Officers Report Planning Application No: <u>144360</u>

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 being variation of condition 2 of planning permission 143218 granted 12 August 2021 - amended windows and doors.

LOCATION: Marquis House High Street Waddingham Gainsborough DN21 4SW WARD: Waddingham and Spital WARD MEMBER(S): Cllr J J Summers APPLICANT NAME: Mr Daniel Williams

TARGET DECISION DATE: 31/03/2022 DEVELOPMENT TYPE: Change of Use CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is a public house with first floor four bedroom flat. The property is an asset of community value and sits centrally within the village on a prominent junction. The application site is within a limestone minerals safeguarding area.

The application seeks to vary condition 2 of planning permission 143218 granted 12 August 2021 to amend the windows and doors.

Proposed Variation:

The application proposes to vary condition two (joinery details) of 143218 to allow the installation of UPVC Heritage Style Windows. The proposed windows would replace the original sliding sashes with top hung windows.

Existing Condition 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.

Proposed varied condition:

All windows and doors must be installed in strict accordance with plan 008 Rev 03 dated 23rd March 2022.

Reason: To ensure the windows and doors installed are appropriate to the site and the area including the setting of the nearby listed building to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and policy

Following discussions with the agent the proposed windows have been amended to slimline Heritage Style UPVC sash windows not top hung windows. The agent has commented that after working closely with the window manufacturer *"We have also selected frame/glazing and system sizes to match the existing as closely as possible".*

Relevant history:

Land to the west:

138660 Outline planning application for the erection of 7no. dwellings with all matters reserved. Approved 21/03/19.

136796 Outline planning application for the erection of 7no. dwellings with all matters reserved. Refused 10/01/18.

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 29/01/15.

129108 Outline planning application to erect 11no. 2 storey dwellings with all matters reserved-public house to remain. Withdrawn by the applicant 14/03/13.

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 – 06/04/21

143218 - 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 – 12/08/21 - Granted time limit and other conditions

143703 - Request for confirmation of compliance with condition 3 (External Materials for rear extension) of planning permission 143218 granted 12 August 2021 – 07/10/21 - Condition Discharged

144245 - Request for confirmation of compliance with condition 2 of planning permission 143218 granted 12 August 2018 – 26/01/22 – Refused

Reason for refusal:

"The condition as highlighted above is precise in its wording referring to the need for joinery details. Joinery requires the details submitted to be of a timber/wooden construction and not a UPVC material even if in a heritage style. Therefore the submitted details and drawings do not meet the requirements of the condition and the condition cannot be discharged".

Representations:

Chairman/Ward member(s): No representations Parish/Town Council/Meeting: No representations

Local residents: Representations received from:

Objections

1 Redbourne Road, Waddingham Bramble Cottage, Church Road, Waddingham Hopcroft, Snitterby Road, Waddingham The Elms, High Street, Waddingham The Old Cottage, High Street, Waddingham

- It is noted that there are several local buildings with UPVC windows but none are listed like the Marquis of Granby.
- None of the Listed Building buildings in the village have UPVC windows.
- It is a myth that UPVC windows is a better insulator and disingenuous that UPVC is 6 times better for heat loss.
- Application cost not a materials consideration and used £55,000 bespoke wooden windows to directly argue Marquis of Granby not economical to restore as a public house.
- UPVC will not reflect the texture of the windows in its position at entrance to village on a significant junction.
- UPVC not suitable replacements.
- Frontage means no space for pedestrians to walk and make corner more dangerous.

LCC Highways/Lead Local Flood Authority: No objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

WLDC Conservation Officer: Objections

The Marquis of Granby is listed as an Asset of Community Value and is a non-designated Heritage Asset. The building is also within the setting of the Old School House which is a grade II listed building. As part of application ref: 143218, replacement timber windows were proposed, and their joinery details were conditioned.

This application is for the variation of this condition to allow for Heritage Style UPVC windows. The existing timber windows in the building contribute to its architectural quality and contribute towards the setting of the Old School

House. The proposed windows would replace the original sliding sashes with top hung windows. This would change the buildings appearance and is not acceptable. UPVC cannot replicate the proportions of the multi paned sliding sash windows and glazing bars. The overall appearance would be very different to timber windows. Standard double glazing units are proposed which would require a bulky frame to accommodate the two panes of glass and spacer bars. Slimline double glazing is therefore recommended to better reflect the profile of the original windows.

Overall, the replacement of windows and doors in UPVC would harm the architectural quality of the building and heritage interest in the setting of the Old School House. In order to be acceptable, the new windows should match the form, detailing and operation of the windows they are replacing. The proposed application is therefore unacceptable and recommended to be refused

LCC Archaeology: Comment

Unfortunately the Marquis of Granby is not currently recorded in the Lincolnshire Historic Environment Record. Non-designated historic pubs are an area that requires improvement within the database and we are currently working on a pilot project funded by Historic England called 'Inns on the Edge' to record pubs along the coast to begin improving this. We would certainly add it to the HER in due course.

The draft Waddingham and Brandy Wharf Neighbourhood Plan has so far not produced a list of non-designated heritage assets, and this is something that we have raised in our consultation response to them directly as it is an important omission that should be rectified before it is 'made'. Although the plan does not identify heritage assets, it does frequently refer to the pub's importance to the village community and its history is mentioned in passing including its historic orchard, with a photo of the earlier building included in the plan. Section 13 on the Marquis of Granby does state that public houses are important to culture and heritage of local areas, and that they are often landmarks with heritage value. I'm not sure why they did not give examples of how this applies to the pub they are seeking to protect with this policy, but it does show the community are aware of these qualities as they have cited it as evidence to inform their policy for this building.

Unfortunately WLDC does not have Local List of non-designated heritage assets although I'm aware that this is in development as part of the countywide Local Listing initiative that is due to end its first round soon. It will take many years to produce anything like a comprehensive list for such a large area.

So although the NPPG encourages non-designated heritage assets to be identified in the HER, on local lists or neighbourhood plans, in this case the necessary work that might have identified it has not taken place prior to this planning application. It does also say that "In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications." But it is the developer who is required to provide sufficient information on the significance of heritage assets to enable the local planning authority to understand the building's significance and the potential impacts. If they have not provided this, we would continue to recommend that they should provide it so that an informed decision can be made.

IDOX checked: 29th March 2022

Relevant Planning Policies:

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 (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

• Central Lincolnshire Local Plan 2012-2036 (CLLP)

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 https://www.west-lindsey.gov.uk/my-services/planning-and-building/planningpolicy/central-lincolnshire-local-plan/

• Lincolnshire Minerals and Waste Local Plan (LMWLP)

The application site is within a limestone minerals safeguarding area. Policy M11: Safeguarding of Mineral Resources applies. <u>https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article</u>

National policy & guidance (Material Consideration)

• National Planning Policy Framework (NPPF) https://www.gov.uk/government/publications/national-planning-policyframework--2

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 in July 2021. Paragraph 219 states:

"Existing [development plan] 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

https://www.gov.uk/government/collections/planning-practice-guidance

• National Design Guide (2019)

https://www.gov.uk/government/collections/planning-practice-guidance

• National Design Code (2021)

https://www.gov.uk/government/publications/national-model-design-code

• National Design Guide (2019)

<u>Draft Local Plan / Neighbourhood Plan (Material Consideration)</u> 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).

• Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022).

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown.

Relevant Policies:

S1 The Spatial Strategy and Settlement Hierarchy S2 Growth Levels and Distribution S4 Housing Development in or Adjacent to Villages S6 Reducing Energy Consumption – Residential Development S20 Flood Risk and Water Resources S46 Accessibility and Transport S48 Parking Provision S49 Community Facilities S50 Creation of New Open Space, Sports and Leisure Facilities S52 Design and Amenity S56 The Historic Environment https://centrallincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome

• Draft Waddingham Neighbourhood Plan (WNP)

The draft plan was published on 31st March 2019. Waddingham Parish Council have consulted on their draft Waddingham and Brandy Wharf Neighbourhood Plan under Regulation 14. The consultation ran for a two month period and started on the 31 March 2019 and closed on the 31 May 2019. 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. In accordance with paragraph 48 of the NPPF The Draft Waddingham and Brandy Wharf Neighbourhood Plan has some weight

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

Main issues:

Under s73(2) of the Town & Country Planning Act 1990, this application shall consider only the question of the conditions subject to which planning permission should be granted.

- Principle of the Development
- Assessment in planning permission 143218
- Design, Heritage and Character
- Assessment of conditions 1, 3 and 4 of planning permission 143218

Assessment:

Principle of the Development

The principle of the development has already been established in extant planning permission 143218 (expires 12th August 2024).

Conditions 3 of 143218 has been discharged (approved) in condition discharge application 143703. The details required for Condition 2 remain to be discharged (approved).

This application has been submitted to vary condition 2 of planning permission 143218. Condition 2 states:

"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."

Assessment in 143218

In planning application 143218 the following consideration apart from the principle were assessed in the decision making process:

- Impact on Residential Amenity
- Highways
- Other

These consideration are not altered from the officer's report assessment of planning application 143218, as a result of the proposed change to the planning conditions.

Design, Heritage and Character

The Marquis of Granby is a prominent building in the centre of the village on the junction of High Street and Redbourne Road/Common Road.





Marquis of Granby

Representations from residents and the Conservation Officer have considered the Marquis of Granby as a Listed Building and/or a non-designated heritage asset. In planning application 143218 the Historic Environment Officer at Lincolnshire County Council considered the Marquis of Granby a nondesignated heritage asset. However in this application the Historic Environment Officer has confirmed that the Marquis of Granby is not recorded on the Historic Environment Record.

The Marquis of Granby is not a Listed Building but is within the setting of the Old School House which is a grade II Listed Building.

The case officer in 143218 responded to the non-designated heritage asset suggestions in his planning committee report. The report stated:

"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."

Therefore in the assessment of planning application 143218 the Marquis of Granby was not considered as a listed building or a non-designated heritage asset.

The justification section of the submitted Design and Access Statement states in summary that:

- "The proposed Heritage Style UPVC windows will further echo this as we propose to utilise a sash style window which will match the properties, scale and size of the existing units. Glazing bars will be fitted to all units, again to marry in with the existing windows."
- "This proposal allows the architectural style to be continued and retained and embrace the existing street scene."
- "UPVC technology will utilise new technologies with will reduce the heat loss due to the frames having multiple chambers to stop heat transfer but still compliment the local architectural style of the existing building but also neighbouring properties."
- "Heritage Style UPVC windows means a high quality material is utilised on the building which requires far less maintenance, and thus means the quality appearance will be retained for years to come, rather than falling into repair and redecoration on a regular basis."

The main justification for the UPVC windows appears to be their more efficient performance in terms of heat loss and the reduced maintenance work. Both of these are not considered a material planning consideration in the assessment of this application.

The acceptability of this application relies heavily on the impact of the proposed windows on the character of the Marquis of Granby, the street scene and the setting of the Listed Building.



The Conservation Officer commented that *"the proposed windows would replace the original sliding sashes with top hung windows"*. The amended drawings have now replaced the top hung designed windows with a sliding sash design.



The proposed windows in this application (Plan 008 Rev 02) match the window designs approved in condition 4 (plan 005 Rev A) of extant planning permission 143218. The proposed designs of the windows are therefore considered acceptable.

The most notable change to the windows is the material change to UPVC heritage style windows and not timber windows as conditioned in condition 2 of approved planning application 143218.

On inspection of the officer's report and the planning permission for 143218 the reasons for conditioning the windows to be timber only is not explained.

Extract from Officer's Report:

"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"

Reason for condition 2 on planning permission 143218: "In the interests of securing good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan." The officer report simply states that a condition is required for window and door details without any mention or explanation of the need for them to be constructed from timber.

The Conservation Officer in 143218 did not completely rule out the use of UPVC windows by stating "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."

In this application the Conservation Officer objects to the use of UPVC windows stating that "This would change the buildings appearance and is not acceptable. UPVC cannot replicate the proportions of the multi paned sliding sash windows and glazing bars. The overall appearance would be very different to timber windows. Standard double glazing units are proposed which would require a bulky frame to accommodate the two panes of glass and spacer bars. Slimline double glazing is therefore recommended to better reflect the profile of the original windows."

The Conservation Officer in this application has based their comments on the building being a non-designated heritage asset which has been discounted previously in this report and its location within the setting of a grade II listed building.

Planning Practice Guidance¹ states that "There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, <u>it is important</u> that the decisions to identify them as non-designated heritage assets are based on sound evidence."

However, the building is not positively identified as a non-designated heritage asset in any known document or on the HER. Whilst it is possible to identify a "non-designated heritage asset as part of the decision-making process" there has been no sound evidence put forward to justify such, and it is clear that it was not treated as such with the original application.

It is not disputed that the Marquis of Granby is a prominent building within the village centre of Waddingham but it is not protected through any designation and its designation as an asset of community value would be likely to be removed when the conversion to residential use is completed and occupied.

After careful consideration it would be preferred to retain the windows and doors in a timber material, however it is not considered reasonable or necessary to restrict the windows material only to timber.

¹ Paragraph: 040 Reference ID: 18a-040-20190723 Planning Practice Guidance – Historic Environment (<u>https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#non-designated</u>)

Following negotiation with the agent the applicant has submitted a more appropriate slimline version of the heritage style UPVC windows in a sliding sash style.

It is therefore considered in this case that the proposed use of slimline heritage style UPVC sliding sash windows would not unacceptably harm the character and appearance of the building or the street scene and would preserve the setting of nearby listed building to accord with local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, policy 8 of the DWABWNP and the provisions of the NPPF.

Condition 2 can therefore be varied to a condition which ensures the windows and doors are installed in accordance with the submitted plan.

It is considered that policy LP17, LP25, LP26 and Policy 8 are consistent with the visual amenity, character and heritage guidance of the NPPF and can be attached full weight.

<u>Assessment of conditions 6 of planning permission 143218</u> As a variation of condition application will create a brand new permission in itself a review of conditions originally imposed on 143218 needs to be undertaken without this any new permission would be unrestricted.

Condition 1 – Time limit for commencement

The application form states that the development commenced during July 2021. Whilst condition 2 is yet to be discharged (approved) it is a prior to installation condition and not a pre-commencement condition. However no evidence has been submitted to demonstrate that the works have commenced. Planning permission 143218 allows three years for commencement to begin by the end of 12th August 2024. Therefore this condition is considered relevant and necessary to be retained but amended to reflect the 12th August 2024 timeframe.

Condition 3 – External Materials for the Rear Extension

This condition was discharged in condition discharge application 143703. The condition can therefore be amended to a condition to accord with external materials approved within the condition discharge.

Condition 4 – Plans

This condition is relevant and necessary and will be retained. It will be amended to remove any unnecessary plans and include any new plans.

Conclusions and reasons for decision:

The decision has been considered against policies LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP4 Growth in Villages, Policy LP5 Delivering Prosperity and Jobs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, Policy LP15 Community Facilities, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036 and Policy 6 Community

Facilities, Policy 7 The Protection of The Marquis of Granby Public House, Waddingham and Policy 8 General Design and Development Principles and of the Draft Waddingham and Brandy Wharf Neighbourhood Plan. Consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Model Code and National Design Guide. In light of this assessment it is considered that the variation of condition 2 to an in accordance with condition is acceptable. The proposed slimline UPVC heritage style windows would not unacceptably harm the character and appearance of the building or the street scene and would preserve the setting of nearby listed building.

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

Representors to be notified -

(Highlight requirements):

Standard Letter	Special Letter	Draft enclosed	
Prepared by: Ian Elliott	Date: 29th	n March 2022	
Decision Level (tick as appropriate)			
Recommended Conditions:			

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted must be begun before the end of the 24th August 2024.

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

Conditions which apply or require matters to be agreed before the development commenced:

NONE

Conditions which apply or are to be observed during the course of the development:

2. All windows and doors must be installed in strict accordance with plan 008 Rev 03 dated 23rd March 2022.

Reason: To ensure the windows and doors installed are appropriate to the site and the area including the setting of the nearby listed building to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan.

3. The rear extension hereby approved must be completed in strict accordance with the external materials approved in condition discharge application 143703 dated 7th October 2021.

Reason: To ensure the external materials used are appropriate to the site and the area including the setting of the nearby listed building to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan.

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:

Approved in 143218:

- 103 Rev 01 dated 24th February 2021 Site Plan
- 004 Rev 01 dated 14th March 2021 Floor Plans
- 005 Rev 01 dated 14th March 2021 Blank Side Elevation Plan Only

Approved in 144360:

- 008 Rev 03 dated 23rd March 2022 Elevation and Window/Door details plan
- 009 Rev 00 dated 24th March 2022 Window Detail

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

NONE