

Building Conservation Group Consultation Document

File Ref: 16/02113/1
 Date: 05/10/2016
 Planning Officer: AMCD
 Address: The Cabinet, High Street, Reed, Royston, SG8 8AH
 Subject: Change of use from A4 (Public house) to C3 (single dwelling)

Building Conservation Comments:

My detailed comments on the alterations to the listed building are to be found under ref: 16/02129/1LB.

The Cabinet is an entry on the Statutory List of Buildings of Special Architectural or Historic Interest and is grade II listed. The building is also located within the Reed Conservation Area. Both the building and the area are Designated Heritage Assets for the purpose of applying the aims of Section 12 of the NPPF.

The building is described in the list entry as: **Public house. Late C17 or early C18, extended C19 and C20. Timber frame on brick base. Weatherboarded. Steeply pitched tiled roof. Originally 2 bays, extended by 1 bay to left with further additions at both ends. 2 storeys. Ground floor: entrance to left of original centre, recessed plank door in architrave with dentilled and bracketed hood, to left two 3 light small pane flush frame casements, to right one of 2 panes, all with hoodboards. First floor three 2 light small pane casements. Coved eaves. Cross axial ridge stack at original left end, part rebuilt. To rear a C19 continuous lean-to outshut behind main range and first added bay, weatherboarded and rendered. Rendered upper part of rear wall on main block with some comb pargetting. Short C20 gabled addition to left end, set back slightly. 1 storey mid C20 addition to right end with an entrance. Beyond this to right a C19 weatherboarded and slate roofed outbuilding with 2 doors to front. Interior: chamfered axial bearer, stop chamfered fireplace lintel.**

The National Planning Policy Framework (the Framework) sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. An applicant should be required to describe the significance of any heritage assets affected to enable an understanding of the potential impact of the proposal on their significance.

At para 70 of the NPPF it states that:

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- ***plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and local services to enhance the sustainability of communities and residential environment***

At paragraph 131 of the NPPF it states that:

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

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

At paragraph 134 of the NPPF it states that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Cabinet is the only pub in the village and it is disappointing that no Statement of Significance / Heritage Assessment has been submitted with this application that would perhaps shed some light on whether this building was built originally as a pub or at what point it changed form a house to a pub in the past (if indeed this was the case). The fact that the building was (up until 5 years ago) a community facility is an important consideration that should not be dismissed lightly and it is considered that a successful pub in this location would potentially make a positive contribution to the economic vitality of this community. No assessment has been provided as to the original layout of the spaces within the building or their functions but it is acknowledged that the building possesses both architectural and historic interest and it performed a traditional community function within the settlement. The key issue here is to assess the impact of the proposed change of use on the special character of the listed building and upon the character and appearance of the Reed Conservation Area.

Before providing my view, I wish it to be placed on record that contrary to the following comment from one neighbour objection:

"The lackadaisical attitude from the visiting Conservation Officers at the Cabinet (as testified by the owner at a recent public community meeting) creates the unhelpful impression of collusion between applicant and assessor to reap the benefits of a greater goal"

there is only one Conservation Officer, myself, and prior to my site visit on 30 September 2016, I had not visited site since October 2014. Between October 2014 and September 2016, I understand that the principal on-site contact with the District Council has been with Chris Braybrook (Planning Enforcement Officer). I have not been asked to attend site either individually or with the Planning Enforcement Officer during this two year period. I note that prior to my site visits in 2014, a pre-application enquiry was received (ref: 13/02186/1GEN) relating to the proposed change of use of The Cabinet to which the Area Planning Officer responded as follows:

"At present I might suggest that the Authority would not support an application although this is an informal view and without prejudice to an application."

In terms of what is currently seen as a loss of a community facility, public houses have long provided the central focus to village life and are highly valued for this community function. This is the only pub in the village and the loss of a pub such as this one is emotive. Although physical alterations have been implemented to this listed building, it is the functional and historical significance of the building (which from the list description, was possibly a purpose built public house) and its role in village life that would ultimately be lost through the proposal (it should, however, be noted that its function as an operating pub has ceased for some years).

It is open to the Local Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case. It is noted that The Cabinet was added to the 'Assets of Community Value List' on 02/04/2014 and which provided the opportunity for community interest groups to be considered as a serious bidder for the property. As confirmed on the 'List', although there was an intention to sell on 13/07/2015, no requests/bid were received and the full moratorium end date was not triggered. The owner at the time was, therefore, free to dispose of the property to whomever he chose and no moratorium can be applied for what is the remainder of the 18 month protective period under the regulations (in this case, 13/01/2017).

In 2014, the Appeal Inspector stated the following when considering a case at Somerset Inn, Paulton, Bristol that:

"The need for additional investment to repair the property, redecorate and furnish the trading area, install bar equipment and upgrade the toilets would also be major costs to the business. A figure of £100,000 has been mooted. Whilst there is no schedule of works or costings, this would see to be a realistic estimate. Expenditure on this scale would place a heavy burden on the business and I am not convinced that the returns would be sufficient to pay for the investment."

It is acknowledged that the building is not in a prominent location within the Reed Conservation Area or within a defined local centre and 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 bracketed hoods and weatherboarding remain, the alterations to this building whilst not affecting the building's architectural interest 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 and harm its historic interest as a pub. Despite the failure of the former business, The Cabinet has reasonable facilities: a garden, a car park and a suitable dining area (extension 2003) and despite the need to reinstate a commercial kitchen and customer toilets, I see no reason to demur from the view that a viable business could perhaps be created.

Other than the free-standing hanging sign, there are no pub signs on the building, therefore, even with the building currently being used as a dwellinghouse and apart from the external painting scheme, the outer appearance of the listed building has not changed to any significant extent. The building would not, therefore, be denuded of its significance by the removal of signage as there was no signage on the building.

The fact is, that notwithstanding the change of use currently 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. There is perhaps a case to suggest that the change of use at ground floor of the building causes harm to the special historic interest of the listed building, through the loss of its historic function as a public house?

Recommendation

To reach a position of acceptability, it is my opinion that the proposal would have to satisfy the following

- i) would not result in the unnecessary loss of a public house;
- ii) would not involve a listed ACV; and
- iii) would not reduce the community's ability to meet its day to day needs for community interaction to an unacceptable level.

Some of the works undertaken to enable the use as a dwellinghouse, clearly obstruct any immediate return to a pub use (with food offer) in that the kitchen would need to be relocated, customer toilets reinstated, access to the staircase to private accommodation restricted and separated from the ground floor pub use and perhaps the doorway re-opened between the two former bar areas to improve the customer offer.

The Framework requires a balanced judgement to be taken having regard to the scale of harm and the significance of the heritage asset. Great weight should be given to the asset's conservation, in this case it could be said that this means conserving the building as a pub. However, the alterations have transformed this building into a dwellinghouse. Notwithstanding the fact that this is the only pub in the village, it is also recognised that it has not been a pub in recent years and is located within a dispersed semi-rural setting with dwellinghouses nearby.

I have explained under ref: 16/0219/1LB the reasons why I would object to the proposed alterations if the building were to retain its pub use but that the case for doing is not overly robust. The challenge here, is to decide to what extent the pub use is part of the building's special character. In my view and in this particular case, it is appropriate to conflate use with special character but if a.) the failure to attract a community bid through the ACV process, b.) the 5 year period in which the building has not

been a pub and c.) its location within Reed are considered to be of such significance that this weighs materially against the retention of the building as a pub then it is a matter for the case officer to reach a view on the acceptability of the change of use. At the present time, I am minded to conclude that the change of use would harm the listed building's special character and that the loss of the building's existing use as a community focus (even though this has been the case for 5 years) would harm the character of the Reed Conservation Area, thereby failing to satisfy Sections 16 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990 and the aims of Section 12 of the NPPF.

Mark Simmons
Senior Conservation Officer

Building Conservation Group Consultation Document

File Ref: 16/02113/1
 Date: 25/01/2017
 Planning Officer: AMCD
 Address: The Cabinet, High Street, Reed, Royston, SG8 8AH
 Subject: Change of use from A4 (Public house) to C3 (single dwelling)

Building Conservation Comments:

My comments take into account Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016) and the aims of Section 12 of the NPPF. At paragraph 10.2 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016) it states that 'Development proposal which affect local shops and pubs will be considered under Policy ETC7 : Scattered local shops and services in towns and villages. That policy refers to the fact that an exception to criterion (a) will only be permitted if it can be demonstrated that the unit has remained vacant for a year or more, and documentary and viability evidence has been provided that all reasonable attempts to sell or let the premises for similar uses in that period have failed and I leave this matter for the case officer to address. Public consultation on the Council's Submission Local Plan has been completed and the Plan is scheduled for submission to the Secretary of State in March 2017. The Policies of the submission Local Plan, therefore, carry limited weight at this stage (however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption).

I have also taken into account Section 12 of the NPPF, in particular the following:

131. *In determining planning applications, local planning authorities should take account of*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *the desirability of new development making a positive contribution to local character and distinctiveness.*
132. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*
134. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

I previously stated that in order to reach a position of acceptability, it is my opinion that the proposal would have to satisfy the following:

- i) would not result in the **unnecessary** loss of a public house;
- ii) would not involve a **listed** ACV; and
- iii) would not **reduce** the community's ability to meet its day to day needs for community interaction to an unacceptable level.

In considering each of these, I comment as follows:

Part i)

I note the review of the S G Culverhouse Public House Viability Report prepared by Michael Lawton MRICS of

Trinity Solutions Consultancy Limited dated 12 December 2016 and in particular that *'The applicant's conclusion that the public house is no longer viable is fair and reasonable'*. I note the supporting commentary on the above at pages 11 and 12 where it cites matters such as: the size of the village with no recognisable village centre, there is no logical focal point to the village and that the pub's position is unlikely to attract passing trade, lack of well-lit footpaths to the pub and lack of parking; and the cost of bringing The Cabinet back into an operational ready state. At page 15 of this same report it states that *"Whilst there is some lack of veracity in the construction of the appraisals contained in The Report, both S G Culverhouse and Trinity Solutions Consultancy Ltd arrive at the same overall conclusion, that is, the evidence available and expert opinions expressed support the conclusion that The Cabinet is no longer viable"*.

Part ii)

I have seen the report entitled 'Cabinet Public House ACV Listing' prepared by S G Culverhouse and dated 24 November 2016. I note the sequence of events in the table on page 5 of that report. For instance, it is noted that The Cabinet was added to the 'Assets of Community Value List' on 02/04/2014 and which provided the opportunity for community interest groups to be considered as a serious bidder for the property. As confirmed on the 'List', although there was an intention to sell on 13/07/2015, no requests/bid were received and the full moratorium end date was not triggered. The owner at the time was, therefore, free to dispose of the property to whomever he chose and no moratorium can be applied for what is the remainder of the 18 month protective period under the regulations (in this case, 13/01/2017). I note SG Culverhouse's conclusion on page 9 as follows:

"The ACV process ran its course but failed to generate a community group willing to put together a bid for the property during an exclusive period. This Grade II listed building deserves specialist attention and a new chapter in its historical existence. Therefore we conclude that the ACV listing is of no benefit to the future safeguarding of the building and that the ACV listing should be set-aside and the planning application 16/02113/1 be considered purely on its merits according to the policies within the NPPF and NHDC Local Plan"

Part iii)

Public houses have long provided the central focus to village life and are highly valued for this community function. This is the only pub in the village and the loss of a pub such as this one is emotive. As stated previously, The Cabinet was (up until 5 years ago) a community facility and this is an important consideration that should not be dismissed lightly. A successful pub in this location would potentially make a positive contribution to the economic vitality of this community but the question comes back to one of viability. Although physical alterations have been implemented to this listed building, it is the functional and historical significance of the building (which from the list description, was possibly a purpose built public house) and its role in village life that would ultimately be lost through the proposal (it should, however, be noted that its function as an operating pub has ceased for some years). The question to perhaps ask is and one which I am unable to answer on the basis of not being a Reed resident is: How have the day to day needs for community interaction within Reed been met during the five year period in which the pub has been closed?

Recommendation

Michael Lawton MRICS of Trinity Solutions Consultancy Limited states that

"... Whilst there is some lack of veracity in the construction of the appraisals contained in The Report, both S G Culverhouse and Trinity Solutions Consultancy Ltd arrive at the same overall conclusion, that is, the evidence available and expert opinions expressed support the conclusion that The Cabinet is no longer viable".

Considering that the viability testing concludes that an A4 use for The Cabinet is no longer viable for the reasons cited in Mr Lawton's report, this surely adds significant weight to the view that the loss of the public house and finding an alternative (ideally optimum) use would be necessary if the long term future of the Heritage Asset is to be secured.

I conclude that it would be necessary to find an alternative viable use for this listed building and that an argument that the proposal would result in the unnecessary loss of a public house is unjustified.

With regard to the matter of whether this is a listed AC, note SG Culverhouse's conclusion that *"... the ACV listing is of no benefit to the future safeguarding of the building and that the ACV listing should be*

set-aside and the planning application 16/02113/1 be considered purely on its merits according to the policies within the NPPF and NHDC Local Plan".

Unless there is a justifiable challenge to this position, I conclude that surely the opportunity has passed by with regard to the community acquiring the pub through the ACV process.

On the final matter as to whether the loss of the pub would reduce the community's ability to meet its day to day needs for community interaction to an unacceptable level, I raise the following question: How have the day to day needs for community interaction within Reed been met during the five year period in which the pub has been closed?

The fact that The Cabinet has ceased trading for more than 5 years means that it could not perform a role as a place that could meet the day to day needs for community interaction during that period. Furthermore, the fact that the community did not register an intention to bid between 13 July 2015 and 23 August 2015 is noted. It is for the case officer to consider as to whether the loss of the pub has reduced the community's ability to meet its day to day needs for community interaction to an unacceptable level.

Whilst it may be argued that there would be a degree of harm occasioned both to the listed building and to the character of the Reed Conservation Area as a consequence of the change of use and had the A4 use been proven to still be viable, I would have justifiably raised an objection on the grounds that the proposal would be contrary to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, 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. I, therefore, conclude that the perceived harm both to the building and to the area is less than substantial. Paragraph 134 of the NPPF states that "... *this harm should be weighed against the public benefits of the proposal, including **securing its optimum viable use***" (my emphasis in bold).

In light of the above viability testing, I conclude that a public benefit would be to secure an alternative viable use of the designated heritage asset which would then safeguard its long term future, thus, effectively ensuring that the building's condition does not deteriorate should there be resistance to anything other than an A4 use. The question as to whether a C3 use is the *optimum viable use* is a matter for the case officer to consider. Indeed, an objection on conservation grounds would be counter intuitive i.e. it would only serve to place an obstacle in the way of seeking an alternative (ideally optimum) long term viable use for this heritage asset. In placing significant weight behind the viability assessment, I conclude that whilst a limited degree of harm would be occasioned to the listed building and to the conservation area, this would be less than substantial and outweighed by the aims of paragraph 134 of the NPPF. I must, therefore, find the proposed change of use **UNOBJECTIONABLE**.

Mark Simmons
Senior Conservation Officer