

<b>ITEM NO:</b> 2	<u>Location:</u>	<b>The Cabinet, High Street, Reed, Royston, SG8 8AH</b>
	<u>Applicant:</u>	<b>Mr R Newman</b>
	<u>Proposal:</u>	<b>Retention of internal and external alterations, in association with conversion from Public House to single residence.</b>
	<u>Ref.No:</u>	<b>16/02129/ 1LB</b>
	<u>Officer:</u>	<b>Anne McDonald</b>

Date of expiry of statutory period : 27 October 2016

#### Reason for Delay

The application has been delayed to allow time for a viability report to be submitted and considered under the associated planning application 16/02113/1 for the change of use of the public house to a single dwellinghouse.

#### **Reason for Referral to Committee**

The application has been called into Planning Committee by Cllr Morris in the wider public interest, due to the number of objections received on the application

#### **1.0 Relevant History**

- 1.1 There is an extensive planning history for this property, given that it is a listed building and has been in public house use. Of relevance is application 16/02113/1, which is the associated planning application for the change of use application, which is also being presented to Members for consideration.

#### **2.0 Policies**

- 2.1 The relevant policies are:
- 2.2 National Planning Policy Framework (NPPF):  
12 - Conserving and enhancing the historic environment.
- 2.3 Local Plan 2011 - 2031 - Proposed Submission - October 2016:  
HE1 - Designated Heritage Assets.

#### **3.0 Representations**

- 3.1 **NHDC Conservation** - the Conservation Officer has provided detailed comments. In summary key points raised include:  
It does now appear that the A4 use for The Cabinet is no longer viable. Considering that I previously raised concerns that the case of objecting to the alterations on the basis that harm is occasioned to the listed building, this view may not be sufficiently robust, and the Council's view on the change of use is pivotal as to whether an objection to the alterations on conservation grounds is sustainable.

I have always maintained the position that the works undertaken to enable the use as a dwellinghouse, obstruct any immediate return to a pub use with food offer. These works would be considered to be harmful to the building's special character if the pub use was deemed to be still viable.

∅β7 Considering that the viability testing concluded that an A4 use for The Cabinet is no longer viable, this adds significant weight to the view that the loss of the public house is justified and finding an alternative use would be necessary if the long term future of the Heritage Asset is to be secured.

∅β7 With this in mind, I have considered the appropriateness of retaining the internal and external alterations undertaken in association with conversion from public house to single dwelling.

∅β7 Given the pub's location in the village coupled with the fact that it has not provided a place for community interaction for a number of years, and on the basis of the viability arguments put forward, this would not result in the unnecessary loss of a pub.

∅β7 I, therefore, conclude that the perceived harm both to the building and to the area is less than substantial in the context of finding an alternative use. Paragraph 134 of the NPPF states that "*...this harm should be weighted against the public benefits of the proposal , including securing its optimum viable use*".

∅β7 In light of the viability testing, I conclude that an objection on conversation grounds would be counter intuitive. It would only serve to place an obstacle in the way of seeking an alternative long term viable use for this heritage asset.

∅β7 In placing significant weight behind the viability assessment, I conclude that whilst a limited degree of harm would be occasioned to the listed building, ...this would be less than substantial and outweighed by the aims of paragraph 134 of the NPPF.

I, therefore, find the internal and external alterations unobjectionable.

3.2 **Local views** - over 30 responses have been received on this application. All object to the application. Key points raised include:

∅β7 I strongly object to the listed building consent application. Retrospective consent should not be granted as the alterations to this building were made without the correct consent.

∅β7 Given that we live in a Conservation Area, it is outrageous that these alterations have been allowed to take place to our Grade II listed public house without someone at the council putting a stop to it.

∅β7 It is imperative that this disregard to our planning laws is halted before we lose such a historic and valued community asset forever.

∅β7 This 400 year old building must be respected and put back to how it was before and allowed to run as a pub again for all to enjoy.

∅β7 Important parts of the building, the bar and cellar for example, have been removed and altered. Historical parts that have been ruined forever.

∅β7 This work should never have been allowed.

∅β7 I object to these changes. The listed building regulations are in place to protect our community heritage.

∅β7 The property should be restored to its former condition by the present owner.

∅β7 It is a criminal offence to carry out work which needs listed building consent without obtaining it beforehand. The current owner made a conscious decision to carry out unauthorized and wholly unnecessary works inside and outside the building without having first sought and received the required approvals.

∅β7 Whilst I appreciate that some urgent work may have been required to make the building safe, I don't think that ripping out the bar and installing

a brand new kitchen in what was the restaurant would come in to this category.

↷ The works have materially altered the appearance and layout of the premises and the internal layout is now that of a residence and not a public house.

↷ We look to North Herts Council to protect this village from such blatant disregard of the legal requirements and expect the owner to be obliged to return the premises to their former use.

↷ The pub is 400 years old and it would be despicable if planning was granted.

↷ Retrospective planning is not granted and the present owner is asked to put it back to how it was using the original materials.

↷ I object to this application primarily on the basis that the current owner has obviously calculated that any application for alterations to a listed building would not be favourably received and so has blatantly gone ahead with changes regardless, possibly with the agreement and involvement of Council planning / conservation officers.

↷ He now has the gal to request retrospective agreement, having flagrantly flouted the law in the process hoping the lack of local housing will encourage planners to agree to his application.

↷ Should the planning officer pass this application he needs to be held account for agreeing to a criminal offence.

↷ Failure to enforce the return of this building would demonstrate that planning laws carry no weight and can be ignored without penalty.

↷ The retrospective application should be refused, or have planners already given the green light to this property speculator as a means to an end?

↷ It seems astonishing that this application would be encouraged given that there has been a total flouting of the planning law.

If the work was urgent, planning permission should have been sought straight away and not eight months after it had started.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The Cabinet is a two storey, timber clad building located on the east side of the High Street, adjacent to the village pond. The building is a wide, although relatively shallow in depth, and sits fairly close to the lane frontage, with a car park and rear gardens. There is a small change of levels at the front, with steps up and a patio area in front of the building.

4.1.2 The property is a Grade II Listed Building, and was designated as such on 03/06/87. The listing description describes it as a public house, late 17th century or early 18th century and extended in the 19th and 20th century. It states that this is a timber frame building on a brick base with weatherboarding and steeply pitched tiled roof.

### **4.2 Proposal**

4.2.1 The application is for the retention of internal and external alterations in association with the conversion of the public house to a single dwellinghouse.

#### **4.2.2 Design and Access Statement (DAS)**

A DAS has been submitted with the application setting out the detailed works that

have been undertaken internally and externally. These are broken down into 10 sections. In summary these works are:

1. The structural stability of the front wall and roof was compromised at ground and first floor levels. A new stud partition was installed at ground floor level to tie the front wall to the chimney breast. A stud partition was installed at first floor level to tie the wall plates and purloins.
2. The above ground soil pipe located in the lounge area had been leaking into the rear wall of the original building. The wastes were removed above ground and the floor and wall made good and the original stud work left exposed.
3. Plasterboard cladding was removed from the stairway and the staircase has been refurbished.
4. A stud partition at ground floor was removed to form a new toilet facility with new stud partitioning.
5. New sanitary ware has been installed at first floor level. A new soil stack and underground drainage laid to connect with the existing external soil drainage at the rear.
6. The original brick paved floor in the ground floor side room was damaged and irregular. The bricks have been lifted and re-laid.
7. New kitchen fitted.
8. New sanitary ware installed in the beer cellar which has been converted into a games room.
9. The external doorway to the beer cellar has been filled with frosted glass panel. The original door and frame are retained intact.
10. The premises have been redecorated using conservation paint products.

#### 4.3 Key Issues

- 4.3.1 The key consideration is whether the works that have been undertaken are acceptable, or so harmful to the historic fabric of the building, the application should be refused for this reason.
- 4.3.2 The Conservation Officer in his comments on the application states:
- 4.3.3 *Although physical alterations have been implemented to this listed building, it is the pub function and historical significance of the building and its role in village life that would be lost through these proposal, although it should be noted that its function as an operating pub has ceased for some years.*
- 4.3.4 *Notwithstanding the change of use being sought, all of the historic ground floor accommodation has already been removed from public access and the traditional use of the public house has been fundamentally altered. ...it could be said that the building has a distinctive dwellinghouse appearance and it is located in the vicinity of other residential properties. Although the alterations have not resulted in the loss of historic fabric i.e. the timber frame, tiled roofs, entrance doors with bracket hood and weatherboarding remain. The alterations to this building whilst not affecting the building's architectural integrity, would prevent an immediate return to a pub use, i.e. position of kitchen, customer toilets removed, no private access to accommodation, access to side bar restricted. These works harm its historic identity as a pub.*
- 4.3.5 The key point made above is that the Conservation Officer states that there is no loss to the historic fabric of the building. The works stop the building being able to be used as a public house, but as discussed under the associated planning application 16/02113/1 for the change of use of the building from pub use to a single dwellinghouse, there is no objection to this change of use as it has been adequately demonstrated that the pub use businesses is no longer viable. Therefore, it has to follow that there is no objection to these internal and external works which stop the use of the building as a pub, but at the same time do not harm the historic features or

integrity of the building.

- 4.3.6 A key objection from local residents, is that the works were undertaken prior to listed building consent being granted. This makes this application 'retrospective', but does not change the fact that the works themselves are not considered to be objectionable.

#### **4.4 Conclusion**

- 4.4.1 The Conservation Officer has stated that the works that have been undertaken do not harm the physical architectural or historical integrity of the building. He has expressed concern that because the works have removed the pub use function from the building, and historically the building has operated as a pub, it could be concluded that there is a degree of harm on the historical significance of the building due to this loss of pub function. However, he concludes that due to the pub now being regarded as not viable, it is imperative that a suitable use is found for the building in the long term, and as the loss of the pub function from the building is considered to result in a low level of harm that can be viewed as being less than substantial, in accordance with advice set out in paragraph 134 of the NPPF. Therefore, no objection is raised to the change of use of the building to a dwellinghouse, and in turn, no objection is raised to the physical works that have been carried out to the listed building to achieve this.
- 4.4.2 As the works are complete, and no further details of the works are required, the application is therefore recommended for unconditional listed building consent to be granted.

#### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### **6.0 Recommendation**

- 6.1 That Listed Building Consent be **GRANTED**: