APPLICATION NO PA/2021/411

APPLICANT Mr Darren Lince, Durable Systems Ltd

DEVELOPMENT Planning permission for change of use from public house to

convenience store, and erect front extension

LOCATION The Red Lion, 45 High Street, Broughton, DN20 0HY

PARISH Broughton

WARD Broughton and Appleby

CASE OFFICER Martin Evans

SUMMARY Grant permission subject to conditions

RECOMMENDATION

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Councillor Rob Waltham - significant public

interest)

POLICIES

National Planning Policy Framework:

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and
- (c) an environmental objective to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

Paragraph 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 47 makes clear that 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'

Paragraph 81 states 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, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Paragraph 84 states that planning policies and decisions should enable:

(d) 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.

Paragraph 93 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;...
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

Paragraph 130 states, 'Planning policies and decisions should ensure that developments:

- (a) 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;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

CS22: Community Facilities and Services

North Lincolnshire Local Plan:

DS1: General Requirements

T2: Access to Development

T19: Car parking provision and standards

Housing & Employment Land Allocations DPD

Planning (Listed Buildings and Conservation Areas) Act 1990:

'66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

CONSULTATIONS

Historic Environment Record: 'The Red Lion is an attractive early 20th century public house. It is a non-designated heritage asset and afforded some protection in the NPPF. It is also within the setting of four listed buildings: a grade I listed church, two C18 houses and a war memorial. In principle the change of use is supported as a lot of these type of buildings, where their existing use is no longer viable, are being demolished for housing. This proposal will ensure the longer-term conservation of the building. Pre-application advice was provided on this application and recommendations were put forward on the design of the shopfront which has been incorporated into this application. The shopfront has been designed on traditional lines. This includes a fascia with a cornice supported by columns topped with a console supported on a plinth with a brick stallriser. The four bays line up with the existing building giving a symmetrical appearance. I would recommend one design addition that the columns are fluted which is common on traditional shopfronts which will provide more visual interest. All elements of the shopfront need to be constructed from timber. This can be secured by condition. The traditional form of the shopfront will ensure it sits well with the building and the surroundings. However, it is important that the materials and details are of an appropriate standard and recommend the following conditions.

- that all the structural elements in the shopfront (fascia cornice, consoles, columns, plinths and window frames) shall be constructed from timber
- that the columns on the shopfront are fluted
- that scale 1:20 elevations and cross-sections are provided of the shopfront for consideration prior to installation.

I would also consider removing permitted development rights on the building as the upper floor windows need to be retained as they contribute to the character of the building.' **Highways:** 'We have noticed from the site plan that the site access appears to narrow from 5m to 3.7m. We are unclear why this is, and we would prefer to see a more consistent width along the length of the site access, to allow two vehicles to safely pass each other.'

and:

'The principle of establishing the access to the east of the pub has been established in PA/2017/124. Whilst the proposals will lead to a net increase in vehicle numbers accessing the site, it is unlikely that there will be a significant number of 'new' trips, particularly in peak hours, and most trips are likely to be 'pass-by' trips. The proposed number of parking spaces is less than the maximum recommended number based on our parking guidelines. However, the site is in a sustainable location, with the majority of the town within walking distance of the store. The nature of the proposal also means that there will be a high turnover of visitors using the parking spaces. I would therefore suggest that the following conditions should be applied to any permission you may be minded to grant (list includes a delivery/servicing management plan; cycle parking; bus stop amendments; provision of vehicle facilities; a construction phase traffic management plan and an informative regarding works within the highway.

Lead Local Flood Authority: No objections.

TOWN COUNCIL

Objects on the following grounds:

- serious concerns about the impact on a neighbouring business and the potential loss of the post office
- concerns about its close proximity to a poor junction and the risks associated with that
- concerns about the aesthetics due to any extension being forward of the building line and spoiling the link between the War Memorial and the Church.

Environmental Protection: No objections. Request conditions relating to land contamination; for the provision of the proposed refrigeration equipment; and opening and delivery hours.

PUBLICITY

Advertised by site notice to the front of the site. A petition containing 265 signatures against the proposal and a further 152 letters of objection have been received which are summarised as follows:

- dangerous location near the crossroads and additional traffic will harm highway and pedestrian safety, the new access would interfere with the bus stop and street furniture, narrow proposed access and small car park
- unnecessary change of use the shop is not needed
- increase in crime
- loss of property value

- effect on/competition with two existing stores in Broughton that may result in the closure of the post office, which would disproportionately affect older people – the village is well served by the two existing stores
- loss of the most effective public house in Broughton, loss of a meeting place for local people (detrimental to mental health) – the pub could survive with proper backing, loss to a local walking group
- the site could be used as flats instead of a public house
- a supermarket would spoil the High Street
- harm to surrounding heritage assets and the street scene, particularly due to the front extension which is poorly designed and would be covered in adverts
- bright lighting will harm amenity
- disturbance to neighbours
- the proposal will promote gatherings and antisocial behaviour
- minimal employment generated employment gains would be offset by closures arising from the proposal
- issues would arise from a large chain supermarket Brigg has accessible supermarkets for Broughton
- pedestrian disabled access is not considered
- the proposed opening hours are longer than the pub's meaning more disturbance
- the Thatch Inn is very small and the working men's club is members only.

Proposal

Planning permission is sought to change the use of a public house to a convenience store and erect a single-storey extension to the front of the building. Part of the rear wing of the building would be demolished. It is proposed to install a new vehicular access directly to the east of the building. The access would be 5m wide for at least the first 10m, narrowing to 3.7m and would provide access to a car park with 13 car parking spaces. A footpath is proposed parallel to the vehicular access. The existing access to the west is to be fenced off from the proposal and would provide access to a recently permitted housing development (PA/2017/124). This access arrangement is currently subject to application PA/2021/1868 (see below) which seeks to create a single divided public house and housing access.

ASSESSMENT

History

PA/2017/124: Planning permission to erect six dwellings on land to the rear of The Red

Lion, construct an associated private access and amend access to the public house car park – approved 27/8/2020.

PA/2021/1868: Application to vary condition 2 of PA/2017/124 to allow for revised access and car parking arrangements, alter boundary treatment and provide soft landscaping – not yet determined.

The principle of the development proposed

Loss of a public house and gain of a retail unit

NPPF paragraph 93 requires policies and decisions to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Broughton is classified as a rural settlement within the Core Strategy settlement hierarchy. Policy CS1 part c states 'Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.'

Policy CS2 sets a sequential approach for development with small-scale developments within the defined development limits of rural settlements to meet identified local needs being third. The policy also encourages developments to be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport; ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives.

The site is within the Broughton development limit referred to in policy CS3 and defined in the Housing & Employment Land Allocations DPD.

Policy CS14 Retail Development states 'The council will work with partner organisations to identify, protect and enhance the following hierarchy of vital and viable town, district, and local centres in North Lincolnshire:... 5. Local Centres/Corner Shops— To fulfil their role in providing vital 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.'

Policy CS22 states 'The loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.'

The existing public house use is considered to be a community facility. The Old Thatch public house is 350m to the east of the application site along High Street. The Dog and Rat is currently closed. The former is considered to constitute an acceptable alternative means of meeting the communities need for a public house. The loss of the public house would not reduce the ability of the local community to meet its day to day needs because of this alternative facility. The gain of a retail unit would be an enhancement to the village centre.

Impact upon the character of the area

NPPF paragraph 203 states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Policy CS6 requires 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance including historic buildings'.

Policy DS1 requires that a 'high standard of design is expected' and identifies that proposals will be considered against two criteria being:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

The Red Lion is an attractive early 20th century public house. It is considered to be a non-designated heritage asset to which paragraph 203 of the NPPF applies. It is also within the setting of four listed buildings: a grade I listed church, two C18 houses, and a war memorial. The proposed ground floor extension is considered to have a suitably detailed design that has a strong design relationship to the original architectural form of the building. Decorative console brackets, pilasters, fanlights, cornicing and front brick stallrisers are proposed. The finer details and external finishing materials of the extension are important matters that require conditions to ensure an appropriate design. This includes the need for fluted rather than straight pilasters and a timber shopfront. The impact of the proposal upon this non-designated heritage asset and the setting of adjacent listed buildings is considered acceptable, subject to such conditions. The Historic Environment Record raises no objection subject to conditions. The proposal is considered to preserve the setting of the adjacent listed building in accordance with the statutory test. The design, impact on the character of the area and heritage matters are considered acceptable subject to conditions.

Neighbouring amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, '...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'.

The existing public house use may have attendant impacts such as noise and disturbance from patrons and vehicles, amplified music, use of external facilities, smoking and exuberant behaviour.

The proposed convenience store use will generate its own impacts. Proposed open hours are 7am to 10pm seven days a week including bank holidays. Whilst this will remove potential late-night impacts associated with public house use, the convenience store may result in relatively intensive use of its car park, via a new access, compared to public house

use, delivery disturbance, noise from refrigeration equipment etc, and the increased comings and goings of customers. Litter may also be an issue.

In general terms, a convenience store is considered to be a more neighbourly use than a public house.

The new access and wider proposal are not considered to give rise to harm to residential amenity for residents of 2, 4 or 6 Scawby Road by virtue of noise and disturbance, including vehicle movements. It should be noted a new access was approved in this location via application PA/2017/124. There is an existing car park to the rear of the public house that will have had some impact on neighbours albeit the proposed access is in closer proximity to these residents. The provision of the additional access in close proximity to said neighbours is not considered to be harmful.

It is considered necessary to condition the provision of a litter bin to encourage customers not to litter the area. A further condition is needed to ensure refrigeration and cooling systems are installed and maintained in accordance with the submitted details and manufacturers instructions to prevent harmful noise. Opening and delivery times shall be limited to the proposed opening hours in the interests of residential amenity. No objections have been raised by the Environmental Protection Officers.

It is considered that the change of use would not result in harm to neighbouring amenity subject to conditions.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant.

The submitted transport assessment demonstrates the site is not located in an area with significant highway accident problems; the new access is safe without significant implications for the bus stop nor visibility; that sufficient customer and delivery parking are proposed; and that the site is in a sustainable location to a range of transport modes.

The access would be 5m wide for at least the first 10m, narrowing to 3.7m and provides access to a car park with 13 car parking spaces. A footpath is proposed parallel to the vehicular access. Highways request for widening of this access to reflect the previous permission PA/2017/124 is noted. However, this permission allocated parking spaces along the access effectively narrowing it to 3.7m, as is currently proposed. The proposed access arrangements are considered acceptable.

The following table shows the net traffic generated by the proposals taking into account the likely traffic generated by the existing pub/restaurant.

	Arrivals	Departures	Total
AM 08:00 - 09:00	31	28	59
PM 17:00 - 18:00	27	30	57
Weekend 13:00 - 14:00	-1	1	0
Weekend 17:00 - 18:00	15	26	41

Table 6.2.4: Net traffic flows

As Highways raise no objection to the highway impacts of the proposal, they are considered acceptable.

Land contamination

A condition is recommended to deal with contamination found during the course of development.

Other considerations

The following seeks to address some of the objections raised. A number of the neighbour objections relate to the potential for impacts from the proposal upon existing retail services within the settlement and on the post office. Competition between businesses is not a material planning consideration nor is impact on property prices. As such these comments are not material to the consideration of the application as made. Highway matters including road safety, capacity, access, parking and delivery facilities and bus stop impacts are considered acceptable. There is not considered to be an unacceptable risk of crime or antisocial behaviour related to the proposal. The impact of the proposal upon the host property as a non-designated heritage asset is considered appropriate as is the impact on the setting of adjacent listed buildings. The loss of the public house is acceptable because there is an alternative nearby. A convenience store is an appropriate addition to the area. No lighting is proposed. Impact upon residential amenity is considered in detail above. Employment gains are minimal. The end operator of the convenience store is not a material planning consideration. Disabled access can be via the path to the side of the building. Proposed opening hours are reasonable and conditioned.

Conclusion

The change of use of the public house to a convenience store is considered acceptable in principle due to the availability of an alternative public house in close proximity. The proposal is well designed and would not harm the character of the area, nor heritage assets. There would be no harm to residential amenity or highway safety.

Pre-commencement conditions

These have been agreed by the applicant.

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:

DLRL/BR/MF/02 DLRL/BR/MF/03 DLRL/BR/MF/04

DLRL/BR/MF/05.

Reason

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

3.

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 by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

In the interests of human health and the water environment.

4

The refrigeration and cooling system shall be installed and maintained in accordance with the manufacturers instructions and the following submitted details:

- DAIKIN CVP-R410A Integrated refrigeration, heating and cooling brochure
- DAIKIN R410A Refrigeration system brochure
- Sound Calculation PDF.

Reason

In the interests of residential amenity.

5.

Prior to their use in the development, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved details.

Reason

To secure good design.

6.

Notwithstanding the submitted details:

- all the structural elements in the shopfront (fascia cornice, consoles, columns, plinths and window frames) shall be constructed from timber;
- the columns on the shopfront shall be fluted;
- prior to installation of the permitted shopfront, drawings at a scale of 1:20, including elevations and cross-sections, shall be submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved details.

Reason

To secure an appropriate extension to this non-designated heritage asset.

7.

The opening hours of the convenience store shall be:

- 7am to 10pm Monday to Sunday.

No deliveries shall take place outside of the opening hours.

Reason

In the interests of residential amenity.

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 development shall operate in accordance with the approved details.

Reason

In the interests of highway safety and residential amenity.

9.

The proposed development shall not be brought into use until details of secure cycle parking facilities have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to first use of the permitted development.

Reason

To encourage sustainable modes of transport.

10.

The proposed development shall not be brought into use until the amendments to the existing bus stop have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety.

11.

The development shall not be brought into use until:

- (i) the access roads to the service and customer parking area;
- (ii) the loading, off-loading and turning areas for all vehicles; and
- (iii) the parking spaces and access aisles (including surface markings);

have been provided and all these facilities shall thereafter be so retained.

Reason

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

12.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved details.

Reason

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

13.

A customer litter bin shall be provided near the store entrance upon commencement of the use hereby permitted and it shall thereafter be retained.

Reason

To prevent litter in the area in the interests of amenity.

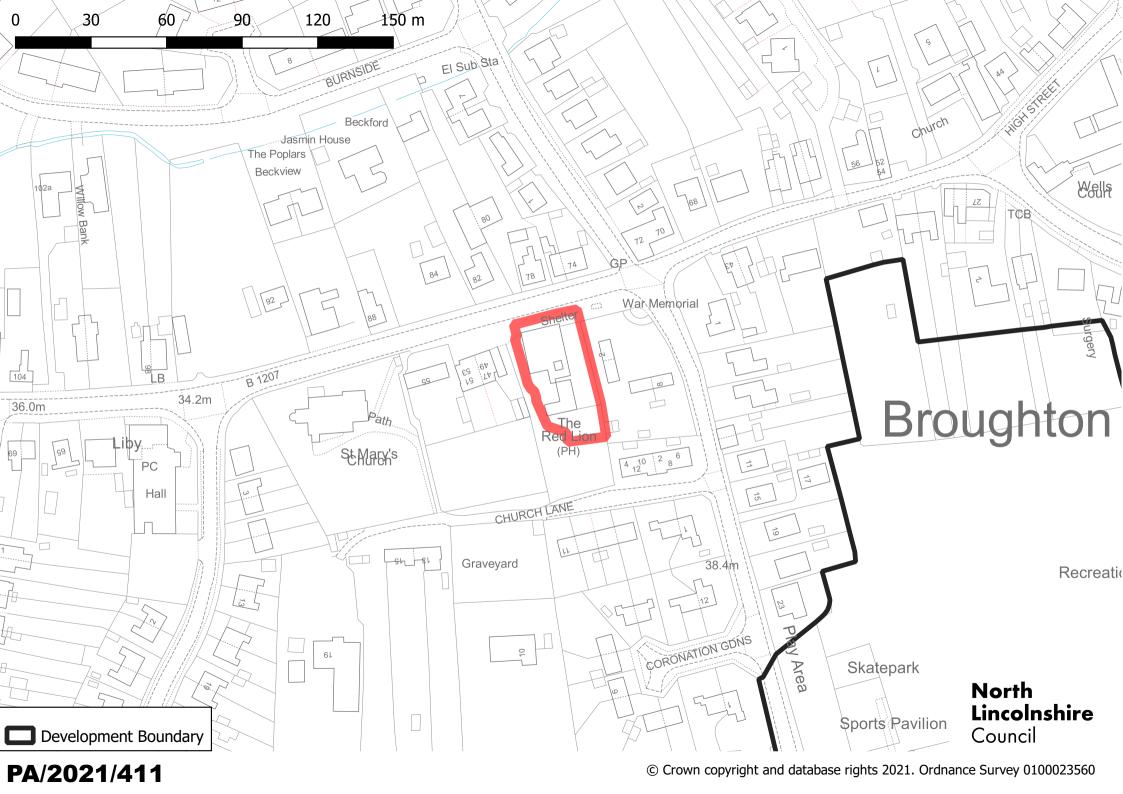
Informative 1

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

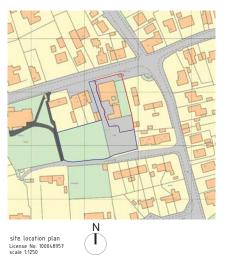
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

Informative 2

In determining this application, the council, as 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.



PA/2021/411 Existing and proposed layout (not to scale)











Pre-Application Enquiry- Change of USe/ Extension Red Lion PH, High Street, Broughton

Issue Status
Consultation
Planning
B Regs
Construction

....

site location plan

existing block plan -incorporating extant permission

proposed block plan -incorporating extant permission

FLYNN

wg No: DLRL/BR/MF/05

PA/2021/411 Proposed front elevation (not to scale) RL47.10m CIAT _47.00m _45.00m Pre-Application Enquiry- Change of USe/ Extension Red Lion PH, High Street, Broughton _41.00m _39.00m proposed front (north) elevation scale 1:50 proposed rear (south) elevation scale 1:50 Issue Status proposed side (east) elevation