

Community Right To Bid Determination Form
Localism Act 2011
The Assets of Community Value (England) Regulations 2012
Determination by Head of Planning & Transport

Nomination Reference: BL/2013/ENQ/05353	
Date of Nomination: 7 th June 2013	
Site Address:	Hare & Hounds Public House, Lammack Road, Blackburn
Land/Property Description	Public house

Asset Owners:

Name & Address of Asset Owner	Connection to the asset
Enterprise Inns PLC David Lea, Asset Manager 3 Monkspath Hall Road Solihull West Midlands B90 4SJ	Owner

Nominating Organisation:

Name of Organisation: Patrons of the Hare & Hounds Public House	Proof of eligibility to make a community nomination:
Type of Organisation: Unincorporated Group	290+signatures locally on petition form

Reasons why the asset should be identified to qualify as an asset of community value:

Below is an extract from the nominator's submission.

Background History

The Hare & Hounds has been and is still the focal point of the "village" of Lammack and Beardwood and has been so for over 100 years. The premises were Duttons Brewery's oldest licensed premises in Blackburn.

For many years the premises have been the meeting place for the local residents of Lammack and the surrounding areas. There is now no other public house within reasonable walking distance. The premises have regularly been the base for football teams, snooker teams and regular weekly quiz nights and music events.

The premises boasts decades of successful football teams, photographs of which hang proudly on its walls.

Over recent years the premises have suffered from poor management resulting in a decline in turnover and profitability. The arrival of new and enthusiastic management over the last eight months have seen weekly takings rise from £1,700.00 per week to £5,000.00 per week and this is attributed to the introduction of experienced and enthusiastic manager with the inevitable consequence that people are now happy to spend their money in what is now an extremely convivial atmosphere. One example of poor management occurred some two years ago when the entire Lammack Ladies football team were banned from the premises.

If the premises were to close and an alternative use substituted, it is submitted that this would "tear the heart out of the community" with the inevitable consequence that local residents would have no alternative but to utilise their motor vehicles to drive to other areas in order to enjoy a night out.

The proposal has the support of the local councillor for Beardwood and Lammack as well as the support of the local community which is evidenced by the petition attached.

Lammack/Beardwood ward has a population of 5,997.00 residents with 75% of the population being over the age of 19, comprising 2,184 households (source 2011 census).

The Hare & Hounds is the only facility for social gathering conveniently available to the local community and there can be no doubt that if allowed to remain in business the premises will under current management, once again become the thriving hub of the local community which it once was and which it aspires to regain.

Public House Viability Test

The applicants have considered the "CAMRA Public House Viability Test" in connection with this application and put forward the following submissions which it is submitted will assist the authority in advocating an ACV status:-

1. It may be claimed by objectors that the Hare & Hounds is "not viable". This is refuted by the evidence of the current Landlord who in eight months has turned the

premises from a loss making to a profit making organisation resulting in a 300% increase in turnover. Consequently the business is clearly viable in the right hands.

2. The premises are in active use and there is no evidence to indicate that in the right hands this would not continue. Change of use will lead to a loss of an important community facility notwithstanding that it is a commercial enterprise and not a publically funded facility (ref APP/H8390/A/01/1080033).

“What could this business achieve given a management dedicated to it and with full discretion over stocking policy and type of operation?”

Trade Potential

1. Population Density

The premises are situate within a densely populated urban area comprising 2,184 households with an adult population of around 4,500 persons, residing within the Lammack/Beardwood catchment area.

2. Visitor Potential

The Hare & Hounds is essentially a traditional “local” relying on its immediate catchment area for its custom. However the public house does act as a focus for community activities such as sports teams and social groups which of course in turn attract visiting teams and groups seeking hospitality in the convivial atmosphere which the pub now provides.

3. Competition

There are no public houses within a reasonable walking distance of the Hare & Hounds other than possibly the Knowles Arms. Alternative premises lie some way away in the village of Mellor and Brownhill. There is no doubt potential for the premises to be developed to cater for different groups and in particular it is hoped that a function room can be developed in order to provide increased revenue from weddings and other social gatherings.

4. Flexibility of the Site

As stated above there is Landlord’s accommodation above which under one draft proposal it is thought could be developed into a function room.

The premises are in reasonable condition but with secure management in place investment in the infrastructure will be provided.

5. Parking

The premises have car parking spaces for 12 vehicles. However because of the pub’s proximity to the local population, the majority of its customers choose to walk.

6. Public Transport

There is a bus stop immediately outside of the premises providing regular and reliable public transport around the area. Local taxi firms are also conveniently available.

7. Multiple Use

It is not anticipated that the premises will need to combine with any other local businesses but will maintain its primary facility as a social gathering place for residents of the Lammack/Beardwood area and their visitors with the possible exception of an expansion to create a function room which would clearly enhance the potential for further expansion of the business.

The Business at Present

It is understood that the current freehold owners may be willing to sell the premises to parties who would wish to seek a change of use, possibly to residential or retail.

The premises are currently run by a manager who has extensive local support (see petition annexed). The personality and drive of the manager and his team are undoubtedly indicative that this "sleeping giant" can once again thrive in the proper hands.

The premises have not been well managed in the past but the current management have proved that this is easily surmountable, showing that the customer base (if treated with courtesy and respect) remains substantial enough to ensure a bright future for the pub.

The premises are open at convenient hours throughout the late afternoon and into the evening.

The premises do have facilities to offer catering but the current focus of the pub is the serving of good beer and the promotion of conviviality between the patrons and the management.

The Sale

Is placed with Westlake Commercial who are a specialist licensed trade agent. It is not known whether the premises have been offered for sale as a going concern and the price has been stated to be "best offers".

It is understood that there are approximately four offers "on the table" only one of which has a proposal to retain the existing use.

Planning Issues

We respectfully refer the authority to the following planning references:-

APPW0530/A/00/1047568

APP/H390/A/01/1080033

APPJ3910/A/00/1056622

Together with the planning policies referred to in the Appendix hereto.

APPENDIX

National government guidance on planning in town centres and rural areas can be found in the Planning Policy Statements (PPSs) which replaced Planning Policy Guidance notes (PPGs) in recent years. They, in turn, will be replaced by the National Planning Policy Framework which is expected to be finalised during 2012 (at which time this appendix will be revised)

PPS4 (Planning for Sustainable Economic Growth) applies both to urban and rural areas. Three policies within the Guidance are particularly relevant to pubs:

- Policy EC4.1 urges planning authorities to plan pro-actively to promote competitive town centre environments and provide consumer choice by supporting a range of services, with pubs specifically mentioned amongst these;
- Policy EC6.2 calls on planners in rural areas to “seek to remedy any identified deficiencies in local shopping and other facilities to serve people’s day-to-day needs and help address social exclusion;
- Policy EC13.1 states that when assessing planning applications in local centres and villages which affect various facilities, including pubs, planners should:
 - ☑ take into account the importance of the facility to the local community or the economic base of the area “if the proposal would result in its loss or change of use”
 - ☑ refuse planning applications which fail to protect existing facilities which provide for the local community

PPS7 (Sustainable Development in Rural Areas) has the objective of raising the quality of life and the environment in rural areas through the promotion of thriving, inclusive and sustainable rural communities.

- Paragraph 7 exhorts planning authorities to adopt a positive approach to proposals designed to improve the viability, accessibility or community value of existing services and facilities such as rural public houses. Planning authorities should support the retention of these local facilities and should set out in Local Development Documents the criteria they will apply in considering planning applications that will result in the loss of such important village services (e.g. as a result of conversion to residential use)

PPG13 (Transport) aims to integrate planning and transport at all levels to, inter alia, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car. Closure of pubs can therefore work against these aims

- Paragraph 6 advises authorities, when considering planning applications, to seek to ensure location of day-to-day facilities in local centres so they are accessible by walking or cycling. Also development comprising leisure and services should offer a reasonable choice of access by public transport, walking and cycling.
- Paragraph 75 exhorts authorities to promote and protect local day-to-day shops and services that are within easy walking distance of housing when determining planning applications.

Response to the Consultation:

The owners of the site have written to confirm that the premises are already up for sale. They consider that the area is adequately provided for by alternative community facilities within 1 mile. They are not restricting the use of the property during the sale process. The turnover figures provided in the application are misleading and relate to specifically busy periods, such as Christmas, and should be ignored in relation to the application. They see no reason why the Hare & Hounds should be added to the list of community assets at the request of what maybe a limited and specific interest group.

Assessment:

The Nomination has been considered by the Head of Planning & Transport. The Patrons of the Hare & Hounds public house are eligible to make a nomination as an unincorporated group with a membership of at least 21 local people. The Council must consider whether the Hare & Hounds Public House meets the definition of an Assets of Community Value as set out in Section 88 of the Localism Act 2011 i.e in this case that it is currently is use that furthers the social well-being and interests of the local community, or a use in the recent past has done so, and also that it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further the social well-being or social interests of the local community (whether or not in the same way).

Whether the current use furthers the social well-being and interests of the local community?

The Patrons of the Hare & Hounds have indicated that the Hare & Hounds Public House is used as a base for meetings of local sports clubs particularly football team, and was the main hub in the past. These clubs include the adjacent Old Blackburnians and Blackburn Community Sports Club (formerly known as Lammack Juniors). These groups themselves have a role in strengthening the community and thus there is community value in a venue which provides somewhere for them to meet. Furthermore, the Blackburn Community Sports Club have confirmed in writing that if the Hare & Hounds continues as a licensed premises they will use it as a hub for club meetings, sporting and social activities.

The Hare & Hounds has an important community function. It is a venue within a predominantly residential area, providing a place for members of the local community to come together. This is evidenced with the 290+ signatures on the submitted petition.

Whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.?

The Landowner has stated that the pub has been marketed for several weeks. For a number of reasons, it seems realistic to suppose that a community use can continue on the site:

The pub is the only one in this residential area serving Beardwood and Lammack. The nearest pub is the Knowles Arms on Pleckgate Road, and the Spread Eagle Inn at Mellor, less than one mile away, but these are more food orientated public houses.

The landowner has stated that they consider the pub is not viable. However, it appears the new manager is turning things around introducing new activities, and encouraging the re-use of the pub as a sporting hub linked to the adjacent sporting facilities. This can only be encouraged, to support the social well-being of the local community.

Decision:

I can confirm that,

Nominated Asset: Hare & Hounds Public House, Lammack Road, Blackburn

Should be an Asset of Community Value and included on the City Council's Local Assets of Community Value Register and placed on the Local Land Charge Register.



Neil Rodgers
Head of Planning & Transport

Date: 6th August 2013

Background Papers: Nomination application, letter from the owners.

Contact Officer: Gavin Prescott, Development Manager

Telephone: (01254) 585694

Date: 6th August 2013