

## Item No. 7

|   |  |
|---|--|
| <b>APPLICATION NUMBER</b>                                     | <b>CB/14/04070/FULL</b>  |
| <b>LOCATION</b>   | <b>The Red Lion, 1 Station Road, Potton, Sandy, SG19 2PZ</b>   |
| <b>PROPOSAL</b>   | <b>Change of use from public house (A4) to one residential unit (C3)</b>                                 |
| <b>PARISH</b>   | <b>Potton</b>  |
| <b>WARD</b>   | <b>Potton</b>  |
| <b>WARD COUNCILLORS</b>                                       | <b>Cllrs Mrs Gurney &amp; Zerny</b>  |
| <b>CASE OFFICER</b>   | <b>Lauren Westley</b>  |
| <b>DATE REGISTERED</b>  | <b>20 October 2014</b>   |
| <b>EXPIRY DATE</b>  | <b>15 December 2014</b>  |
| <b>APPLICANT</b>  | <b>Mr D Blundell</b>   |
| <b>AGENT</b>  | <b>Hertfordshire Architects Ltd</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b> | <b>Called in by Councillor Zerny<br/>- Loss of popular local pub<br/>- ACV pending<br/><br/>Approval</b> |

### **Reason for Recommendation:**

The application to change the use of the premises from a public house with ancillary accommodation to a residential dwelling house is in accordance with the criteria set out in policy DM8, will not give rise to detrimental impacts on residential amenity or highways and parking concerns. As such, the proposal is considered to be in accordance with the aims of the National Planning Policy Framework 2012 and policies DM3 and DM8 of the Core Strategy and Development Management Policies 2009.

### **Site Location:**

The application site is located on the southern side of Station Road, Potton at the junction with Shannon Place which is marked by a small roundabout. The site is occupied by a three storey detached building with single storey rear extension. The building is known as the Red Lion, and was previously in use as a public house with residential accommodation above but is currently vacant.

### **The Application:**

The application seeks full planning permission to change the use of the building to a residential dwelling house. Minimal external alterations are proposed, these include the insertion of two roof lights in the rear ground floor extension, the replacement of two side doors with glazed doors and the replacement of the rear garden doors with larger bi-fold doors. No change to parking provision or vehicular access is proposed.

## RELEVANT POLICIES:

### National Planning Policy Framework (2012)

- 3. Supporting a prosperous rural economy
- 5. Delivering a wide choice of high quality homes (paragraph 51)
- 8. Promoting healthy communities (paragraph 70)

### Core Strategy and Development Management Policies - North (2009)

DM3 High Quality Development

DM4 Development Within and Beyond Settlement Envelopes

DM8 Village Shops and Pubs

### Central Bedfordshire Council's Emerging Development Strategy 2014

Policy 10 Rural Economy and Tourism

Policy 12 Retail for Neighbourhood Centres and the Rural Area

Policy 38 Within and beyond settlement boundaries

Policy 43 High quality development

Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24th October

### Supplementary Planning Guidance

Central Bedfordshire Design Guide (2014)

### Planning History

|                       |  |
|-----------------------|--|
| <b>Case Reference</b> | <b>MB/07/00687/FULL</b>                      |
| Location              | The Red Lion, Station Road, Potton, SG19 2PZ |
| Proposal              | Full: Covered pergola                        |
| Decision              | Full Application - Granted                   |
| Decision Date         | 03/07/2007                                   |

### Representations:

#### (Parish & Neighbours)

- |                                    |  |
|------------------------------------|--|
| Potton Town Council                | Objection - The Red Lion is a well valued public resource. An Asset of Community Value application has been sent to CBC. Loss of public house to the local area.   |
| Neighbours (one response received) | Support - Red Lion is an imposing building on Station Road and one which would lend itself to becoming a residence. As a resident of Station Road I have been concerned that in the future the Red Lion would continue as a business which may have had a detrimental effect on the surrounding area. I was equally concerned the building would be turned into flats, creating issues with parking along the street. Potton has a |

history of former public houses being turned into single residences and they have all added to the character of Potton. It would be great to see the Red Lion become a family home whilst retaining the building and its history.

## **Consultations/Publicity responses**

Bedfordshire and River Ivel Internal Drainage Board No comments in relation to application.

Highways Officer (CBC) No objection, informative recommended.

Public Protection Noise (CBC) - No objection, subject to condition.

Public Protection Contamination (CBC) - No objection, informative recommended.

Site Notice Erected on 31.10.2014

## **Determining Issues**

The main considerations of the application are;

1. Principle of Development
2. Character, scale and amenity
3. Highways and parking
4. Other Matters

## **Considerations**

### **1. Principle of Development**

The application site is located within the Settlement Envelope of Potton, which is defined as a 'Minor Service Centre' by policy CS1 of the CSDMP. Policy DM4 states that within Minor Service Centres the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement.

The key issue in the determination of this application is the loss of the public house. Policy DM8 states the planning permission would not normally be permitted for the change of use of a pub in a village, which would result in the loss of the facility, unless;

- there are other facilities performing the same function within easy walking distance of the village community; and
- the application provides evidence that there is no prospect of the use continuing even if permission is refused.

Within the Settlement Envelope of Potton, there are currently four public houses still trading (The Rising Sun, 11 Everton Road; The Coach House, Market

Square, The George and Dragon, 2 King Street and the The Royal Oak, 4 Biggleswade Road) as well as the Working Mans Club, Conservative Club and the Football Club. As such, it is considered that there are other facilities performing the same function within easy walking distance of the village community.

A marketing report dated 15th October 2014 and prepared by Everard Cole, on behalf of the applicant, has been submitted with the application. The Red Lion was previously owned by Punch Taverns, who over the last few years has been unable to attract a tenant willing to take on a long term lease of the building. Shorter term tenants have been found, however temporary tenants do not invest in the property and the capital return that Punch Taverns requires from its investments has not made it a viable proposition in which to invest capital. The last short term tenant was interested in purchasing the property, but withdrew interest when he was unable to raise the finance given the returns he was able to demonstrate. Based on recent figures of the sales and costs of running the Red Lion, the business is only able to support a profit of up to £10, 000 per annum. Despite support from Punch Tavern's to short term tenants, in the form of reduced rent and subsidised beer costs, the property remained on a downward trajectory. It is considered that without the support of Punch Taverns', it is likely that the business would have ceased several years ago.

The marketing of the property for sale commenced in January 2010, the marketing campaign included the following;

- A 'for sale' sign erected at the property;
- Advertisements in The Publican's Morning Advertiser
- Advertisements in the EDP, Hunts Post and Business to Business MK
- Inclusion on [www.businessforsale.com](http://www.businessforsale.com)
- Inclusion on [www.findmypub.com](http://www.findmypub.com)
- Advertising on [www.everardcole.co.uk](http://www.everardcole.co.uk)
- Preparation and circulation of sales details
- Direct mailing to licensed operators.

From the marketing campaign the main interested generated was for residential conversion, most of which were put off by the restrictive covenant (limiting the use to remain as a public house). A small amount of interest was received for a public house use, however they were unable to complete a freehold purchase due to an inability to raise finance against the property, due to its current condition and/or the high levels of investment required for short term repairs and long term investment into the building. This was coupled with all funders expressing concerns over the sustainability of the business and the restrictive covenant.

The offer received from the applicant was accepted in February 2011, with the sale completed in January 2014, once the restrictive covenant had been amended so as to allow for the residential use of the premises.

Based on the financial and marketing information set out above, it is not considered that the premises does have reasonable prospect of continuing as a public house.

Therefore, as set out by the criteria given in policy DM8, there are other pubs

within walking distance of the Potton village community and the public house use does not have a reasonable prospect of continuing. In this instance, it is considered that the change of use of the premises to a residential dwelling is considered acceptable and will ensure that the building is put to a sustainable use and not left vacant and in a dilapidated state.

## **2. Character, scale and amenity**

The external changes to the building are limited in scale and impact. The insertion of two roof lights on a rear roof slope at ground floor level is not considered to have an impact on the appearance of the building or the amenities of surrounding residents. Similarly the alteration of the two side doors, which are being replaced with glazed doors so as to allow for additional light into the building, is also not considered to result in an impact on the appearance of the building or the amenities of surrounding residents.

The property does have a rear beer garden, which will become the private residential garden for the future occupiers of the dwelling. The garden ranges in depth from 6m at its shallowest to 13m and is surrounded on all sides by existing residential dwellings. As such, the loss of the beer garden is welcomed in terms of the amenities of the surrounding residential uses. The garden size complies with the limits set out in the Design Guidance and as such adequate private amenity space will be provided for future occupiers of the property.

The Public Protection team has suggested a condition requiring a Noise Attenuation Scheme to be submitted to the Council that demonstrates internal noise levels from external road traffic sources do not exceed 35dB in any habitable room and 55dB in the outdoor amenity area. However given that there is an existing residential use in the building (the flat above) and that the site is surrounded by existing residential properties that all face onto the same road, this condition is not considered necessary. Future occupiers of the building will be able to address noise concerns as the owners/occupiers of the building should they wish to.

The proposed change of use and external alterations will therefore have a neutral impact on the character and appearance of the building, and the loss of the public house use will arguably result in an improvement to the existing amenity of surrounding residential dwellings. The building and its garden will provided for an adequate level of amenity for future occupiers of the building.

## **3. Highways and parking**

The application does not propose any changes to the existing parking provision or vehicular access. The submitted plans indicates two parking spaces are available for the use of future occupiers of the building. However in reality, due to the change in ground levels from the adjacent footpath and the resulting retaining wall, it is unlikely that cars will be capable of being parked in the layout as shown. Although two parking spaces can probably be achieved in some form along the frontage of the site.

Whilst the parking and access provision is not ideal, it is acknowledged that it is an existing arrangement that will not be worsened if this application for a change of use from public house to residential is granted. Indeed it could be argued that with the reduction in commercial traffic, included deliveries by HGV's, the

change of use would be beneficial from a highways viewpoint. Furthermore, the required parking provision for a public house with ancillary accommodation would be greater than for a single dwelling house and as such is likely to reduce any parking stress in the area.

Provision of bin storage and cycle storage can all be adequately catered for on site, with side access available to the rear garden from both elevations.

Therefore, no objections are raised in relation to the access and parking arrangements.

#### **4. Other matters**

Following the submission of this planning application, CBC's Community Engagement Team received a nomination request for the Red Lion to be listed as an Asset of Community Value, from the Potton Town Council. This nomination was received under provisions of the Localism Act 2011 (as amended) which if designated would place the Red Lion on the List for a period of five years. Once on the List, if the owner decides to sell, the community group would have the right to make a bid for the property and buy it on the open market (this is known as the Community Right to Bid). The community group would have six months to raise the money to purchase the property on the open market, however ultimately the property owner would still have the right to decide who to sell to.

The nomination process is on-going, with the CBC required to make a decision on the nomination by the 31st of December 2014. Therefore the outcome of this process will be reported to the Committee by way of the Late Sheet.

In terms of the relevance of this process to the determination of this planning application, the nomination is a material consideration. However, whether the premises is nominated or not, its inclusion on the List would not restrict planning permission being given for a change of use of the premises, the legislation is not worded as such. However, a residential property cannot be included on the List and as such, if planning permission was granted the property would need to be removed from the List.

The receipt of the Asset of Community Value nomination is an indication that when the public house was operating, it was a valuable community asset and there is support in the National Planning Policy Framework for the retention of such community facilities, however the proposal complies with policy DM8 and it does not appear realistic that the pub use would have a reasonable prospect of continuing.

The property was purchased by the Applicant on the 26th of August 2014, who is not a publican and has no intention to operate the premises as a pub. Indeed the internal fixtures and fitting relating the pub use (pumps, tables and chairs

etc) have already been removed from the property. Furthermore, no letters of objections have been received (other than the Parish objection) in relation to the application. As the proposal accords with the Council's adopted planning policies, there is no reason why the proposal should not be considered favourably.

### **Recommendation**

That Planning Permission be GRANTED subject to the following:

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 8087-P01, 8087-P02A, 8087-P03, 8087-P04A and 8087-P05.

Reason: To identify the approved plan/s and to avoid doubt.

### **Notes to Applicant**

1. Given the location of the application is of long historic use there may be unexpected materials or structures in the ground. It is the responsibility of the Applicant to ensure safe and secure conditions, so any indications of potential contamination problems should be forwarded to the Contaminated Land Officer, Andre Douglas, for advice on 0300 300 4004 or via [andre.douglas@centralbedfordshire.gov.uk](mailto:andre.douglas@centralbedfordshire.gov.uk)
2. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049.
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**DECISION**

.....  
.....  
.....  
.....