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Debbie Gates
Executive Director

Central Services

To: Members of the Planning Committee

Other interested parties

27 March 2013

Dear Councillor

Planning Committee
8 April 2013

I refer to the agenda recently sent to you for the above meeting. Please find attached a copy of the reports marked to follow:

- 8/3(c) 13/00004/F
Castle Acre: The Albert Victor, Stocks Green: Conversion of public house to dwelling
- 8/3(d) 13/00005/LB
Castle Acre: The Albert Victor, Stocks Green: Listed Building Consent Application: Conversion of public house to dwelling

If I can be of further assistance please do not hesitate to contact me.

Yours sincerely

Kathy Wagg
Democratic Services Officer

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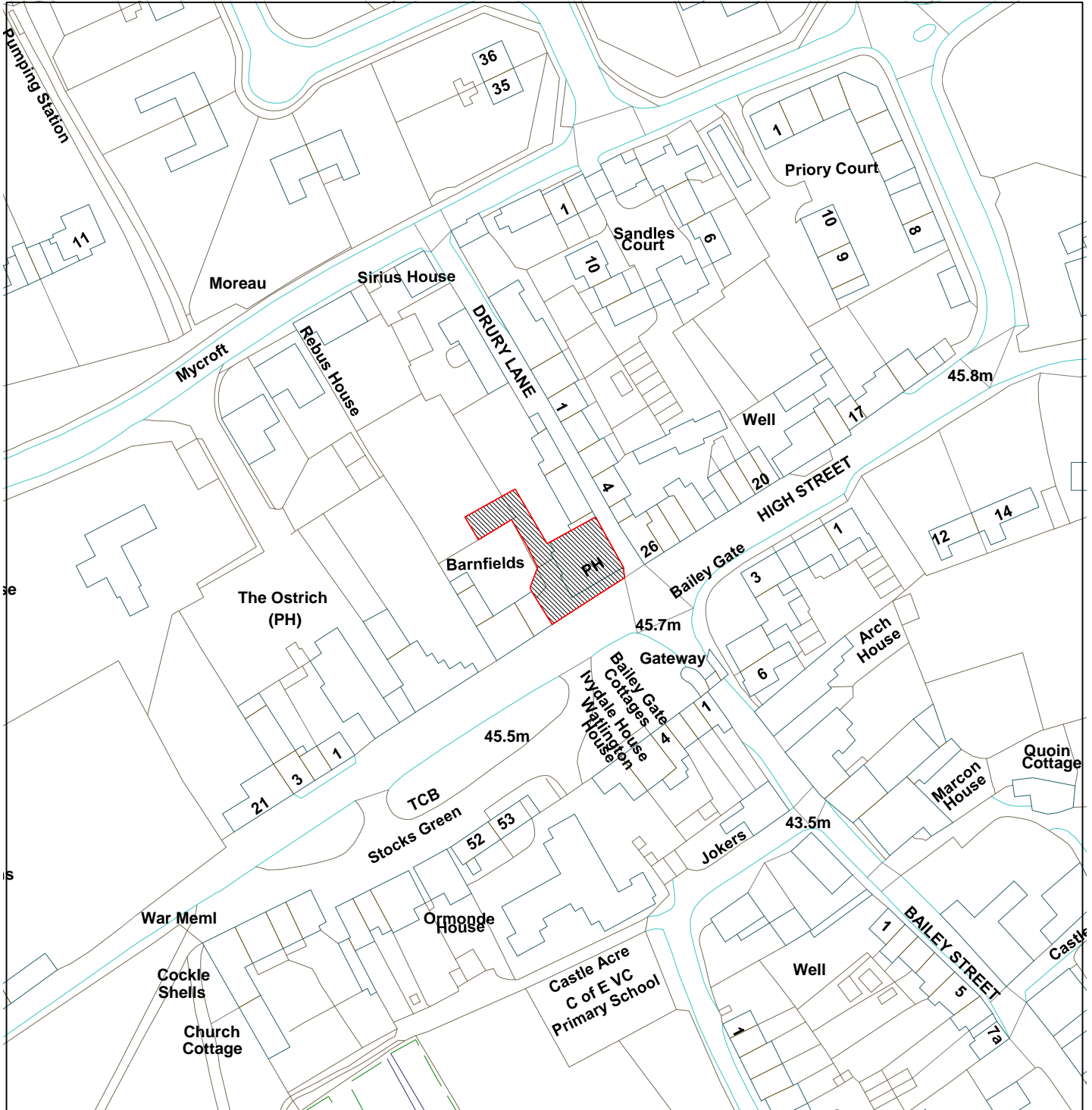
Chief Executive – **Ray Harding** Deputy Chief Executive – **David Thomason**

13/00004/F

Borough Council of
King's Lynn &
West Norfolk



The Albert Victor Stocks Green Castle Acre



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Borough Council of King's Lynn & West Norfolk

Environment and Planning

1:1250

27 March 2013

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Ordnance Survey 100024314

Parish:	Castle Acre	
Proposal:	Conversion of Public House to Dwelling	
Location:	The Albert Victor Stocks Green Castle Acre King's Lynn	
Applicant:	Hobden Oppenlander Partnership	
Case No:	13/00004/F (Full Application)	
Case Officer:	Miss G Richardson Tel: 01553 616457	Date for Determination: 7th March 2013

Reason for Referral to Planning Committee – Referred to the Planning Committee at the discretion of the Executive Director

Case Summary

The application site is situated on the northern side of Stocks Green, Castle Acre at its junction with Drury Lane and comprises an 18th century Grade II listed public house called the Albert Victor. Vehicular access is from Stocks Green. The land/buildings to the rear of the public house have been granted consent for residential use and works are currently taking place on site.

The application site lies within Built Environment Type 'C' and the Castle Acre Conservation Area as defined on the King's Lynn & West Norfolk Local Plan (1998) Proposals Map.

The application seeks full planning permission for the conversion of pub into a dwelling. An application for listed building consent has also been submitted and is currently pending consideration (13/00005/LB).

These current applications seek approval for the conversion of the pub house following the refusal of planning application references 11/01490/F, 11/00646/F and 10/01988/F. The main grounds for refusal were that the proposed development would result in the loss of an employment site and community facility in the heart of the village and conservation area and the applications as submitted had failed to clearly demonstrate that the continued use as a public house or alternative community or employment use was unviable, or that the loss of public house would not have any detrimental impact on the listed building or Castle Acre conservation area as Heritage Assets.

Key Issues

The key issues identified in the consideration of this application are as follows:

The principle of development;
 Loss of public house;
 Form and character / impact on Heritage Assets;
 Neighbour amenity;
 Highways impact; and
 Other considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning permission for the conversion of pub into a dwelling. An application for listed building consent has also been submitted and is currently pending consideration (13/00005/LB).

These current applications seek approval for a revised scheme following the refusal of planning application references 11/01490/F, 11/00646/F and 10/01988/F. The reasons for refusal on the most recent application (11/01490/F) were as follows:

1. The proposed development would result in the loss of the public house, an employment site and community facility, in the heart of the village and conservation area of Castle Acre which would impact upon the vitality of the village and its attractiveness as a visitor destination, as well as the long-term economic and social needs of the community. The application as submitted fails to clearly demonstrate that the continued use as a public house is unviable. No financial information has been submitted and no details have been submitted in support of the application to prove that the property has been adequately and suitably marketed as a public house. In the absence of this information there is insufficient evidence to demonstrate that the property has been satisfactorily marketed and that the existing use is not viable. As a result the proposal fails to accord with the provisions of PPS1 and PPS4 as well as Policies CS01, CS06, CS08 and CS10 of the King's Lynn and West Norfolk Core Strategy (2011).

2. The application as submitted fails to consider the historical significance of the existing use, does not provide any definitive proof that the use as a public house could not continue and it fails to clearly demonstrate that the proposed conversion and loss of the public house would not have any detrimental impact on the listed building and Castle Acre Conservation Area as heritage assets. The proposal therefore fails to comply with the provisions of PPS5.

The application site is situated on the northern side of Stocks Green, Castle Acre at its junction with Drury Lane and comprises an 18th century Grade II listed public house called the Albert Victor. Vehicular access is from Stocks Green. Consent has recently been permitted to convert existing structures attached to the public house and provide a new dwelling within what were the grounds of the public house.

The application site lies within Built Environment Type 'C' as defined on the King's Lynn & West Norfolk Local Plan (1998) Proposals Map, and within the Castle Acre conservation area.

SUPPORTING CASE

The submitted planning application is accompanied by a Planning and Heritage Statement (PHS), Design and Access Statement (DAS), Viability Study prepared by Pinders (20 December 2012), a subsequent letter from Pinders dated 25th February 2013, letter from

Russen and Turner dated 5th September 2012, and letters from Tawn Landles dated 24th November 2012 and 23rd October 2012.

The PHS advises that the Viability Study carried out by Pinders demonstrates that re-opening the public house is simply not a viable alternative and, whilst the responsibilities of the owners to keep the building in relatively good repair are acknowledged, it is important to find an alternative use as quickly as possible otherwise the condition of the building will continue to deteriorate. The residential conversion the subject of this planning application appropriately satisfies that need.

The PHS continues by advising that the Core Strategy confirms the status of Castle Acre in the settlement hierarchy and its ability to cater for further development. Policy CS06, in dealing with development in rural areas, indicates that in order to maintain the vitality of rural communities, priority will be given to the retention of existing commercial sites, unless the continued use is economically unviable. However, in this case, there is a similar public house facility within very close proximity.

The PHS considers the differences between this and previous applications for the site, which have been refused. It is stated that these decisions hinged on the lack of marketing of the premises and insufficient evidence of viability. It is considered that these issues have been adequately addressed within this submission. It is confirmed that the pub has been marketed since November 2011 by Tawn Landles.

The public house was advertised at a guide price of £229,000, which Tawn Landles' letter dated 24 November 2012 confirmed was "based on comparables." This was subsequently reduced to £190,000.

A letter dated 5 September 2012 from Russen and Turner, instructed to value the public house on behalf of Lloyds Bank, is also submitted, which confirmed the value of the public house at £200,000 in May 2012.

The letter dated 23 October 2012 from Tawn Landles and the accompanying marketing feedback report demonstrate that the public house has been marketed robustly and continuously throughout 2012, but no formal offer has been forthcoming.

With regard to the issue of viability, our clients have commissioned a new report by Pinders dated December 2012 dealing specifically with this issue. The full report also accompanies this planning application. The report concludes "Against this background, we do not consider that a prudent and knowledgeable purchaser, in possession of all the relevant facts, would be prepared to acquire the property for use as a public house. Therefore, we would conclude that the business does not afford a viable opportunity in the existing use." In our opinion, therefore, this application, together with its accompanying documentation, deals specifically with the perceived objections to previous applications.

The proposed conversion of the former Albert Victor Public House to a dwelling will provide a sustainable form of development within the village of Castle Acre where some additional housing is appropriate. The proposal will be entirely in keeping with surrounding development and it represents a logical conclusion to the residential redevelopment recently permitted to the rear. The listed building is an important and prominent feature in the designated Conservation Area and the proposed residential conversion will ensure that a long term viable use is found to secure its preservation for the foreseeable future.

The Design and Access Statement (DAS) submitted in support of the application advises that no alterations to the principle elevation onto Stock's Green are proposed, except for the

removal of pub signage. To the rear of the public house the flat roofed extensions, will be removed. The existing door case, door and stained glass will be retained and restored. Internal alterations respect the existing development pattern and little significant removal of historic fabric is proposed.

The existing access is being retained and improved by removal of a 'pinch point' at the rear gateway to Barnfields. Pedestrian access off Drury Lane is being retained to the proposed new dwelling, 2 parking spaces are being provided for the dwelling created from the change of use.

PLANNING HISTORY (Recent)

13/00346/F VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION 12/00265/F: Retention of pub, including new toilet extension, conversion of part of outbuildings to new dwelling and erection of a 3-bed one and a half storey dwelling with cartshed garaging. Current

13/00342/LB Amendment to the approved plan for application 12/00266/LB to insert bathroom window and transom light to unit 2 Current

13/00005/LB LISTED BUILDING CONSENT APPLICATION: Conversion of Public House to Dwelling. Current

12/01629/F Variation to design and siting of new house and omission of garaging for commercial reasons - Development to be in accordance with drwgs ref. 2509-01P, 10B, 16A. Permitted 03/12/12

12/00266/LB Listed Building Consent - Retention of pub, including new toilet extension, conversion of part of outbuildings to new dwelling and erection of a 3-bed one and a half storey dwelling with cartshed garaging. Permitted 23/04/12

12/00265/F Retention of pub, including new toilet extension, conversion of part of outbuildings to new dwelling and erection of a 3-bed one and a half storey dwelling with cartshed garaging. Permitted 03/05/12

11/01491/LB Listed Building Consent - Conversion of pub and outbuildings to 2 dwellings and A1 commercial use and to erect 1 new dwelling and cartshed garaging. Refused 10/11/11

11/01490/F Conversion of pub and outbuildings to 2 dwellings and A1 commercial use and to erect 1 new dwelling and cartshed garaging Refused 17/11/11

11/00647/LB – Listed Building Consent - Conversion of pub and outbuildings to 2 dwellings and 1 new dwelling and cartshed garaging Listed building consent was refused on 21st June 2011.

11/00646/F – Conversion of pub and outbuildings to 2 dwellings (including A2 use) and 1 new dwelling and cartshed garaging. Planning permission was granted on 21st June 2011.

10/01989/LB – Conversion of pub and outbuildings to 2 dwellings and erection of 1 new dwelling and cartshed garaging. Withdrawn

10/01988/F – Conversion of pub and outbuildings to 2 dwellings and erection of 1 new dwelling and cartshed garaging. Planning permission was refused on 9th February 2011.

2/03/1565/LB – New signage. Listed building consent was granted on 22nd September 2003.

2/03/1564/A – Illuminated projecting and wall signs and non-illuminated amenity board. Advertisement consent was granted on 22nd September 2003.

2/98/0723/LB – Internal alterations. Planning permission was granted on 2nd July 1998.

2/98/0074/LB – Insertion of windows to kitchen. Listed building consent was granted on 2nd March 1998.

2/98/0068/F – Insertion of windows to kitchen. Planning permission was granted on 10th March 1998.

RESPONSE TO CONSULTATION

Parish Council: SUPPORT Castle Acre Parish Council reviewed its policy towards the use of the building formerly known as the Albert Victor public house. For the past three years, during the protracted planning applications for new dwellings behind the pub building, Castle Acre Parish Council fought for no change of use to the pub itself, either as residential or as a commercial shop. We have been grateful to the Borough Council in its support for our stand to retain the pub as a going concern, even though the former management failed to trade profitably in the years before closure. The current owner of the building and land, Mr Gary Bolton, has, in our view, made considerable efforts over the past 12 months either to sell the pub building or to lease it, but without success. In the meantime, the fabric of this listed building continues to deteriorate to the extent that it is now an eyesore in the centre of the historic Stocks Green conservation area.

Castle Acre Parish Council has come to the regrettable conclusion, given the current economic circumstances, the difficult trading conditions for many public houses in the area and the deteriorating state of the building, that we would register our support with the Borough Council for a change of use to a private dwelling. There was a unanimous vote in favour of this move. We are equally unanimous in our opinion that a change of use should not be to a commercial shop, as previous attempts to set up retail businesses in Stocks Green have failed and a new venture could also impact on the thriving village Costcutter store.

Highways Authority: NO OBJECTION subject to specified conditions.

Environmental Health & Housing – Environmental Quality: Based on the information supplied and held within this section, I have no comments to make regarding contaminated land or air quality.

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance (CSNN): NO OBJECTION I have reviewed all the information in relation to this application and have no concerns in relation to noise, light, odour etc. Given the previous use of the building, the proposed change to a dwelling should result in less noise dis-amenity (ignoring the recent years of no use at all) than the operating public house could have caused the neighbouring properties.

I note comments made by a CSNN colleague in relation to Unit 2 and the wall where the two properties connect, and would hope that noise between the properties would be low or non-

existent as a result of measures suggested for the planning application for the 3 bed conversion to a cottage (12/00265/F).

I would ask that the applicant be mindful of the type, siting/location and angling of any exterior lighting, to ensure that there is no potential for light nuisance to the existing neighbouring properties or new dwellings behind.

Informatives are recommended in relates to asbestos removal and noise, dust and smoke from clearing and construction work

BCKLWN Tree Officer: NO OBJECTION

English Heritage: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

REPRESENTATIONS

THREE letters of representation have been received, which includes **TWO** letters of **SUPPORT**. The **OBJECTION** letter raises the following concerns:

- Has any real effort been made to sell or let the pub as a going concern, or has the applicant just waited;
- The Victory at Clenchwarton, The Cock at Wiggshall St. Mary Magdalen and the Sandboy at Bawsey have attracted new landlords and show it is possible to run a pub in a Norfolk village;
- It is contended by the objector that Castle Acre is a more attractive village than those listed above; and
- The objector urges the Committee to uphold the decision to ensure that this vital village amenity is retained.
- In terms of the letters of support, reference is made to the state of the building currently and that there is little hope of a sale.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

PLANNING POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

4/21 - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

8/1 - indicates that individual and small groups of dwellings will be permitted in settled or built-up areas of villages defined as Built Environment Types C and D.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- The principle of development;
- Loss of public house;
- Form and character / impact on Heritage Assets;
- Neighbour amenity;
- Highways Impact; and
- Other considerations.

Principle of Development

The application site falls within Built Environment Type C as identified on the Local Plan Inset Map for Castle Acre. Within this area the principle of new residential development is generally considered to be acceptable under saved Policies 4/21 and 8/1 of the Local Plan (1998), however it must have regard for and be in harmony with the building characteristics of the locality and comply with other relevant planning policies including those of the adopted Core Strategy. Castle Acre is also a Key Rural Service Centre within the Core Strategy, thereby seen as a focus for growth in the rural area.

Furthermore, given that the application relates to a Grade II listed building which lies within the Castle Acre conservation area the impact of the proposal on these heritage assets needs to be considered in relation to the provisions of the National Planning Policy Framework and the Core Strategy Policies.

Finally the issue of the loss of the public house, a community facility and business, also needs to be considered.

The National Planning Policy Framework (NPPF) says that sustainable development involves widening the choice of high quality homes through a mix of housing to promote inclusive and mixed communities. It recognises that residential development can play an

important role in ensuring the vitality of centres. Applications for housing development, therefore, should be considered in the context of the presumption in favour of sustainable development (paragraph 49).

To support a prosperous rural economy the NPPF also promotes the retention and development of local services and community facilities, including public houses (paragraph 28). The NPPF also seeks to promote healthy communities by delivering social, recreational and cultural facilities and services to meet the needs of the community. Planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs (para. 70).

In paragraph 51 of the NPPF, local planning authorities are required to identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Policies CS06 and CS10 of the Core Strategy advise that within all centres and villages priority will be given to retaining local business sites unless it can be clearly demonstrated that: continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings and existing or potential market demand; or use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems; or an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs.

To sum up, whilst there is a presumption in favour of new housing, there is also arguably a general presumption against the loss of public houses in rural areas and the viability of the facility and the contribution it makes to social sustainability needs to be fully explored before considering the conversion of the building into a single dwelling. Furthermore the framework also states that heritage assets should be conserved in a manner appropriate to their significance (paragraph 126)

Loss of Public House

The NPPF and Core Strategy seek to provide sustainable development and keep villages as self-contained settlements, thus reducing the need to travel. The provision of local facilities such as public houses, shops and post offices are vital to sustain and contribute towards meeting the needs of rural communities. The loss of such a facility which is of social value to a community is therefore a material planning consideration. Furthermore rural settlements provide essential services and facilities to serve visitors to the borough as well as the local communities. Maintaining the vitality and viability of village centres such as Castle Acre is therefore critical to the continued development of tourism in the rural areas.

The previous two planning applications for the site were refused on the grounds that the proposed development would have resulted in the loss of an employment site and community facility in the heart of the village and conservation area of Castle Acre which would impact upon the vitality of the village and its attractiveness as a visitor destination, as well as the long-term economic and social needs of the community. It was considered that the previous applications failed to clearly demonstrate that the continued use as a public house or alternative community or employment use was unviable therefore the proposals failed to accord with the provisions of PPS1 and PPS4 as well as Policies CS01, CS06, CS08 and CS10 of the King's Lynn and West Norfolk emerging Core Strategy (2011).

It is acknowledged that rural pubs face a number of issues with regard to their continued operation; drink drive legislation, the smoking ban, the easy availability of low price alcohol from high street stores and supermarkets, along with social change and economic hardship meaning a general reduction in disposable income.

However, the planning process, through change of use applications, offers the only publicly accessible forum for debate about the future of individual public houses. Whilst it is not feasible for every pub to be retained, it is important to ensure that a robust assessment of the viability of the business, perhaps under new ownership or tenancy, is undertaken, and that only if the business is shown to be unviable should an application for change of use be granted.

It is good practice for Local Planning Authorities when considering applications for the loss of rural businesses to require evidence of the marketing of the property at a price that reflects the value of the business for a minimum period of 12 months.

The application is accompanied by a Viability Study which has been prepared by Pinders in response to this policy. In terms of marketing, the assessment states that the public house was first valued by Tawn Landles in November 2011 with a guide price of £229,000. Tawn Landles has confirmed in writing that the quoted price on marketing has been as follows:

13/01/12- £229,000
 19/03/12- £220,000
 17/04/12- £210,000
 06/06/12- £200,000
 08/08/12- £190,000

From information contained within this letter it is confirmed that the premises have appeared within the Lynn News and has been continuously available on Rightmove (47,230 hits since the premises was first uploaded). In addition specific advertisements were placed within trade magazines and websites:

22/03/12 to 23/04/12 - DaltonsBusiness.com
 29/03/12 to 30/04/12 - BusinessForSale.com
 19/04/12 - The Publican's Morning Advertiser

11/06/12 to 12/07/12 DaltonsBusiness.com
 14/06/12 - The Publican's Morning Advertiser

17/08/12 to 30/09/12 DaltonsBusiness.com
 16/08/12 - The Publican's Morning Advertiser

Furthermore information has been supplied in terms of the interest the property has generated between 13/01-15/10/12. In terms of viewings there have been 13 (some individuals viewing the premises more than once), and from feedback received individuals considered that there was too much work involved, the price was too high, it was subject to sale of a buyers property, and there were concerns about layout and design. Some would also only be interested if it was a house.

Having reviewed this information, officers consider that the marketing exercise carried out for the premises would meet the normal requirement of 12 months, and would appear to have focused in both a local and wider geographical area and also within a specific publican's publication.

Pinders has set out a detailed case in their viability assessment. They state that the trading format outlined in their original report (which placed a greater emphasis on dry sales than the current report) would no longer be appropriate given the reduced scale of the dining area available to a potential operator.

Pinders state that the public house would have been able to accommodate 60/70 covers in total, however, the amount of accommodation associated with the pub, has been reduced together with the pub garden, and it is estimated by Pinders that a maximum of 20 covers would now be provided and the loss of the pub garden would make it less attractive within the summer months. Pinders conclude that the high costs associated with the provision of good quality food offering for just 20 covers could not generate a return on the capital investment and therefore the revised trade assessment is wet sales led, resulting in more modest profit margins than previously indicated in both 11/01490/F and 11/00646/F.

Pinders assume that were the pub operated by a husband and wife team with a purchase price of £190,000 then it would generate a net profit of £13,500 per year prior to tax etc. It is anticipated that the premises would be open up to 59.5 hours per week in addition to management of the business the owners could be expected to invest 50 hours per week each, equating to 100 hours per week. The net profit of £13,500 a year gives an hourly rate of £2.59, which is currently significantly under the minimum hourly wage.

The current application submission would result in the loss of the public house, which is regrettable particularly where they have served an area for many years. However the Albert Victor has closed and marketing has taken place for a period of over twelve months, without an offer being made, despite reductions in the price; from £229,000 to £190,000. The building has the potential to provide facilities for visitors to Castle Acre but the investment necessary seems unlikely in the present economic climate. Importantly, it has to be acknowledged that there is another public house (The Ostrich Inn), and a licensed cafe; Barnfields in close proximity to the Albert Victor that can meet the needs of the area for this specific type of social facility. In addition just outside the village is the George and Dragon public house on the B1065 (the Fakenham Road).

It is of note that the Parish Council now fully supports the proposal. This is a significant shift from their previous position and it is understood it has come about after detailed discussions on the future of the building with the applicant.

The applicant is adamant that retention of the public house is no longer viable and has aimed to demonstrate this through the Viability Study, including the marketing. It is considered that the information submitted demonstrates that the pub is no longer viable. Officers consider that due to the viability assessment and marketing undertaken, the variety of other establishments within the village, including a trading public house, that the loss of this public house would not be so detrimental to the rural economy and the day to day needs of the village that would justify a refusal of permission.

It is therefore considered overall that the application as submitted satisfactorily overcomes reason for refusal no.1 of the previous planning application (11/01490/F), as documentation has been submitted to demonstrate the public house is no longer viable.

Form and Character / Impact on Heritage Assets

The application site occupies a prominent position within the village and Castle Acre Conservation Area, directly opposite Bailey Gate. The public house is seen to be part of the charm of the Conservation Area therefore the proposed loss of its historical use is likely to affect the village as a whole and have an impact on the conservation area. This formed the

second reason for refusal. However, the application proposals would see the front elevation of the existing building remaining predominantly unchanged other than the removal of the main pub sign above the door and other smaller signs associated with its previous use.

It is widely accepted that the best way of securing the upkeep and preservation of historic buildings is to keep them in active use. The proposed residential use of the building is considered to be an acceptable use to achieve this objective. Very few alterations are required to facilitate the proposed conversion and the proposed changes, therefore, are considered to preserve the special architectural and historic interest of the building.

Neighbour Amenity

The former use of the building as a public house would have the potential to generate a significant level of noise and disturbance due to the late opening times and level of movement of vehicles in close proximity to neighbouring properties. The use of the building to provide a single residential dwelling would have a significant improvement on the living conditions of adjacent properties.

In terms of window arrangements it is considered that the conversion of the public house to residential will not impact adversely upon the recently approved scheme to the north of this site. It is considered that the converted building would have sufficient amenity space associated with it.

Highway Impact

The converted public house would have two off street parking spaces to the rear. Norfolk County Council, Highways were consulted in relation to the application, and no objection is raised subject to a condition relating to no gates, bollards etc. being erected across the access unless having first being agreed with the LPA, and that the access, parking and turning shall be laid out in accordance with the approved plan.

Other Considerations

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, subject to conditions officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

There are no other material considerations relevant to this application.

CONCLUSION

The proposed development has sought to overcome the issues raised by the previous reasons for refusal on application references: 11/01490/F and 11/00646/F, 10/01988/F. It is regrettable that the proposed change in use of the public house to a dwelling will result in the loss of a local community facility. However the premises have been marketed for a period of a year and despite a reduction in the asking price, no offers were made. This listed building currently stands vacant and has been since 2009 and arguably the community facility therefore has already been lost. Due to the level of existing community based facilities located within Castle Acre and the close proximity of an existing public house (Ostrich Inn) together with licensed café (Barnfields) it is considered that on balance and in the special

circumstances of this application, the permanent loss of this facility would be acceptable. It is also notable that the Parish Council now fully supports this application.

The proposed use of the building as a single residential dwelling will not result in any detrimental impact on the adjacent residential properties and will not impact on the visual character of the area. The proposal would make an efficient and effective use of a previously developed site in order to provide a good quality detached dwelling which has a good internal and external environment that adequately provides for the future occupants of the dwelling. The proposal will provide adequate off-street parking for the dwelling house in a manner that maintains highway safety. It is considered that the proposal would not have any significant detrimental impact on the character or appearance of the Grade II listed building or the Castle Acre Conservation Area. Furthermore, it would not result in any significant harm to residential amenity or highway safety. As a result the proposed development complies with the provisions of NPPF, Policies CS01, CS06, CS08, CS10, CS11 and CS12 of the adopted Core Strategy (2011) and saved Policies 4/21 and 8/1 of the King's Lynn and West Norfolk Local Plan (1998).

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

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

1. Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. Condition The development hereby permitted shall be carried out in accordance with the following approved plans 2509-01 R and 2509-20 A.

2. Reason For the avoidance of doubt and in the interests of proper planning.

3. Condition Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

3. Reason In the interests of highway safety.

4. Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

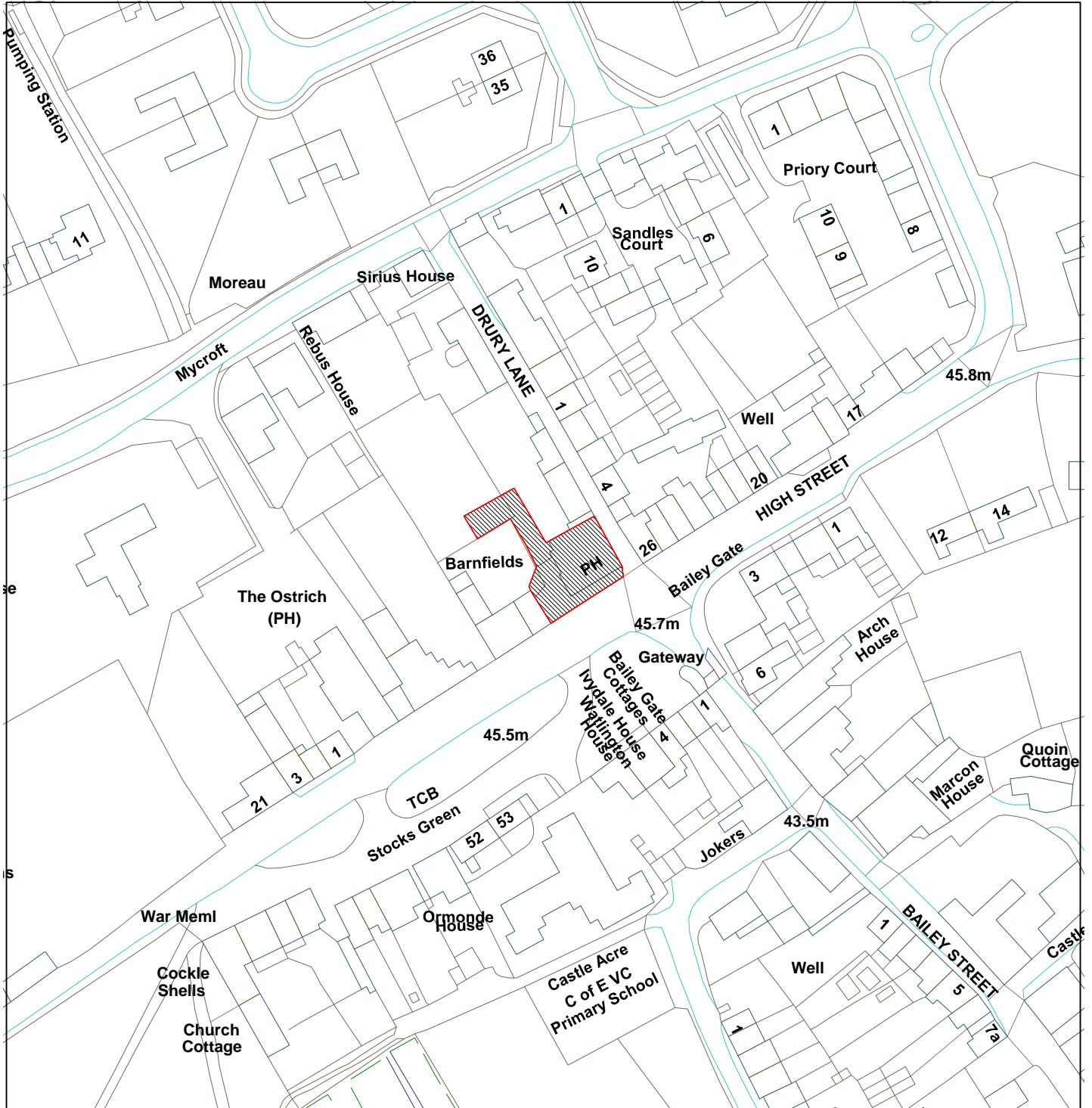
4. Reason To ensure the permanent availability of the parking manoeuvring area, in the interests of highway safety.

5. Condition Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D & E of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) relating to development within the curtilage of a dwellinghouse, no development within those classes shall be allowed without the granting of specific planning permission.

5. Reason To allow the Local Planning Authority to retain control over development which may be detrimental to the amenities of the locality if not otherwise controlled.

13/00005/LB

The Albert Victor Stocks Green Castle Acre



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AGENDA ITEM NO: 8/3(d)

Parish:	Castle Acre	
Proposal:	LISTED BUILDING CONSENT APPLICATION: Conversion of Public House to Dwelling	
Location:	The Albert Victor Stocks Green Castle Acre King's Lynn	
Applicant:	Hobden Oppenlander Partnership	
Case No:	13/00005/LB (Listed Building Application)	
Case Officer:	Mrs P Lynn Tel: 01553 616235	Date for Determination: 1st March 2013

Reason for Referral to Planning Committee – At the discretion of the Executive Director.

Case Summary

The Albert Victor Public House is a two storey building dating from the 18th century. To the rear is a contemporary single storey brick and flint outbuilding and two further flat roofed brick extensions which were probably added in the 1960. The principal building is listed grade II and the outbuildings are listed by virtue of attachment and curtilage.

This application seeks listed building consent for work to facilitate the conversion of the pub to a dwelling. It follows the refusal of previous similar proposals but it should be noted that a corresponding application for Planning Permission has also been submitted and is before this Committee with a recommendation to approve.

Key Issues

Impact of the proposal on the significance of the building which is a designated (listed) heritage asset.

Recommendation

APPROVE

THE APPLICATION

The Albert Victor Public House dates from the 18th century and is listed grade II. It is a two storey building constructed of brick and flint with a rendered front elevation. This has 3 ground and 3 first floor C20 replacement sashes with glazing bars and a simple doorcase with console brackets, gable pediment and a good glazing bar fanlight. The door is c1900 with a glazed rounder with lettering. The gabled roof is of red and black glazed pantiles and has a 1960s dormer in the long rear slope, and one axial and one gable end stack.

To the rear is a single storey brick and flint outbuilding with a pantiled roof, two casement windows and double doors to the northern end. This served as a function room, kitchen and prep area and is attached to the principle building by a lower level link block. There are also

two flat roofed brick extensions which were probably added in the 1960's. All the outbuildings are listed by virtue of attachment and curtilage.

The Albert Victor is understood to have ceased trading as a pub at the end of 2009 and has remained unoccupied but in relatively good condition. However, it will inevitably deteriorate if a viable use is not found.

Three previous applications for wholly residential and mixed residential/commercial use have been refused on the grounds that they failed to take account of (i) the historic significance of the existing and continued pub use as important factors in preserving the character and appearance of the listed building and (ii) the role of the pub within the wider conservation area, also a heritage asset both in terms of its visual appearance/appeal and its social role within the community where it has served as a pub for at least 100 years. It was also considered that the previous applications failed to clearly demonstrate that the continued use as a public house was not viable.

There is an extant consent approved in April 2012 to retain the pub, add new toilet facilities and the convert part of the outbuilding to a new dwelling.

SUPPORTING CASE

The current application is accompanied by:

- Planning and Heritage Statement (PHS)
- Design and Access Statement (DAS),
- Schedule of Works Relating to the Listed Building,
- Viability Study prepared by Pinders (20 December 2012), a subsequent letter from Pinders dated 25th February 2013,
- Letter from Russen and Turner dated 5th September 2012,
- Letters from Tawn Landles dated 24th November 2012 and 23rd October 2012.

Heritage assets:

The PHS recognises that in this case the Heritage Assets involved are twofold, i.e. the Listed Building and the Conservation Area in which it lies, and whilst assessment of their values and contribution may overlap, for the purposes of this appraisal they are dealt with separately and as follows:-

The building itself has no special architectural merit, although it is prominently located in the street scene and it is considered that its listing stems more from its group value alongside other buildings within and around Stocks Green rather than its own individual merit. It benefits from domestic scale and proportions, possibly having been a residential property prior to its public house use, and it requires limited external or internal alterations in order to carry out the proposed conversion scheme. The accompanying Design and Access Statement and Schedule of Works provide full details of the work involved.

In respect of the Conservation Area the Albert Victor stands in an elevated position and it is an important feature when entering the central green area through the Old Bailey Gateway. Bearing in mind its importance to the overall street scene, it is essential that it does not fall further into disrepair. The application proposals will ensure that does not happen.

Marketing and Viability:

The PHS goes on to state that a Viability Study carried out by Pinders demonstrates that re-opening the public house is simply not viable and, whilst the responsibilities of the owners to

keep the building in relatively good repair are acknowledged, it is important to find an alternative use as quickly as possible otherwise the condition of the building will continue to deteriorate. The residential conversion would satisfy that need.

It acknowledges that previous Planning refusals hinged on the lack of marketing of the premises and insufficient evidence of viability. Supporting documentation confirms that the pub has been marketed robustly and continuously by Tawn Landles from November 2011 but, in spite of a reduction in the asking price, no formal offer had been forthcoming by November 2012.

With regard to viability, a new report by Pinders dated December 2012 dealing specifically with this issue concludes "Against this background, we do not consider that a prudent and knowledgeable purchaser, in possession of all the relevant facts, would be prepared to acquire the property for use as a public house. Therefore, we would conclude that the business does not afford a viable opportunity in the existing use."

Proposal:

The proposed conversion of the former Albert Victor Public House to a dwelling will provide a sustainable form of development within the village of Castle Acre where some additional housing is appropriate. The proposal will be entirely in keeping with surrounding development and it represents a logical conclusion to the residential redevelopment recently permitted to the rear. The listed building is an important and prominent feature in the designated Conservation Area and the proposed residential conversion will ensure that a long term viable use is found to secure its preservation for the foreseeable future.

The Design and Access Statement (DAS) submitted in support of the application advises that no alterations to the principle elevation onto Stock's Green are proposed, except for the removal of pub signage. To the rear of the public house the flat roofed extensions, will be removed. The existing door case, door and stained glass will be retained and restored. Internal alterations respect the existing development pattern and little significant removal of historic fabric is proposed.

The supporting case concludes:

In accordance with the requirements of Section 12 of the NPPF, the proposed conversion will sustain and enhance the heritage assets concerned, both in terms of the wider designated Conservation Area and the listed building itself, by finding a viable use, which is consistent with conservation objectives.

PLANNING HISTORY

13/00004/F: Conversion of Public House to Dwelling – Concurrent Planning Application
 13/00346/F VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION
 12/00265/F: Retention of pub, including new toilet extension, conversion of part of outbuildings to new dwelling and erection of a 3-bed one and a half storey dwelling with cartshed garaging. Current
 13/00342/LB Amendment to the approved plan for application 12/00266/LB to insert bathroom window and transom light to unit 2. Current
 12/01629/F: variation to design and siting of new house and omission of garaging for commercial reasons – Approved November 2012
 12/00266/BL: Conversion of pub and outbuildings to 2No.2 dwellings and A1 commercial use and the erection of 1No. new dwelling and cart-shed garaging – Approved April 2013

12/00265/F: Conversion of pub and outbuildings to 2No.2 dwellings and A1 commercial use and the erection of 1No. new dwelling and cart-shed garaging – Approved April 2013
 11/01490/F: Conversion of pub and outbuildings to 2No.2 dwellings and A1 commercial use and the erection of 1No. new dwelling and cart-shed garaging –
 11/00647/LB: Conversion of pub and outbuildings to 2 dwellings (including A2 use) and 1 new dwelling and cart-shed garaging – Refused June 2011
 11/00646/F: Conversion of pub and outbuildings to 2 dwellings (including A2 use) and 1 new dwelling and cart-shed garaging – Refused June 2011
 10/01989/LB: Conversion of pub and outbuildings to 2 dwellings and erection of 1 new dwelling and cart-shed garaging – withdrawn
 10/01988/F: Conversion of pub and outbuildings to 2 dwellings and erection of 1 new dwelling and cart-shed garaging –Refused January 2011
 03/01565/LB: New sign – Approved September 2003
 03/01564/A: Illuminated projecting and wall signs and non-illuminated amenity board – Approved September 2003
 98/0723/LB: Internal alterations – Approved July 1998
 98/0074/LB: Insertion of windows to kitchen – Approved March 1998

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION At its November 2012 meeting, Castle Acre Parish Council reviewed its policy towards the use of the building formerly known as the Albert Victor public house. For the past three years, during the protracted planning applications for new dwellings behind the pub building, Castle Acre Parish Council fought for no change of use to the pub itself, either as residential or as a commercial shop. We have been grateful to the Borough Council in its support for our stand to retain the pub as a going concern, even though the former management failed to trade profitably in the years before closure.

The current owner of the building and land, Mr Gary Bolton, has, in our view, made considerable efforts over the past 12 months either to sell the pub building or to lease it, but without success. In the meantime, the fabric of this listed building continues to deteriorate to the extent that it is now an eyesore in the centre of the historic Stocks Green conservation area.

Castle Acre Parish Council has come to the regrettable conclusion, given the current economic circumstances, the difficult trading conditions for many public houses in the area and the deteriorating state of the building, that we would register our support with the Borough Council for a change of use to a private dwelling. There was a unanimous vote in favour of this move.

We are equally unanimous in our opinion that a change of use should not be to a commercial shop, as previous attempts to set up retail businesses in Stocks Green have failed and a new venture could also impact on the thriving village Costcutter store.

English Heritage: DO NOT OBJECT stating that the application should be determined in accordance with national and local policy guidance, and on the basis of the Local Authorities specialist conservation advice.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

LDF CORE STRATEGY POLICIES

CS12 - Environmental Assets

PLANNING CONSIDERATIONS

The considerations in the determination of this application are the impact of the proposals on the principal building and also the outbuildings which are deemed to be listed. National guidance contained within the NPPF advises that in determining such 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 (Para. 131).
- and that
- less than substantial harm to the significance of a designated heritage asset should be weighted against the public benefits of the proposal, including securing its optimum viable use (para.134)

Principal of Development

This application seeks consent for works to facilitate the conversion of the pub into a 4 bedroom dwelling and includes modifications the modern single storey attachments to the rear of the building.

The building occupies a prominent position within the conservation area, opposite the Bailey Gate and in close proximity to other listed buildings. It is undoubtedly domestic in proportion and further research suggests that it may have been built as a house and then converted to a pub at a later date. In support of this theory are the following points:

- the only reference to the building in the Historic Environment Record held by NCC is the statutory listing
- it is not listed as a pub in any of the recognised Trade Directories of the mid to late 1800, (Whites History, Gazetteer & Directory of Norfolk 1854 & 1883, Kelly Directory of Cambridgeshire, Norfolk, Suffolk 1883).
- It may well, like many other pubs throughout the country, have been named after Prince Albert Victor Duke of Clarence who lived a short but colourful life between 1864- 1892 and the c1900 roundel in the door supports that idea.

Considerations

The considerations for and against this proposal are finely balanced.

In favour of the proposal is the fact that the building will be brought back into use and the structural work required to facilitate the change is minimal. In particular the front elevation will be retained as existing. Two flat roofed extensions to the rear of the building have already been removed under a previous consent and the proposal to incorporate the remaining single storey outbuilding into the living accommodation is acceptable. Glass folding doors will be inserted into the opening left by the demolition and new windows/doors are to be installed in already existing openings in the principal building. Internally, all the catering/pub fixtures and fittings will be stripped and new stud partition installed to divide the ground floor into living accommodation but the upper floor remains largely unchanged.

The argument against the proposal is the actual change of use of the building. Previous applications have been refused because of the impact of the loss of the pub on the character of the building itself and the character of the wider conservation area, the failure to demonstrate that the continued use as a public house or alternative community or employment use was not viable and a lack of evidence to support the loss of an employment/community facility within the village.

However, it is evident from the planning application that is recommended for approval, that it seems that it is now accepted by officers that the case as a public house is simply no longer viable.

CONCLUSION

Whilst the structural works proposed by the application are considered acceptable, the change of use of the building from a traditional pub with associated residential use to residential will have an impact on its special character and significance.

However, English Heritage has no objection to the amended proposals and the Parish Council, who have previously opposed a change of use, now acknowledge the owners efforts to sell/lease the pub over a number of years and their on-going lack of success. The Parish Council now considers the building is deteriorating to the extent that it is becoming an eyesore and has come to the conclusion that a change of use must now be supported.

It must also be noted that the applicant has sought to address the issues raised for the refusal of the previous planning applications and has provided comprehensive supporting documentation. As a result the current planning application is before Members with a recommendation for approval.

Taking into account all of the above points, it is considered that there is a positive case for residential conversion and that it will provide a long term viable use, thereby securing the future of the listed building. The retention of the front elevation as it currently exists will also go some way to preserving the character of the listed building, and its setting in the wider conservation area.

It is therefore recommended that Listed Building Consent be granted, as it is considered to accord with the provisions of the NPPF.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition This Listed Building Consent is granted subject to the condition that the works to which it relates shall be begun not later than the expiration of three years from the date of this consent.
- 1 Reason To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition This Listed Building Consent relates only to works specifically shown and described on the amended drawings Nos 2509-01 R and 2509-20 A.PRO/A5 received by the Local Authority on 2nd March 2013. Any others works, the need for which becomes apparent as alterations proceed, are not covered by this consent and details

must be submitted to the Council as Local Planning Authority and approved before work continues.

- 2 Reason To ensure a satisfactory standard of works in the interests of safeguarding the Listed Building in accordance with the principles of Policy ENV6 of the East of England Plan.
- 3 Condition Where external surfaces are to be revealed or repaired, the materials, bond, mortar mix and pointing technique shall precisely match the existing details unless agreed in advance with the Local Planning Authority.
- 3 Reason To ensure that such details are in keeping with the Listed Building in accordance with the principles of Policy ENV6 of the East of England Plan.
- 4 Condition 1:20 drawings of all new and/or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The plans shall provide for the use of timber single glazed windows and shall include joinery details, cross-sections and the opening arrangements. The development shall be implemented in accordance with the approved details.
- 4 Reason To ensure that such details are in keeping with the Listed Building in accordance with the principles of Policy ENV6 of the East of England Plan.