

DELEGATED ASSESSMENT

Application no: PA/2020/1436

Proposal: Planning permission for the change of use of the ground floor to a licenced bar and conversion of the upper floors to two apartments and offices including associated alterations

Location Market Place, Brigg

Applicant Joe Henderson

Officer: Mark Niland

POLICY

North Lincolnshire Core Strategy:

CS1, CS2, CS5, CS6, CS7, CS8, CS19

North Lincolnshire Local Plan:

DS1, DS11, HE2, HE5,

National Planning Policy Framework (2018):

Paragraph 192 - In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

CONSULTATIONS

Brigg Town Council – In support of the planning application. The Town Council though would express concerns if traffic was to enter Market Place.

Conservation Officer: There is no objection to the application any approval should include a condition requiring scale drawings of the proposed windows and doors with material specification is submitted for consideration before installation. (justification see above policy HE 2 ,HE5)

LLFA: No comments or objections to make

Highways DC: No comments or objections to the application

Environmental Protection: There is the potential for noise disturbance from activities in the proposed licensed premises to impact on residents in the proposed residential flats as well as the wider community. No information has been included with the application regarding the opening hours of the premises or the intended activities on site i.e. Live/amplified music.

This department can recommend conditions with regard to kitchen extraction and other plant which may be installed on site, however we do not have enough information with regard to activities on site which may impact on the proposed residential flats or the wider community.

Unless the applicant can demonstrate that the new residential development will be unaffected by noise from the activities associated with the Licensed premises, this department recommends refusal.

PUBLICITY: A site notice has been displayed as well as press advertisement in accordance with Article 15 of the DMPO 2015 as amended

LETTERS OF COMMENT: There have been numerous letters in support of the application stating that it is an appropriate reuse of the building and that it would support the existing services and amenities of Brigg.

There has been one objection which raises concerns about driving down the pedestrianised part of Brigg.

MATERIAL CONSIDERATIONS

Planning History

PA/2020/1657 Listed building consent for the change of use of the ground floor to a licenced bar and conversion of the upper floors to two apartments and offices including associated alterations. Pending

PA/2019/827 Proposal: Planning permission to convert and change the use of first and second floor to form four residential apartments and upgrade rear parking area (re-submission of PA/2015/0822) Decision: Full Planning Permission with conditions

PA/2019/887 Proposal: Listed building consent to convert and change the use of first and second floor to form 4 residential apartments and upgrade rear parking area (re-submission of PA/2015/0888) Decision: Listed Building Consent granted

Site Constraints

- Grade II listed
- Conservation Area (HELA 2016 DPD)

Listing Description

Early C19. 3 storey in pale brick with Welsh slate roof with stone coped gable ends and wood eaves cornice. 10 windows, hung sashes with glazing bars, stucco lintels and bands at cills. Ground floor has bank shop front of 4 windows to left and modern shop front to right of central passage archway with a cast iron balcony above. Nos 27 to 29 (consec) form a group (2021, britishlistedbuildings.co.uk, last accessed 15.03.21)

Site Characteristics

The building is located within a prominent location on Market Place and well within Brigg Conservation Area. Previously the ground floor has functioned as a bank and this is its last know use. The Market Place is made up of a mix of commercial activity and residential, with the Angel being located next door. There are more public houses in the immediate area which includes the The Lord Nelson and The Woolpack. There are also residential uses in close proximity. The River Ancholme is located close by and the train station is in walking distance.

The applicant seeks a change of use of ground floor to form a public house with the upper floors being converted to residential (with some space for an office associated with the ground floor).

The assessment will focus on the following issues:

- Principle of Development
- Historic Environment
- Environmental Issues/Amenity
- Highway Safety

Principle of Development

Policy CS1 sets out the overarching strategic policy approach for North Lincolnshire. It states North Lincolnshire's Market Towns will continue to provide important services for the area's rural communities and support the higher level services provided by Scunthorpe. Levels of growth and development will be more limited reflecting their position in the settlement hierarchy. All growth will take account of existing infrastructure, environmental constraints and ensure that the distinctive character of the town is protected.

Policy TC-1 of the Housing and Employment Allocation DPD is concerned with development in town centres, the site is located within the centre of Brigg. Policy TC-1 has been somewhat blunted by the introduction of the new E Class that came into force on 1st September 2020. The E class groups A1 retail along with a number of uses (D1/2, B1 A/B/C, A2 & A3). These uses are now a very real fall back for the existing site. Policy TC-1 does also go on to state that Residential Development is appropriate on upper floors (this is the existing case).

The last known use of the ground floor premise was as a Bank (formally A2) which is now an E use. The applicant seeks to change this to a drinking establishment which is Sui Generis. The upper floors with the exception of an office that is associated with the drinking establishment are proposed to be for residential. TC-1 expands on what uses are also acceptable within town and district shopping centres 'v' considers drinking establishments to be acceptable whilst 'ii' allows for residential on upper floors.

The requirement set out then by TC-1 that non-shopping uses would not exceed 20% of the total metrage of the defined frontage is not controllable through the change to the use classes order; for example there could be no control if the ground floor changed to a use under D1/2, B1 A/B/C, A2 & A3 (subject to conditions and limitations). This is similar to the requirement under TC-1 '...any continuous frontage of non-shopping uses would not exceed 18m'.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the pre-requisites of TC-1 mentioned above are diluted by the changes to the use classes order in that retail uses can be lost without the requirement for planning permission and this is a material consideration, furthermore the existing use is not retail in any case. Therefore given that the principle of the new uses proposed are commensurate with TC-1 and also align with the overarching plan for development in Market Towns the proposal is considered to be acceptable in principle.

Historic Environment

Policy CS6 of the North Lincolnshire Core Strategy is concerned with the Historic Environment. It states that all new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

Policy HE2 is concerned with development in conservation areas. It states "...All development proposals in, or which affect the setting of, Conservation Areas should preserve or enhance the character and appearance of the area and its setting.

Policy HE5 is concerned with development affecting listed buildings it states "...The Council will seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building.

The applicant proposes minimal physical alterations, the bricking up of one opening and the creation of a new one to the rear externally and potentially there may be some requirement during building regulation on upper floors relating to the glazing; though externally there will be no change. Internally there will be a removal of some partitions that are later modifications to allow the residential units to function better. At ground level the retention of the Vault and the creation of a bar are shown on the floor plans. There is an access to the rear beer garden and the layout shows some seating to the front on Market Place; the latter is covered by separate licencing (the laws of which have recently been extended in light of Covid distancing requirements).

The conservation officer has been consulted and has stated the following:

This building is disused and requires a new use to ensure its long term conservation. The upper floors have been empty for a significant amount of time. Historically there have been applications that have been approved for alterations to the upper floors for conversion to flats. The majority of the alterations to the ground floor and upper floors involves modifications to later stud wall and modern ceilings. There is no objection to the change of use of the ground floor to a licensed bar and the upper floor to residential/offices. This enables a use for the building with acceptable impact on its significance. The building has been altered internally in the past but has retained its external appearance which is only been altered with minor changes. It is important that the architectural detailing is appropriate for the listed building and this needs to be conditioned.

It should be noted that HE5 looks for a 'continued reuse' of listed buildings and given the decline of a banking presence on the high street it is unlikely that the same use would move in; this is evidenced by the time the application has spent vacant. An

adaptive reuse as a drinking establishment therefore makes sense, there have been recent losses of public houses in the area (Nelthorpe Arms) and this has impacted the vitality of the evening economy of Brigg somewhat. The proposal would energise that sector and have a potential trickle-down effect on other uses around it. The upper floors have recent approvals to convert to residential and given this application is assessed under the same policy framework there is no objection.

The conservation officer has stated that a condition requiring scale drawings of the proposed windows and doors with specification of materials should be attached. Given the building is listed this approach is considered reasonable and necessary. The adaptive reuse of the heritage asset is considered positive and the proposal would align with the above aforementioned policies.

Amenity/Environmental Issues

Policy DS1 is partly concerned with impacts upon residential amenity. It states that "...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing". Policy DS11 is also concerned with pollution control and is considered acceptable.

The applicant has stated that they wish to play live music at the venue but have not put forward any opening times. The councils Environmental Protection Team have been consulted and have stated that without noise information to determine the impact upon the residential apartments above they would recommended refusal. However following some dialogue and an understanding that similar uses already exist with the locality this is appeased by the attachment of a condition that no live music is to be played until an acoustic survey has been submitted to and agreed in writing with the LPA. Furthermore a search on opening times of similar venues in Brigg would led to 11am – 11pm Sunday to Thursday being appropriate and 10am – 12am Friday and Saturday; this would seem reasonable.

It is therefore considered that the proposal subject to the aforementioned mitigation would be in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety; both policies are considered relevant. Policy CS25 of the Core Strategy among other things is concerned with sustainable transport.

The applicant seeks to widen a wall at the rear to allow better access from the Angel car park. There is ample parking provision for both resident and patrons (besides the

venue is highly accessible being located within the centre of Brigg). Highways have assessed the application and have no objections to the proposal nor any comments to make. It is therefore considered that subject to the aforementioned mitigation that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan as well as policy CS25 of the North Lincolnshire Core Strategy.

Conclusion

The proposal represents a sustainable adaptive reuse of the listed building. Given the minimal changes there is no negative impact upon the historic environment whilst the new use is likely to add to the vibrancy and vitality of Brigg Town Centre.

RECOMMENDATION: Full permission subject to conditions