

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **12<sup>TH</sup> FEBRUARY 2014**

**REPORT BY:** **HEAD OF PLANNING**

**SUBJECT:** **CONVERSION OF REDUNDANT PUBLIC HOUSE INTO 5NO. ONE BEDROOMED FLATS AT RED LION, LIVERPOOL ROAD, BUCKLEY**

**APPLICATION NUMBER:** **051403**

**APPLICANT:** **MR D OWENS**

**SITE:** **RED LION, LIVERPOOL ROAD, BUCKLEY**

**APPLICATION VALID DATE:** **24.10.13**

**LOCAL MEMBERS:** **COUNCILLOR A HALFORD**  
**COUNCILLOR D MACKIE**

**TOWN/COMMUNITY COUNCIL:** **HAWARDEN**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST DUE TO RESIDENTS CONCERNS ABOUT IMPACT ON THE LOCAL AREA**

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This is a full planning application for the conversion of the former Red Lion public house into 5 apartments. It is considered that the conversion of the public house into 5 apartments is acceptable in terms of the principle of development and the impacts of the proposed use.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide a commuted sum of £733 per unit to enhance recreation

provision in the area in lieu of on-site open space provision. If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within six months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

The proposal is recommended for approval subject to the following conditions:

1. Time commencement
2. In accordance with plans
3. Visibility splay 2.4 x 43m
4. No obstruction to visibility to the north of the proposed access point within a 0.6m strip
5. Photographic Survey and Building Recording

### **3.00 CONSULTATIONS**

#### **3.01 Local Member**

##### **Councillor A Halford**

Requests committee determination due to scale and nature of objections.

##### **Councillor D Mackie**

Agrees to the determination of the application under delegated powers. The application preserves the building.

##### **Hawarden Community Council**

No response received.

##### **Buckley Town Council**

Although in the Ewloe Ward of Hawarden Community Council, this Town Council have the following observations;

- Has the pub been marketed for 12 months on the open market?
- Is there no business case to maintain the building as a public house?
- Is this not a retrospective application as work has already commenced?

##### **Head of Assets and Transportation**

No objection subject to the following conditions;

- Visibility splay 2.4 x 43m
- No obstruction to visibility to the north of the proposed access point within a 0.6m strip

##### **Head of Public Protection**

No objections in principle to this application. There is potential for such developments to produce lifestyle conflicts e.g living rooms above bedrooms etc. However, a residential change of use will require Building Regulations approval and, the development will have to

comply with Approved Document “E” – Resistance to the Passage of Sound. This legislation takes into account the lateral movement of noise as well as the noise between floors and aims to improve modern living standards in relation to the effects of excessive noise and reducing unwanted noise transmission. Therefore, it is not inappropriate request any additional conditions for the control of internal noise which may conflict with those required by Building Control Legislation.

#### Welsh Water/Dwr Cymru

Standard conditions relating to the foul and surface water run off. There is a water main located on the site and there should be no development within a minimum distance of 6 metres from the centre line of this pipe.

#### Head of Play Unit

Request a contribution of £733 per apartment in lieu of on site play provision.

### **4.00 PUBLICITY**

#### **4.01 Site Notice and Neighbour Notification**

17 objections on the grounds of

- Better use could be made of the premises, it has good potential for a specialist use or as a restaurant.
- The public will lose a good facility
- Loss of community facility in Liverpool Road area, no other pub in the vicinity people can walk to
- Loss of jobs
- Dangerous access on to a busy road, on a bend
- Proposed 6 parking spaces are outside the property boundary on public highway
- Impact on residential amenity from 24 hour use of apartments
- Increase in traffic from 5 apartments
- Access will conflict with bus stop
- Car park is adjacent to a bridleway conflict with users
- Red Lion is one of the few surviving cruck frame buildings in the area. Has other historic features and is an old building.
- Trees and hedges adjacent to the property are important to the local landscape and character
- There is existing living accommodation in the pub without having to convert it
- Building is not big enough for 5 apartments
- Would have operated successfully as a pub if it was freehold and not brewery tied
- Enough housing in the local area
- 5 apartments is out of keeping with the local area
- Not enough infrastructure to support more housing
- Work has already started inside and parts have been demolished

- No public consultation has been undertaken by the developer before the application was submitted
- No disabled parking spaces provided
- Parking spaces are not sufficient for the number of apartments and could lead to parking on the road. No visitor parking.
- People joining Liverpool Road from the un-adopted road adjacent to the old barn turn left towards Ewloe to avoid colliding with traffic and then use the Red Lion car park to turn around
- The car park is used as an unofficial overspill car park for Buckley Football club and as a car park for contractors

1 letter of support on the grounds that;

- Lots of public houses are not used, they should be converted or demolished to make homes

## **5.00 SITE HISTORY**

5.01 044842 Erection of a smoking shelter. Approved 20.05.08

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR4 – Housing

STR8 – Built Environment

GEN1 – General Requirements for Development

GEN2 – Development Inside Settlement Boundaries

HSG3 – Housing on Unallocated Sites Within Settlement Boundaries

D1 – Design Quality, Location and Layout

D2 – Design

D3 – Landscaping

AC13 – Access and Traffic impact

AC18 – Parking Provision and New Development

S11 – Retention of Local Facilities

The proposal is in accordance with the above development plan policies.

## **7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full planning application for the conversion of the former Red Lion public house into 5 apartments.

7.02 Site description

The application site is the former Red Lion public house with areas of hard standing to the west and south which were formally used as car parking. The building is two storey and is render with a slate roof. The

application site is bounded by Liverpool road to its west. There is a bus stop on Liverpool Road adjacent to the site entrance. The site is surrounded by agricultural land to the north and east. To the south east adjacent to the southern car parking area is Stud Farm. Opposite the application site are residential properties. There are two access points from the former car parking areas onto Liverpool Road. The area directly in front of the pub has a wide dropped kerb and there is a second access further to the south. There are two recycling facilities located in the car park. The site is located on the edge of, but within the settlement boundary of Buckley.

7.03 Proposed development

It is proposed to convert the former public house into 5 one bedroom apartments with associated parking. Externally there are minimal changes to the building. The proposed scheme would lead to the introduction of one new window on the front elevation and two windows on the rear elevation. A small outbuilding has already been demolished to the rear and the smoking shelter has been removed from the front. A small single storey office to the rear will be used for cycle storage. The land to the rear which was formally where the outbuilding stood would be used as a communal outside area. 6 car parking spaces are proposed to the front of the existing building. The other hardstanding area to the south would be retained as additional car parking.

7.04 Principle of development

The application site is within the settlement boundary of Buckley as defined within the Flintshire Unitary Development Plan, however it is within the electoral ward of Ewloe.

7.05 Policy S11 of the UDP states that “development which will lead to the loss of a shop, post office or public house or other building which performs a social as well as an economic role will be permitted only where;

- a) similar facilities exist in the neighbourhood or village which are equally as conveniently accessible to local residents; or
- b) where this is not the case the property has been advertised at a reasonable price for sale or lease in its existing use for a period of at least one year without success.”

7.06 With regard to criteria a, the application site is within the settlement of Buckley which is main town as defined by the UDP. In terms of other facilities in the area which perform a social role, there is a petrol filling station and associated shop across the road from the application site. While there are no public houses in close proximity, as this is an urban area there are several public houses within Buckley and Ewloe the closest being The Hope and Anchor, Ewloe Place approximately 1km, Running Hare, Ewloe 1.2km and Horse and Jockey on Church Road at 1.3km. It is therefore considered that criteria a of the policy is met. It is therefore not necessary for the property to satisfy the

marketing test of criteria a, or to assess its commercial viability.

- 7.07 Local residents have referred to the fact that work has already started on the building. An outbuilding has been demolished to the rear and the smoking shelter has been removed. It is alleged that internal works have also started and there has been a skip outside. These works would not require planning permission and is not material to the consideration of the application.
- 7.08 Access and Parking  
There are two access points from the former car parking areas onto Liverpool Road. The area directly in front of the pub has a wide dropped kerb and there is a second access further to the south. It is proposed to use the existing access and parking area to the west which is at the front of the public house. As part of the proposed development a formal access would be created in this location with a designated footway created and a raised bus stop with Kassel kerbs. These improvements would reduce any conflict between pedestrian, bus users and vehicles as raised by objectors.
- 7.09 The Head of Highways and Transportation is satisfied with the location of the proposed access given its previous usage connected with the public house. The car park area is private land and as such the previous informal use of it as mentioned by objectors is not a planning matter.
- 7.10 The scheme provides for 6 parking spaces. This equates to 1 per apartment and 1 visitor space. The southern car park area is also within the red line of the planning application and the applicant's agent has indicated could be used for further parking. The Head of Assets and Transportation is satisfied with the parking provision proposed.
- 7.11 Impact on the character of the building and the local area  
The proposed changes to the building externally are minimal. The proposal would see the building put to an alternative use. The removal of the smoking shelter is an improvement to both the building and the street scene. The only other alteration to the front of the property is the insertion of one window. It is proposed to utilise the former beer garden as a communal area. This is to the rear of the building therefore any associated domestic items would not be seen from the street scene. Also as apartments have no permitted development rights, any sheds or other structure would require planning permission. This would control the impact of any buildings.
- 7.12 Residents have raised the issue that the building is one of the oldest buildings in the area and should be protected. It is considered that the building is not worthy of Listing or being considered on the Council's local list. However the building is being retained as part of this scheme, albeit for a different use. The conversion will lead to the removal of features associated with its former use such as the bar etc,

but as the building is not listed no internal features are protected. A condition would be imposed requiring a photographic record of the interior of the building.

- 7.13 There are a small number of trees as part of a hedgerow along the eastern boundary of the application site adjacent to the Stud Farm and agricultural land beyond. Similarly there is some soft landscaping in the verge between part of the car park area and the road. These would not be affected by the proposed scheme.

## **8.00 CONCLUSION**

- 8.01 It is considered that the conversion of the public house into 5 apartments is acceptable in terms of the principle of development and the impacts of the proposed use.
- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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