

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 it's 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