DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0280-21**	**Applicant:**	**Mr I Osborn**
Proposal:	Change of Use to Ground Floor from Public House to Residential Dwelling		
Location:	Plough Inn 1 Jekils Bank Holbeach St Johns		
Terminal Date:	13th May 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	65	1	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the change of use to ground floor from public house to residential dwelling at the Plough Inn, 1 Jekils Bank, Holbeach St Johns.

The proposal is for the rooms at ground floor to be converted into an entrance hall, lounge, snug, w/c, family/study/dining area, kitchen, utility, pantry and boot room. The first floor would remain unchanged and continue to accommodate 3no. bedrooms, a lounge, study and bathroom.

No details have been provided of what is intended for the external spaces associated with the building. No external alterations to the building itself are proposed.

Site Description

The site is located centrally within Holbeach St Johns, close to the St John's Church. There is a small private external area to the northern side of building, a car park and small beer garden to the west, with residential properties to the south and the north on the opposite site of the road. A vehicle repair business is located to the west beyond the car park.

Relevant History

H09-0596-18 - Full application - Change of use of part of ground floor from public house to two holiday let rooms (approved August 2018)

H09-0797-08 - Proposed extension and alterations to public house (approved September 2008)

H09-0424-08 - Extension and alterations to public house (refused May 2008)

Consultation Responses

Holbeach Parish Council - The global pandemic has hit public houses very hard and sometimes it is inevitable that they will close.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Public (65 objections, summarised) -
- Loss of public/social meeting place, hub/centre of village life and support provided by public house, and associated impacts on mental health
- Only amenity in village
- Application for change of use of part of ground floor to holiday let was applied for to diversify the business and provide an additional income stream, not because the business was failing
- Still a good and viable business and had good support from villagers and those further afield
- Applicant cannot say that there is no requirement for the pub as villagers have been unable to visit due to Covid restrictions
- New owners have not made any attempt to promote the business and themselves or open the pub when permitted
- There are other opportunities available to grow, develop and generate income on the site
- Opportunities not taken by new owners for outside drinking and takeaways during Covid. Previous landlady provided takeaway service during first lockdown which was well supported
- Smaller pubs have successfully operated with social distancing measures during the pandemic
- The age of the property dictates that there will always be an element of upkeep required
- Pub was only sold previously due to personal circumstances of previous owners, not because it wasn't viable
- Not a housing shortage in the area with new builds in Holbeach
- Believe the property was subject to village asset status and it should remain as such
- Next nearest pub is 5 miles away

- Loss of pub could cause drink driving by travelling to others further away
- Highway safety
- Applicant did not intend on opening premises as a pub, rather always wanted to change to residential
- New owner told residents he was planning on refurbishing premises ready to open again
- National lockdown began in March 2020 yet public house was not purchased until July 2020 thus applicant was fully aware of the situation and bought mid-pandemic
- Query why the applicant purchased what they considered to be a failing business
- The Plough has a guide price of £220,000 but was purchased at auction for £160,000
- Applicant states the pub was 'rented out unsuccessfully for over a year.' How can this be true when the previous owners were there until June 2020, providing a takeaway and delivery service during lockdown
- Pub closed on 26th June 2020
- Applicant's supporting statement states 'In March it would have been closed for over a year.' Not true. While it may have not been able to open as normal due to Covid restrictions, it did remain open until June 2020, serving takeaways and deliveries.
- Query what applicant means by 'certain things' the previous owners had not done in the context of gaining a licence

Planning Considerations

Principle

The site is located within the settlement boundary for Holbeach St Johns as set out in the South East Lincolnshire Local Plan, 2019 (SELLP). Holbeach St Johns sits within the 'Other Services and Settlements' tier of the Spatial Strategy (Policy 1). Policy 1 states that: "Within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities." Clearly the loss of a public house would not 'help sustain existing facilities' and would not support its 'role as a service centre for the settlement itself'. It would result in the loss of one of the few community facilities present in the village. The proposal is therefore considered to be contrary to Policy 1 of the SELLP.

Furthermore, the loss of a community facility such as a public house is normally resisted by Policy 32 of the SELLP unless certain criteria are met. This policy sets out that:
"The redevelopment or change of use of an existing community facility will be permitted only if:
1. an assessment has been undertaken which has clearly shown that the facility is:
a. surplus to requirements; or
b. not economically viable; or
c. unfit for purpose"

Assessing the proposal against the above:
a. Given the level of objection from the local community, it is clear that it is a valued facility in the village. It has been advised that the previous owner only sold the public house due to personal circumstances, rather than the public house being surplus to requirements.
b. No financial evidence has been submitted to demonstrate that the public house is not economically viable. The applicant argues that the public house is not economically viable due to the size and layout not being conducive to allowing enough customers in a socially distanced manner. Whilst this may be the case internally, there is scope for outdoor drinking and dining, but this hasn't been taken advantage of in the manner that other public houses have done. It is not considered that Covid alone is a satisfactory reason.
c. The applicant argues that the building is not fit for purpose due to the repairs needed to the leaking roof. The phrase 'unfit for purpose' is somewhat subjective, however the public house remained operating (albeit under Covid restrictions) until June 2020 (offering a takeaway service) and, as mentioned in the previous point, there is scope for outdoor drinking and dining, but this hasn't been taken advantage of in the manner that other public houses have done. All being well, Covid restrictions will be lifted in the relatively near future and the internal space could function as it once did again. It is not considered that roof repairs being required is a sufficiently strong reason to deem the public house 'unfit for purpose' given that there is the potential to repair and, in any case, if the building were converted to a dwelling the leaking roof would need to be repaired.

Whilst officers can sympathise with the applicant's financial situation and apparent lack of help from the government financially for the business, sufficient evidence has not been provided to

demonstrate that the proposal satisfactorily complies with Policy 32 of the SELLP.

In addition to the above, an applicant would normally be expected to show that a genuine attempt had been made to sell the facility as a going concern for at least a period of 12 months. Given that the public house was only purchased by the applicant in July 2020, not even 12 months of ownership has yet passed.

Support for the retention of community facilities is also provided at a national level in the National Planning Policy Framework (2019) (NPPF). Paragraph 83 of the NPPF sets out that planning policies and 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. Paragraph 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Lastly, paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, 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; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community. The proposal would be at odd with these provisions.

Taking the above assessment into account, the principle of the proposed change of use is not considered to be acceptable.

Highway safety and parking

The Highway Authority have no objection the proposal on highway safety grounds. The proposal would therefore comply with Policy 2 of the Local Plan in this regard.

Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 2 vehicle parking spaces are required for dwellings with up to 3 bedrooms. There is sufficient space within the curtilage of the building to accommodate this.

Residential amenity

Residential accommodation already exists at first floor level and would remain unchanged. The ground floor would be converted to be the main living spaces of the dwelling and would provide a good standard of amenity based on the submitted floor plans. The building sits within a large curtilage and would provide a good level of external amenity space for a dwelling, although specific details of this have not been submitted.

No external alterations are required to the building therefore there would be no new overlooking aspect or potential for other amenity issues to arise (e.g. overshadowing). Furthermore, the cessation of the use of a public house would arguably have a positive impact in terms of removing a noise generating use.

Overall, the proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

Flood risk

The site is located within Environment Agency Flood Zone 1. The proposal therefore satisfies the flood risk sequential test and complies with Policy 4 of the Local Plan, and Section 14 of the NPPF, in this regard.

Planning Balance

There is evident conflict with Policies 1 and 32 of the Local Plan given that the proposal would result in the loss of a seemingly valued community facility which has been unable to open in its usual manner due to Covid, rather than any other overriding reason. Financial records have not been provided to demonstrate that the business is not financially viable and it is not considered that it has been satisfactorily demonstrated that the premises is unfit for purpose or surplus to requirements. No marketing exercise has been undertaken.

The proposal is considered to be acceptable on highway, amenity and flood risk grounds, however it is the view of officers that the previously identified conflict significantly outweighs these factors and therefore the planning balance is considered to be against the proposal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposal is considered to be unacceptable in principle and contrary to Policies 1 and 32 of the South East Lincolnshire Local Plan, 2019. It is also contrary to the provisions of the National Planning Policy Framework, 2019.

The recommendation is therefore for a delegated refusal.