

<b>APPLICATION NO</b>	<b>PA/2021/2201</b>
<b>APPLICANT</b>	Mr Keith Simpson
<b>DEVELOPMENT</b>	Planning permission to erect six semi-detached dwellings with associated works (resubmission of PA/2019/1984)
<b>LOCATION</b>	The Haymaker, 75 Main Street, Bonby, DN20 0PY
<b>PARISH</b>	Bonby
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Bonby Parish Council Significant public interest

## **POLICIES**

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

Chapter 2 – Achieving sustainable development, paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- (a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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 this Framework taken as a whole.

Paragraph 12 – The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbour-hood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

#### Chapter 4 – Decision-making

#### Chapter 5 – Delivering a sufficient supply of homes

Paragraph 92 – Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and highquality public space, which encourage the active and continual use of public areas; and
- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 93 – 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;

- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (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;
- (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

**North Lincolnshire Local Plan:**

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

H5 – New housing Development

H8 – Housing Design and Housing mix

HE9 – Archaeological Evaluation

DS1 – General Requirements

DS7 – Contaminated Land

DS11 – Polluting Activities

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk

LC15 – Species Protection

T2 – Access to Development

T19 – Car Parking Provision and Standards

**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

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS17 - Biodiversity

CS18 – Sustainable Resource use and Climate Change

CS19 – Flood risk

CS22 – Community Facilities and Services

## **CONSULTATIONS**

**Highways:** Support subject to conditions relating to parking, access, an enhanced footway arrangement on the site frontage and the submission of a construction phase traffic management plan.

**LLFA Drainage:** No objections subject to conditions relating to surface water disposal from the site and measures to prevent surface water on the highway.

**Anglian Water:** Views awaited.

**Environmental Protection:** No objections subject to conditions relating to contamination and restrictions on working hours to protect the amenity of residents during construction.

**HER (Archaeology):** The application site lies within an area where archaeological remains may be anticipated. Mitigation proposals to offset the harm to any archaeological remains should be set out in a Written Scheme of Investigation (WSI) and submitted prior to determination of the planning application. Mitigation should comprise a programme of archaeological monitoring and recording to be undertaken during the construction groundworks. Where the planning authority is minded to grant consent, any permission should be subject to conditions securing the implementation of an agreed WSI.

**Ecology:** Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and The Defra Small Sites Metric.

## **PARISH COUNCIL**

As this is an unchanged resubmission of PA2019/1984, the original objection from Bonby Parish Council to this application remains unchanged and should be considered in full against PA/2022/2201.

In addition, it is noted that at appeal it was cited that the main reason for dismissal was that the appellant had failed to provide adequate evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility. Whilst that may have been in question at the time of the original application, there is now substantial evidence to

the contrary, demonstrating beyond doubt that The Haymaker is very much required as a community facility.

As a result of the property being placed on the market in early 2021, the Low Villages Community Pub Group was formed. Bonby Parish Council commissioned a valuation on the property from the Valuation Office Agency, and it should be noted that the resulting valuation was less than half the asking price of the property. It should also be noted that any purchaser would be required to spend a substantial sum on refurbishing and re-fitting the building as a public house (this is detailed in the Valuation Office Agency Report).

The Low Villages Community Pub Group raised sufficient funds to enable a formal offer of purchase to be made for the valuation figure on 26<sup>th</sup> July 2021. This offer has been refused. It should be noted that to raise this sum of money in such a short space of time further demonstrates the support from the Low Villages Community in retaining The Haymaker as a public house.

Consequently, the development proposal still fails to accord with policy C2 of the North Lincolnshire Local Plan 2003 or with policy CS22 of the North Lincolnshire Local Development Framework: People; Places; Spaces – Core Strategy 2011 which both seek to resist the loss of community facilities unless it is not economically viable, there is no longer a need for the building in any form of community use and/or there is no acceptable alternative to meeting that need.

Furthermore, it also still fails to accord with the advice handed down at paragraph 92c) of the National Planning Policy Framework that decision makers should guard against the unnecessary loss of valued local facilities such as public houses, particularly where this would reduce the community's ability to meet its day-to-needs.

It also remains that the density and design of the proposed properties remains of major concern to the village, and is completely out of keeping with other properties in Bonby.

In summary, Bonby Parish Council maintains robust objections to this proposal.

Bonby Parish Council's original objection to the previous application PA/2019/1984 is appended and will need to be taken into consideration in the determination of this current application.

## **PUBLICITY**

Advertised by site notices. Thirty-one responses have been received objecting to the proposal and one in support. The objections raise the following issues:

- Low Villages Pub Group Limited established to demonstrate there is an interest in the premises being used for community purposes, and following this a business plan is progressing
- change to a steak house curtailed many community activities
- survey undertaken and 76% of households felt there was a need for a pub and various functions

- an offer for the site below the asking price (based on an evaluation by the District Valuer and costs to make the premises operational) was submitted in July 2021 and was rejected by the applicant's agent
- the business plan is well underway, grant funding is available and a funding group has been established
- there is a need for this community facility in Bonby
- there are no alternative premises available
- other pubs in North Lincolnshire on the market at lower prices with less repairs required – the market value is unrealistic
- there was a lack of demand for a steak house; there is demand for a public house
- all opportunities to re-open have not been considered
- Covid has increase demand for local facilities
- lack of forthcoming financial information from the owners
- tourism in the area has increased, which will support the business
- other villages are interested in the facilities Bonby has to offer
- potential for working with existing community facilities in Bonby to provide the community facilities the community wishes
- increased congestion
- only remaining village pub of the four Wolds villages
- the site should be used as community facility
- highway safety issues
- out of character
- over-development
- overlooking
- lack of car parking
- surface water flooding
- the building should be preserved
- Asset of Community Value
- important for wellbeing and village life

- interest in purchasing the premises for a community facility
- a decision should be deferred until the Community Benefit Society business plan has been assessed
- the dwellings will have small gardens
- the business can be viable
- previous application PA/2017/1404 granted a dwelling on the site
- starter homes should be provided.

The response in support raises the following issues:

- The Haymaker has not been supported by the community.
- The Haymaker has been on the market for years and hasn't been sold.
- The community group are not offering anything a well run village hall couldn't provide.

## **ASSESSMENT**

### **The site and proposal**

This proposal is for the demolition of an existing public house/restaurant to erect six semi-detached, four-bedroom dwellings on a site in Bonby. Bonby is identified as a rural settlement in the HELAP and the site is within the development boundary. The Haymaker was originally a public house and has been operating in more recent times as a restaurant. It is a community facility. The restaurant has been closed since 2019 and the restaurant business has been transferred to Elsham Golf Club. The Haymaker is listed as an Asset of Community Value.

The proposed dwellings will face Main Street with two car parking spaces in front of each of them, accessed from Main Street. The proposed dwellings are of a similar design with gables on the front elevation and canopies to form an open porch, and will be constructed from brick, render and grey roof tiles. The dwellings will be three-storey with dormer windows, and gable windows with balconies on the rear elevations. A mix of modern and traditional design dwellings are proposed on the site. They will be sited lower than Main Street due to site levels. A streetscape elevation shows the dwellings to all be of equal height, with each pair gradually positioned higher following the natural level topographical changes of the site from north to south. The site is located adjacent to residential properties and the village hall.

Members may recall that in 12 May 2020 a similar application was refused at planning committee. This was because the council did not consider that it has been adequately evidenced that there was no longer a need for the building in any form of community use. In addition, there was no alternative means of meeting such a need, as there is no accessible replacement facility in Bonby. Accordingly, the proposal was contrary to paragraph 92 of the National Planning Policy Framework, policy CS22 of the Core Strategy and policy C2 of the North Lincolnshire Local Plan. The applicant then lodged an appeal against the refusal of planning permission. The appeal was dismissed on 16 November 2020. The Inspector stated:

“the Appellant has failed to provide satisfactory evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility. Consequently, the development proposal fails to accord with Policy C2 of the North Lincolnshire Local Plan 2003 or with Policy CS22 of the North Lincolnshire Local Development Framework: People; Places; Spaces – Core Strategy 2011 which both seek to resist the loss of community facilities unless it is not economically viable, there is no longer a need for the building in any form of community use and/or there is no acceptable alternative to meeting that need.”

and

“it would fail to accord with the advice handed down at Paragraph 92c) of the National Planning Policy Framework that decision makers should guard against the unnecessary loss of valued local facilities such as public houses, particularly where this would reduce the community’s ability to meet its day-to-needs.”

This appeal decision is a material consideration in the determination of this application. The original committee report and the Inspector’s appeal decision notice are appended to this report.

**The main issues associated with this proposal are whether it complies with policy and, if so, whether the impact on the community of Bonby is acceptable. The proposal must also be assessed in terms of impact on the character of the area, on neighbours, on the highway, on drainage for the area and on archaeology, and contamination needs to be addressed. It must also be assessed whether the reasons in the Inspector’s decision notice for dismissing the appeal for PA/2019/1984 have been overcome within this application.**

### **Principle of development**

Policy CS1 of the Core Strategy states of development within Rural Settlements, ‘...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 is concerned with delivering more sustainable development. It states, ‘...Small-scale developments within the defined development limits of rural settlements to meet identified local needs’ would constitute a sustainable development. Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 of the NPPF states plans and decisions should apply a presumption in favour of sustainable development. In this case the site is located within the development boundary of Bonby where, in principle, residential development is considered to be acceptable.

The Localism Act 2011 introduced provisions to help communities safeguard land and buildings for a community purpose. The Haymaker was added in January 2020 as an asset of community value (ACV). In terms of the weight given to this as part of the planning assessment, there is local policy which considers the loss of community facilities as well as the NPPF (paragraphs 92 and 93). The assessment of the proposal against these policies therefore reflects its status as a community asset.



Policy C2 of the North Lincolnshire Local Plan is concerned with community facilities in minimum growth settlements, Rural Hamlets and Villages in the open countryside. The settlement hierarchy within the Core Strategy describes Bonby as a rural settlement and therefore policy C2 is considered relevant. The policy states that 'Proposals which would lead to the loss of key village services (uses falling under Classes A1, A2, A3, C1, C2, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987), including the change of use of vacant premises to uses outside these classes located in rural local centres, will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.' (At the time of the local plan adoption, drinking establishments and restaurants were Class A3 Food and Drink.)

Furthermore, policy CS22 of the Core Strategy, which deals with community facilities and services, 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.' Both of the above policies are reinforced by paragraph 93 of the NPPF (refer to policy section above).

There are no other restaurants or public houses in Bonby. There is a shop/post office within the village that appears to incorporate a vegan café/counter and a village hall. Policy C2 of the NLLP states that the loss of these services will only be supported if it is demonstrated that the facilities are not economically viable or an accessible replacement facility exists elsewhere. Policy CS22 states that [loss 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. Paragraph 93(c) of the NPPF states, '[policies and decisions should]...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.'

The applicant has submitted financial figures which show that the facility has been unviable over a three-year period and made significant losses in the years 2016 to 2019. The premises has not been trading since August 2019 and the steakhouse restaurant business has transferred to Elsham Golf Club. Whilst the owners of The Haymaker still live on the premises, the business is closed and the building is falling into disrepair.

Following the appeal decision for PA/2019/1984, the applicant has submitted additional robust marketing details for the site. The site has been marketed once again with a local estate agent continuously from January 2021. The premises were available for sale through offices in Brigg but also Scunthorpe, Barton upon Humber and Epworth and via the residential department and also commercial department of the local estate agency. The property was also listed for sale on the major property portals including Rightmove, Zoopla and OnTheMarket. The premises are still being marketed with a For Sale sign displayed on the site and the premises are still advertised on the estate agent's website. There has been one offer (see section below) for the premises. The estate agent has also confirmed that since the application was submitted no further offers have been made. In terms of price, the premises are marketed at £395,000 freehold as a former public house/restaurant with owner accommodation and early/immediate vacant possession. The estate agent has submitted a letter confirming the extent of the marketing and level of interest from January 2021 to October 2021:

(a) Viewings – 2

(b) Email requests – 47

(c) Last 30 days – 5 potential purchasers have researched the property in detail

(d) Offers – 1.

In terms of the price of £345,000, the estate agent has confirmed that the asking price was pitched fairly and realistically to potentially attract buyers. The asking price reflected the extensive size of the property, being around 388 square metres (gross external floor area), together with the fact that the property stood in grounds of around a third of an acre with large existing tarmacadam 21-bay car parking. The desirability of Bonby was also reflected in the recommendations with regard to the asking price. Although objectors have suggested other public houses in North Lincolnshire were marketed at a lower price, it is difficult to make comparisons when sites and locations are all different. There is no compelling evidence to suggest the price the premises is marketed at is not realistic.

In this case, in July 2021 the Low Villages Pub Group submitted an offer for the premises. This offer was substantially less than the asking price of £395,000. The offer was low due to the high costs to make the premises operational. This offer was rejected by the owner and there appears to have been no further negotiation from either side in relation to the offer. In addition, no details have been submitted of the offer, including the breakdown to make the premises viable and the proposed use(s). There are no details of any business plan and no firm details of any funding that is in place/has been secured by the Low Village Pub Group.

The premises are an Asset of Community Value and the owner has followed the procedures associated with an Asset of Community Value. The owner gave notification to the council of the intention to dispose of the premises on 1 February 2021. The interim moratorium period ended on 14 March 2021. The full moratorium triggered by Bonby Parish Council ended on 31 July 2021. The protected period ends on 31 July 2022. The owner does not have to sell the property to a local community group so long as the owner has allowed them the opportunity to express their interest and enter a bid for the property. The owner can dispose of the Asset of Community Value on the open market once the Full Moratorium has expired (31 July 2021), and will be able to do so for a period of 18 months (beginning from the date the owner first notified the local authority of their intention to dispose of the property). This period is referred to as the 'Protected Period' which ends on 31 July 2022.

The owner is under no obligation to accept this offer from this community group. It is at face value – only an offer; there is no evidence that even if the owner accepted the offer it would translate into a sale and allow the premises to be run as a public house or other community facility. Indeed, the Inspector in his appeal notice stated, '... , if the residents of Bonby do wish to see the building re-invigorated for use as a public house or some other multi-use community facility it is now incumbent upon them to come forward with a viable, sustainable proposal.' The level of opposition to the current proposal is noted but a facility such as a public house in a village with a sparsely populated hinterland can only stay open in the long term if it is used regularly by local people. With this in mind the community has come forward with an offer, but sadly to date, it does not appear to be a viable, sustainable proposal. Therefore, from the evidence that has been submitted, including the extensive marketing carried out with the only offer being from the Low Villages Community Pub Group, the fact that the accounts for the premises show it made a loss from 2016 to 2019 (before it closed), the fact that the premises have been closed for almost three years, that there other public houses in South Ferriby (albeit a short drive/cycle ride away) and there is an existing village hall and shop in Bonby, it is found on balance that there is no longer a need for the premises to be in any form of community use. The proposal therefore accords

with policies CS22 of the Core Strategy and C2 of the NLLP, and paragraph 93 of the NPPF.

In conclusion, considering the main issues in the determination of this application, on balance, the impact of harm, when assessed against the associated benefits; policies CS1, CS2, CS3 and CS22 of the Core Strategy; and policy C2 of the local plan; and the deterioration of the building, it is considered by the local planning authority that the proposal is acceptable, the benefit of residential development outweighs the current unviable business that has ceased trading, and the application should therefore be supported. The principle of development is therefore considered acceptable as there is sufficient supporting evidence that The Haymaker is not a viable business. Whilst a prospective buyer has come forward following its marketing, the offer submitted was too low for the applicant to accept. The applicant is under no obligation to accept a low offer. There appears to have been no further negotiation between the parties involved and no further offers have been received. There is no longer a need for The Haymaker in any form of community use, and whilst the proposed loss of The Haymaker is unfortunate, the settlement of Bonby would still be served by other community facilities and there are public houses/restaurants in accessible locations, albeit they are outside of the settlement of Bonby.

### **Highway safety**

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. Comments from objectors in relation to the level of car parking on the site, the access and the location of the development on the site are all noted. The council's Highways department has assessed the submission and has no objection to the proposal subject to the imposition of conditions relating to, amongst other things, the provision of an enhanced footway arrangement, the laying out of hard areas, surface water, drainage details, construction of the proposed access roads and a construction phase traffic management plan. It is therefore considered, subject to planning conditions, that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

### **Flooding and drainage**

Policy CS19 of the Core Strategy is concerned with flood risk; policy DS14 of the NLLP is concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 (lowest level of flood risk) and is therefore a preferred place for development in terms of flood risk, and represents a previously developed site. Comments from objectors that the site has flooded are noted. The LLFA has been consulted and has no objections to the proposal subject to the imposition of conditions relating to a strategy for the management of surface water created by the development. These conditions are proposed to be imposed on the planning permission. The proposal would align with policies CS18 and CS19 of the Core Strategy and policy DS14 of the NLLP.

In terms of foul drainage, the site will already be connected to the network; however, it is unclear whether or not this is fit for the purpose for the six dwellings. Anglian Water has been consulted but to date has not made any comment. That said, the applicant would be subject to separate legislation: sections 106–109 of the Water Industries Act 1991 relating to 'communication of drains and private sewers with public sewers' and it is considered that this is sufficient mitigation. It is understood that Anglian Water would have an obligation to take any flows generated by the development should planning permission be granted and

would have to ensure that any additional capacity required is created. Planning conditions are proposed for the submission of details of the foul water to the council for approval. Anglian water would be consulted on these details. The proposal, subject to a planning condition, is therefore considered to be in accordance with the aforementioned planning policies.

### **Environmental issues**

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development 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 of the NLLP is also concerned with protecting amenity. The council's Environmental Health team has assessed the application and has stated that there is a requirement to mitigate the impact of construction on local residents by restricting construction hours and site clearance operations. This could be dealt with by a planning condition. Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the North Lincolnshire Local Plan

### **Land quality**

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The applicant has not submitted a sufficient level of information in relation to land quality and the Environmental Health Officer has recommended that a full suite of contamination conditions be attached to any approval. The site has been used as a public house and restaurant and there is potential for contaminants on the site such as hydrocarbons. Again, this matter could be dealt with by a planning condition. It is therefore considered that the proposal is in accordance with policy DS7.

### **Archaeology**

In terms of archaeology, HER has been consulted and considers that the site lies within an area where archaeological remains are anticipated and construction works may destroy archaeological evidence. A programme of archaeological monitoring, excavation and recording should be maintained during construction groundwork associated with the development commonly known as a 'watching brief'. The archaeological fieldwork would be followed by post-excavation assessment, reporting, analysis and publication of any results as required. This matter can be dealt with by planning conditions, including the submission of a Written Scheme of Investigation (WSI). The proposal therefore accords with policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

### **Biodiversity and landscaping**

Policy CS17 of the Core Strategy, as well as paragraph 174 of the NPPF, relates to biodiversity. Paragraph 174 states, 'planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.' Paragraph 180 of the NPPF states, 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. Policy LC5 of the North Lincolnshire Local Plan does not allow planning permission to be granted for

development that would have an adverse impact on protected species. Following comments from the council's ecologist, the applicant has carried out a bat survey on the site/building. The surveyor found no evidence of bats roosts and negligible bat roosting potential in the restaurant and associated buildings. This report has been assessed by the council's ecologist who considers the report acceptable subject to conditions to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity. A landscaping condition is also proposed to ensure an acceptable landscaping scheme is provided on the site. Subject to these conditions, the proposal will align with policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

### **Character and design**

In terms of character, six semi-detached dwellings are proposed. The density of the development is higher than proposed for rural settlements set out in policy CS7 of the Core Strategy (at 50 dwellings per hectare) but this must be balanced against the fact that the site is located within the development limit of Bonby, that the site is a brownfield site and that, in design terms, the properties resemble three detached dwellings on the front elevation. It also has to be acknowledged that the densities set out in policy CS7 are aspirational minimum densities for new development and do not place a limit on maximum densities, which are largely dictated by site constraints and the character of the surrounding area. It has been demonstrated that six dwellings could be provided on the site with adequate amenity space and parking provision. Main Street comprises a mix of housing types and designs, and streetscape elevations have been submitted which demonstrate that the development will not have an adverse impact on the character and amenity of the locality.

The proposed dwellings will create a vibrant development that does not significantly harm the overall character of Bonby. Furthermore, the Inspector, in his decision notice, did consider that the site was suitable for housing and did not raise any issues in relation to the character and design of the dwellings. In terms of character and design, therefore, the proposal accords with policies CS2, CS5 and CS7 of the Core Strategy, and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

### **Amenity**

Policy DS1 of the North Lincolnshire Local Plan is partly concerned with impact upon residential amenity. It states 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.' In this case, due to the orientation and distance of adjoining residential properties from the site, no overlooking issues will arise from windows in the front elevations, or from bathroom and en-suite windows in the side elevations which could be required to be obscured glazed through a planning condition. The rooflights in the side elevations are at a high level within the roof and therefore any overlooking will be marginal.

Balconies are proposed on the rear elevations of all the proposed dwellings and concerns from adjoining neighbours in relation to overlooking are noted. The dwellings to the rear of the application site are Fieldview, The Mullings and Rowley House. There is a distance of over 30 metres from the proposed development to Fieldview. Some of the balconies will overlook the garden of Fieldview but not significantly due to the distances between the dwellings. There is a distance of over 40 metres from the proposed development to The

Mullings. There will be a marginal element of overlooking into the garden area of The Mullings.

In terms of Rowley House, there will be an element of overlooking from some of the balconies into the driveway area of this property and a smaller element of overlooking to the rear garden. Rowley House has some windows in its northern elevation but these are not the only windows to these rooms, so again there will be an element of overlooking into this property, but at an oblique angle. Plot 1 of the proposed development will be located close to the boundary with Rowley House. The existing building and garden area of The Haymaker are also located adjacent to this boundary. However, in front of Rowley House is the village hall car park so the relatively open aspect to the rear of Rowley House will still largely remain. Planning conditions will be used to ensure the bathroom and en-suite windows at first-floor level are obscured glazed to protect privacy. Therefore, whilst there will be small elements of overlooking as a result of the proposed development, this is not considered significant enough to justify refusal of the scheme. In addition, the Inspector's decision did not make any reference to amenity issues raised by the proposed development. The proposal therefore aligns with policies H5, H8 and DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

### **Other issues raised**

Comments have been made that the cottage on the site should be preserved. This is not a listed building, but it has been designated an ACV. There is a need for dwellings in North Lincolnshire. The council cannot insist the dwellings are affordable/starter homes as the number of dwellings proposed is under the threshold for a Section 106 to be required. In terms of highway concerns, parking restrictions and drainage concerns, no objections have been received from the highway authority or the LLFA.

### **Pre-commencement conditions**

All pre-commencement conditions have been agreed with the applicant.

### **Conclusion**

This application seeks full planning permission to erect six semi-detached dwellings and associated works. The proposal will lead to the loss of a community facility. This committee report has set out all the planning policies and material planning issues associated with the proposal. The information submitted with the application provides evidence that the business is not viable and shows a trading loss from 2016 to 2019 and that the premises have been actively marketed with a local estate agent for over a year. Whilst one offer has been received from a community group this offer has not been accepted by the owner as it was considered to be too low and the owner is not obliged to accept this offer. The premises have also been closed since 2019.

It is considered, on balance, that despite the single offer received the existing use of The Haymaker as a public house/restaurant is no longer commercially viable. Furthermore, an acceptable level of means of retaining the public house/restaurant has been explored by marketing it, but little interest has been shown by any prospective buyer and the business is therefore considered no longer commercially viable. There are other community facilities in Bonby and there are other public houses/restaurant in the neighbouring village of South Ferriby. In all other respects, the proposed development raises no substantive residential amenity, visual amenity or highway safety concerns. On this basis the proposed

development is considered to be acceptable and is recommended for approval subject to the conditions and planning obligations set out below.

**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:

(100-01) Rev P1  
(100-01) Rev P1  
(100-02) Rev P1  
(100-03) Rev P1  
(100-04) Rev P1  
(100-05) Rev P1  
(100-06) Rev P1  
(100-07) Rev P1  
(100-08) Rev P1  
(100-09) Rev P1  
(00)-01 Rev S1.

**Reason**

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

3.  
No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

**Reason**

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

4.  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

**Reason**

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

5.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

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

6.

No dwelling shall be occupied until an enhanced footway arrangement has been provided across the whole of the site frontage including:

- extension/widening of the existing facility;
- resurfacing ;
- the removal of any redundant access points; and
- the relocation of existing street furniture;

in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and accessibility in accordance with policies T2 and DS1 of the North Lincolnshire Local Plan, and CS5 of the Core Strategy.

7.

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, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway as may be required;

has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.



#### Reason

In the interests of highway safety in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

No development shall take place until a detailed surface water drainage scheme for the site (including surveys of existing outfalls) has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change, which should be based on the current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

9.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 8 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

10.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

#### Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

11.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

12.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

13.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to, and approved in writing, by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories such as North Lincolnshire Museum and the ADS digital archive
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works

- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

14.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

15.

The final dwelling constructed on site shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

16.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

## Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

17.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

### Part 1: Site characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Part 2: Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of approved remediation scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### 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.

18.

Construction, demolition, and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

#### Reason

To protect residential amenity in accordance with policy DS1 and DS11 of the North Lincolnshire Local Plan.

19.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (a) an assessment of biodiversity loss based on the habitat and hedgerow baseline within the red line boundary of the submitted Existing Site Plan drawing number (00)-02;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of bat boxes and nest boxes to be installed;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line boundary shown on the submitted location plan. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

#### Reason

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

20.

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. Prior to the occupation of the fifth dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

21.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

22.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

In the interests of the amenity of the locality in accordance with policy CS5 of the Core Strategy.

23.

No dwelling shall be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before any dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

24.

No above-ground works shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

25.

Before any dwelling is first occupied, the bathroom and en-suite window in its side elevation, shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

## Reason

To protect the living conditions presently enjoyed by occupants of adjoining properties and the privacy of future occupants of the dwellings in accordance with policy DS5 of the North Lincolnshire Local Plan.

### **Informative 1**

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

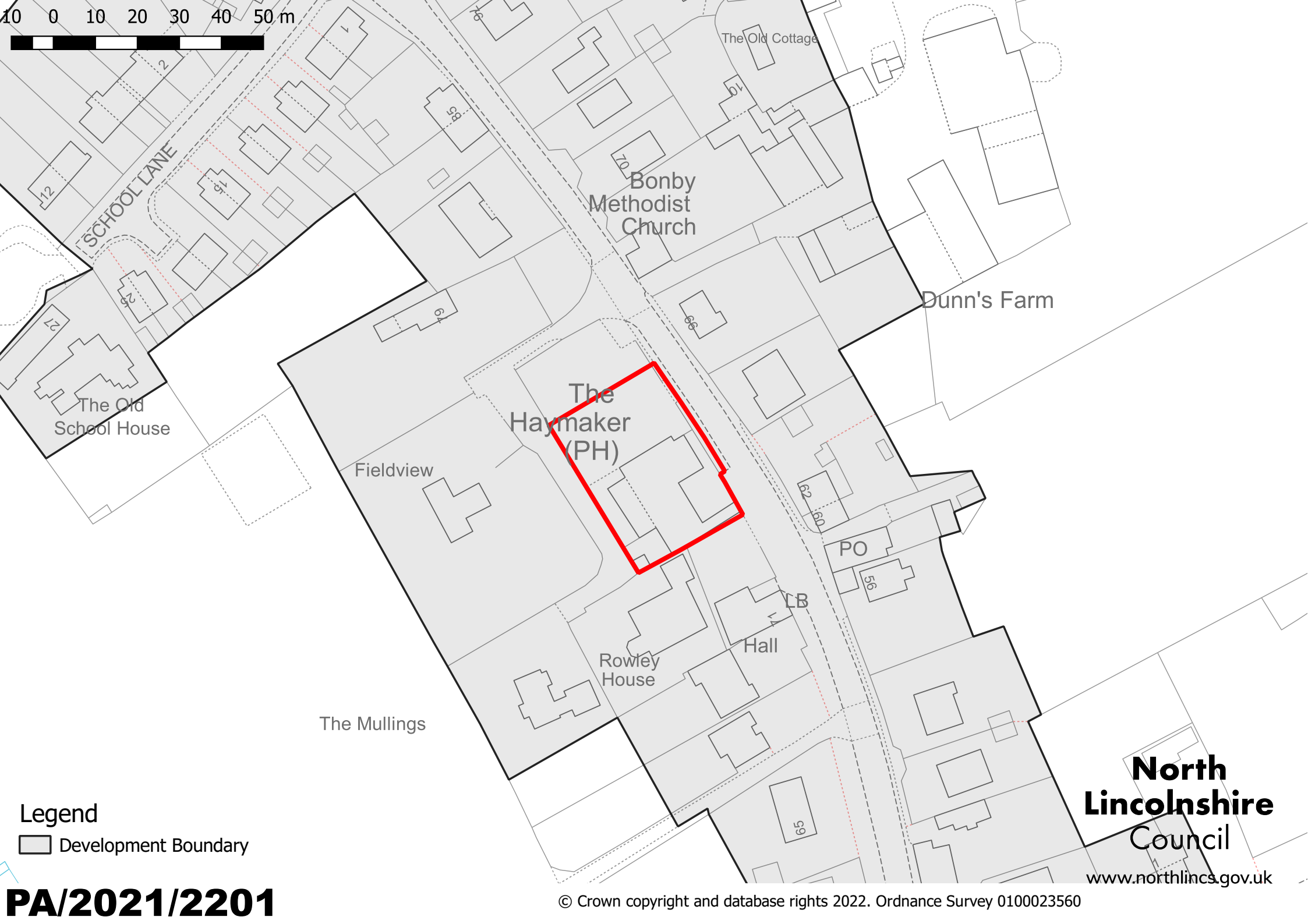
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway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



10 0 10 20 30 40 50 m



Legend

 Development Boundary

**PA/2021/2201**

**North  
Lincolnshire  
Council**

[www.northlincs.gov.uk](http://www.northlincs.gov.uk)

# PA/2021/2201 Proposed layout (not to scale)



<b>Site Area</b>	<b>Existing Footprint of demolished building</b>
1,180m <sup>2</sup> 0.29 Acres 0.118 Hectares	
<b>Proposed Gross Internal Area (GIA)</b>	
<b>Plots 1 &amp; 6</b>	<b>Plots 2, 3, 4 &amp; 5</b>
Ground Floor: 60.6m <sup>2</sup>	Ground Floor: 60.6m <sup>2</sup>
First Floor: 60.6m <sup>2</sup>	First Floor: 60.6m <sup>2</sup>
First Floor: 34.8m <sup>2</sup>	First Floor: 32.3m <sup>2</sup>
<b>Total GIA: 156.0m<sup>2</sup></b>	<b>Total GIA: 153.5m<sup>2</sup></b>

Notes:  
1. This drawing is a proposed layout and is not intended to be used for construction purposes without the approval of the Local Authority.  
2. The proposed layout is subject to the approval of the Local Authority.  
3. The proposed layout is subject to the approval of the Local Authority.  
4. The proposed layout is subject to the approval of the Local Authority.  
5. The proposed layout is subject to the approval of the Local Authority.  
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7. The proposed layout is subject to the approval of the Local Authority.  
8. The proposed layout is subject to the approval of the Local Authority.  
9. The proposed layout is subject to the approval of the Local Authority.  
10. The proposed layout is subject to the approval of the Local Authority.

Site Plan  
Scale - 1:100 @ A1

**THE HAYMAKER STEAK HOUSE**  
PLANNING SUBMISSION

PLANNING

ar<sup>2</sup> architects ltd

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T: 01482 55 55 55 E: info@ar2architects.co.uk

Project: SITE OF THE HAYMAKER STEAK HOUSE  
79 MAIN STREET, BOHBY, BRIDGLI, DN20 0PY

Client: MR & MRS SIMPSON

Drawing Title: PROPOSED SITE PLAN  
Drawing Size: A1

Drawn By: HSB	Date: 08.11.2021	Scale: 1:100	Client: PH
Reviewed By: HSB	Drawing No: 1202/13		

# PA/2021/2201 Proposed street elevations (not to scale)



**Gross Internal Area (GIA)**

Plots 1 & 6		Plots 2, 3, 4 & 5	
Ground Floor:	60.6m <sup>2</sup>	Ground Floor:	60.6m <sup>2</sup>
First Floor:	60.6m <sup>2</sup>	First Floor:	60.6m <sup>2</sup>
First Floor:	34.8m <sup>2</sup>	First Floor:	32.3m <sup>2</sup>
<b>Total GIA:</b>	<b>156.0m<sup>2</sup></b>	<b>Total GIA:</b>	<b>153.5m<sup>2</sup></b>

Notes:  
This drawing is a conceptual architectural rendering and should not be used as a basis for any decision-making process.  
The drawings are subject to change without notice.  
The drawings are not to be used for any other purpose without the written consent of the architect.  
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Proposed Street Elevation - Private Road off of Main street

Scale - 1:100 @ A1



Proposed Street Elevation - Main street

Scale - 1:100 @ A1

<b>PLANNING</b>			
<b>ar<sup>2</sup> architects ltd</b>			
<small>Unit 11, Brough Business Centre, Brough, East Yorkshire, YO7 7JL T: 01482 95 91 91 E: enquiries@ar2architects.co.uk</small>			
<small>Project</small> SITE OF THE HAYMAKER STEAK HOUSE		<small>Job Number</small> AR307-19	
<small>Client</small> MR & MRS SIMPSON			
<small>Drawing Title</small> PROPOSED STREET ELEVATIONS			
<small>Drawing Size</small> A1			
<small>Drawn By</small>	<small>Date</small> 06.11.2019	<small>Scale</small> 1:100	<small>Client</small>
<small>Reviewed By</small>	<small>Drawing No.</small> 1202120	<small>Rev.</small>	<small>PL</small>

# PA/2021/2201 Committee report PA/2019/1984

<b>APPLICATION NO</b>	<b>PA/2019/1984</b>
<b>APPLICANT</b>	Mr Keith Simpson
<b>DEVELOPMENT</b>	Planning permission to erect six semi-detached dwellings, following the demolition of existing buildings, including associated works
<b>LOCATION</b>	The Haymaker, 75 Main Street, Bonby, DN20 0PY
<b>PARISH</b>	Bonby
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Bonby Parish Council Significant public interest

## **POLICIES**

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

Chapter 2 – Achieving sustainable development, paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- (a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
  - (i) (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
  - (ii) (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or

- (i) (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 permission unless:
  - (ii) (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
  - (iii) (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities, at paragraph 92 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;
- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (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;
- (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

**North Lincolnshire Local Plan:** Policies C2, H5, H8, HE9,T2, T19, DS1, DS7, DS14 and DS16 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18, CS19 and CS22 apply.

## **CONSULTATIONS**

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

**Drainage (Lead Local Flood Authority):** No objection subject to conditions.

**Anglian Water:** Views awaited.

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

**Historic Environment Record:** No objection subject to conditions.

## **PARISH COUNCIL**

The parish council's comments are reproduced in full below:

Objection.

### 1. Number and Design of the Proposed Residential Dwellings

(a) North Lincolnshire Development Framework Core Strategy CS7: Overall Provision cites net density ranges for residential development sites as:

- Scunthorpe town centre: 45–70 dwellings per hectare
- Within Scunthorpe and Market Towns development limits: 40-45 dwellings per hectare
- Within rural settlements and the countryside: 30–35 dwellings per hectare

The proposal for 6 number residential dwellings on this site area of 0.118ha represents a density level of 50 per hectare, a level which is clearly only appropriate for a town location not a small rural village. It should also be noted for comparison purposes that the two recently approved local developments listed below are both less than half the recommended density within a rural setting:

Saxby All Saints (1 mile) – 7x 3- and 4-bedroom residential dwellings – site area 0.48ha density of 14.5 dwellings per hectare

Worlaby (1.8 miles) – 33x 3- and 4-bedroom residential dwellings – site area 3.85ha density of 8.5 dwellings per hectare

- (b) The proposal is for 2½ storey homes with balconies at the rear, this will result in at least 7 number of properties being directly overlooked, and overshadowed, destroying their privacy and access to light. In addition, it should be noted that save for a small number of loft conversions on private homes, there are no 2½ storey houses in the village.
- (c) The design of the properties would be detrimental to the streetscape of Bonby, the proposed properties are in the style of a townhouse and are not at all in keeping with our rural village location.
- (d) It should also be noted that the current residential accommodation at the Haymaker is one of the original village cottages that is over 100 years old, the pub was joined to this cottage when it was built in 1970, and whilst the pub is obviously of more modern design, the original cottage remains relatively intact.



- (e) It is known that with the increase in house prices nationally, young people are being forced to live with their parents for longer, so whilst the current proposal makes provision for 12 off road parking spaces, it is highly probable that in a rural setting a family of 4 with 2 adult children would have up to 4 vehicles per household. These additional vehicles would be parked on the roadside at a place in the village where visibility is already an issue.
- (f) Residents with local historical knowledge gathered over the last 50 years have concerns re flooding on the site of the Haymaker. The current building is known to flood, as a result of excess surface water from the many springs along the Wold Bank, replacing the existing building with 6 semi-detached units would further compound this issue and potentially put each of the units at risk of frequent flooding.

## 2. The Permanent Loss of a Public House in Bonby

- (a) Prior to the current ownership from 1970 through to 2012 the Haymaker had always been the life of the village, with sports teams including darts, pool and football, theme night functions, bands and quizzes. It was not only supported by the local community but by many of the low village communities. The Haymaker has been a valuable thriving community asset for 42 of the 49 years since it has been built. It was not only supported by the local community but by many of the low village communities as well.
- (b) The permanent loss of a public house in Bonby will result in members of the community having to travel much further, having a negative impact on the environment and adding to the carbon footprint of Bonby residents. The next nearest public houses to the Village of Bonby are in order of distance:

The Nelthorpe Arms, South Ferriby – 3.5 miles

The Hope and Anchor, South Ferriby – 3.9 miles

Public Houses in Barton-upon-Humber – 4.5 miles

The Whistle and Flute, Barnetby-le-Wold – 4.7 miles

- (c) Planning permission for the following new housing developments in the neighbouring Low Villages will result in the community, and therefore the potential customer base for the Haymaker expanding:

Saxby-All Saints (1 mile) – 7x 3- and 4-bedroom residential dwellings

Worlaby (1.8 miles) – 33x 3- and 4-bedroom residential dwellings

- (d) Tourism is becoming increasingly important to the Village, Bonby has the only caravan site in the area, and direct access to the newly constructed and popular Ancholme Way via Carr Lane, facilities such as a Village Pub are paramount to supporting tourism, and indeed the Haymaker is featured in the Low Villages Tourism Guide.
- (e) A village pub adds a premium to house prices within that village of between 3% and 5%. The loss of the Haymaker in Bonby will have a negative impact on house prices for all residents of Bonby.

- (f) The above proposal is clearly contradictory to Section 3 of the National Planning Policy Framework (Supporting a prosperous rural economy) which requires planning authorities to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. This [is] important particularly when linked to the housing developments in neighbouring villages. N Lincs need to consider the need to promote healthy communities, particularly with an ageing population and need for community facilities not just more houses, to support the increasing problems associated with social isolation etc.
- (g) Similarly, the above proposal is also clearly contradictory to Section 8 of the National Planning Policy Framework (Promoting Healthy Communities) provides that planning policies and decisions should, amongst others, 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; and ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- (h) The proposal is also inconsistent with paragraphs 83 and 92 of the National Planning Policy Framework which state that:
83. 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.
92. 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;
  - (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
  - (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;
  - (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
  - (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- (i) This proposal is also clearly contradictory to several sections of North Lincolnshire Development Framework Core Strategy as referenced below:



## CS1: SPATIAL STRATEGY FOR NORTH LINCOLNSHIRE

Supporting thriving rural communities and a vibrant countryside through the protection and enhancement of local services, creating opportunities for rural economic diversification and the promotion of tourism.

- 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.

## CS22: COMMUNITY FACILITIES AND SERVICES

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.

Points 9.33, 14.26 and 14.37 through to 14.41 state that:

9.33 – The Market Towns and Rural Settlements are key locations for improving the quality of life and the environment. In recent years a number of rural settlements have seen a decline in their services. It is important that this trend is reversed so that such settlements can become thriving, inclusive and sustainable communities, through economic growth and diversification. This could be promoted through rural business development, sustainable tourism, rural affordable housing schemes and appropriate leisure opportunities in the wider countryside. New development, including conversions should be of a scale and character appropriate to each settlement or location where a social or economic need is demonstrated. These factors will not be at the expense of the quality of the rural environment.

14.26 – The social and cultural infrastructure of a settlement provided by local services and community facilities can add vibrancy to communities and by providing a focus for activities and foster community spirit. They are essential ingredients contributing to the quality of life for many residents. Many projects are being carried out around the area in order to improve, refurbish or create additional community facilities. They can also provide an essential service to communities and their potential loss can have adverse consequences in the form of unsustainable travel patterns and social exclusion.

14.37 – The policy is needed to protect and improve community facilities. The provision of local community facilities and services is essential to the quality of life of local residents and will reduce the need for people to travel to obtain essential services.

14.38 – Any loss of community facilities will not be supported, unless an alternative facility to meet local needs is available, or can be provided, at an equally accessible location, or all options for continued use have been fully explored and none remain that would be financially viable.

14.39 – Proposals involving the loss of community facilities including land in community use, for example relating to facilities such as community/village halls, village shops and post offices, schools, colleges, nurseries, places of worship, health

services, care homes, convenience stores, libraries and public houses will not be supported.

14.40 – Working in partnership with other providers and the voluntary sector, the council will seek to ensure that community facilities and services are provided in the most effective and accessible way. In rural communities, existing services must be protected as much as possible, as their loss can have a major impact on communities.

14.41 – Details of the approach to be adopted in relation to the addition or potential loss of community facilities will be addressed in the General Policies DPD. The approach must include the close involvement of the local community itself and be informed by the context and priorities set by the Sustainable Community Strategy.

### 3. The Value of a Public House to the Community of Bonby

- (a) The Haymaker was built by Herbert Clark a longstanding village resident, in response to drink driving becoming illegal in 1967. He wanted to build a pub for the community of Bonby to enable residents to gather and socialise without risk of breaking the new law. Residents in the Village still remember the opening of the Haymaker, then called Pandora's Box on 1st August 1970 very fondly. It was built as an asset of community value for the benefit of the community of Bonby
- (b) Bonby Parish Council has consulted the community on the above proposal, asking whether residents were in support of the proposal or objected to the proposal and asking for respondents to give reasons for their opinion. Of the 22 responses received 91% objected with only 2 responses in favour (all consultation replies attached – Appendix 1).

Reasons given from the 2 responses in support were:

- removes the eyesore that the pub has become;
- no reason given.

Some of the reasons given for objection were:

- The Haymaker has a great deal of history to the village.
- It has been the foundation heart of this community for many years (up until current owners).
- Feel that 6 [houses] is too many to build.
- Bonby needs a public house essential for the community.
- It should be restored to a village pub and used to rebuild the community.
- There is not enough off-street parking.
- It would be a travesty to lose such an historic building from the village.
- The dwellings appear more like town houses and not appropriate for our village.

- (c) If further evidence is required of the economic and social importance of pubs, this is unequivocally proven by the following studies:

Pubs and Places: The Social Value of Community Pubs – Rick Muir, Institute for Public Policy Research, January 2012 Assesses the social value of community pubs, showing why pubs matter and why there should be concern about the current state of the pub trade. Includes sections on pub closures and the economic contribution of pubs.

Friends on Tap: The Role of Pubs at the Heart of the Community – Professor Robin Dunbar, Oxford University, January 2016. Examines the extent to which community pubs offer an enriching social environment.

Young Adults and the Decline of the Urban English Pub: Issues for Planning – Marion Roberts and Tim Townshend for the Joseph Rowntree Foundation, in Planning Theory & Practice, 14:4, 2013, 455-469. Concludes that the traditional pub is a site for restrained and responsible social interaction for young adults.

Village Pubs as a Social Propellant in Rural Areas: an Econometric Study – Ignazio Cabras and Carlo Reggiani, economists at Northumbria University and University of York Published in the Journal of Environmental Planning and Management, 2010. Found that villages with a thriving pub are 40/50% more likely also to have community social events and activities. Pubs are more important to the social side of village life than ever before.

Community Cohesion and Village Pubs in Northern England: an Econometric Study – Matthew Mount and Ignazio Cabras, Regional Studies, 2015. Using data from 715 rural parishes, showed the importance of pubs for maintaining rural areas in the region.

#### 4. Viability of The Haymaker as a business

- (a) An audit of the last 6 years accounting returns for The Haymaker (freely available at Companies House) show that under the current tenure, this was a thriving business up until 2017. Comments can be found as evidence on TripAdvisor feedback supporting more recently The Haymaker had not been run as well; resulting in it not achieving its potential, despite it having been a thriving establishment in the past.
- (b) Local knowledge and recollection cite this public house as being a thriving business and the heart of the community prior to its current ownership, both under its current name of The Haymaker and also under its previous guise as Pandora's Box.
- (c) It should also be noted that in the application the class of business is stated as class A3 – Restaurants and Cafés. This building was built for the community by Herbert Clark in 1969 as a Public House, class A4, and indeed has continuously been used by residents exclusively for the purpose of purchase and consumption of alcohol on the premises, throughout the current owners' tenure. Several residents attended the Extraordinary meeting who confirmed that they have consistently used the pub solely for the purpose of purchasing and consuming alcohol on the premises without purchasing food, weekly from its opening in 1970 to its recent closure in the summer of this year. They were not stopped from doing so throughout the 6–7 years the current owners have had the Haymaker. It should also be noted that whilst the current owners deterred other residents from just coming in for a drink, in the last 6

months prior to closure they did open it up to allow anyone to drink in there without purchasing food. Unfortunately, this was not taken up by many residents due to the bad feeling that they had created within the Village.

- (d) The Nelthorpe Arms in South Ferriby is evidence that in the right hands, small village pubs can be reinvigorated, and there is no reason why the Haymaker should not be commercially viable with the right management.
- (e) If the applicant claims it is not viable, then those claims should be tested using CAMRA's Public House Viability Test (attached – Appendix 2) – the test should be carried out by the planners themselves so that they have an objective assessment as to whether, if properly run, the pub could be a viable business.
- (f) Whilst we understand that the Haymaker has been offered for both sale and lease, we believe that this has been done for a relatively short period of time at an inflated price in both cases, therefore the applicant should be required to supply clear evidence that the Haymaker has been marketed as a going concern at a reasonable price and for a significant length of time, including details of where the pub was offered for sale and by whom e.g. specialist licensed trade agents. If there is insufficient evidence of a comprehensive marketing campaign, the application should be refused and not be reconsidered before such a campaign has taken place.

## **PUBLICITY**

Advertised by site notice. One letter of no objection and three letters of support have been received raising the following issues:

- The pub is an eyesore and dwellings will be an improvement.
- It is difficult to make a profit in a small village.
- The public house has little use.

Over 50 letters of objection have been received raising the following issues:

- loss of a community facility
- the pub served three adjacent villages linked by footways
- insufficient car parking
- the pub was a profitable business; the new owners made the business unviable
- the site was for sale at an unrealistic price and so no takers, and was offered for tender at a high price and there were no takers
- parking restrictions should be imposed on Main Street
- overlooking/loss of privacy
- out of character

- there is no need for these dwellings in Bonby
- affordable/starter homes should be provided
- contrary to NPPF
- density contrary to policy CS7 of the Core Strategy
- contrary to planning policies
- loss of tourism
- not sustainable
- should be reverted back to a pub
- flooding
- no change of use from the pub to a restaurant
- as business has been transferred it must be viable
- increase in car journeys
- PA/2017/1404 is being built on the adjacent plot
- too many dwellings proposed
- adverse impact on local school places
- the residence is a listed building
- should be run as a community pub
- highway hazards from vehicles turning into Main Street
- lack of visibility
- it is nominated as an ACV
- need for archaeological work to be carried out
- additional hazards to pedestrians.

## **ASSESSMENT**

### **The proposal**

This proposal is for the demolition of an existing restaurant to erect six semi-detached, four-bedroom dwellings on a site in Bonby. Bonby is identified as a rural settlement in the HELAP. The Haymaker was originally a public house and has been operating in more recent times as a restaurant. It is a community facility. The restaurant is now closed and the restaurant business has been transferred to Elsham Golf Club.

The proposed dwellings will face Main Street with two car parking spaces in front of each of them, accessed from Main Street. The proposed dwellings are of a similar design with gables on the front elevation and canopies to form an open porch, and will be constructed from brick, render and grey roof tiles. The dwellings will be three-storey with dormer windows, and gable windows with balconies on the rear elevations. A mix of modern and traditional design dwellings are proposed on the site. They will be sited lower than Main Street due to site levels. A streetscape elevation shows the dwellings to all be of equal height, with each pair gradually positioned higher following the natural level topographical changes of the site from north to south. The site is located adjacent to residential properties and the village hall.

**The main issues associated with this proposal are whether it complies with policy and, if so, whether the impact on the community of Bonby is acceptable; also, whether the proposal is acceptable in terms of impact on the character of the area, on neighbours, on the highway, on drainage for the area, on archaeology and contamination need to be addressed.**

### **Principle of development**

Policy CS1 of the Core Strategy states of development within Rural Settlements, "...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 is concerned with delivering more sustainable development. It states, "...Small-scale developments within the defined development limits of rural settlements to meet identified local needs" would constitute a sustainable development. Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date. In this case the site is located within the development boundary of Bonby where, in principle, residential development is considered to be acceptable.

### **Loss of community facilities**

The Localism Act 2011 introduced provisions to help communities safeguard land and buildings for a community purpose. The Haymaker was added in January 2020 as an asset of community value (ACV). In terms of the weight given to this as part of the planning assessment, there is local policy which considers the loss of community facilities as well as the NPPF (paragraph 92). The assessment of the proposal against these policies therefore reflects its status as a community asset.

Policy C2 of the North Lincolnshire Local Plan is concerned with community facilities in minimum growth settlements, Rural Hamlets and Villages in the open countryside. The settlement hierarchy within the Core Strategy describes Bonby as a rural settlement and therefore policy C2 is considered relevant. The policy states that "Proposals which would lead to the loss of key village services (uses falling under Classes A1, A2, A3, C1, C2, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987), including the

change of use of vacant premises to uses outside these classes located in rural local centres, will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.” (At the time of the local plan adoption, drinking establishments and restaurants were Class A3 Food and Drink.)

Furthermore, policy CS22 of the Core Strategy, which deals with community facilities and services, 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.” Both of the above policies are reinforced by paragraph 92 of the NPPF (refer to policy section above).

There are no other restaurants or public houses in Bonby. There is a shop/post office within the village. Policy C2 of the NLLP states that the loss of these services will only be supported if it is demonstrated that the facilities are not economically viable or an accessible replacement facility exists elsewhere. Policy CS22 states that [loss 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. Paragraph 92(c) of the NPPF states that “[policies and decisions should]...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.” The applicant has submitted financial figures which show that the facility has been unviable over a three-year period and made significant losses in the years 2016–2019. The premises has not been trading since August 2019 and the steakhouse restaurant business has transferred to Elsham Golf Club.

The marketing details of the business/site have been provided in the form of two letters stating that the freehold of the Haymaker Steakhouse was marketed from April 2008 to March 2012 with three viewings and no offers. The property was then marketed on a new leasehold from February 2019 to July 2019 with two viewings and no offers. The other letter states that the property was marketed for 1+ year from April 2016 with one enquiry, one viewing and no requests for further details. The property was marketed on various websites. It is clear that some marketing has taken place, although there are significant ‘gaps’ in the marketing period. However, no details of the price of the property for sale and lease have been submitted to the council. Therefore, it cannot be evidenced, in terms of policy CS22 of the Core Strategy, if there is actually no longer a need for the land or building in any form of community use. Policy C2 of the North Lincolnshire Local Plan states that proposals leading to the loss of key village services will only be permitted if the premises are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre. The proposal may show the business to be unviable through the accounts submitted but the marketing does not adequately demonstrate that all options for continuance have been explored and there is no accessible replacement facility within the settlement of Bonby.

The main day-to-day facility in Bonby is a small village post office/shop. There is no other restaurant/public house in the village. The nearest restaurant/public houses are in South Ferriby, over 5 kilometres away. Due to the distance involved, it is likely that residents would use private vehicles to access these facilities, thereby increasing the need to travel. The council does not consider that it has been adequately demonstrated that there is no longer a need for the land or building in any form of community use and the loss of the

community asset is not offset by other facilities in the immediate area, thereby increasing the need to travel. The number of letters of objection suggests that there is support from residents and a need for this building for a community use, and the building is now currently listed as an ACV. It is therefore considered that the proposal is not in accordance with policies C2 of the local plan and/or CS22 of the Core Strategy, nor paragraph 92 of the NPPF.

### **Highway safety**

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and 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 council's Highways department has assessed the submission and has no objection to the proposal subject to the imposition of conditions, relating to, amongst other things, the provision of an enhanced footway arrangement, the laying out of hard areas, surface water, drainage details, construction of the proposed access roads and a construction phased traffic management plan. It is therefore considered that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

### **Flooding and drainage**

Policy CS19 of the Core Strategy is concerned with flood risk; policy DS14 of the NLLP is concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk, and represents a previously developed site. The LLFA has been consulted and has no objections to the proposal subject to the imposition of conditions relating to a strategy for the management of surface water created by the development.

In terms of foul drainage, the site will already be connected to the network; however, it is unclear whether or not this is fit for the purpose for the six dwellings. Anglian Water has been consulted but to date has not made any comment. That said, the applicant would be subject to separate legislation: sections 106–109 of the Water Industries Act 1991 relate to 'communication of drains and private sewers with public sewers' and it is considered that this is sufficient mitigation. It is understood that Anglian Water would have an obligation to take any flows generated by the development should planning permission be granted and would have to ensure that any additional capacity required is created. The proposal is therefore considered to be in accordance with the aforementioned planning policies.

### **Environmental issues**

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development 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 of the local plan is also concerned with protecting amenity.

The council's Environmental Health team has assessed the planning application and has stated that there is a requirement to mitigate the impact of construction on local residents by restricting construction hours and site clearance operations. This could be dealt with by a planning condition. Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the North Lincolnshire Local Plan.



## **Land quality**

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The applicant has not submitted a sufficient level of information in relation to land quality and the EHO has recommended that a full suite of contamination conditions be attached to any approval. The site has been used as a public house and restaurant and there is potential for contaminants on the site such as hydrocarbons. Again this matter could be dealt with by a planning condition. It is therefore considered that the proposal is in accordance with policy DS7.

## **Archaeology**

In terms of archaeology, HER has been consulted and considers that the site lies within an area where archaeological remains are anticipated and construction works may destroy archaeological evidence. A programme of archaeological monitoring and recording should be maintained during construction groundwork. This issue could be dealt with by planning conditions. The proposal therefore accords with policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

## **Character and design**

In terms of character, six semi-detached dwellings are proposed. The density of the development is higher than proposed for rural settlements set out in policy CS7 of the Core Strategy (at 50 dwellings per hectare) but this must be balanced against the contribution the scheme will make towards the council's five-year land supply, the fact that the site is located within the development limit of Bonby, that the site is a brownfield site and that, in design terms, the properties resemble three detached dwellings on the front elevation. It also has to be acknowledged that the densities set out in policy CS7 are aspirational minimum densities for new development and do not place a limit on maximum densities, which are largely dictated by site constraints and the character of the surrounding area. It has been demonstrated that six dwellings could be provided on the site with adequate amenity space and parking provision. Main Street comprises a mix of housing types and designs. Streetscape elevations have been submitted which demonstrate that the development will not have an adverse impact on the character and amenity of the locality. The proposed dwellings will create a vibrant development that does not significantly harm the overall character of Bonby. In terms of character and design, therefore the proposal accords with policies CS2, CS5 and CS7 of the Core Strategy, and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

## **Amenity**

Policy DS1 of the North Lincolnshire Local Plan is partly concerned with impact upon residential amenity. It states 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." In this case, due to the orientation and distance of adjoining residential properties from the site, no overlooking issues will arise from windows in the front elevations, or from bathroom and en-suite windows in the side elevations which could be required to be obscured glazed through a planning condition. The rooflights in the side elevations are at a high level within the roof and therefore any overlooking will be marginal.

Balconies are proposed on the rear elevations of all the proposed dwellings and concerns from adjoining neighbours in relation to overlooking are noted. The dwellings to the rear of the application site are Fieldview, The Mullings and Rowley House.

There is a distance of over 30 metres from the proposed development to Fieldview. Some of the balconies will overlook the garden of Fieldview but not significantly due to the distances between the dwellings.

There is a distance of over 40 metres from the proposed development to The Mullings. There will be a marginal element of overlooking into the garden area of The Mullings.

In terms of Rowley House, there will be an element of overlooking from some of the balconies into the driveway area of this property and a smaller element of overlooking to the rear garden. Rowley House has some windows in its northern elevation but they are not the only windows to these rooms, so again there will be an element of overlooking into this property, but at an oblique angle. Therefore, whilst there will be elements of overlooking as a result of the proposed development, this is not considered significant enough to justify refusal of the scheme.

### **Other issues raised**

Comments have been made that the cottage on the site is listed. This is not the case. The building is not listed. It has been designated an ACV. There is a need for dwellings in North Lincolnshire, particularly in light of the lack of five-year land supply of deliverable sites. The council cannot insist the dwellings are affordable/starter homes as the number of dwellings proposed is under the threshold for a Section 106 to be required. There is no evidence to suggest that the proposed six dwellings will have adverse impact on the provision of school places. In terms of highway concerns and parking restrictions, no objections have been received from the highway authority.

### **Conclusion**

In terms of the planning balance, it is considered that the proposed dwellings comply with policy in terms of being located within the development boundary of Bonby and being located on a brownfield site. The dwellings are considered acceptable in terms of design, siting and scale, although it is accepted that the balcony areas will result in a small element of overlooking to adjoining properties. The proposal will also make a modest contribution to the council's housing land supply.

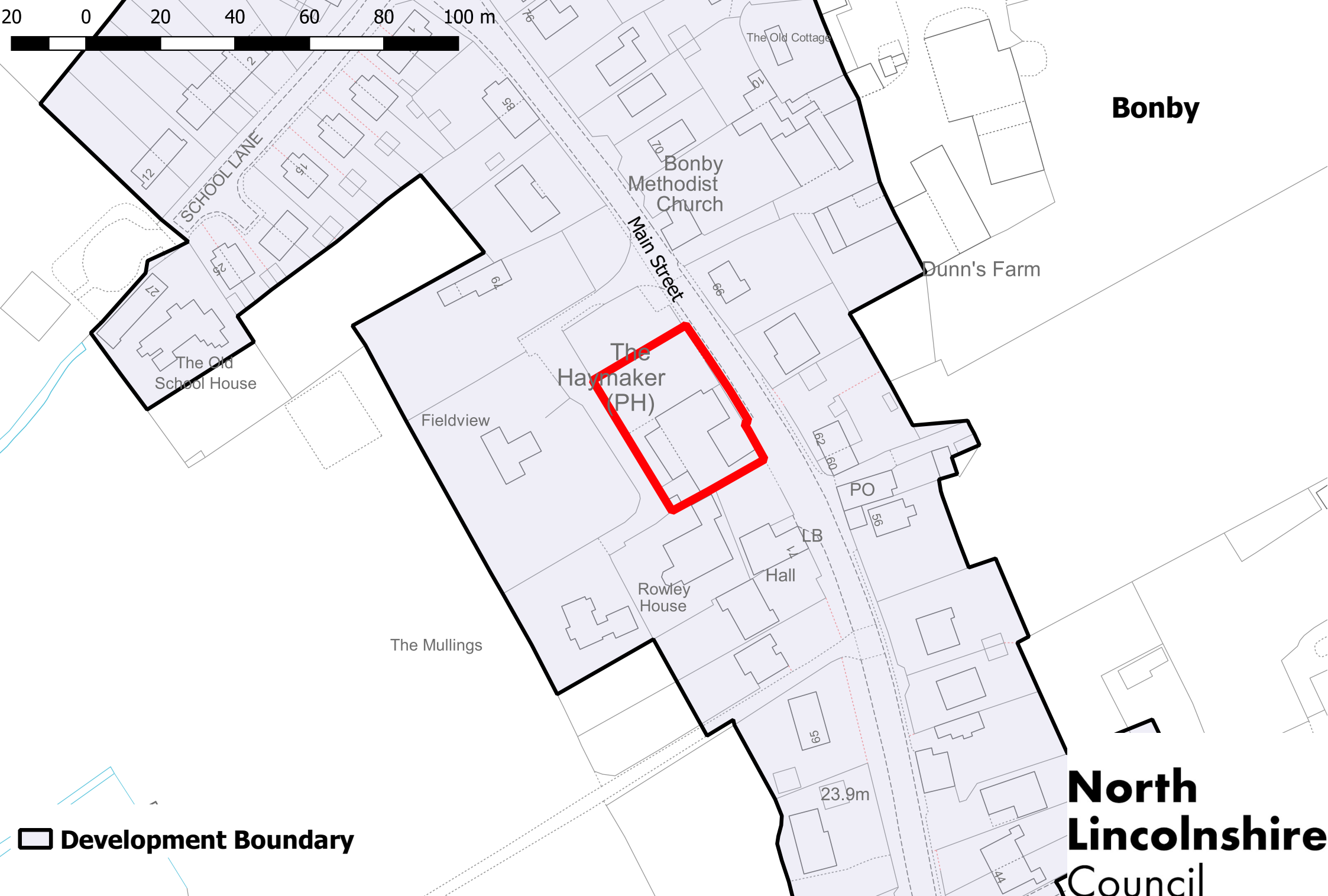
However, although the business from the submitted accounts appears to be unviable, no details of the price of the property for sale or lease have been submitted to the council and there have been significant 'gaps' in the marketing periods, some of these periods being historic. There has been only limited marketing undertaken recently to explore current interest in the property and again no details of pricing have been provided for this limited period of marketing. Therefore, it cannot be evidenced, in terms of policy CS22 of the Core Strategy, that there is actually no longer a need for the land or building in any form of community use and there are no accessible replacement facilities within the settlement of Bonby. The proposal will lead to the loss of a community use in a settlement with limited services and will increase the need to travel. The proposal is therefore contrary to paragraph 92 of the National Planning Policy Framework, policy C2 of the North Lincolnshire Local Plan and policy CS22 of the Core Strategy.

**RECOMMENDATION: Refuse permission for the following reasons:**

The proposal will result in the loss of a valued facility/service within the rural settlement of Bonby. The council does not consider that it has been adequately evidenced that there is no longer a need for the building in any form of community use. In addition, there is no alternative means of meeting such a need, as there is no accessible replacement facility in Bonby. Accordingly, the proposal is contrary to paragraph 92 of the National Planning Policy Framework, policy CS22 of the Core Strategy and policy C2 of the North Lincolnshire Local Plan.

**Informative**

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.



**Bonby**

**North  
Lincolnshire  
Council**

**PA/2019/1984**





# PA/2019/1984 Proposed layout (not to scale)



<b>Site Area</b> 1,180m <sup>2</sup> 0.29 Acres 0.118 Hectares	<b>Existing Footprint of demolished building</b>
<b>Proposed Gross Internal Area (GIA)</b>	
<b>Plots 1 &amp; 6</b> Ground Floor: 60.6m <sup>2</sup> First Floor: 60.6m <sup>2</sup> First Floor: 34.8m <sup>2</sup> Total GIA: 156.0m <sup>2</sup>	<b>Plots 2, 3, 4 &amp; 5</b> Ground Floor: 60.6m <sup>2</sup> First Floor: 60.6m <sup>2</sup> First Floor: 32.3m <sup>2</sup> Total GIA: 153.5m <sup>2</sup>

Notes:  
 1. This drawing is a site plan and does not show the details of any services and should not be used for any other purpose.  
 2. The site plan is based on the information provided and does not show the location of any services.  
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 10. The site plan is based on the information provided and does not show the location of any services.

Site Plan  
 Scale - 1:100 @ A1

**THE HAYMAKER STEAK HOUSE**  
 PLANNING SUBMISSION

PLANNING

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Project: SITE OF THE HAYMAKER STEAK HOUSE  
 79 MAIN STREET  
 BOHBY, BRIDGLI, DN20 0PY

Client: MR & MRS SIMPSON

Drawing Title: PROPOSED SITE PLAN  
 Drawing Size: A1

Drawn by: HSB	Date: 08.11.2019	Scale: 1:100	Client: PH
Reviewed by: HSB	Drawing No: 1201/13		



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# Appeal Decision

Site visit made on 28 October 2020

**by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> November 2020**

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**Appeal Ref: APP/Y2003/W/20/3255113**

**The Haymaker, 75 Main Street, Bonby DN20 0PY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
  - The appeal is made by Mr & Mrs Simpson against the decision of North Lincolnshire Council.
  - The application Ref PA/2019/1984, dated 18 November 2019, was refused by notice dated 14 May 2020.
  - The development proposed is the demolition of an existing vacant restaurant and attached owner / occupier flat, and the erection of 6 semi-detached family homes.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the Appellant has provided adequate evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility.

### Reasons

3. The appeal property known as The Haymaker is in the village of Bonby in North Lincolnshire. Just over 500 people live within the village. The site comprises a large 2-storey building which was constructed in the 1970s for a public house, an accommodation flat and a car park. The building was last used as a steak house, but this use terminated in 2019. It now appears to be vacant.
4. The development proposal comprises the demolition of The Haymaker and flatted accommodation and the erection of 6 semi-detached dwellings with 4 or more bedrooms.
5. The building was opened as a purpose-built public house in August 1970 when it was known as 'Pandora's Box'. It operated as a public house until around 2011/2012 at which time it was converted into a steak house restaurant. That restaurant operated until August 2019 when, following trading difficulty, the business was relocated to Elsham Golf Club. At that point The Haymaker ceased commercial operation and closed.
6. In January 2020 the Council designated the building as an Asset of Community Value (ACV) under s.91 of the Localism Act 2011. As a consequence, the owner is required to give notice to the Council of any intention to dispose of the land whom, in turn, is required to inform the relevant community group and provide

it with an opportunity to purchase the site or building. If that group wishes to make a bid it then has a 6-month period in which to raise funds. So far, neither the Parish Council nor any other community body has submitted any proposal to the Council for the re-use of The Haymaker.

7. The annual accounts show that the steak house restaurant made a loss after tax from 2015/16 through to 2018/19 which, with one exception, year on year got progressively larger. The owner of the building has made 3 attempts to sell The Haymaker. First, it was marketed for sale between 2008 and 2012 by Sidney Phillips, a firm specialising in licensed premises. During this period there were 3 viewings and no offers. It was again marketed for sale for a period of around a year in 2016 jointly by Sidney Phillips and Guy Simmonds, another firm specialising in licensed premises. This resulted in just 1 viewing and no offers. Finally, it was marketed on a leasehold basis in 2019 by Sidney Phillips and this produced 2 viewings and no offers.
8. However, no details have been provided as to what the value or the asking price of the property was and whether it was marketed as a public house or as a restaurant. Similarly, no details have been provided as regards the terms of the leasehold. In the absence of these details it is not possible to make a robust assessment as to the viability of The Haymaker as a public house or other community facility.
9. There are 2 other community facilities within the village. The Village Hall is adjacent to The Haymaker. It hosts the Village Hall Charity, a pre-school playgroup, a monthly book swap, parish council meetings, the Women's Institute, quiz and bingo evenings and is available for hire for functions such as parties and receptions. It appears to be well used.
10. Opposite the village hall is the Village Shop. This incorporates a post-office, a vegan café and take away and it also has a license for the sale of alcohol. It was listed as an ACV by the Council in 2014.
11. Beyond the village there are public houses at South Ferriby (The Nelthorpe Arms and The Hope and Anchor) around 3.5 miles away, at Barton-upon-Humber (The Sloop Inn) around 4.5 miles away and at Barnetby-Le-Wold (The Whistle and Flute) about 4.5 miles away. In addition, there is a bar at the nearby golf club and on the local caravan site.
12. Although residents of Bonby have to use private transport to travel to these establishments it is also likely that were The Haymaker to reopen as a public house it would be reliant upon car-borne trade drawn from the wider area known as the Low Villages<sup>1</sup>.
13. A survey undertaken by Bonby Parish Council in response to the planning application for the redevelopment of the site for housing elicited 22 responses. 20 of those objected to the proposed redevelopment. There were also over 50 objections to the planning application.

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<sup>1</sup> The 5 Low Villages comprise South Ferriby, Horkstow, Saxby All Saints, Bony and Worlaby.



14. Reference has been made to academic papers and studies about the social and economic importance of the public house<sup>2</sup>. These show that an operational village public house can help maintain village and rural vitality and can encourage restrained and responsible social interaction amongst younger people. Reference was also made by some objectors to the positive effects that a public house can have on local house prices.
15. None of the papers cited were provided and so it is not possible to scrutinise the data or evaluate the strength and robustness of their conclusions. Nevertheless, it seems reasonable to assume that a responsibly run, vibrant public house, would contribute positively to community vitality and that this might have knock-on effects in terms of local house prices.
16. Reference was also made to another public house in the area, The Nelthorpe Arms at South Ferriby, that has been re-invigorated by new ownership. Whether The Haymaker might be capable of re-invigoration is not possible to say although CAMRA has devised a public house viability test which could be used to evaluate its prospects.
17. A public house provides a community facility which is quite distinct from that provided by a Village Shop or a Village Hall. Whilst a Village Shop does provide essential services and an opportunity for social interaction during the day it cannot provide the same level of opportunity for conviviality in the evening.
18. Similarly, although a Village Hall can provide a range of activities to suit a wide variety of interests it cannot meet the same basic social need with the same regularity as that provided by a local public house. Consequently, neither the Village Shop nor the Village Hall provide an acceptable or suitable alternative to a local public house.
19. Submissions were made to the effect that the former public house was once the hub of the community and ran sports teams, quiz nights and other associated activities. Some objectors have claimed that locals felt alienated when it became a 'food only' establishment.
20. However, notwithstanding the above, it is an inescapable fact that many public houses in rural areas have closed over the past 10-20 years due to a combination of factors including cheaper home-based alcohol consumption, drinking and driving laws and a fundamental change in societal tastes and habits. These factors probably had a bearing on the closure of the public house in 2011/2012. It is also clear that the former steak house restaurant was not a financially viable business operation.
21. Nevertheless, the demolition and the redevelopment of a former public house is a near irreversible act which should only be implemented where there is clear and convincing evidence that all reasonable opportunities to re-open have been properly considered. This is even more so when it is listed as an ACV which is a

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<sup>2</sup> Muir, R (2012) *Pubs and places: The social value of community pubs*. Institute for Public Policy Research.  
Dunbar, R (2016) *Friends on tap: The role of pubs at the heart of the community* (Publisher unspecified).  
Roberts, M and Townshend, T (2013) "Young adults and the decline of the urban English pub: Issues for planning". *Planning Theory & Practice* 14 (4) 455-469.  
Cabras, I and Reggiani, C (2010) "Village pubs as a social propellant in rural areas: An econometric study", *Journal of Environmental Planning and Management* (volume / page details not provided)  
Mount, M and Cabras, I (2015) "Community cohesion and village pubs in northern England: An econometric study", *Regional Studies* (volume / page details not provided).

consideration that I must have regard to. Furthermore, it is a consideration that I attach considerable weight to.

22. The evidence put forward by the Appellant is not clear and convincing since it fails to show the basis upon which the building was marketed. It is not clear if the building was marketed as a public house notwithstanding that this was its function until around 2011/2012.
23. Inevitably, a sense of realism is needed in considering the prospect of the building as a public house or some other community facility. The village is quite small, the surrounding area has a sparse population and there are several operational public houses located not too far away.
24. However, if the residents of Bonby do wish to see the building re-invigorated for use as a public house or some other multiuse community facility it is now incumbent upon them to come forward with a viable, sustainable proposal. The level of opposition to the current proposal is noted but a facility such as a public house in a village with a sparsely populated hinterland can only stay open in the long term if it is used regularly by local people.
25. For the above reasons, the Appellant has failed to provide satisfactory evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility. Consequently, the development proposal fails to accord with Policy C2 of the North Lincolnshire Local Plan 2003 or with Policy CS22 of the North Lincolnshire Local Development Framework: People; Places; Spaces – Core Strategy 2011 which both seek to resist the loss of community facilities unless it is not economically viable, there is no longer a need for the building in any form of community use and / or there is no acceptable alternative to meeting that need.
26. Furthermore, it would fail to accord with the advice handed down at Paragraph 92c) of the National Planning Policy Framework that decision makers should guard against the unnecessary loss of valued local facilities such as public houses, particularly where this would reduce the community's ability to meet its day-to-needs.

### **Other Matters**

27. The site would be suitable for housing. Furthermore, if a productive use is not found for the building reasonably soon then its fabric will further deteriorate to the detriment of the street scene and the wider village. These are considerations that I have had regard to, but they do not outweigh the fundamental conflict with the Development Plan that has been identified.

### **Conclusion**

28. For the above reasons the appeal should be dismissed.

*William Walton*

INSPECTOR