

Officers Report

Planning Application No: 143218

PROPOSAL: Planning application for change of use of public house into 1no. dwelling including removal and replacement of existing extension, update front and rear windows, and install patio doors - resubmission of 142444.

LOCATION: Marquis Of Granby High Street Waddingham Gainsborough DN21 4SW

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr Summers

APPLICANT NAME: Mr Williams

TARGET DECISION DATE: 11/08/2021

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approval subject to conditions.

This application is being reported to planning committee because of the relatively finely balanced nature of the application.

Description:

Planning permission is sought to change the use of the Marquis of Granby public house (sui generis use class) to a single dwelling (use class C3) with the demolition and reconstruction of a rear wing of the building with a shallower roof pitch. Windows and doors would be replaced. Two car parking spaces are proposed to the rear of the building as shown on the site plan.

The existing ground floor of the building is a public house and the first floor contains a four bedroom flat. The property is an asset of community value.

The application site is within a limestone minerals safeguarding area.

Relevant history:

The site:

142444 Planning application for change of use of public house into 1no. dwelling including removal and replacement of existing extension, update front and rear windows, and install patio doors. Refused 6/4/2021:

“The proposal fails to provide sufficient information to demonstrate that the public house, a centrally located community facility, is no longer fit for purpose and the site is not viable to be redeveloped for a new community facility, nor is there alternative provision that exists within reasonable proximity. The proposal would result in the unnecessary loss of a modest amount of potentially local employment opportunities. The proposal does not

demonstrate the site is inappropriate or unviable for any employment use to continue, nor it is clear that appropriate marketing took place on terms that reflect the condition of the premises. The proposal is contrary to Policies LP5 and LP15 of the Central Lincolnshire Local Plan and paragraphs 83 and 92 of the National Planning Policy Framework.”

Land to the west:

143052 Application for approval of reserved matters for the erection of 7no. dwellings, considering access, appearance, landscaping, layout and scale following outline permission 138660 granted 21 March 2019. Currently under consideration.

138660 Outline planning application for the erection of 7no. dwellings with all matters reserved. Approved 21/3/2019.

136796 Outline planning application for the erection of 7no. dwellings with all matters reserved. Refused 10/1/18.

130898 Planning application for 10no. dwellings including 2no. affordable dwellings with associated parking and 12no. parking bays for the public house. Refused 22/5/14. Dismissed at appeal reference APP/N2535/A/14/2222549 on 29/1/15.

129108 Outline planning application to erect 11no. 2 storey dwellings with all matters reserved-public house to remain. Withdrawn by the applicant 14/3/2013.

Representations:

Waddingham Parish Council:

“I am posting this objection as Chairman on behalf of Waddingham Parish Council and its community. Please consider all of the comments on the previous planning application for the change of use of the Marquis of Granby. The refusal of this previous application was an emphatic no and the people of Waddingham do not understand why this is being reconsidered.”

The previous Parish Council comments are:

“On behalf of the Parish we wish to object to the proposal to change the use of the Marquis of Granby to a private dwelling. We ask the Planning Authority and Communities Manager to take into account the passionate views of a huge number of parishioners over the wishes of a distant developer who has no knowledge of our village and is only interested in making money. The reasons given for the proposal are all based on the premise that the pub is not viable and that there is no interest in the community for keeping the public house. The Marquis of Granby is at the centre of our community and has been successful for many years. It has always been a tenanted premises and since Wards Brewery’s ownership the building has had no money spent on

the physical building. The last two tenants have tried hard to make a success of the business but have had no support from the successive owners. It has never been an owner-occupied business. TPS stated in their documentation that there is no interest in a purchase that would keep the use as a public house. There has been viable and enthusiastic interest shown to buy it and keep it as a pub but this was turned down by TPS in favour of the new developer owners. The last tenants were making a great job of creating a welcoming meeting and eating place. Please see the comments on Trip Adviser, the comments on there do not show an unviable failure. The tenants before last ran charity events and music festivals and events. These facts were ignored by the parties involved who declared ignorance that these community activities took place. In 2018 a group of parishioners asked for the Pub and its grounds to be made an asset of community value. The Community Manager was persuaded by the developer owners that the grounds of the pub were not an asset of community value and so cut them off from the application. Planning applications were then put in to build houses on the grounds. These were fought by the Parish and were turned down by the planning authority and by the secretary of state, but after repeatedly submitting them the last application was passed. The ACV was dropped, not because the community had no interest but because the Communities Manager advised the Parish Council to drop it. This was during lockdown when it was impossible to have effective meetings. He then went on write to the developer owners, basically giving them the go ahead to change the use of the pub. He quoted the Localism Act 2011, part 5, chapter 3 subsection 88 (2) (b). "it is realistic to think that there is a time in the next 5 years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community." Our community disagrees with this wholeheartedly. There are many, many comments on the planning portal that show this. The community's first sight of this letter was as a document on the planning application. There is also an email from Peter Mills that states "As you are (sic) aware, a full justification report was carried out and it confirmed that building is no longer viable to ran (sic) as a public house, the building was also offered to the community for other uses, but this received zero interest."

This implication that there was a lack of interest from the community is absolutely false. The community held several public meetings that had good attendance and which caused the parish to ask for the pub to be made an ACV and there was a meeting with the Communities Manager. There is now a huge groundswell of opinion throughout the community. The current government is keen for communities to keep their assets including public houses, and had this support (More than a Pub) been available at the vital time we would have made use of it. Once the pub is gone it is gone, we cannot have it back. The pub has been there for around 100 years it would be wrong to lose it completely due to the mismanagement by the owners over the last few years. We ask that you think about our community when making your decision and that you do not allow the change to the use of the building."

Local residents:

Objections have been received from residents of the following addresses summarised below:

2 Millers Court Waddingham
3 Millers Court Waddingham
4 Millers Court Waddingham
Stable Cottage Church Road Waddingham
1 Redbourne Road Waddingham
4 Redbourne Road Waddingham
7 The Wolds Waddingham
8 Millstone Way Waddingham
5 Cliff Crescent Snitterby Road Waddingham
6 Glanford Crescent Hibaldstow
9 South Dale Close Kirton Lindsey
Holly Nook Cottage Silver Street Waddingham
Summer Beck The Green Waddingham
Sunset Cottage Snitterby Road Waddingham
The Birches Redbourne Road Waddingham
The Bungalow 5 School Lane Snitterby
The Stocks Church Lane Snitterby
West View House Joshua Way Waddingham
9 Broadbeck Waddingham
The Olde Workshop The Green Waddingham
The Olives Scotter Road Scunthorpe
The White House Brandy Wharf Road Waddingham
Archway Joshua Way Waddingham
Fairmount Joshua Way Waddingham
Rose Cottage The Green Waddingham
Belmont Lodge 1 The Wolds Waddingham
5 Stainton Avenue Waddingham x 2
Bramble Cottage Church Road Waddingham
Glebe Cottage Church Road Waddingham
Rose Cottage The Green Waddingham
Yazmin 4 Old Chapel Court Waddingham x 2
15 and 18 Cliff Crescent Snitterby Road Waddingham
Abbeydale Snitterby Road Waddingham
Hopcroft Snitterby Road Waddingham
Wingar Kirton Road Waddingham
The Old Cottage High Street Waddingham
1 The Green Waddingham
Homefield Snitterby Road Waddingham
Holly Lodge Cliff Crescent Waddingham
Sunnyside Cliff Crescent Waddingham
Halton House, Silver Street, Waddingham
The Laurels The Green Waddingham
The Old School The Green Waddingham

- Nothing has changed since the last refusal. Previous comments still apply.

- Loss of an asset of community value.
- The new evidence remains insufficient.
- The pub is even more important because the village shop may be lost.
- The pub should not be changed into housing. It should be reopened as a pub for the benefit of the community. It is essential to the mental health and wellbeing of many residents.
- Application infers the pub was not financially viable but run by the right people the pub could be a community hub as it was in the past. The previous people running the pub have not done it properly.
- Someone is interested in taking the pub on and this should be given serious consideration.
- Pub has suffered through lack of investment.
- The date the use ended as a pub stated on the form is incorrect.
- The pub opened temporarily for a short while and proved to be a great success.
- This is the only pub in the village and as such should not be de-licensed.
- To lose this would be detrimental to the community and remove a meeting and socialising space to meet people. There are no other pubs in the village or within reasonable walking distance.
- Loss of pub is not valid considering the village will be expanding the number of dwellings in the near future.
- This will ruin what is a close knit and friendly rural community.
- Transport links are not good therefore having a place to meet, eat and drink is important.
- More interest in a pub may arise now normal life is potentially returning.
- The proposal in contrary to Policy LP15.
- Application does not demonstrate the pub is not viable.
- An owner occupier may be able to run the pub viably.
- Repair costs provided by the applicant are exaggerated.
- An application may be submitted to demolish the building.
- Other community facilities may soon be lost.
- Problems with foul drainage
- The proposal would not provide an additional housing unit on the site.
- The building has a wet cellar.

WLDC Conservation Officer:

Comments on the previous application:

“The Marquis of Granby public house is of a recognisable improved public house of the early part of the first third of the 20th C. The principal front is virtually symmetrical (except for the roof, which has a hip to one side) has large quadripartite vertically hung paned sash windows to the ground floor flanking a central gabled projection containing an entrance with a horseshoe door. Above are similar three light hung paned sash windows and central mock Tudor gable. The building is a very pleasant ensemble, and any changes to this need to be justified especially with regard to PVC windows and doors, which could undermine the architectural quality of this building. The rear single storey ranges are less significant.”

LCC Highways:

No objection “The proposal is for conversion of pub to dwelling, off street parking is proposed at the rear of the property, and it does not have an impact on the Public Highway or Surface Water Flood Risk.”

LCC Archaeology:

“The proposed application involves the change of use and alteration to the historic Marquis of Granby public house. The application includes some information on the area's historic environment, but does not appear recognise the building itself as a heritage asset. Although the public house has been considered as a community asset, the building is also a non-designated heritage asset in the terminology of the NPPF. Its local heritage value has been noted in the draft Waddingham & Brandy Wharf Neighbourhood Plan, and as a landmark distinctive of its historic village core character area. The Marquis of Granby Inn has stood on this site since at least 1811 (Stamford Mercury 20/09/1811), and historic photographs in the Draft Neighbourhood Plan show the public house's earlier form. The present building appears to date from the early 20th century, and is characteristic of the "improved pub" movement popular during the 1920s and 30s that sought to renew pubs as light and open spaces to serve a wider community including women and families. Its design includes elements of the popular 'brewer's Tudor' style of this period, as well as distinctiveness large arched sash windows. Although the exact date of the present building's construction is not known, it was likely rebuilt in the years shortly after 1924 when it was acquired by the expanding Sheffield brewers Ward & Co from the smaller local firm of Sutton & Bean Ltd of Brigg. Recommendation: It is recommended that the developer is required to submit a heritage impact assessment, with a proportionate assessment of the building's significance (as required by NPPF 189), describing the proposed alterations and their impact on the building's significance, justify any harms and how this can be avoided or mitigated (as required of development proposals by CLLP Policy LP25).”

Relevant Planning Policies:**Statutory test**

Planning (Listed Buildings and Conservation Areas) Act 1990

*“66 General duty as respects listed buildings in exercise of planning functions.
(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

Development plan

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material

considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

<https://www.n-kesteven.gov.uk/central-lincolnshire/>

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP4: Growth in Villages

Policy LP5: Delivering Prosperity and Jobs

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP15: Community Facilities

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

<https://www.lincolnshire.gov.uk/residents/environment-andplanning/planningand-development/minerals-and-waste/minerals-andwaste/88170.article>

The application site is within a limestone minerals safeguarding area.

Policy M11: Safeguarding of Mineral Resources applies.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

<https://www.gov.uk/guidance/national-planning-policy-framework>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published on 20th July 2021. Paragraph 219 states:

“However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- **Draft Waddingham and Brandy Wharf Neighbourhood Plan**

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/waddingham-and-brandy-wharf-neighbourhood-plan/>

The draft version (Regulation 14) of the Waddingham and Brandy Wharf Neighbourhood Plan was published for consultation purposes between 31 March 2019 and 31 May 2019.

The Plan has now reached Regulation 16 stage. This involves the final version of the Plan being produced for submission to the District Council for examination purposes.

Relevant policies are:

Policy 6: Community Facilities

Policy 7: The Protection of The Marquis of Granby Public House, Waddingham

Policy 8: General Design and Development Principles

Note Policy 3: Additional Residential Development does not apply to this proposal because the site currently contains one residential unit and this would remain the case post development.

The plan as at a relatively early stage of preparation; unresolved objections to the NP are unclear as it is noted WLDC does not get to see these objections because consultation is conducted by the NP group; the degree of consistency of these policies with the NPPF has not yet been tested. Little weight can be given to these policies at this time.

- **Draft Central Lincolnshire Local Plan**

The consultation on the Draft Central Lincolnshire Local Plan has now commenced. The consultation runs for 8 weeks from 30 June to 24 August 2021.

The very early stage of preparation, unknown extent of unresolved objection because consultation has only just commenced and untested consistency with the Framework mean very little weight is given to the policies it contains relevant to this proposal at this moment.

Main issues

- **Principle of development**
- **Design, heritage and character impacts**
- **Impact on residential amenity**
- **Highways**
- **Other**

Assessment:

Principle of development

Minerals

The site is within a limestone minerals safeguarding area but is exempt from the requirements of Policy M11 because this is an applications for alterations to existing buildings and for change of use of existing development.

Change of use to residential

Policy LP2 categorises Waddingham as a tier 5 medium village which will accommodate a limited amount of development in order to support its function and/or sustainability; typically, and only in appropriate locations**, development proposals will be on sites of up to 9 dwellings; Policy LP4 establishes the total level of % growth for each Medium Village, and further policy requirements in respect of identifying whether a site would be suitable for development.

*“** throughout this policy, the term ‘appropriate locations’ means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an ‘appropriate location’, the site, if developed, would:*

- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement’s character and appearance;*
and
- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.”*

The proposal complies with the scale of development permitted by Policy LP2 and the appropriate location definition. Policy LP4 relates to growth in dwellings in the village. However, the site already contains a residential unit at first floor. The proposal would not result in an increase in the number of residential units on the application site therefore Policy LP4 does not apply. Policies LP2 and LP4 are consistent with the NPPF paragraph 79 requirement

for policies to “identify opportunities for villages to grow and thrive” so are given full weight.

Loss of the public house

The Draft Neighbourhood Plan attributes value to the building as a community asset. Paragraph 13.2 indicates a public desire to safeguard the site, and a policy aim (paragraph 13.5) “*To protect the public house as community meeting place and facility and enable the local community to have a say in any proposed future development of the building.*”

However, the aforementioned position with regards to the Neighbourhood Plan means only limited weight may be afforded the draft policy and it would be unreasonable to test the proposal against Policy 6 and Policy 7 in full. The loss of the public house must be tested against Policy LP15 of the CLLP which states:

“Policy LP15: Community Facilities

*All development proposals should recognise that community facilities such as leisure facilities, libraries, **public houses**, places of worship and community halls, or any registered asset of community value, are an integral component in achieving and maintaining sustainable, well integrated and inclusive development.*

Existing facilities

The redevelopment or expansion of an existing facility to extend or diversify the level of service provided will be supported.

In most instances, the loss of an existing community facility will not be supported.

The loss, via redevelopment, of an existing community facility to provide an alternative land use which is not that of a community facility will only be permitted if it is demonstrated that:

- a. The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or*
- b. The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or*
- c. The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.”*

The NPPF states:

“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.”

Policy LP15 is considered consistent with the NPPF because it seeks to resist the loss of valued community facilities and services. Policy LP15 is given full weight.

The application includes various documents that seek to establish the condition of the building, works required to it and associated costs.

The design and access statement considers that 19 new windows and 4 new doors are required with a cost of £55,084.72; the evidence with the original planning application remains valid; the applicant considers the Council’s reasoning regarding repairs to contain speculative language and that “third party reports have been provided to fully justify the costings needed to bring the property back to a standard which is what customers would expect and would provide a sustainable long term future for any business”; there are major challenges to operating a public house in a rural area with a limited customer base; it is not appropriate to say that the pub is an important facility; rural pubs are threatened by smaller potential local markets, greater reliance on passing trade or becoming a destination pub; the small local population and competition from other pubs means there is no consistent customer base for a pub; with regards to the previous refusal based on marketing they state “It has been marketed as a public house because that’s what its use is and it is unclear why the onus would be on the applicant to explore alternative uses. If that is the approach of the Council, then from the applicants perspective it is asked why the Communities Manager hasn’t steered the community towards exploring alternative uses for the village hall which would make more economic sense”; the applicant also suggests greater use could be made of the village hall as a community facility.

Example quotes for kitchen and bar catering appliances totalling approximately £14,000 are provided to show the likely cost refitting these areas.

A condition survey of mechanical and electrical services is provided. It shows they are mostly in bad condition and need replacing.

A dilapidation report provides photographs and commentary setting out the applicants views regarding the need for repairs or works to the façade, internal and external elements.

A joinery quote to replace all windows and doors is provided totalling £55,084.72.

A structural report identifies no significant structural issues; considers issues of deterioration relate to a lack of maintenance and damp; recommends some repointing; render removal and brickwork repair; chimney flashing repair; roof structure checks in the event the roof covering is replaced and installing new fixing and bracket; re-roofing of the rear projection; drain examination and repair; as a minimum we would suggest that the timber framed section of the rear extension be stripped back for a full inspection and repair or removed in full and replaced, depending on the aspirations of the property and use of the space; plasterwork and ceiling repairs, broken brick replacement, door frame and lintel repairs; making the cellar weather tight and tanking it;

A survey report and proposal regarding damp identifies guttering and rainwater systems, external joinery sealing, pointing and brickwork being the likely cause of rainwater penetration. Dampness around a chimney and condensation are identified. No firm conclusion is given regarding the presence of rising dampness. Free water ingress into the cellar is apparent with further investigation recommended.

The planning statement considers repairs to the building would total £392,300 and concludes “We feel the above highlights that the facility the building is no longer fit for purpose and along with the purchase price of the property itself means it isn’t financially viable to be redeveloped as a public house.”

The related full justification report referred to by the applicant was carried out by Freeths and provided with the previous application.

The Freeths report considers the pub was unviable, two tenants have surrendered the lease and has been vacant since November 2019; the property was put up for sale in February 2020 with no interest expressed during 10 months of marketing and the pandemic reducing the chances of a new tenant being found; In June 2020, in accordance with the relevant sections of the legislation, the Local Authority were informed of the intention to dispose of the property, under section 95(2) of the Localism Act; The Parish Council as the nominating body were then contacted by West Lindsey District Council. The Parish Council confirmed that it did not have the funds to purchase, renovate or refurbish the property on behalf of the community and a statement was put out to the local community informing them of the intention to sell. Nobody came forward as a result of that notice. The Freeths letter considers that in light of the viability issues surrounding the current use, the

lack of interest shown in the pub through the marketing of the property, and the lack of interest from the community in purchasing the property, it is considered that there is no realistic chance that the building could have a future use which would further the social wellbeing or social interests of the local community.

The Freeths letter states:

“3.11. The parish council let residents know of the intention to sell the public house and allow them the opportunity to register an interest in purchasing the property. The statement given out to parishioners is attached as enclosure 2 which was displayed on the parish noticeboard and in the local newsletter. No local community interest was forthcoming as demonstrated in the email chain attached as enclosure 3.

3.12. As such it is considered that there is no realistic future use of the building which could further the social wellbeing or interests of the local community either as a public house or as a community run building.”

The evidence submitted in the application is carried out by people with relevant expertise such as engineers, those involved in damp treatment and in the building trade. It shows the existing building is primarily in need of a series of external and internal repairs which individually are not insurmountable but collectively result in extensive works; the extent of repairs to the roof valley are unknown; the rear extension including timber frame may need rebuilding; window commentary lacks sufficient justification regarding window condition and it may be possible to recondition them; the interior of the building is clearly tired and many elements are in need of replacement or repair including toilet facilities, redecorating and floor coverings. Damp is a significant evidenced issue. External works and further investigation would likely overcome this. New kitchen equipment would be required and the beer garden requires improvements.

Overall, it is considered that the existing building and its beer garden are in a poor and declining condition. This has been exacerbated by periods of closure.

On balance it is considered the pub is “no longer fit for purpose”. The series of evidence reports submitted with the proposal show it is unlikely less significant financial investment in repairs would be sufficient to bring the pub back into useable condition.

There are a limited number of other community facilities in Waddingham, including a shop and village hall. However, none of the existing facilities offer social and local community benefits comparable with a functioning pub, which would be a place for people to meet, drink and socialise, particularly during evenings and on weekends. There are no other pubs close to the village, the nearest lie within surrounding settlements which are beyond reasonable walking distance of Waddingham. Given the location of the appeal site in the

heart of Waddingham, it is considered well positioned to serve residents of the village. Consequently, it is considered the application site comprises an important community facility, despite its current vacant and poorly maintained state.

The site has been offered for let and sale to the general public as a pub with no offers made within that marketing period. The marketing particulars refer to pub use. It does not appear to have been explicitly marketed for other community uses. The pub was offered to Waddingham Parish Council which in turn advertised this to the local community, with no offers received from the Parish Council. It is not clear that marketing took place on terms that reflect the condition of the premises given the asking price of around £150,000.00 and the suggested repair quote of £392,300. No sales comparables are provided. Given the policy presumption against the loss of this community facility, it is ordinarily expected that a range of options to ensure the property could operate as a community facility to have been explored and considered. It does not appear to have been marketed in this way. However, given the application is now supported by appropriate supporting documents it is evidenced that any alternative community use is likely to face similarly significant repair costs, even accounting for reductions related to pub use such as kitchen equipment and bar facilities.

Whilst the justification mentions viability, no business accounts are provided to demonstrate the pub is not viable when operating. It is unclear whether the recent purchase price reasonably reflects the condition of the building and its current use class, so it is not known whether it may have affected the viability of the business moving forwards.

A lack of interest in operating the public house as a going concern during the period it was on the market is not sufficient in itself to demonstrate that continued use of it would not be viable.

In addition it is noted that one party had contacted the vendors and expressed an interest, but at that time the sale was already taking place.

The applicant's case regarding criterion b is not considered to satisfy Policy LP15 because there are no other pubs within reasonable walking distance for residents of Waddingham.

Taking the above factors into account, it is considered the current proposal provides appropriate evidence to demonstrate that given necessary repairs, the existing facility is no longer fit for purpose and these would similarly render an alternative community use unviable. This complies with Policy LP15 a and the provisions of the NPPF as the loss is not unnecessary.

Loss of employment

When in use, the pub may generate a modest amount of employment. The preamble to Policy LP5 states:

“3.5.9 The final part of the policy relates to the conversion and redevelopment of, or change of use from, existing non-allocated employment sites. It is not the intention that such proposals shall meet all of the bullet points listed in the policy, but instead will be considered on their merits having regard to the four criteria and the evidence provided, which should be proportionate to the development proposed.”

The relevant part of Policy LP5 states:

“Loss of Employment Sites and Buildings to Non Employment Uses

Conversion and redevelopment of, or change of use from, existing non-allocated employment sites and buildings to non-employment uses will be considered on their merits taking account of the following:

- whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the area the site or building would likely serve;*
- whether the continued use of the site or building for employment purposes would adversely affect the character or appearance of its surroundings, amenities of neighbouring land-uses or traffic conditions that would otherwise be significantly alleviated by the proposed new use. It should also be shown that any alternative employment use at the site would continue to generate similar issues;*
- whether it is demonstrated that the site is inappropriate or unviable for any employment use to continue and no longer capable of providing an acceptable location for employment purposes; and*
- whether the applicant has provided clear documentary evidence that the property has been appropriately, but proportionately, marketed without a successful conclusion for a period of not less than 6 months on terms that reflect the lawful use and condition of the premises. This evidence will be considered in the context of local market conditions and the state of the wider national economy.”*

Paragraph 84 of the NPPF requires *“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.”* Whilst paragraph 82 requires policies should *“(d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”* Policy LP5 is consistent with this by presuming against the loss of such uses unless exceptions are met and in so doing provides some flexibility. Policy LP5 is given full weight.

It is noted the market conditions are against the pub use given the prolonged forced closure due to the Covid-19 pandemic. The wider national economy cannot be said to be in good health due to the pandemic. However, there

seems to be some 'bounce-back' in the pub trade now that lockdown measures are easing.

It is considered the proposal would result in the loss of a modest amount of potentially local employment opportunities. The proposal does demonstrate the site would likely be unviable for any employment use to continue because of repair requirements. It is not clear that appropriate marketing took place on terms that reflect the condition of the premises given the asking price of around £150,000.00 and the suggested repair quote of £392,300 but it is noted that little if any interest was expressed in purchasing the property. No sale comparables are provided. On balance the proposal is considered to comply with Policy LP5.

Conclusion regarding the principle of development

The mineral safeguarding implications are acceptable. The loss of the pub and associated employment to residential use is considered acceptable in light of the merits of the case.

Design, heritage and character impacts

Policy LP17 requires that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings. Policy LP26 requires all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 126 states "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve". Paragraph 130 requires policies and decisions ensure developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policies LP17 and LP26 are consistent with the NPPF and are given full weight.

The statutory test in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is the primary consideration and requires:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority

or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Policy LP25 requires development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. Where proposals affect the significance of an asset the application must, proportionally, describe and assess significance of the asset; identify the impact the proposal would have on significance and special character of the asset; provide clear justification for the proposal, especially if harm to significance arises, so that harm can be weighed against public benefits. Unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposal does not harm the significance of the asset and/or its setting. Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

NPPF paragraph 190 requires LPA's, in determining applications, take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 203 states:

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

LP25 is consistent with the NPPF and is given full weight.

None of the heritage consultees raise concern with the impact on the setting of the adjacent grade II listed building The Old School House. The proposal is considered to preserve the setting of the listed building in accordance with these heritage policies and the statutory test.

In accordance with the comments on the Conservation Officer, the Marquis of Granby public house is of a recognisable improved public house of the early part of the first third of the 20th Century. The principal front is virtually symmetrical (except for the roof, which has a hip to one side) has large quadripartite vertically hung paned sash windows to the ground floor flanking a central gabled projection containing an entrance with a horseshoe door. Above are similar three light hung paned sash windows and central mock Tudor gable. The building is a very pleasant ensemble, and any changes to this need to be justified especially with regard to new windows and doors, which could undermine the architectural quality of this building. The rear single storey ranges are less significant.

The recommendation of LCC Archaeology is noted i.e. that the building is a non-designated heritage asset; and that a heritage impact assessment is required.

The consultees do not refer to the building being on the historic environment record nor is it positively identified as a non-designated heritage asset through a formal document such as an adopted neighbourhood plan. Therefore, requesting a heritage impact assessment is considered disproportionate. The building is considered to be characterful and adds to the character and appearance of the area. The application form refers to window and door changes. Given the identified character of the existing building it is considered necessary to recommend a condition requiring details of windows and doors be approved. The rear wing proposed for demolition is less significant therefore its demolition and rebuilding is considered appropriate in heritage terms subject to details of materials, windows and doors being secured via condition. The window layout largely reuses existing openings which is appropriate to the character of the building. Bringing the property back into use will be beneficial to the streetscene in the sense it will ensure repairs and maintenance are carried out to the building.

The design, heritage and character impacts of the proposal are considered to accord with the requirements of Policies LP17, LP25 and LP26.

Impact on residential amenity

Policy LP26 requires proposals do not unduly harm residential amenity with consideration to compatibility with neighbouring land uses; overlooking; overshadowing; loss of light; increase in artificial light or glare; adverse noise and vibration; adverse impact upon air quality from odour, fumes, smoke, dust and other sources; adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste; and creation of safe environments. This is consistent with the requirements of NPPF Paragraph 130 that policies and decision should ensure that developments “f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users” and NPPF paragraph 174 in seeking to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Policy LP26 is given full weight.

The use of the building as a single residential dwelling and rebuilding of the rear wing are not considered to give rise to harm to residential amenity, including those of residents of Halton House to the east. In general terms, a residential use is considered more compatible with neighbouring residential uses than the existing pub use in light of potential noise and disturbance issues. The impact on residential amenity is considered acceptable in accordance with Policy LP26.

Highways

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 110 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 111 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Policy LP13 is given full weight.

Vehicular access to the site would be through land indicated to be within the ownership of the applicant by the blue line on the site location plan. It would lead to an existing space to the rear of the building which provides two or possibly three car parking spaces which is considered sufficient for the proposal. No highway safety or capacity concerns are apparent. LCC Highways raises no concerns with the proposal following revisions to the site layout indicating the proposed parking spaces. The highway impacts are acceptable in accordance with Policy LP13.

Other

Flood risk and drainage

The site is in flood zone 1 (low risk) making it an appropriate location for the proposal. A reduction in hardstanding to the rear of the building will be beneficial to drainage. The existing building benefits from foul and surface water drainage infrastructure which does not require further planning input.

Ecology

The proposal does not result in the need for ecological appraisals to be carried out.

Conclusion

The principle of the loss of the public house and employment space is considered acceptable. Design, heritage and character impacts are acceptable subject to condition. No harm to residential amenity or highway safety would arise. There are no other technical problems with the application. Therefore, it is recommended that planning permission is granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. Prior to their installation, joinery details of any new external windows and doors shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details. No subsequent alterations or replacement of these items shall take place unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of securing good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

3. Prior to their use in the development, details of external finishing materials for the rear extension shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of securing good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

4. Development shall proceed in accordance with the following approved drawings:

004 Rev 01

005 Rev 01

103 Rev 01

Reason: For the sake of clarity and in the interests of proper planning.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report