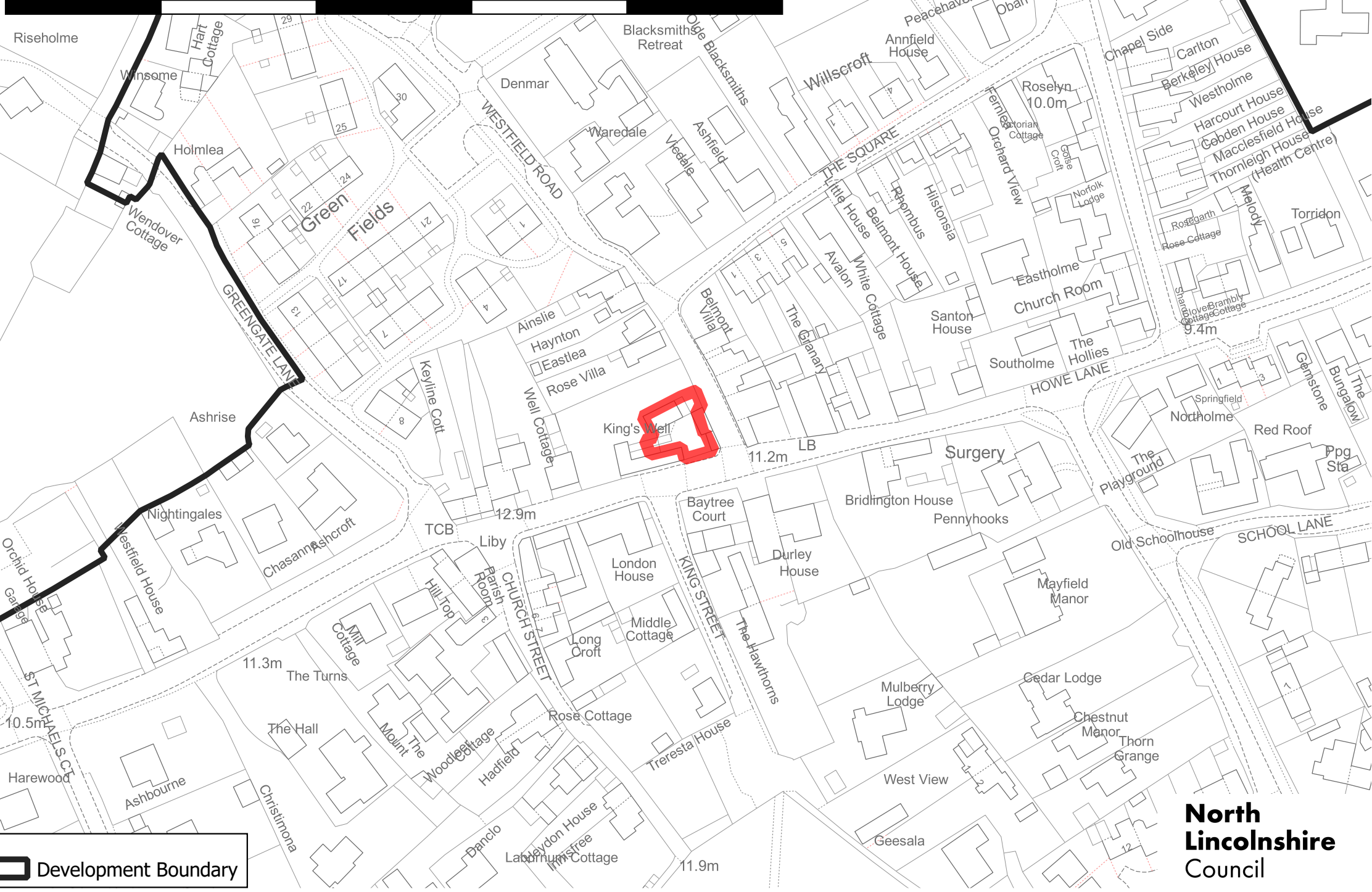
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

3.

There is an existing well within the site which will need to be given consideration and may need protecting as part of the works.



0 50 100 150 200 250 m



 Development Boundary

**North  
Lincolnshire  
Council**

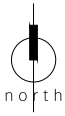
**PA/2023/424**

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# PA/2023/424 Proposed layout (not to scale)

A2

scale 1:200



notes:  
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 All foundation details and requirements are to be determined on site by the building inspector and/or structural engineer. Changes to the design and details must be confirmed by the building design construction. Ramps and steps are shown not to scale and will be determined by on-site surveys and levels. All to current building regulations.

2149 / 002

client:  
 Mr. J. McDonald  
 Kingswell, Howe Lane, Goxhill, DN19 7HU

scheme:  
 Change of Use  
 Residential to Micro Pub

existing & proposed site / block plan

drawn by: P. Bingham	date: 06 April 2023
checked by: n/a	revision: C
	status: PLANNING

A issued for 'APPROVAL'	06 April 2023	PLB
B issued for 'PLANNING'	11 April 2023	PLB
C parking added	22 May 2023	PLB

AMENDED PLAN



notes:  
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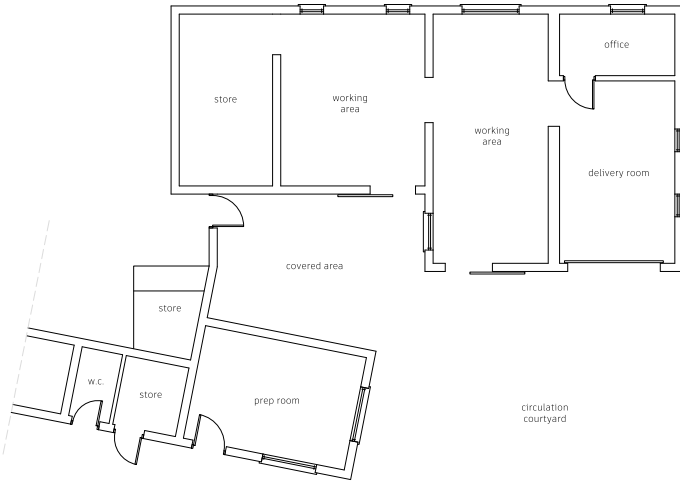
2149 / 003

client:  
 Mr. J. McDonald  
 Kingswell, Howe Lane, Goxhill. DN19 7HU

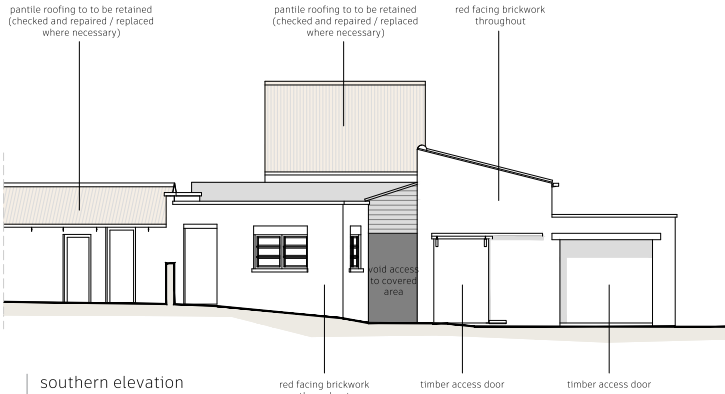
scheme:  
 Change of Use  
 Residential to Micro Pub

existing floorplans and elevations

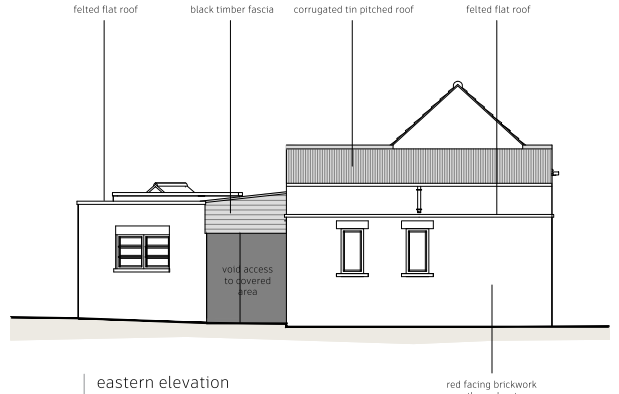
drawn by: P. Bingham	date: 06 April 2023	
checked by: n/a	revision: B	
	status: PLANNING	
A issued for APPROVAL	06 April 2023	PLB
B issued for PLANNING	11 April 2023	PLB



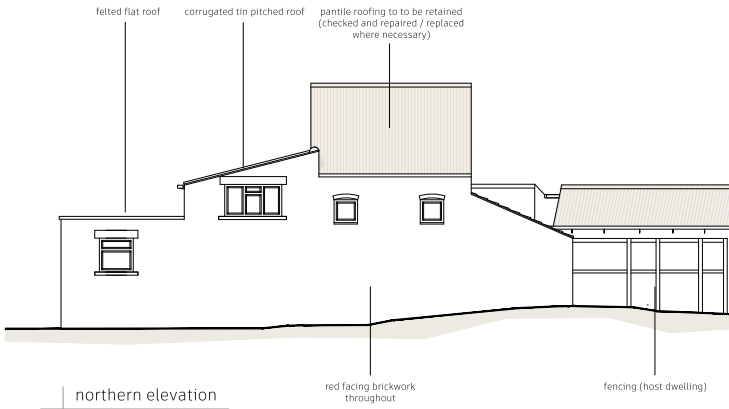
ground floor plan



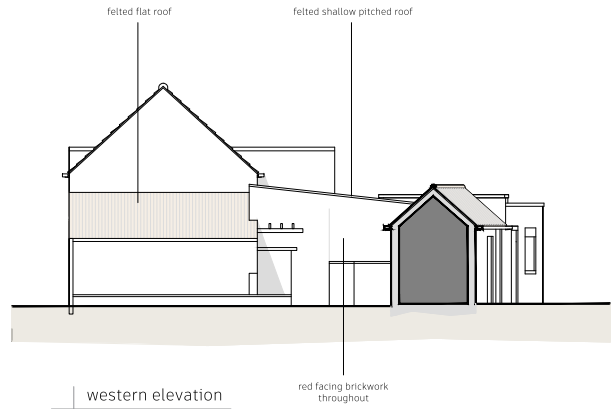
southern elevation



eastern elevation



northern elevation



western elevation



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2149 / 004

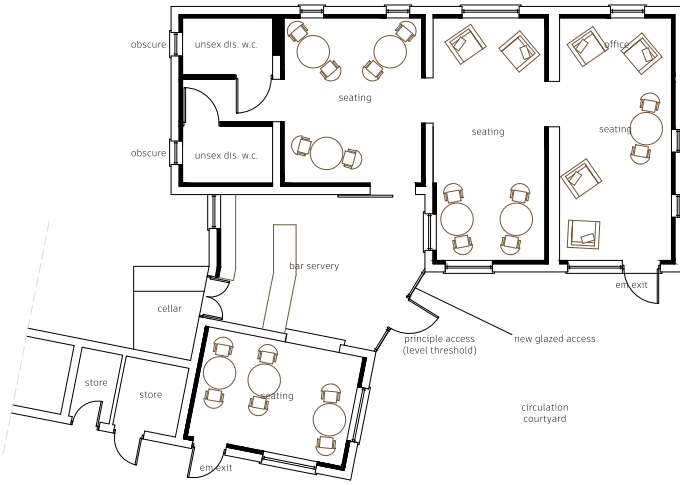
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 Kingswell, Howe Lane, Goxhill. DN19 7HU

scheme:  
 Change of Use  
 Residential to Micro Pub

proposed floorplans and elevations

drawn by: P. Bingham	date: 06 April 2023
checked by: n/a	revision: B
	status: PLANNING

A	issued for 'APPROVAL'	06 April 2023	PLB
B	generally updated, issued for 'PLANNING'	11 April 2023	PLB



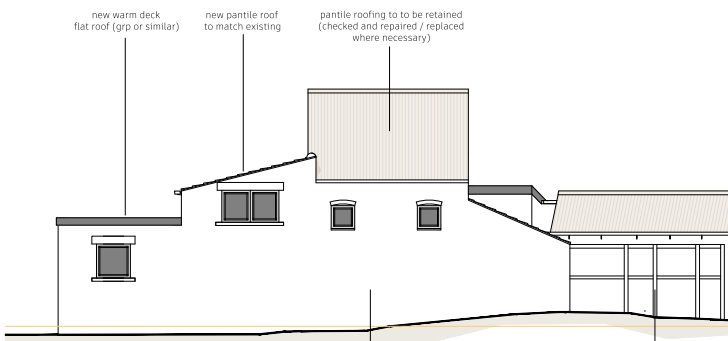
ground floor plan



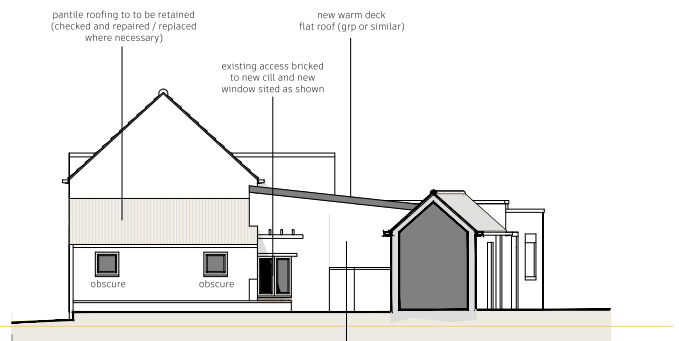
southern elevation



eastern elevation



northern elevation



western elevation

