

Application No: 17/2484N

Location: ELEPHANT AND CASTLE INN, 289, NEWCASTLE ROAD, SHAVINGTON, CW2 5DZ

Proposal: New access to car park, reconfigured car park, new garage (including access) and bin store , new garden area, paths and boundary treatment.

Applicant: Mr Lee Dawkin, Renew Land Developments, Punch Taverns, MCI Developments

Expiry Date: 30-Sep-2017

SUMMARY:

The site is a working public house within the Settlement Zone Line of Shavington, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, design and residential amenity satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by sustaining employment in the locality.

In terms of the social role of sustainable development, the proposal would rationalise land uses within the pub grounds allowing for an adequate level of outdoor space to the main road frontage for patrons. Conditions can be imposed to compensate for the removal of boundary planting to the boundary with the adjacent residential property on Newcastle Road removed to facilitate the replacement car parking.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

This is a proposal to undertake works or re-organisation and rationalisation of the pub grounds to allow for replacement car parking following on from the creation of a shared access road from Main Road proposed to be utilised by this and the adjacent housing development, a dedicated new access for the pub and new garage following the demolition of a brick built building adjoining the existing public house which is in the position of the proposed access road for the adjacent residential development.

Revised plans have been received that incorporate 47 no car parking spaces for the use of the public house.

Whilst this proposal is linked to 17/2483N (the housing development reported separately) it is also capable of being implemented independently from the proposed housing scheme and needs to be assessed on this basis

SITE DESCRIPTION

The site is the existing Elephant public house, located at the junction of Main Road and Newcastle Road Shavington. To the western boundary lies the Blakelow Business Park, to the southern boundary are dwellings on Newcastle Road.

The site is presently accessed via Main Road. The access point is close to the junction with Newcastle Road. The site contains various areas of car parking (45 spaces) on existing hardstanding that surrounds the public house building. To the rear is a mown field which is the subject of an application for residential development, reported elsewhere on this Agenda

RELEVANT HISTORY

P98/0017 - Extensions to public house, car park extension and new vehicular access - Permission granted 28 May 1998

17/2483N - Affordable Housing Development Comprising 45 no. dwellings & Ancillary Works - (to be determined elsewhere on this agenda)

POLICY

Cheshire East Local Plan Strategy – Adopted Version (CELP)

The following are considered relevant material considerations as indications of the Adopted Local Plan Core Strategy:

- PG1 - Overall Development Strategy
- PG2 – Settlement Hierarchy
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE 1 - Design
- SE 3 - Biodiversity and geodiversity
- SE 4 - The Landscape
- SE 5 - Trees, Hedgerows and Woodland
- SE13 - Flood risk and water management

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There is however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)
- NE17 (Pollution control)
- NE.20 (Flood Prevention)

BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
TRAN.3 (Pedestrians)

Shavington Neighbourhood Plan - This Plan is yet to reach regulation 14 stage. Accordingly no weight can be attached to any policy within it at this stage

Wymbunbury Combined Neighbourhood Plan - This Plan is yet to reach regulation 14 stage. Accordingly no weight can be attached to any policy within it at this stage

Other Material Considerations

National Planning Policy Framework (2012)
National Planning Practice Guidance
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

CONSULTATIONS

Environmental Health – No objections subject to conditions regarding remediation of contamination, piling information, construction waste environmental management plan, including dust/burning control. An Informative relating to hours of construction is recommended.

Highways Officer - No objection subject to conditions

Flood Risk – No objections subject to conditions requiring approval of the detailed design, associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods and details of ground and finished floor levels

VIEWS OF THE PARISHCOUNCIL

Shavington Parish Council – Object for the following reasons:

Application 17/2483N will impact 17/2484N and for this reason, the objections are combined.

1. There is no requirement in the parish for an additional 47 houses. Moreover, there is no requirement for additional affordable homes. This is unnecessary as there are 400 in the Shavington/Wynbunbury area, and this figure is above the Cheshire East average.
2. Access and egress problems will be exacerbated, especially at close of business.
3. There is no bus service.

4. The social infrastructure is inadequate, e.g. local school will be unable to accommodate additional pupils; there is no GP practice in the parish; no Post Office; and the application provides for an inadequate play area.
5. The physical infrastructure will be unable to cope with the development, in particular, there will be a damaging effect on sewers/drains/Broadband.
6. The development proposed is outside the settlement boundary.
7. The development will result in erosion of the Green Gap.
8. Footways are too narrow.

Wybunbury Parish Council - Object for the following reasons:

- It would open up another entrance for traffic to the Newcastle Road close to three existing road accesses and two bus stops.
- In the past 25 years there have been several accidents between this proposed access and properties on Main Road.
- This new access will also be on the bend in Newcastle Road prior to the junction of Newcastle Road and Main Rd.
- The applicant also fails to advise people in its application that the reason for this application is to remove the Elephant PH traffic away from the new housing development traffic which will be using the current Elephant PH access.

OTHER REPRESENTATIONS

Representations from 30 individual properties received raising the following objections:

- Access is dangerous for pedestrians and vehicles
- Too many houses
- Building another road to change the access and parking layout is dangerous
- Main road is dangerous
- Increase traffic congestion
- Loss of shrubs/tree to adjoining boundary to create new car park hardstanding
- There are 2 fewer car parking spaces overall
- Ownership of ditch running to western boundary
- The housing is an accident waiting to happen
- Should be considered cumulatively with the proposed housing development
- New road will lead to new development of houses which will be dangerous
- Making the triangle area one way will not help the situation as it will just increase traffic down the slightly wider side.
- The one way system will stop me from obstructing the road with my van and inconveniencing others and make life more difficult for me
- Site access has inadequate visibility
- Proposed one way system is dangerous
- Shavington has had its share of new housing
- on Street parking proliferation due to housing scheme will be dangerous and should be factored into the assessment of the pub re-configuration

- Increase in traffic will exacerbate highway safety problems along Main Road which is a busy, narrow lane with on street parking
- Cumulative impact on highways from all other development planned in this area
- Access is being brought closer to dangerous junction
- Exacerbate existing parking problems for residents
- Ownership of the ditch to the western boundary

APPRAISAL

Principle of development

The site lies within the settlement boundary for Shavington, where there is a presumption in favour of new development, subject to compliance with other local plan policies.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

The proposal is relatively minor in its own right involving the removal of a non listed building which is used as a store to create a shared access, dedicated access to the pub, new garage and store and reconfiguration/extension of the car park to replace the existing 49 no car parking spaces and the creation small areas of landscaping to the Newcastle Road frontage. There is no evidence to suggest that the public house is struggling to survive or is considered to be a community asset. The application is not submitted on the basis that these works would help sustain the enterprise. On this basis the proposal is considered neutral in social sustainability terms.

ENVIRONMENTAL SUSTAINABILITY

Landscape Impact

The site is urban in context and mostly laid out to tarmac parking spaces and circulation space. Mature shrubs screen the boundary with the neighbouring dwelling to 283 Newcastle Road. To facilitate the formation of the replacement car parking area adjacent to 283 Newcastle Road, existing shrubs and a tree are to be removed and replacement screen planting is proposed to be provided to maintain the screen between the car parking area and the adjacent property. This can be controlled by condition. Given the urban context of this site and the provision of replacement planting to the shared boundary, the proposal will not have a significant landscape or visual impact for the neighbour.

Impact on Trees

An Arboricultural Impact Assessment (AIA) method statement submitted in support of the amended proposals.

The application identifies the loss and removal of six individual trees. These have been categorised five un-classified specimens with only one tree is noted as a category C low value and whilst the tree (T9) is a prominent specimen the tree on close inspection presents numerous significant areas of decay associated with historic poor pruning practices and previous branch failures, retention is not a viable option, the tree is not considered worthy of formal protection.

The retained trees, which are insignificant in number can be protected in accordance with current best practice, significant post development issues are not anticipated.

A detailed hedgerow assessment has been undertaken by CES Ecology; the conclusions identify the hedgerow (H2) which extends through the central aspect of the site as being important in relation to the ecological criteria of The Hedgerow Regulations 1997, hedgerow 2 also qualifies as a BAP priority habitat. A section of the hedgerow requires removal to facilitate the spine access road and access to the field located to the west, whilst the intention is to retain the remaining sections of H2 and the other hedgerows once a hedge forms part of a domestic garden curtilage, they cannot be considered important under the hedgerow regulation, and could be removed at a latter date, the planning balance prevails

Ecology

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the surveyed building. This building is to be demolished to facilitate the (shared) access to this development. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the building surveyed on this site in the absence of mitigation is likely to have a medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of 2 bat boxes on the new dwellings as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

Important

It should be noted that since evidence of a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species licence under the Habitat Regulations. The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities to have regard to the directive's requirements.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of bats in the area

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No development on the site

Without any development, specialist mitigation for bats and protection would not be provided which would be of benefit to the species.

The Council's Nature Conservation Officer has advised that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. As such, the implementation of such mitigation shall be conditioned if the application is approved.

On this basis, it is considered that Natural England would be likely to grant a licence in this case.

Design of garage/ creation of service yard to rear of public house

The proposed single storey garage is accessed via the proposed new road and is therefore sited to the rear of the public house. The re-configuration of the yard allows for the creation of bin sores and other stores for the internal public house yard area.

It is considered that the scheme is of an acceptable design/layout and accords with the principles of the Cheshire East Design Guide and Policy SE.1 of the Adopted Local Plan Strategy .

Highways

This proposal is capable of standing alone as a development as well as being undertaken in conjunction with the proposed housing development.

The proposed development incorporates the existing access via Main road is widened with a new road provided (to adoptable standards). A two storey ancillary building (non residential) is demolished to provide the space for the proposed road.

A new driveway to the proposed garage is proposed from the road. Sufficient turning area is provided for drivers to enter and exit in a forward gear from the new private pub driveway. A dedicated access to the public house car park is proposed to the north of the site. In effect the public house main access point is relocated further into the site away from Main Road.

The proposal also includes a reorganisation and reconfiguration of the car park as a result of the highways alterations.

The current car park is dispersed throughout the site and comprises 47 spaces, including that part of the site which would be utilised as part of the proposed residential development (17/2483N refers). Hardstanding wraps around the existing public house and cars presently drive around the building in a one way direction in accordance with the permission granted and implemented under P98/0017.

This proposal reconfigures and rationalises car parking in the site, reducing the area under parking to the east (to allow for the adjacent access road for the proposed housing development); extending the area of car parking to the western boundary adjacent to no 283 Newcastle Road to create 49 no car parking spaces with a turning area. The existing hardstanding to the front is removed and landscaped. Cars will no longer be able to drive around the building to the exit.

There have numerous objections raised in relation to highway issues and the impact on the surrounding road network, however, these specifically identify the housing proposal rather than this proposal for the car park redevelopment.

The Strategic Highways Manager has assessed this application as both a stand alone application, capable of being independently implemented and as a cumulative development with the housing proposal. Subject to conditions concerning construction management and phasing of development to ensure there is no displacement of car parking on the Main Road, there is no objection to this application. Should the housing application (17/2483N) be approved, this application would need to be implemented immediately before any housing development occurred.

Flooding & drainage

The Council's Flood Risk Manager has reviewed the proposals and advised that he has no objections, subject to the drainage from the proposed new store building/garage being drained into the existing surface water drainage system.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development jobs in construction and economic benefits to the construction industry supply chain during the limited development.

CONCLUSIONS

The proposed reconfiguration of the pub house car park and grounds is compatible with the surrounding development and the design, scale and form of the associated garage building is acceptable. There is no objection to the demolition of the store building. Subject to conditions, the impact on neighbouring residential amenity, ecology, trees and drainage would not be significant. Satisfactory access and replacement parking provision at the same level as the current car park has been provided

The application is therefore considered to constitute a sustainable form of development and is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard (3 years)**
- 2. Plans**
- 3. Materials of garage**
- 4. The hard surfaces of the car parking shall be drained into the existing surface water drainage system.**
- 5. Nesting bird survey to be submitted**
- 6. Levels of car parking, particularly adj 283 Newcastle Road - existing and proposed**
- 7. Submission of landscape scheme, including hard landscaping /surfacing materials and replacement planting**
- 8. Implementation of landscaping**
- 9.All Arboriculture works in accordance with Tree Care Consultancy Arboricultural Implication Assessment (Ref AIA1-CSE-SW) dated 11th May 2016**
- 11.Details of construction and highways management plan, inc on site parking for contractors during development**
- 12. Compliance with bat report/ bat boxes to be provided**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

