

Committee Report

Item 7D

Reference: DC/20/05595

Case Officer: Alex Scott

Ward: Debenham.

Ward Member/s: Cllr Kathie Guthrie.

RECOMMENDATION – REFUSE PLANNING PERMISSION/AGREE PUTATIVE REASON(S) IN RESPONSE TO APPEAL REF APP/W3520/W/21/3271036

Description of Development

Planning Application. Change of Use of mixed C3/Sui Generis drinking establishment use to mixed C3/Class E and replacement of C20 rear extension

Location

The Angel Inn, 5 High Street, Debenham , Stowmarket Suffolk IP14 6QL

Expiry Date: 26/02/2021

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Applicant: Mrs Stacey Paine

Agent: Mr T Mckechnie

Parish: Debenham

Site Area: 0.0148 ha

Density of Development:

Gross Density (Total Site): NA.

Net Density (Developed Site, excluding open space and SuDs): NA.

Details of Previous Committee / Resolutions and any member site visit: Planning Application Ref: 4374/15, which sought Planning Permission for “Partial change of use, erection of first floor extension to reinstate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility” was previously considered by Committee on 3rd March 2016. Committee resolved to refuse planning permission for the following reasons:

1. The proposal would lead to the diminution of an established village facility, which may prejudice its longer term future as a community and tourism asset and contributor to the rural economy. A such it conflicts with the aims and requirements of paragraphs 17, 28, 69 and 70 of the National Planning Policy Framework, and Policies FC1 and FC1.1 of the adopted Mid Suffolk Core Strategy Focused Review (2012).

2. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its character and status as a building of architectural and historic interest. The harm to the designated Heritage Asset, is not regarded as substantial, however, the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction in its operational floorspace. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 131, 132, and 134 of the National Planning Policy Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008), Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2 and HB3 of the adopted Mid Suffolk Local Plan (1998), which are consistent with those aims.

An appeal was then lodged with the Planning Inspectorate against the decision made by Mid Suffolk District Council to refuse Planning Application Ref: 4374/15 (Appeal ref: APP/W3520/W/16/3146428). The appeal was subsequently allowed and planning permission was granted by the Planning Inspectorate on 14th June 2016.

The relevant committee report, decision notice and appeal decision are appended to this report.

Has a Committee Call In request been received from a Council Member (Appendix 1): No.
Has the application been subject to Pre-Application Advice: No.

Introduction

The Council has received notification of an appeal lodged by the Applicant (now Appellant) on grounds of non-determination. That appeal has not yet, at the time of drafting this report, received a start date from the Planning Inspectorate ("PINS") but there is no reason to consider that the appeal will not be found to be valid. Being the case, there remains an application to determine but with an understanding that there is a likelihood the appeal will start before a decision can be taken.

On that basis, a recommendation is set out that will either: [a] authorise officers to refuse the application for the reason(s) set out; or, [b] resolve putative reasons for refusal upon which to defend the appeal i.e. resolve to agree those reason(s) on the basis that the Council would have refused planning permission had the appeal not been registered. As the registration of that appeal is outside the hands of the local planning authority and the resolution of Committee does not constitute the issue of the decision notice, it is procedurally appropriate to ensure that both [a] and [b] are instructed lest the appeal be registered after committee has heard the application but before the decision notice has been issued.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

Your officers consider the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council, the extent and planning substance of comments received from third parties, and the nature of the application.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC1 - Presumption In Favour Of Sustainable Development
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development
CS1 - Settlement Hierarchy
CS5 - Mid Suffolk's Environment
CS6 - Services and Infrastructure
E6 - Retention of Industrial and Commercial Sites
GP1 - Design and layout of development
HB1 - Protection of historic buildings
HB3 - Conversions and alterations to historic buildings
HB4 - Extensions to Listed Buildings
HB8 - Safeguarding the character of conservation areas
HB9 - Controlling the demolition in conservation areas
H16 - Protecting existing residential amenity
T9 - Parking Standards
T10 - Highway Considerations in Development
Debenham Neighbourhood Plan

Neighbourhood Plan Status

This application site is within an adopted Neighbourhood Plan Area. Accordingly, the adopted Neighbourhood Plan forms part of the current development plan.

The following Neighbourhood Plan Policies are considered most relevant to the current proposal:

DEB 1 - Growth
DEB 2 - Appropriate Housing
DEB 6 - Housing Mix
DEB 7 - Residential Car Parking
DEB 8 - Traffic flows and non-residential car parking
DEB 11 - Employment
DEB 12 - Broadband

DEB 17 - Public Realm
DEB 18 - Historic Environment
DEB 20 - Nature Conservation
DEB 21 - Financial Contributions

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Debenham Parish Council - 8th January 2021

Strongly recommend refusal of both applications (Planning Permission and Listed Building Consent) which are intrinsically linked:

- The applications are against a number of policies in the NPPF, existing Local Plan, emerging Local Plan and Neighbourhood Plan;
- No evidence of diligent, fair priced marketing, for the required length of time. Evidence provided by the applicant can easily be challenged and their veracity is being contested by third parties;
- There is strong evidence of community support for retention of the establishment;
- The establishment has historic association with the village and is a valued community asset;
- The Parish Council has applied to register the premises as an Asset of Community Value (ACV).

Debenham Parish Council - 1st March 2021

Following the recent re-submission of both Angel Inn applications (DC/20/05596 and DC/20/05595), please note that the Debenham Parish Council would like to re-submit the comments previously sent to Planning, with the addition of the following:

- The Parish Council concurs with the Heritage Officer's report and continues to strongly recommend the refusal of both planning applications;
- May we please also add that since the first applications were submitted, the Parish Council has successfully applied for the re-registration of the Angel Inn as an Asset of Community Value.

Debenham Parish Council - 5th March 2021

Re-iterate comments given on the 8th January and 1st March (above), with the omission of reference to Neighbourhood Plan Policy DEB 13.

National Consultee (Appendix 4)

Historic England - 21st December 2020

Do not wish to offer any comments - Suggest MSDC seek the views of their specialist conservation and archaeological advisers, as relevant.

Historic England - 5th February 2021

On the basis of the further information submitted by the applicant: Do not wish to offer any comments - Suggest MSDC seek the views of their specialist conservation and archaeological advisers, as relevant.

County Council Responses (Appendix 5)

SCC - Highways - 22nd December 2020

The current proposal would not have a detrimental impact on the highway network at this location. Therefore, do not wish to raise objection under highway safety grounds.

SCC - Highways - 23rd February 2021

The proposed change of use would not have a significant impact on the highway network and is not considered to be detrimental to highway safety. Therefore, do not wish to raise objection under highway safety grounds.

Internal Consultee Responses (Appendix 6)

MSDC - Economic Development - 3rd March 2021

Do not support the application in its current format - The application appears to be significantly weighted to residential with a small inadequately serviced area and would be unlikely to attract a business occupier. Public Houses are a valued amenity, and your Economic Development Officers would regret the loss of the social and visitor amenity provided by a pub, and would be against the principal of an alternative commercial employment generating use.

MSDC - Heritage Officers - 19th January 2021

The proposal would cause a medium level of less than substantial harm to the designated heritage asset because the proposed extensions would detract from its architectural and historic significance - Recommend the application is amended so as to omit the proposed extensions or reduce their impact.

MSDC - Heritage Officers - 5th March 2021

The proposed extensions, as amended, would have a harmful impact on the building's special architectural and historic significance - The level of harm has been reduced by the amendments but remains medium - The harm to the building's significance is in relation to the size, scale and design of the proposed extension - The two-storey rear extension would still appear assertive and incongruous - Do not agree that the change to a lean-to glazed roof extension represents an improvement as this would not be invisible, and do not agree that the evidence of a 1930's extension submitted represents a suitable precedent - Maintain view that proposed lean-to extension would be detrimental to the appreciation of the building and would not better reveal its significance - Additional investigation and opening up of the rear gallery is required - The statement submitted offers no explanation why an extension is proposed and makes no case for the success of the change of use being dependent on the extension - Recommend omission or further amendment of the rear extensions.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke Issues - 16th December 2020

No objections in principle - subject to Demolition and Construction Hours Condition and Construction Management Condition.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke Issues - 16th February 2021

On basis of further information received from applicant - Do not have any further comments to make.

B: Representations

At the time of writing this report at least 105 letters/emails/online comments have been received. It is the officer opinion that this represents 105 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- The Angel Public House is an essential community asset, in an essential location, at the heart of the village and so should be retained as a matter of principle;
- Proposal will remove the possibility of this historic building ever returning to be a public house;
- The building has always been a public house historically and should, therefore, be preserved as such for heritage reasons, as well as being a valued community facility;
- The building needs to continue as a public house for the benefit of the community;
- It is important to preserve this community asset at the centre of the Village for the enjoyment of future generations;
- The applicant claims the pub business is unviable but two previous owners/operators have said that the business was profitable;
- Do not consider the pub business to be unviable as the applicant claims;
- Question the validity of the viability assessment provided with the application, which the application places considerable reliance on, and is inconclusive;
- For a number of years the pub's restaurant was fully booked through December serving Christmas meals;
- Consider there are no other such facilities in the village where people can meet and socialise: The Cherry Tree is now a Vets, The Woolpack is too small and has no disabled access, and the leisure lacks ambiance and is too far away from the village centre;
- Debenham used to have 4 pubs in the 1990's, now it has one and a half;
- This is the last venue of its kind left in the village;
- The village needs more than one pub with such a large number of houses;
- Debenham is renowned for its community events, which have more often than not been centred around the Angel;
- The decision taken, which resulted in the previous approval to reduce the size of the Pub, was misguided and in doing so planners have made the property and potential business less viable;
- Consider the present is an extraordinary time (Covid 19 lockdowns) and does not fairly reflect usual circumstances where such a business would usually be more profitable and viable;
- The opportunity for proper scrutiny of the proposal is severely limited by the timing of the application and the overbearing limitations imposed by the Covid pandemic;
- Consider the Public House in in the wrong ownership and consider that someone with a more entrepreneurial attitude and determination to succeed could make the business work;
- Consider the current owner/landlord's conduct throughout should not be overlooked in the decision making process;
- The applicant is running another pub in Earl Soham, which shows that it is possible for the pub to be run as a viable concern;
- Consider the pub is only disused because owners have marketed it at an inflated price and not accepted offers of purchase and/or rent;

- Terms put forward by the applicant to a potential lessee in 2019 were rejected as being unreasonable;
- Other derogatory remarks made against the applicant/owner/operator/landlady;
- Consider that all the new housing development proposed in Debenham over the next few years will need a usable Pub, which will make the business more profitable;
- A proposal for change of use of the Pub is, at the present time, premature;
- The Angel has been and will continue to be a thriving business if given a chance;
- The community must be given a chance to retain the building as a public house and restaurant;
- Conversations had in the village indicate a significant and concerted determination to retain the pub;
- Consider the proposed change of use of the pub to essentially a four bedroom house should not be accepted in principle;
- There is absolutely no need for a house in the village where there are, and will be in the near future, plentiful homes available for purchase;
- It is against the interests of the village and the local region for the applicant to destroy a communal building with over 400 years of history and culture;
- The proposal wilfully ignores the interests of the local community;
- The loss of the Angel Public House would be a tragic loss for the community;
- The pub is essential to community and mental wellbeing;
- The loss of the Pub would be detrimental to the Tourist Trade;
- Businesses in Debenham benefit from Tourists visiting, especially in the summer. This has been in decline since the Angel has closed, as visitors are unable to stop for a drink or a meal;
- The pub previously employed a team of over 10 staff, providing much needed work for local people and could again;
- Consider pub has great potential for employment for young people in the village - surely this must be a sustainable aspiration;
- The pub is needed in this location in order to maintain a good and viable High Street;
- Another retail outlet or office space is not needed in the village at this particular time;
- Have little faith that the proposed commercial space would be taken up and used and consider the whole building will eventually be given over to housing;
- Consider the proposed extensions to the listed building would harm its character and significance and are inappropriate with the conservation area;
- Agree with the Heritage and Design Officer's comment that the best use for a listed building will be the one it was built for, in this instance a Public House;
- Questions raised with regards land ownership, notices served and the accuracy of plans submitted;
- Consider proposal is contrary to Neighbourhood Plan Policies DEB 11, DEB 13, DEB 18, Local Plan Policy E6 and MSDC SPD Retention of Shops, Post Offices and Public Houses (2004);
- The application states that the community group did not make an offer on the Pub - evidence provided that this was not the case.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: 4374/15	Planning Application - Partial change of use, erection of first floor extension to reinstate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility (Revised scheme to that submitted under ref. 2494/14 & 2475/14)	DECISION: Refused by MSDC - 03.03.2016 Granted by PINS on Appeal - Ref: APP/W3520/W/16/3146428 - 14.06.2016
REF: 4375/15	Application for Listed Building Consent - Erection of first floor extension to reinstate former 2 storey rear wing and former separate dwelling, internal alterations including relocation of toilet facilities, to retain the public house as a community facility	DECISION: Refused by MSDC - 03.03.2016 Granted by PINS on Appeal - Ref: APP/W3520/Y/16/3146429 - 14.06.2016
REF: 2423/15	First floor extension to re-instate former 2 storey rear wing and former separate dwelling, internal alterations including re-location of toilet facilities, to retain the public house as a community facility.	DECISION: Withdrawn 21.10.2015
REF: 2424/15	Revised Scheme to that submitted ref. 2494/14 & 2475/14 - Partial change of use, first floor extension to re-instate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility	DECISION: Withdrawn 21.10.2015
REF: 2494/14	Partial change of use, re-instatement of former 2 storey rear wing and further extensions to rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in a reduced form as a community facility	DECISION: Failed to determine - Appeal Dismissed - 31.10.2014
REF: 2475/14	Re-instatement of a former 2 storey rear wing and further extensions to rear to re-instate former separate dwelling adjacent to the Angel, internal alterations including re-location of toilet facilities, to retain the public house as a community facility.	DECISION: Failed to determine - Appeal Dismissed - 31.10.2014
REF: 2648/13	Re-location of existing wall hung sign depicting "The Angel" and associated lighting	DECISION: GTD 31.10.2013

REF: 2637/13	Advertisement Consent Application: Re-location of existing wall hung sign depicting "The Angel" and associated lighting.	DECISION: GTD 01.11.2013
REF: 2623/12	Erection of two storey detached 3 bedroom dwelling with integrated garage. Creation of new vehicular access.	DECISION: REF 18.04.2013
REF: 1747/11	Erection of a willow panel fence and a gate in the rear garden.	DECISION: GTD 19.07.2011
REF: 0148/03/LB	Re-build damaged out buildings. The walls to be re-built with re-claimed Suffolk red bricks. The previous flat Asbestos Concrete had to be replaced with a pitched roof with ridge in pantiles (re-claimed) to match adjoining buildings.	DECISION: GTD 22.09.2003

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site lies on the eastern side of High Street, Debenham, at the centre of the village, within the village settlement boundary. Debenham is defined as a Key Service Centre within the current development plan.
- 1.2. The site comprises the existing Angel Public House, which is Grade II listed. The core of the building dates from the 1400s, with extensions added in the 1500s and 1600s. Your Heritage Officers consider the building is likely to have been an Inn from the mid 1500's, and the building is first recorded as 'The Angel' in 1621. In more recent times the building has been subdivided into residential and commercial elements. Your Heritage Officers advise that, although after several significant phases of development the building does not have the importance and integrity as a whole that would warrant a grading at II* (Two Star), it has several rare features including an open first floor gallery added in the 1500s to the rear elevation. Such features allowed spectators to watch performance and spectacles in the yard, and are generally associated with inns. The gallery extends along the rear of the 1500s element and is now enclosed as a first-floor passage. The existing modern single-storey addition to the rear of the building slightly obscures its original form.
- 1.3. In 2016 a scheme for change of use and extension of the northern bay of the building was granted upon appeal by the planning inspectorate (MSDC refs: 4374/15 and 4375/15).
- 1.4. The site affects the setting of Grade II* buildings, at nos. 1 and 3 High Street (The former 'Swiss Farm Butchers'), which lies adjacent to the north.
- 1.5. The site lies within, and therefore directly affects, the Debenham Conservation Area.
- 1.6. Although located within the High Street and Historic Core of the Village, the site lies outside the Retail Core of the Village, as defined in the Neighbourhood Plan proposals maps. Your officers therefore consider that Neighbourhood Plan Policy DEB 13 is not engaged.

- 1.7. A large proportion of the site and building also lie within Environment Agency (EA) Flood Zone 2, where there is between a 1 in 100 and 1 in 1,000 annual probability of flooding.
- 1.8. Whilst the site does not provide on-site parking for patrons, on-site parking is currently available for approximately 8 no. Cars within a gravel courtyard to the rear of the building, via an access archway to High Street.

2. The Proposal

- 2.1. The application seeks planning permission for the change of use of the existing Public House (Planning Land Use Class: Sui Generis) and ancillary residential accommodation (Planning Land Use Class: C3) to 1 no. 4 Bedroom Dwelling (Class: C3), and a Retail/Office unit (Class: E) at ground floor level.
- 2.2. The application proposal would result in the reduction in the amount of usable commercial floorspace within the building, at ground-floor level, from 110.7 square metres presently to 29.4 square metres (as proposed). This would be a reduction of 81.3 metres of usable commercial floor space, or 73.45%.
- 2.3. The existing gravelled courtyard to the rear of the building would be converted to a private residential garden. 4 no. private parking spaces are proposed to be retained, within the rear-courtyard area, as part of the proposal.
- 2.4. Within the historic part of the building, proposed physical alterations would involve: The removal of an internal draught lobby at ground floor; The removal of an existing window and part of the existing south wall of the historic gallery at first-floor level (to gain access to the proposed two-storey extension and bedroom 2); and Insertion of a partition to form a bathroom at first-floor.
- 2.5. The existing single-storey flat-roofed extension to the rear elevation is proposed to be removed and replaced with a single-storey lean-to extension and a two-storey extension, which would provide a master bedroom at first-floor.
- 2.6. The proposed single-storey lean-to extension would be predominantly glazed, with a glazed roof intended to better reveal the significance of the historic gallery to the rear of the building.
- 2.7. The proposed two-storey element would leave a gap of 450mm between the existing rear external wall of the building and the main structure of the extension and would be filled with a valley gutter and other panels. The proposed extension would appear as a separate structure immediately behind the listed building, only minimally attached and avoiding subservience. The proposed extension would be of a contrasting, contemporary design finished in external facing softwood weatherboarding, stained black, with a natural slate roof.

3. The Principle of Development

- 3.1. Policy DEB 11 of the Neighbourhood Plan Provides that:
Any non-employment use proposed on such sites, which are considered to have an adverse impact on employment generation, will only be permitted where one or more of the following criteria has been met:
 - o There is sufficient supply of alternative sites available;
 - o No suitable and viable alternative employment uses are likely to be found in the foreseeable future;

- The proposed use would result in a substantial environmental benefit;
- The proposal would assist in the urban regeneration and would benefit the community in meeting local business and employment needs;
- The proposal It is for an employment related support facility; or
- The proposal would provide sustainability benefits that would outweigh the loss of the employment site.

- 3.2. Paragraph 83 of the National Planning Policy Framework (the Framework) states that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as...public houses. Paragraph 84 states that decisions should recognise that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Furthermore, Paragraph 92 states that planning 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.
- 3.3. In addition to the above relevant planning policies the Council have previously relied upon their Supplementary Planning Guidance titled 'Retention of shops, post offices, and public houses in villages' (2004) (SPG) in assessment of similar applications since 2004. The objectives of this guidance are to: i) encourage the retention of rural services; ii) ensure that proposals for changes of use are properly justified; and iii) enable the reopening of a service or facility at a future stage by resisting specific building alterations that would prevent reopening.
- 3.5. To assist in the consideration of proposals for change of use, the SPG provides criteria relating to accessibility, marketing, economic viability and level of community support for retention. It also states that where permission is granted for change of use, preference will be given to the premises remaining in some form of community or employment use. It is however noted that the SPG was not the subject of detailed public consultation and its policy background, which was originally provided by the Suffolk Structure Plan (2001), has now been removed. However, in assessing a recent planning appeal in the District, in July 2019 (ref: APP/W3520/W/18/3205959), the inspector acknowledged that this document advocates a cautious approach when considering the loss of community facilities and recognises the role that such facilities can play in everyday life and consequently considered that the SPG is consistent with the aims and objectives of the latest version of the NPPF. The inspector, therefore concluded that a moderate level of weight can be attached to this document.
- 3.6. Several representations received refer to saved Policy E6 of the Mid Suffolk Local Plan (1998) which relates to the retention of individual industrial and commercial sites. Despite this, the supporting text of the policy defines references to industrial and commercial sites as those falling within the traditional B1, B2 and B8 Use Classes. Your officers do not, therefore, consider that this policy affords protection to public houses, which are within Sui Generis Use Class (previously A4 Use Class).
- 3.7. According to information provided by the applicant, the application site was originally placed on the market in May 2018 at an asking price of £385,000. Despite interest, no offers were received, and the asking price was subsequently reduced to £375,000 in March 2019. It is understood that an offer was received in April 2019, which proceeded to the point of exchange, however the exchange was delayed and ultimately fell through, and the applicant has cited reasons relating to the 6 month moratorium initiated by the community group and complications caused by the initial Asset of Community Value (ACV) status applied at the time. Consequently, the asking price was reduced to £340,000, and the property was marketed for a further period from September 2019. Whilst interest was again received between December 2019 and February 2020 it is understood

that negotiations again fell through, with the prospectors citing reasons of funding for the property being an obstacle, despite the applicant offering a lease, leading to purchase option. In June 2020 the asking price was again reduced to £295,000 and despite 3 interests between June and December 2020, no further offers were received.

- 3.8. The applicant's viability report concludes that the current building's configuration, size and age is unsuitable for the diverse requirements of a modern business and that due to numerous competitors in the area and a number of facilities within a short walking distance, the existing business is not profitable or viable. The applicant adds that no provision would be lost given no facility is currently being provided.
- 3.9. Counter to the applicant's viability assessment the Angel Community Bid Steering Group has produced their own Valuation Report which values the property, for the current use, at £270,000 (£25,000 lower than the applicant's last marketed offer).
- 3.10. Although the SPG refers to selling or letting the property as a public house, it also encourages premises to remain in some form of community or employment use where changes of use are proposed. Your officers consider that such an approach is supported by the NPPF, which identifies the importance of community facilities.
- 3.11. It is not disputed that the property has been marketed for a considerable period of time. However, since reducing the asking price, there have been several interests in the property. Although the property has been marketed for a continued public house use, no evidence has been presented which details efforts made by the applicant to enable the premises to remain in some form of community use. Consequently, the potential market has, therefore, been restricted and constrained.
- 3.12. Whilst evidence has been provided by the applicant that the business has been marketed for a significant amount of time, evidence provided by the community bid steering group has questioned the value put on the property by the applicant, and your officers consider the marketed range to be restricted and constrained. Your officers, therefore, conclude that insufficient efforts have been made to market the property on appropriate terms.
- 3.13. The premises is currently listed as an ACV, the current listing dating from 16th February 2021. The premises is, therefore, evidently valued by the community. The ACV process exists to protect assets of community value. Having considered planning appeal cases relevant to the Secretary of State's approach to ACV status, while your officers consider it is a material consideration, none of the cases examined resulted in planning permission being refused for a change of use which would effectively end the community uses. Your officers consider that whilst ACV status may be considered material, and afforded some limited weight in planning decisions when assessing proposals against current planning policies, ACV status alone is not considered sufficient reason for refusal of planning permission.
- 3.14. The marketing of the property that did take place was over an extensive period of time. However, evidence provided suggests that much of this may have been done at a high asking price. Since reducing the price, and subsequent to the ACV decision, several interests and offers made on the property have fallen through. The current economic climate brought about by Covid 19, since March 2020 has also brought about a considerable period of time whereby it is uncertain whether additional offers would have been received and given due consideration. Due to this uncertainty, as well as the absence of opportunities for consideration of other uses that would support community activities, your officers conclude that marketing of the property has not been conducted on suitable terms.

- 3.15. Section 38(6) of the Planning and Compulsory Purchase Act requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.16. As identified above Neighbourhood Plan Policy DEB 11 is considered relevant to the application proposal. In accordance with the provisions of that policy the current proposal is considered to result in an adverse effect on employment generation, with no evidence being provided of sufficient supply of alternative and suitable sites available. The applicant has also not sufficiently demonstrated that suitable and viable alternative employment uses can be found, for the entire property, in the foreseeable future. Furthermore, the environmental and sustainability benefits of the proposal are not considered to outweigh the loss, the proposal would not assist in urban regeneration, does not offer benefits for the community and does not relate to a proposal for an employment related support facility. The proposal is not, therefore, considered to be in accordance with Neighbourhood Plan Policy DEB 11 for these reasons.
- 3.17. In addition, as mentioned above, your officers consider the SPG to be a material consideration of moderate weight and the NPPF is a material consideration of significant weight in consideration of the current proposal. Consequently, having had regard to the marketing of the property, your officers' conclusion is that the proposal would result in the unnecessary loss of a valued community facility. It would therefore fail to accord with guidance contained within the SPG which guards against the change of use of public houses unless it can be demonstrated that all reasonable efforts have been made to sell or let, and which give preference to premises remaining in some form of community beneficial use. In this respect, it is entirely consistent with paragraphs 83, 84 and 92 of the NPPF, which seek to guard against the unnecessary loss of valued facilities and services, having considered comments received from the local community.
- 3.18. For the reasons given above, your officers do not support the principle of the proposal.

4. Design, Layout and Impact on Heritage Assets

- 4.1. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is the view of your officers that the optimum viable use for a listed building is that for which it was originally constructed for. In this instance the first preference should be for the building to remain a public house or in a related hospitality use.
- 4.2. Your Heritage Officers advise that, should it be demonstrated to the Council's satisfaction that the present use and similar uses are not viable, then there would likely be some compromise to the building's heritage value resulting from necessary alterations to facilitate a new use. Your Heritage Officers advise that the harm resulting from such works should be avoided or minimised.
- 4.3. Within the historic part of the building, your Heritage Officers advise that alterations would be quite limited. As the integrity of the planform at first-floor has been lost in previous alterations, this is not considered to have harmful impact provided the partition is not on the line of the chamfered tie-beam. Your Heritage Officers advise that the Heritage Statement provided with the application incorrectly states that it is.
- 4.4. Your Heritage Officers have considerable concerns with regards the impact of the proposed extensions on the building's existing fabric, on its architectural character, and on appreciation of its features of special interest.

- 4.5. Your Officers consider the proposed extension would appear as a separate structure immediately behind the listed building, minimally attached and avoiding subservience, which contrasts with traditional buildings where subsequent additions are intimately attached with an impression of organic development. Your officers consider the proposed extension would appear assertive and incongruous in this context. In particular its northern wall would sit over a void at ground floor, a disturbing effect that seems to make the relationship of internal and external volumes incoherent and ambiguous, which should be avoided in extending traditional buildings.
- 4.6. Your officers you not agree with the applicant's view that the current unsatisfactory situation, where the flat roof attaches below the gallery, would be improved by attaching a lean-to glazed roof along the whole of its rear face. Your officers consider that the glazed roof would not be invisible, and at best it would be transparent and highly reflective. Your officers also do not consider that the flat roof's predecessor, a short pentice roof seen in a photograph of the 1930s, to be a suitable precedent.
- 4.7. Your officer's therefore consider that the proposed glazed lean-to would be detrimental to appreciation of the 16th Century Gallery to the rear of the building and the proposal would not, therefore, better reveal the significance of this very important feature. Your Heritage officers advise that the gallery is of very great interest and in the words of the NPPF its form should be 'better revealed' by new work, not obscured. It is the view of your Heritage Officers that the proposed extensions would have a harmful impact on the building's special architectural and historic significance and that the level of harm would be a medium level of less than substantial harm.
- 4.8. Your Heritage Officers stress that in their view harm to the building's heritage significance would arise not from the proposed change of use, from subdivision of the property, or from the associated alterations, but only from the size, scale and design of the proposed extension.
- 4.9. The NPPF expects 'clear and convincing justification' for any harm. Where the level of harm is considered to be less than substantial public benefits can also outweigh harm, whether benefits in heritage terms such as securing a new use for a building, or in other terms.
- 4.10. Your officers do not consider that statements accompanying the application offer sufficient justification for the harm identified. Your officers do not consider the applicant has provided sufficient explanation as to why extension of the building is required, and the existing building appears to be capable of providing a three or four bedroom dwelling without the need to extend further. Nowhere in the application is it suggested that the extension would enable some beneficial outcome that would not otherwise happen. Clear and convincing justification for the resultant harm to the significance of the heritage asset has not, therefore been provided.
- 4.11. For these reasons the application proposal is considered contrary to the provisions of Development Plan Policies CS5, HB1, HB3, HB4 and DEB 18 and to section 16 of the NPPF.

5. Site Access, Parking and Highway Safety Considerations

- 5.1. The existing site provides access from High Street, which would not change as a result of the current proposal.
- 5.2. In accordance with current advisory parking standards provided by Suffolk County Council the development proposal would be required to provide a minimum of 3 no. on-site parking spaces in relation to the proposed dwelling and 1 no. parking space in relation to the commercial element proposed. Each parking space should also measure 5 metres long by 2.5 metres wide.

- 5.3. The proposed layout shows that 4 no. parking bays, each measuring 5 metres by 2.5 metres are proposed to the rear of the building. The proposal is, therefore, considered to provide sufficient on-site parking.
- 5.4. SCC-Highways have been consulted on the application and consider the current proposal and proposed change of use would not have a significant and detrimental impact on the highway network in this location and is not considered to be detrimental to highway safety. SCC-Highways do not, therefore, wish to raise an objection to the current application under highway safety grounds.
- 5.5. No objection is, therefore, raised with regards impact on existing highway safety and the application proposal is, therefore considered to be in accordance with development plan policies T9, T10, DEB 7, DEB 8 and NPPF paragraphs 108 and 109, in this regard.

6. Impact on Residential Amenity

- 6.1. The proposed change of use and extension of the existing building are not considered to result in significant increased harm to the amenities enjoyed by occupants of neighbouring properties, having had due regard to the existing and proposed land uses, the amount of extension proposed and the location of existing and proposed windows and private amenity areas.
- 6.2. Subject to conditions, as proposed by your environmental protection officers, the proposed development is, therefore considered to be in accordance with the provisions of development plan policy H16 and with NPPF paragraph 127 in this regard.

7. Flood Risk and Drainage

- 9.1. Whilst the site and building lie within EA Flood Zone 2 (with between a 1 in 100 and 1 in 1,000 annual probability of flooding), the proposal seeks change of use and replacement of existing extensions at ground floor level. Under the provisions of the NPPF change of use to residential development, and residential extension, is deemed to be acceptable in Flood Zone 2 and does not require a Sequential Test to be completed. No objection to the proposed development is, therefore, raised in these regards.

8. Protected Species

- 8.1. The physical works proposed by way of the application relate to internal alterations and re-building of existing habitable parts of the existing building only. No works to the buildings existing historic roof structure are proposed. As such the proposal would not result in demonstrable harm to protected species or their habitats.

9. Parish Council Comments

- 9.1 The matters raised by Debenham Parish Council have been addressed in the above report.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

- 10.1. The proposal is considered contrary to the provisions of development plan policy DEB 11 and the provisions of NPPF Paragraphs 83, 84 and 92, having had regard to the Council's 'Retention of shops, post offices, and public houses in villages' SPG (2004) as a material consideration. The principle of the proposal is not, therefore, supported.
- 10.2. The proposal would result in unjustified harm to the significant of the host Listed Building, a designated Heritage Asset, without sufficient justification for the harm being provided, and with no associated public benefit(s) being proposed to outweigh the harm identified. The proposal is, therefore, contrary to the provisions of development plan policies CS5, HB1, HB3, HB4 and DEB 18, and with paragraphs 194 and 196 of the NPPF in this regard.
- 10.3. The proposal is not considered to result in significant harm in relation to: Highway Safety; Residential Amenity; Flood Risk and Drainage; or Impact on Protected Species.
- 10.4. The proposal is considered to result in significant social and economic disbenefits due to the loss of a community service/facility and the loss of a significant portion of available business floorspace. The proposal would also result in significant environmental harm by reason of the identified harm to the significance of the listed building. There are no social, economic or environmental benefits associated with the proposal which would outweigh the aforementioned disbenefits. In accordance with the provisions of the NPPF, therefore, the proposal is not considered to result in sustainable development.

RECOMMENDATION

That Members resolve to: REFUSE planning permission, or in the event that the appeal has begun agree putative reasons for refusal, for the following reasons:-

- 1) It is not considered that the applicant has provided sufficient evidence to demonstrate that there is a sufficient supply of alternative and suitable sites available, or that no suitable and viable alternative employment uses for the entire site can be found or are likely to be found in the foreseeable future. Furthermore, it is not considered that the environmental and sustainability benefits of the proposal would outweigh the loss of the current employment use, and the mix of uses proposed by the applicant would not assist in the urban regeneration of the village or offer greater benefits to the community in meeting local business and employment needs. The proposal is, therefore, considered contrary to Neighbourhood Plan policy DEB 11 in these regards.

Furthermore NPPF Paragraph 83 states that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as public houses. NPPF Paragraph 84 also recognises the need for such sites in rural areas, in locations that are not well served by public transport. Furthermore, Paragraph 92 states that planning 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 proposal is also, therefore, contrary to the provisions of the NPPF, in this regard.

- 2) It is considered that the proposed two-storey extension would appear assertive and incongruous and the proposed glazed lean-to extension would be detrimental to appreciation of the 16th Century Gallery to the rear of the building and would not, therefore, better reveal its significance. The proposed extensions would, therefore, result in less than substantial harm to the building's special architectural and historic significance. It is also not considered that statements

accompanying the application offer sufficient justification for the harm identified. Furthermore, there are no public benefits associated with the proposed development which would outweigh the harm identified.

The proposal is, therefore, considered contrary to development plan policies FC1.1, CS5, HB1, HB3, HB4 and DEB 18, and to NPPF paragraphs 194 and 196 in these regards.