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| Application Number: | 2014/0027 | Application Type: | Full |
| Proposal: | Demolition of Public House and Construction of Four Dwellings | Location: | Hare & Hounds PH 391 Newchurch Road Stacksteads |
| Report of: | Planning Unit Manager | Status: | For publication |
| Report to: | Development Control Committee | Date: | 25 March 2014 |
| Applicant: | Joint Administrators of Calco Pub Ltd | Determination Expiry Date: | 4 March 2014 |
| Agent: | Caldecotte Consultants | | |

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| REASON FOR REPORTING | |
| Outside Officer Scheme of Delegation | |
| Member Call-In Name of Member: Reason for Call-In: | |
| 3 or more objections received | YES |
| Other (please state): | |

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Committee be minded to grant Permission subject to a S.106 Obligation to secure payment of Contributions and the Conditions set out in Section 10.

2. SITE

The Hare and Hounds Public House comprises a two storey stone and slate building that fronts Newchurch Road and returns running parallel with Four Lane Ends Road which rises upwards to the north. The pub has a car park to its side and rear which is accessed from Newchurch Road. Immediately to the east is No.383 Newchurch Road, a traditional end terraced property with its blank gable and rear garden and associated outbuildings abutting the site. Rook Hill Road runs on an east – west axis to the rear of the site behind which is

an industrial/commercial unit. To the west of the site are a jet wash facility and a vehicle garage. The area is predominately residential in character, comprising traditional stone terraced properties fronting or perpendicular to Newchurch Road. The site constitutes brownfield land within the Urban Boundary of Stacksteads.

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

Planning permission is sought for demolition of the public house and construction of four, three bedroomed terraced houses fronting Newchurch Road. The houses would be two stories in height 5.4m to eaves and 9m to ridge and with the two houses further to the east having a floor level and therefore a ridge height 0.6m higher than the other two houses, and approximately 1.8m lower than the adjacent terrace. They would be constructed in natural stone under slate roofs, would be set back from Newchurch Road by approximately 1.5m with a dwarf stone wall in front and would each have rear gardens. There would be a communal parking area to the rear in which each house would be allocated two parking spaces and there would be one disabled parking space. Due to levels the parking area will be raised above the gardens by approximately 1.2m.

The boundary treatment to the west would comprise a 2.4m high retaining wall to Four Lane Ends Road dropping down in height along the Road. A new 2m pavement would be provided to the front and side.

In support of the application and with regards to the loss of the Public House the applicant's agent has submitted the following:

"Policy 7 of the Core Strategy which specifically protects Social Infrastructure, will be referenced in assessing the loss of the Public House. The Council require applicants to demonstrate that alternative facilities within the vicinity of the site are present in the surrounding area and the loss to the local community is minimised, and in line with the wording of paragraph 70 of the NPPF the day to day needs of communities should be protected. Therefore, in submitting this proposal to demolish the Hare and Hounds Public House, due consideration was given to the building as a community facility.

There are in fact four alternative pubs on the main road within easy walking distance which is specified in Policy 7 as a 15 minute travelling time by non car modes. Three of the pubs are open to business, whilst the remaining pub is closed and being sold at auction. The Royal Oak, The Farholme Tavern and the Rose 'n' Bowl all provide a strong offer of traditional ales, carvery and sky television to residents of the area. These pubs capture much of the trade in the area. The loss which would be experienced by the local community by the closure of the Hare and Hounds would therefore be negligible given the abundance of alternative similar or better facilities in easy walking distance of the site.

Furthermore, the Hare and Hounds is located outside of the core commercial area and trade circuits of Stacksteads and Bacup where the majority of the shops, cafes and most importantly, public houses are located. This makes sustaining its use as a Public House very challenging.

Moreover, the trading figures associated with the Hare and Hounds for the past four years have proven the business to be unviable. In addition to this, since Caldecotte Consultants have been instructed to assess the potential of the site, there have been no offers or interest noted on the Public House in the past six months of marketing it. This demonstrates the unviable future of the building as a Public House and emphasises the need to redevelop

the site. Consequently, it is evident that this planning application complies with Policy 7 of the Core Strategy and the site is suitable to bring forwards for redevelopment.”

At the request of the case officer additional information was provided in respect of profits/loss of the PH, and sales marketing information.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

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| Section 1 | Building a Strong Competitive Economy |
| Section 4 | Promoting Sustainable Transport |
| Section 6 | Delivering a Wide Choice of High Quality Homes |
| Section 7 | Requiring Good Design |
| Section 8 | Promoting Healthy Communities |
| Section 10 | Meeting the Challenges of Climate Change, Flooding, etc |
| Section 11 | Conserving and Enhancing the Natural Environment |
| Section 12 | Conserving and Enhancing the Historic Environment |

Development Plan Policies

Rossendale Core Strategy DPD (2011)

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| AVP 2 | Bacup, Stacksteads and Britannia |
| Policy 1 | General Development Locations and Principles |
| Policy 2 | Meeting Rossendale’s Housing Requirement |
| Policy 3 | Distribution of Additional Housing |
| Policy 4 | Affordable & Supported Housing |
| Policy 8 | Transport |
| Policy 9 | Accessibility |
| Policy 18 | Biodiversity and Landscape Conservation |
| Policy 19 | Climate Change and Low & Zero Carbon Sources of Energy |
| Policy 22 | Planning Contributions |
| Policy 23 | Promoting High Quality Design & Spaces |
| Policy 24 | Planning Application Requirements |

6. CONSULTATION RESPONSES

RBC (Environmental Health)

The suggested noise mitigation measures in the impact assessment provided by REC Ltd are acceptable.

Request a separate condition regarding demolition/construction phase to ensure all work is carried out within normal working hours to protect nearby residents from excessive noise.

LCC (Highways)

This proposal will see the creation of residential usage at a site that is currently of commercial usage. The proposal is for 4 residential units along with 9 parking spaces within the curtilage of the site. The proposed parking levels are in line with those set out in the Joint Lancashire Structure Plan as required for the size of units proposed. Each parking space must be a minimum of 5m x 2.4m with 6m behind each space to enable vehicles to manoeuvre into and out of spaces.

The proposed works will include a number of elements that involve work adjacent to the adopted highway, including the creation of an access from Four Lane Ends Road and the removal of an existing drop kerb that serves the existing car parking area for the pub. It is also proposed that a new pedestrian footway is created to the south of the site.

Only the Highway authority can specify this type of work and should planning permission be granted a condition should be included to set this out. The creation of a new footway adjoining the adopted highway must be constructed under a Section 278 agreement with the Highway authority and once constructed will be the subject of a section 38 agreement to enable it to form part of the adopted highway.

Four Lane Ends Road is adopted highway and joins to Newchurch Road. Currently there is an area to the front of the site which enables some parking and provides visibility for vehicles emerging from Four Lane Ends Road. However once the scheme is constructed, including the creation of new footway, parking cannot be accepted on Newchurch Road as it will create a hazard for other road users, creating a potential for this busy main road to become effectively a single carriageway. In order to maintain visibility and ensure that two way running is maintained it is requested that a Section 106 contribution of £2,000 is sought to pursue the creation of a Traffic Regulation Order to place parking restrictions on the junction. The extent and form of the TRO to be agreed with the Highway Authority should planning permission be granted.

During any demolition and construction at the site vehicles should be parked within the site and not on the adopted highway. Should planning permission be granted a construction management plan must be produced to show how the site will operate without an adverse impact on the highway network.

Given the above I do not have a highway objection to the proposal as it currently stands providing the necessary agreements around the proposed highway works are entered into. These agreements are to ensure that the proposed works are carried out to an appropriate standard and do not have a negative impact on the existing highway network.

Should planning permission be granted the following condition should be included:

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information. Further details about creating a dropped crossing can be obtained from the Lancashire County Council website.

United Utilities

To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

United Utilities will have no objection to the proposal provided that the following conditions are attached to any approval: -

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby watercourse to meet the requirements of the National Planning Policy Framework (PPS 1 (22) and PPS 25 (F8)) and part H3 of the Building Regulations
- No surface water from this development is discharged either directly or indirectly to the combined sewer network

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order site notices were posted on 21/02/2014 and 14 letters were sent to neighbours.

Ten objections have been received, as summarised below:

- The hare and hounds is currently open and does get a lot of regular custom.
- Those who run the pub would be made homeless
- Too many of our pubs and clubs have been lost to housing and developments, we have none in Britannia now and will soon have none in Stacksteads unless this is halted. there is plenty of other derelict sites that could be developed instead
- The houses wouldn't be in keeping with the area
- The building is an historical and important local community meeting place

8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; 5) Access/Parking;

Principle

The site is sustainably located on brownfield land within the Urban Boundary of Stacksteads.

Policy 7 (Social Infrastructure) of the Council's Core Strategy states:

"The loss of social infrastructure / cultural facilities such as pubs, post offices, theatres, community halls, youth centres, parks and open space that require a change of use application will be resisted, particularly in local centres and small settlements. All the following factors will be considered when assessing applications:

- *The availability of alternatives within 15 minutes travelling time by non car modes*
- *The financial viability of the existing use*
- *The results of marketing the site for existing or other community uses for a minimum period of six months*
- *Whether it is possible for the community facility to be retained in the same locality, but combined with another use*
- *Significance of loss on the local community"*

Having regard to the above and the applicant's submission I am satisfied that there are alternatives within 15 minutes of the site and within Stacksteads such that the loss of this establishment would not have a detrimental impact on the area and the community.

Further information has been provided which shows that sales marketing has been undertaken and that the pub has operated at a loss. Having regards to Policy 7 I am satisfied that there is no objection in principle to residential development in this location.

Housing Policy

The scheme complies with the Council's Policies in respect of housing.

Visual Amenity

I am satisfied that the size, height, form and appearance of the houses would be acceptable providing that natural stone and slate are used. There would be adequate private amenity

space for the properties and the parking to the rear of the site would not detract from the character of the area.

The new footway around the site and the proposed boundary treatments, providing appropriate stone is used would be acceptable. Preference would be to use the existing stone.

Overall I am satisfied that the development would be of a standard of design that would not be detrimental to the visual amenities of the area.

Neighbour Amenity

Separation distances would be no less than existing and which is common along Newchurch Road. The parking area would be raised slightly, however, I do not consider that would cause any significant loss of privacy to the neighbouring residential property. It is likely that noise and activity levels during night times hours would be decreased.

I do consider it necessary, however, to ensure that hours of construction and deliveries to the site are controlled to protect existing residents during the construction phase.

Access / Parking

An acceptable level of parking provision would be provided for the houses. The proposed alterations to the highway, including the forming of a new access to Four Lane Ends Road, the new footway and the removal of the existing dropped kerb on Newchurch Road will require the applicant to enter into a Section 278 agreement with the Highway Authority. This can be appropriately controlled via condition.

In my opinion the new access from Four Lane Ends Road would not be detrimental to highway safety in the area. However, I do share the Highway Authority concerns regarding visibility at the junction with Newchurch Road if parking restrictions are not put in place. Accordingly the applicant has been requested and has agreed to enter into a S.106 agreement to provide the monies for this to be investigated by the Highway Authority.

To ensure there are no significant problems in terms of highway safety during the demolition and construction phase of the development a condition is required such that a construction management plans is provided and to be agreed in conjunction with the Highway Authority.

Drainage

I am satisfied that the site can be developed with appropriate drainage systems in place.

Bin Provision

In accordance with Core Strategy Policy 22 the applicant has agreed to provide £100 per dwelling to fund the provision of bins for each of the properties. This will be secured via a S.106 obligation.

9. SUMMARY REASON FOR APPROVAL

The applicant has satisfactorily demonstrated that there are other public houses within 15 minutes of the site via non car modes such that the loss of this public house would not result in a significant loss to Social Infrastructure within the area. The scheme is considered acceptable in principle within the Urban Boundary and, subject to the conditions, would not detract to an unacceptable extent from the visual and neighbour amenity or highway safety. The development is considered acceptable having regard to Sections 1, 4, 6, 7, 8 and 10, 11 and 12 of the National Planning Policy Framework (201),

and Policies 1, 2, 3, 4, 8, 9, 22, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

10. **RECOMMENDATION**

That Committee be minded to grant Permission subject to :

- a) A S.106 Obligation to secure payment of Contributions of £2,000 to cover the cost of a Traffic Regulation Order and £400 towards the cost of providing waste bins to each property; &
- b) The Conditions set out below.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. The development shall be carried out in accordance with the drawings numbered 00, 02 Rev C, 03 Rev A, 04, 05 and 06 dated as received 29 January 2014 by the Local Planning Authority and unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy.
3. No development shall take place until samples of the facing materials to be used in the construction of the houses and the stone boundary walls hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.
4. The parking facilities hereby approved shall be constructed with a hard permeable surface ensuring no surface water run-off onto the highway prior to first occupation of any of the dwellings hereby approved. These areas shall thereafter be kept freely available for use as such, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of pedestrian and highway safety, in accordance with Policies 1 and 24 of the Council's Core Strategy.
5. None of the dwellings hereby permitted shall be occupied prior to the formation of the new access/extended dropped kerb to Four Lane Ends Road, the new footway around the site and the removal of the existing dropped kerb on Newchurch Road in accordance with the standards and specifications for adoptable highways of LCC Highways, unless otherwise first agreed in writing by the Local Planning Authority.
Reason : In the interests of pedestrian and highway safety in accordance with Policies 1 and 24 of the Council's Core Strategy.
6. The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby watercourse. No surface water from this development shall discharge either directly or indirectly to the combined sewer network.
Reason: To prevent flood risk, in accordance with comments received from United

Utilities and Policy 24 of the adopted Core Strategy.

7. Any planting forming part of the approved scheme shall be carried out in the following planting season and any trees or shrubs removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policies 1 and 23 of the Council's Core Strategy.

8. Prior to the commencement of development a Site Construction Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Construction Plan shall include details of : the vehicle wheel-cleaning facilities; construction traffic parking; & construction compound location. The approved Site Construction Plan shall be implemented and adhered to throughout the demolition/remediation/construction period.

Reason: To protect the amenities of neighbours and in the interests of pedestrian/highway safety, in accordance with Policies 1 and 24 of the Council's Core Strategy.

9. Any demolition/ground / construction works associated with the development hereby approved, including deliveries to the site, shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. Any piling for foundations shall be by the shell-and-auger method, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbours, in accordance with Policies 1 and 24 of the Council's Core Strategy.