

BOSTON BOROUGH COUNCIL

Planning Committee - 26 July 2022

Reference No: B/22/0156

Expiry Date: 08-Jun-2022

Extension of Time: 30-Jun-2022

Application Type: Full Planning Permission

Proposal: Conversion of existing buildings (Sui Generis) to 5no residential apartments (C3 dwelling houses)

Site: The Peacock, 10 High Street, Kirton, Boston PE20 1EG

Applicant: Wellington Pub Company, C/O Agent

Agent: Caldecotte Group

Ward: Kirton & Frampton

Parish: Kirton Parish Council

Case Officer: Abbie Marwood

Third Party Reps: 2

Recommendation: Approve subject to Conditions



1.0 Reason for Report

1.1 The application has been called-in to Committee by a Councillor utilising the Scheme of Delegation mechanism for the following reasons:

- Concerns regarding number of units and overdevelopment of the site leading to pressures in terms of quality of accommodation and amenity for future residents (Policy 2/3)
- Concerns regarding parking provision (Policy 36)

2.0 Application Site and Proposal

2.1 The site is a former public house known as The Peacock, located on High Street within the settlement boundary of Kirton. The building is a two-story terraced, located between Jhay Stores and Sylvias Beauty Salon. There is a coaching arch located to the side of the building that provides access to the small rear yard and an outbuilding. The public house is currently vacant and is understood to have ceased trading as a public house in approximately 2012. The building is Grade II listed, located within Kirton Conservation Area and forms the setting of Grade I listed St Peter and Pauls Church. The site is also located within Flood Zone 3.

2.2 This area of Kirton High Street is made up of a variety of residential and commercial uses including takeaways, healthcare, bakery, salon, bookmakers and several independent shops. There is on-street parking available.

2.3 The proposal is for the conversion of the building and outbuilding from a public house to 5no self-contained flats. It is proposed to demolish the more modern (circa 1980's) rear extension as part of the proposals. The front elevation is to remain largely unchanged.

3.0 Relevant History

3.1 B/22/0157 – Listed building consent for conversion of building to 5no. residential units (under consideration)

4.0 Relevant Policy

South East Lincolnshire Local Plan

4.1 The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e SELLP) are relevant to this applications:

- Policy 1: Spatial Strategy
- Policy 2: Development Management
- Policy 3: Design of new development
- Policy 4: Approach to Flood Risk
- Policy 10: Meeting Assessed Housing Requirements
- Policy 11: Distribution of New Housing
- Policy 17: Providing a Mix of Housing
- Policy 24: The Retail Hierarchy
- Policy 29: The Historic Environment
- Policy 31: Climate Change, Renewable and Low Carbon Energy
- Policy 32: Community, Health and Well-being

- Policy 36: Vehicle and Cycle Parking

4.2 Other material planning considerations:

The Planning (Listed Building and Conservation Areas) Act 1990

National Planning Practice Guidance (NPPG)

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Paragraph 126 importance of good design
- Paragraph 120 effective use of land through re-use of previously developed land
- Paragraph 92 and 187 community facilities
- Paragraph 194 significance of heritage assets
- Paragraphs 197 putting heritage assets to viable uses

5.0 **Representations**

5.1 As a result of publicity 2 representations have been received from:

- 22 Boston Road, Kirton
- 43A Station Road, Kirton

5.2 The objections and comments can be summarised as follows:

- Lack of parking
- The building is Listed and within a Conservation Area

6.0 **Consultations**

Kirton Parish Council – Objection.

Kirton Parish Council object to the proposal on the grounds of over development and lack of parking

Environmental Health – No objections

Lincolnshire County Council Highways and Lead Local Flood Authority – No objections:

'The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal.'

Historic Lincolnshire Archaeology – No objections with recommendations:

'The recommendations in relation to this proposal are for a programme of building recording, prior to any alteration to the fabric of the structures, and a programme of archaeological monitoring and recording to be carried out during the

groundworks phase of the development. The programme of building recording should include provision for monitoring during the conversion to record any historic fabric that may be revealed by development works.

Development in the area could disturb previously unknown archaeological finds and features which could further our knowledge of the development of this settlement. Therefore, it is recommended that the developer should be required to commission a Scheme of Archaeological Works’.

Environment Agency – No objection.

‘The standing advice is... no objection and no requirements for mitigation as, under the 0.1% ‘extreme’ climate change breach scenario above the house should not flood. The site is however surrounded by lower land which the modelling indicates would flood under this scenario, potentially resulting in access / egress issues. Future occupants should therefore register with Floodline Warnings Direct’.

7.0 Planning Issues and Discussions

7.1 The key planning issues in the determination of this application are:

- Principle of development
- Loss of Public House
- Heritage impacts
- Ecology
- Appearance and amenity
- Flood Risk
- Parking

Principle of Development

7.2 Policy 1 of SELLP sets out the spatial strategy for the Borough. Kirton is identified as a main service centre where within the settlement boundaries development will be permitted that supports the role as a service centre and helps sustain existing facilities.

7.3 The site is located within the main built footprint of Kirton and is within the settlement boundary. It is therefore considered that the principle of new residential uses in this location is acceptable.

Loss of public house

7.4 The proposals are for the conversion of the Peacock public house to 5no flats. This would result in the loss of an existing public house in the village. Although not formally Listed as an Asset of Community Value, the NPPF (para 187) defines community facilities as (including, but not limited to) facilities such as local shops, meeting places, cultural buildings, public houses and places of worship. Para 92 of the NPPF also requires local authorities to guard against the unnecessary loss of valued facilities and services.

7.5 Policy 32: Community, Health and Wellbeing requires development to contribute to socially-cohesive and inclusive communities. The re-development or change of use of an existing community facility will only be permitted if:

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; and
- d. In the case of recreational open space, does not make an important contribution in amenity, visual or nature conservation terms.

- 7.6 A Viability Report has been submitted with the application which sets out that the public house has been vacant since 2012. The Viability Report takes into account a number of factors, including costs of bringing the public house back into use, previous turn over and competition, in line with the CAMRA template.
- 7.7 There is also another public house in the village, known as The Black Bull Inn, and a bar/restaurant known as Everest Bar and Grill, both of which are approx. 100m from the application site. Other provision in the village includes Kirton Leisure and Graves Park Social Club.
- 7.8 The building is in a poor state of repair, and would require a scheme of remedial works if it were to re-open as a public house. In addition, the business as a public house has previously been advertised for sale in October 2013 and at auction in 2016 but has failed to sell or attract a bid. The public house was further advertised for sale 2019 but only attracted interest as a residential conversion opportunity, rather than as a business.
- 7.9 It is therefore considered that the information submitted demonstrates that the buildings continued use as a public house is no longer economically viable and unfit for purpose due to the state of disrepair. There is alternative provision within Kirton and the loss of the public house, which has not traded since 2012, would not be detrimental to the facilities of Kirton village. It is considered that the proposal to convert the property complies with the requirements of Policy 32.

Heritage Impacts

- 7.10 The building is a Grade II Listed and located within Kirton Conservation Area. It is within 100m of Grade I Listed St Peter and Pauls Church. Any proposals should preserve or enhance the character of the Conservation Area and not adversely affect the special interest of the Listed Building itself, the Conservation Area or the setting of other heritage assets.
- 7.11 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving Listed Buildings, their setting, and any features of special architectural or historic interest which they possess, when determining a planning application. Section 72 of that same Act provides a similar duty for considering applications which affect the setting of a Conservation Area. Policy 29 of the Local Plan and Section 16 of the National Planning Policy Framework 2021 bring that duty into planning policy and support proposals where they preserve or enhance the significance of Listed Buildings and non-designated heritage assets, and the character of the Conservation Area.
- 7.12 It is proposed that the development would not alter the frontage of the building, and would mainly be internal alterations and the removal of more modern

extensions to the rear of the building, not visible from the street-scene. A more detailed analysis of the impacts upon the historic fabric of the building are contained within the Listed Building Consent application reference B/22/0157.

- 7.13 Comments received from Heritage Lincolnshire request a programme of building recording to be undertaken during the conversion to record any historic fabric that may be revealed by development works. In addition, the works propose some demolition of modern extensions, and alterations to an outbuilding. Heritage Lincolnshire have also requested an archaeological monitoring and recording condition, to record any archaeological features that may be disturbed.
- 7.14 It is considered that the proposed conversion of the Listed Building would result in an unused building being brought back into a viable use with no significant harm to the special interest of the heritage asset or the setting of the Conservation Area. A programme of building recording and an archaeological watching brief can be secured via condition.

Ecology

- 7.15 The building has been vacant for some years and there is the possibility that protected species such as bats have utilised the building.
- 7.16 The proposal is supported by the submission of a Protected Species Survey Report, by Windrush Ecology. The findings of the report state that there is currently no evidence of protected species within the site and that the conversion is unlikely to impact upon any protected species. It is noted that the survey was undertaken in winter and bats predominantly roost in summer. It is therefore considered that although the risk to protected species is low, it is prudent to attach a condition requiring works to cease should bats be found during works.

Appearance and Amenity

- 7.17 Policy 2 of the SELLP requires proposals to demonstrate sustainable development considerations are met specifically in relation to character and appearance of the area and the relationship with the existing development, land uses and quality of design.
- 7.18 The site is within a mixed use area comprising village centre uses, retail and residential uses. The proposals would not alter the appearance of the building to the frontage and would have minimal alterations to the rear and outbuildings. It is considered that the neighbouring uses of a convenience shop and hair salon, (which also have residential units above) would not have a detrimental impact upon residential amenity.
- 7.19 The plans propose 5no. flats in total, comprising of:
- 1 x 2 bed to the ground floor, with access to courtyard
 - 2 x 1 bed to the ground floor, with access to courtyards
 - 1 x 1 bed to the first floor
 - 1 x 3 bed across the first and second floor
- 7.20 It is considered that the plans demonstrate a mix of size and number of bedrooms within the development, with the ground floor units having access to amenity spaces created through the removal of more recent unsympathetic extensions

and additions. The proposals would be in keeping with the local character of the area and would not have a detrimental impact upon neighbouring amenity, or the amenity of future occupiers. In this regard, the proposals are considered to meet Policy 2.

Flood Risk

- 7.21 The site is located within Flood Zone 3, but falls outside of any Environment Agency breach hazard zones. The Environment Agency have provided site specific comments on the application which is no objections and no requirement for mitigation as under the 0.1% extreme climate change breach scenario the property should not flood. The site is however surrounded by lower land which modelling indicates would flood under this scenario, potentially resulting in access/egress issues. Future occupants should therefore register with Floodline Warnings Direct.
- 7.22 As the site is for a conversion, the Sequential Test is not required. The Exception Test is required in accordance with the NPPF.
- 7.23 A Flood Risk Assessment has been submitted with the application which states:
- Residents must sign up to the EA flood warnings system and test the flood warning and evacuation plan regularly
 - A surface water drainage strategy should be developed to identify appropriate measures
- 7.24 It is considered that although the site falls within Flood Zone 3, the site is at low risk of flooding and the Environment Agency has confirmed this. It is proposed to condition the recommendations of the FRA and use of flood evacuation warnings, in accordance with Policy 4 of the SELLP.

Parking

- 7.25 Policy 36 requires proposals to provide vehicle and cycle parking, in accordance with the minimum parking standards unless a high quality design can demonstrate that a lower standard of provision is appropriate.
- 7.26 The Parking Standards require 2 spaces for dwellings up to 3 bedrooms. This would result in a requirement to provide 10 parking spaces for this proposal. The policy does allow for relaxation of the standards where it can be justified by the character and location of the site.
- 7.27 The application site does not benefit from any allocated parking at present and the proposals do not include the provision of any parking. It is proposed that secure cycle storage would be provided within the curtilage of the site, within the yard to the rear of the site. The site is located within the centre of Kirton, which is classified as a main service centre and allows future residents the ability to access services via foot and/or cycle or via hourly bus services between Boston and Kirton.
- 7.28 In addition, the previous use as a public house could resume without the need for permission and would attract vehicles without providing off-street parking. There are also some opportunities for on-street parking within the area, including a small lay-by in front of the building which could provide some informal parking, although

it is accepted that this is not within the ownership or exclusive use of the Peacock. The Local Highways Authority have not objected to the proposal and noted that 'parking is not essential for this development' due to its location within a main service centre.

- 7.29 It is considered that although the provision of parking would be preferred, the site is constrained physically and by its Grade II listing, making the provision of new parking difficult to achieve. It is considered that the lack of parking can be mitigated through the proximity of the site to local services and alternative sustainable transport modes. It is therefore considered to be acceptable.

8.0 Summary and Conclusion

- 8.1 The proposal would revitalise and put to a viable use, a currently un-used heritage asset within a main service centre that is falling into disrepair.
- 8.2 The conversion of the building would not be harmful to the special character of the building, or to the character of the Conservation Area and would not have detrimental impacts upon neighbouring amenity or the amenity of future occupiers.
- 8.3 The building could operate as a public house without the need for permission, attracting visitors and vehicles. The proposal would result in a small development of 5no flats within a main service centre, offering access to services and sustainable transport options. The Highway Authority have no objections to the lack of parking.
- 8.4 Therefore, subject to conditions, it is considered that the proposal is in accordance with the policies of the South East Lincolnshire Local Plan (2011-2036) and is recommended for approval.

9.0 Recommendation

- 9.1 It is recommended that Committee approve with the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of four years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the application form and in accordance with the associated plans as follows:

- 2067 09 Proposed Elevations and Sections
- 2067 08a Proposed Elevations
- 2067 07 Proposed First and Second Floor Plans
- 2067 06 Proposed Ground Floor Plans

Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2, 3 and 4 of the South East

Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework (2021).

3. Prior to the commencement of any development a Historic Building Recording shall be submitted to and approved in writing by the Local Planning Authority, to be carried out by a suitably qualified person and in accordance with an agreed written brief and specification. The results of the building recording shall be submitted to the Local Planning Authority prior to work commencing on the site.

Reason: To ensure any historic features are recorded in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011-2036).

4. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location and full details of any external new waste water goods. The works/scheme shall be constructed and completed in accordance with the approved plans.

Reason: To address foul water provision and impacts on a heritage asset in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan (2011-2036).

5. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) produced by RAB Consultants dated 10/09/2021 Version 0.1. All mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: To reduce the risk and impact of flooding in accordance with Policy 4 of the South East Lincolnshire Local Plan (2011-2036).

6. Prior to any groundworks being undertaken a scheme of Archaeological recording shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of monitoring all groundworks with the ability to stop and fully record archaeological features.

Reason: To ensure any archaeological features are recorded in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011-2036).

7. The development hereby permitted shall be undertaken in accordance with the Protected Species Survey Report produced by Windrush Ecology dated November 2021. Should any protected species be found during the development work shall cease immediately and details of bat protection measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of protected species during the development, in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).