Committee Report

Item 7D

Reference: DC/20/05516
Case Officer: Daniel Cameron

Ward: Stradbroke & Laxfield.
Ward Member/s: Cllr Julie Flatman.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Full Planning Application - Change of use of Public House (Sui Generis) to 1no. Dwelling (C3)

Location

The Ivy House, Wilby Road, Stradbroke, Eye Suffolk IP21 5JN

Expiry Date: 01/02/2021
Application Type: FUL - Full Planning Application
Development Type: Minor Dwellings
Applicant: Mr & Mrs J Steneth
Agent: Hollins Architects Surveyors and Planning Consultants

Parish: Stradbroke
Site Area: 0.14 ha
Density of Development: 7.14 dwellings per hectare

Details of Previous Committee / Resolutions and any member site visit: None
Has a Committee Call In request been received from a Council Member (Appendix 1): Yes
Has the application been subject to Pre-Application Advice: Yes (DC/20/00820). Pre-application advice noted the sensitive balancing exercise that would need to be undertaken should an application to convert the public house to a dwelling come forward. The public house is a valued local asset and the contribution towards the Council's housing need from one dwelling is slight. Any application would need to be supported by rigorous evidence to assess the viability of the business in order to justify its loss in planning terms.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

Conversion of the property from public house to dwelling would remove a valued community facility from the area. It is not clear from the submitted documents that the provisions of the 'Retention of Shops, Post Offices and Public Houses in Villages' SPG is being followed. Moreover, the application would result in a

loss of employment within the village contrary to policies of the Local Plan. No plan to market the business has been agreed with Economic Development Officers.

Para 83 of the NPPF states that planning decisions should enable the retention and development of accessible local services and community facilities, including public houses.

There is significant local interest in retaining the public house as a functioning business. Consequently, there is strong local opposition to the scheme. The Parish Council are looking to register the business as an Asset of Community Value and whether it could be run as a community public house.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS01 - Settlement Hierarchy
CS05 - Mid Suffolk's Environment
HB01 - Protection of historic buildings
HB03 - Conversion and alterations to historic buildings
HB05 - Preserving historic buildings through alternative uses
HB08 - Safeguarding the character of conservation areas
H16 - Protecting existing residential amenity
E06 - Retention of use within existing industrial/commercial areas
T09 - Parking standards
T10 - Highway considerations in development

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has significant weight, and is a part of the adopted Development Plan.

The following policies of the Neighbourhood Plan are considered to be particularly relevant:

STRAD14 – Retail Provision

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)

Stradbroke Parish Council
The Councillors note a number of objections from residents in response to this application.

Councillors voted to OBJECT to this application as it is contrary to Policy STRAD14, which seeks to protect retail premises within or adjacent to the existing settlement boundary.

Stradbroke Parish Council will be seeking to register The Ivy House as an Asset of Community Value as per the community actions laid out in the made Neighbourhood Plan.

Councillors requested that Cllr Flatman call-in the application to be determined by MSDC Planning Committee members.

N.B It is understood that the Ivy House is now registered as an Asset of Community Value.

National Consultee (Appendix 4)

N/A

County Council Responses (Appendix 5)

Highways
The Highway Authority raise no objection to the application provided a condition to secure the parking shown on the submitted plans is provided.

Internal Consultee Responses (Appendix 6)

Economic Development Team
The Economic Development team would not support this application. The public house is well located and could still has potential to be an asset to the village.

The importance of the public house to the sustainability of our local communities is significant. In addition to offering essential social amenity for the village, surrounding area and visitors alike, they also offer locally accessible, and flexible employment in rural communities where opportunities for work are frequently limited, for example by access to transport or by caring responsibility.

Environmental Health – Land Contamination
No objection to the change of use of a public house to a residential dwelling.

Heritage Team
The proposal in this application is for change of use of the building from Public House to Dwellinghouse.

The building is listed and stands in the Stradbroke Conservation Area.

The normal approach to change of use in listed buildings is to prefer the use for which they were built. The list entry suggests that the building has remnants of medieval date, but it is difficult to be clear how long it has functioned as a public house or even whether it was ever simply a dwelling. It is recorded on 1880s OS sheets as 'Ivy House (PH)', indicating that it has been a public house for a significant period, but it also seems fairly likely that it was originally a house.

The Heritage Team would also have concerns that the proposal might affect the economic vitality of the Stradbroke Conservation Area, but it is recommended that advice from our Economic Development Team is given on this point.

In our view any harm to the listed building from the change of use is likely to be very low, and the question whether it is justified would depend on economic factors. Similarly, there is some potential for impact on the character of the Conservation Area, but the nature and degree of harm is best described in economic terms.

The applicant should be advised that any alterations to the building that are associated with the change of use are likely to require an application for listed building consent. This would include any works arising from requirements under the Building Regulations. Heritage officers will be happy to offer advice on whether works need listed building consent and whether they would be supported by officers. Because of the building's listed status, alterations to or erection of walls, fences and gates would continue to need planning permission, as would any alterations to or erection of outbuildings.

B: Representations

At the time of writing this report at least 24 letters/emails/online comments have been received. It is the officer opinion that this represents 22 objections and 2 support comments. A verbal update shall be provided as necessary.

Views are summarised below:

Objections:

- Public house is valuable asset to the village.
- Offers to keep the business operational have been made.
- Price listed for the building is too high.
- Opening hours for the business were artificially reduced.
- Additional development within Stradbroke will create additional demand.
- Stradbroke has already lost two public houses.
- Building is listed and stands within the conservation area.

Support:

- Number of personal comments on the owners of the building are uncalled for.
- Closure of other public houses within the village show that viability issues have been an issue previously.
- Objectors are not viability experts.
- Value of commercial property has not kept pace with residential and if the applicants are seeking to retire away from the public house, they require capital in order to invest in another property.

(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: DC/20/05516	Full Planning Application - Change of use of Public House (Sui Generis) to 1no. Dwelling (C3)	**DECISION:** PCO

REF: 3455/12	Replace window to front ground floor left of front door.	**DECISION:** REC
REF: 3082/12	Replacement freestanding hanging pub sign	**DECISION:** REC
REF: 0440/12	Alterations to fenestration pattern to windows to existing extension.	**DECISION:** REF 30.04.2012
REF: 3750/08	Rendering of existing face brickwork to front elevation facing Wilby Road.	**DECISION:** GTD 12.12.2008
REF: 3745/08	Internal alterations as detailed on the attached schedule of works, generally comprising removal of existing bars, provision of new, opening up of studwork, plastering cement/sand rendered walls and rendering of facing brickwork part fronting Wilby Road.	**DECISION:** GTD 16.12.2008
REF: 0783/06	Repaint pub in dulux buttermilk weathershield matt paint.	**DECISION:** GTD 01.05.2007
REF: 0282/06	Placing of recycling banks.	**DECISION:** WDN 10.05.2006
REF: 0360/05/	Alteration of car park.	**DECISION:** REF 12.05.2005
REF: 0859/04/	CHANGE OF USE FROM PUBLIC HOUSE TO PRIVATE HOUSE	**DECISION:** REF 03.12.2004
REF: 0019/98/OL	SEVERANCE OF LAND FOR ERECTION OF DWELLING AND GARAGE USING EXISTING VEHICULAR ACCESS (PREVIOUSLY PERMITTED UNDER OUTLINE PLANNING PERMISSION REFERENCE OL/7/93).	**DECISION:** GTD 01.06.1998
REF: 0007/93/OL	SEVERANCE OF LAND FOR ERECTION OF DWELLING AND GARAGE USING EXISTING VEHICULAR ACCESS.	**DECISION:** GTD 12.03.1993
REF: 0979/83	Retention of prefabricated garage (previously permitted under 344/78)	**DECISION:** GTD 28.02.1984
REF: 0344/78	Erection of a prefabricated garage.	**DECISION:** GTD 14.11.1978

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1 The application site is the Ivy House public house located on the eastern side of Wilby Road (B1118), close to its junction with New Street (B1117) within the centre of Stradbroke. Ivy House is presented fronting onto Wilby Road with parking to the front and side of the property. A pedestrian footpath runs north to south along the property frontage.

1.2 The Ivy House is listed at Grade II with the following list description provided by Historic England: *Public house. Medieval origins with early C17 alteration; further substantial alterations and additions of C19 and C20. Timber framed and plastered, ashlar-lined at the front. Thatched roof. 1½ storeys with small attic to left. 2 windows, C20 small-paned casements with hoodmoulds. C20 door and flat-roofed open porch on chamfered timber posts, the lower section balustraded. 2 gabled dormers with wavy bargeboards and spike finials. Small gable stacks. Early C19 2-storey wing set back to left: plastered, with a glazed black pantiled roof. Lean-to addition set forward with mid C20 brick face. Interior much altered. Early C17 ceiling in bar area with ovolo- moulded floorbeams and chamfered joists.*

1.3 The Ivy House is also located within the Stradbroke conservation area, notable for a number Grade II listed buildings, many being timber framed, and the Grade II* medieval church of All Saints. The surrounding area is strongly residential in character, although some commercial uses are notable along New Street.

1.4 The current layout of the public house allows for bar sales and food preparation on the ground floor with landlord accommodation at first floor level. Externally, there is a traditional lawned pub garden with seating.

2. The Proposal

2.1 The application proposes the change of use of the building from its current use as a public house (sui generis) to a residential use (Class C3). No alteration of the listed building is proposed at this point and would require planning permission and listed building consent in any case. Any internal change to the building would require approval of listed building consent. Therefore, the only matter to consider is the use of the building.

2.2 No permitted development rights exist that would allow the change of use of the building without planning permission.

2.3 Supporting information supplied with the application notes that the business use of the site has ceased following a decline in trade that preceded Covd-19. The business does not provide a significant level of employment, generating only one part-time employee and the listed status of the build prevents the ability of the business to be altered to provide additional revenue streams. On this basis, the applicants seek the change of use in order to allow the building to be sold as a dwelling, which may attract a greater degree of interest from the housing market.

3. The Principle of Development

3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.

3.2 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:

- Mid Suffolk Core Strategy Focussed Review (2012)
- Mid Suffolk Core Strategy (2008)
- Mid Suffolk Local Plan (1998)
- Stradbroke Neighbourhood Plan (2019)

3.3 Mid Suffolk benefits from a five-year housing supply. As such there is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant development policies generally conform to the NPPF. Where they do not, they will carry less statutory weight.

3.4 The NPPF requires the approval of proposals that accord with an up-to-date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.

3.5 Attention is also given to the Council's Supplementary Planning Guidance (SPG) document for Retention of Shops, Post Offices and Public Houses in Villages (2004). The document is not a formal planning document and does not form part of the development plan, however, it is an approved document and aids the decision taking process and is therefore afforded weight as a material planning consideration. Moreover, it is consistent with the NPPF, particularly paragraph 83 which states that planning decisions should enable 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.

3.6 With the above in mind, it is considered that the most important points in this regard are whether the business in can be considered to be a significant employer for the purposes of saved local plan policy E06, whether the loss of the public house can be justified under the provisions of the SPG and whether the neighbourhood plan policies would be offended by the change of use. To a lesser degree it is also considered necessary to consider the policy position of the emergent Joint Local Plan as well as the designation of the business as an Asset of Community Value.

<u>Employment</u>

3.7 As noted above, the business, when last in use, only generated one part-time employee. For the purposes of saved local plan policy E06 there is protection given to employment generating businesses unless significant public benefits would arise from its change to a non-employment generating use. In this regard, the limited nature of the number of jobs created through the business is of note.

3.8 Even if the business were operating under more favourable circumstances, it is not considered that the business would be able to generate a significant number of jobs. In this regard, this policy is not considered to be especially pertinent to the application at hand. Similar conclusions were reached at appeal in the nearby village of Brundish (APP/W3520/W/18/3209602) in that the public house at the centre of that appeal was not considered by the Inspector to be a significant employer within the village and that the relevance of the policy was a limited weight. There is no reason why a greater degree of weight should be attributed to this policy in this instance.

SPG – Retention of Shops, Post Offices and Public Houses

3.9 The SPG indicates that change of use of a village pub to an alternative use will not be permitted unless it can be demonstrated that at least one other public house exists within the settlement boundary or within easy walking distance to it, all reasonable efforts have been made to sell or let the property as a public house and that the running of the business from the site is not economically viable and, there is no evidence of significant support from the community for the retention of the public house.

3.10 With regards to the application site, The White Hart public house is noted to lie around 250m away from the site. Were this application to be approved it would be the only public house within the village. The change of use proposed within this application would therefore not offend the SPG in this regard. It is further noted that change of use may also lead to increased viability for the remaining public house in the village.

3.11 With regards to the second point raised by the SPG, submitted documents show that in over four years of marketing the property for sale through a specialist agency, only eight viewings of the business occurred. Objection comments note the high price set for the property; however, assessment of current market prices indicate that this might not be the case.

3.12 In terms of the viability of the business, submitted information shows a marginal level of net profit achieved across the last five financial years, with significant drop off in 2019/20 and 2020/21 as expected. Gross profit has also seen a downturn, reducing by nearly 30% in the same time period.

3.13 The listed status of the building is also noted as being particularly restrictive to attempts to diversify the business or transition it to a business model that might allow a greater level of profit to be generated. This is simply stated within the submitted document. No applications are noted within the planning history for the site and no pre-application enquiries are noted as being received seeking to alter or diversify the business to better deliver a sustainable level of profit for the operators.

3.14 The level of public objection to the application is notable in regards to the third point raised by the SPG. There is clearly a strong desire to see the Ivy House retained as a public house. Moreover, the site has now been designated as an Asset of Community Value. While this is not a planning consideration in and of itself, it is significant in demonstrating the community interest in retaining the business for the use of the village and strengthens this point within the planning balance.

Stradbroke Neighbourhood Plan – STRAD14

3.15 Neighbourhood plan policy STRAD14 deals with the retention of retail services (Class A1) within or adjacent to the settlement boundary of the village. It strongly encourages development proposals which would enable the retention of existing retail properties. Therefore, it is not strictly linked to the application at hand given it deals with a public house in sui generis use and also the policy does

not directly oppose the loss of such facilities, stating only that the retention of these facilities is encouraged. Supporting text for the policy notes that consolidation of facilities including public houses may be appropriate during the plan period and the wording of the policy is sufficiently flexible to allow this to happen. With this in mind, it is not considered that the policy as written is offended by the application at hand.

Joint Local Plan Policies

3.16 With regards to the emergent Joint Local Plan, points 2 and 3 of policy LP13 are particularly relevant to the application at hand. It states that the Council would be resistant to the loss of existing employment and commercial businesses. Proposals leading to the full or partial loss of these sites would need to demonstrate that the possibility of the re-use or redevelopment for other commercial, employment, business or community uses had been explored for a period of six months and the proposal would not give rise to amenity conflicts with neighbouring uses. Overriding environmental or community benefits would also be required to be demonstrated.

3.17 The submitted marketing information that supports this application does not indicate that it would be wholly contrary to the provisions of policy LP13, however, the assessment of alternative uses is notably lacking and community benefits to the change of use are not apparent. With a view to the part of the emergent policy noting amenity conflicts, assessment in this regard is made in section 10 of this report.

Conclusions

3.18 It is not considered that the proposed development would offend saved local plan policy E06 or policy STRAD14 of the Stradbroke Neighbourhood Plan. The emergent policies of the Joint Local Plan indicate that the present application would be able to show some compliance, however, would be lacking in being able to demonstrate community benefits to be brought by the change of use. The delivery of one new residential unit within the village would contribute towards the Council's housing delivery tests, however, the overall contribution would be low.

3.19 With regards the SPG the picture is similarly muddy. Another public house exists within the village, such that the village would not be robbed of this amenity entirely. Viability exercises show the business has not given sufficient return to the operators for some time. They are both noted to be experienced publicans, such that they would normally be considered to have the requisite experience to run such a business in an appropriate manner. However, objection comments note that this is not the experience of members of the village. Indeed, objection comments note that the pub is a valued local asset and its designation as an Asset of Community Value cements this.

3.20 The application is therefore considered to be partially in alignment with, partially in conflict with the SPG, particularly the final point which speaks to whether the local community is supportive of the loss of the facility.

4. Nearby Services and Connections Assessment of Proposal

4.1 Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. Stradbroke is identified as a Key Service Centre. The emergent Joint Local Plan identifies Stradbroke as a Core Village and the adopted Neighbourhood Plan allocates land to provide a minimum of 219 dwellings by 2036.

4.2 Stradbroke's position as a centre for a number of smaller villages that surround it means it offers access to a wide range of services and facilities including a primary and high school, two public houses (one of which is the subject of this application), several shops and cafes. A public library, community centre and swimming pool and gym are also noted alongside a playing field.

4.3 The location of the application site is well spatially related to many of these facilities and access to them cold be made on foot along made footways. It is considered that the application site lies in a sustainable position such that the residential use proposed would not be overly reliant on private car travel to meet their day-to-day needs.

5. Site Access, Parking and Highway Safety Considerations

5.1 Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.

5.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.3 Consultation with the Highway Authority offers a not unsurprising result given that the current application relates to change of use only. The site benefits from an existing access to the highway network considered suitable for a more intensive use than the residential use proposed within this application. Moreover, parking on the site is provided in excess of that required for a residential use of the building. Consequently, no objection is offered.

6. Design and Layout

6.1 As the application is focussed purely on the change of use of the public house, no external alteration of the building is proposed.

7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

7.1 Again, no alterations are proposed to the landscaping around the building and works to any trees within the site would require consent given they are located within a conservation area.

7.2 The building is currently weather tight and is not considered likely to provide any habitat for Priority or Protected Species within its roofspace

8. Land Contamination, Flood Risk, Drainage and Waste

8.1 No objection is noted from Environmental Health with regards to land contamination, while the building is located within Flood Zone 1 and

9. Heritage Issues

9.1 Ivy House is listed at Grade II and also sits within the Stradbroke conservation area. Consequently, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant.

Section 66 requires that special regard be given to the desirability of the preservation of a listed building while section 72 requires that attention is given to the protection or enhancement of the character of the conservation area.

9.2 Similar protection is given within the NPPF as well as saved local plan policies HB01, HB03, HB05 and HB08.

9.3 Consultation with the Council's Heritage Team notes that their normal approach to change of use in listed buildings is to prefer the buildings original use. Given the age of the building, it is unclear what this original use was, historic mapping shows the building in use as a public house since 1880, however, it is considered to be fairly likely it was originally constructed as a dwelling.

9.4 Any harm arising to the listed building as a result of the change of use is considered to be very low. No fabric of the building would be altered as a result of this application.

9.5 With regards to the conservation area, some potential is noted for impact on its character through the loss of the public house, but again, harm is noted only in economic terms as the change of use in and of itself would not alter the character or appearance of the conservation area.

9.6 The application is therefore considered to be neutral in terms of its impact on the listed building and conservation area.

10. Impact on Residential Amenity

10.1 The building is existing within the streetscene so any impacts arising from its positioning or location of windows is already established. There is no change in these impacts given that the landlord and landlady occupy the building at present.

10.2 It is considered that there may be some benefit to the surrounding residential development through the change of use proposed. A residential use is less likely to give rise to noise issues associated with public houses at closing time, however, no such issue is highlighted from consultation with the Councils' Environmental Health Team.

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

11.1 Paragraph 83 of the NPPF states that planning decisions should enable the retention of accessible local services and community facilities, including public houses. The SPG on the Retention of Shops, Post Offices and Public Houses in Villages notes that the change of use will not be permitted unless certain criteria are met.

11.2 While the application can show another public house within the village and some effort has gone into showing that the business is no longer operating viably, there is strong local support for the retention of the business. No view has been provided to show whether the premises carry the potential to be utilised as a community run public house. Objections and the Asset of Community Value designation for the building suggest that this is a realistic possibility.

11.3 Additionally no alternative uses of the premises appear to have been under consideration. While the listed status of the building is noted, this is not a barrier to an alternative use being brought to

the building the comments of the Council's Heritage Team notwithstanding, particularly when paragraph 196 of the NPPF is considered or the fact that the Council's SPG and emergent policies gives preference to a change of use that retains an element of community use.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to refuse the change of use of public house (sui generis) to 1no. dwelling (C3) for the following reasons:

1. The application proposes the change of use of a public house (sui generis) to provide one new dwellinghouse. Paragraph 83 of the NPPF seeks the retention of such facilities while the Council's supplementary planning guidance on Retention of Shops, Post Offices and Public Houses in Villages seeks the same end unless certain criteria are met. In this regard, there is evidence of significant support for the community retention of the public house evidenced in the numerous objections to the application, the Parish Council comments and the Asset of Community Value designation since applied to the site.