

Application No: 13/1654N

Location: ROYAL SCOT, PLANE TREE DRIVE, CREWE, CW1 4ER

Proposal: Demolition of Royal Scot Public House & construction of 14no. 2 bedroom homes for social housing

Applicant: Mr Nick Powell

Expiry Date: 10-Jul-2013

SUMMARY RECOMMENDATION

APPROVE subject to the satisfactory submission of a further bat survey and Subject to conditions

MAIN ISSUES

**Principal of the Development
Loss of a community facility
Affordable Housing
Highway Implications
Amenity
Design
Ecology**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a small scale major development.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is currently a public house known as the Royal Scot, on Plane Tree Drive, Crewe. The existing public house is a two storey building with a curved elevation facing onto Plane Tree Drive. There is a large area of hardstanding around the public house and a garden area to the rear. The application site is situated within the Settlement Boundary for Crewe. The site is located within a predominantly residential area with a parade of shops and a secondary school in close proximity.

2. DETAILS OF PROPOSAL

This is a full planning application for the demolition of the existing public house and the erection of 14no. residential properties, two storey semi-detached dwellings facing onto Plane Tree Drive and Sorbus Drive.

3. RELEVANT HISTORY

No relevant planning history

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
RES.7 – Affordable Housing
RES.2 – Unallocated Housing Sites
RES.3 – Housing Densities
CF.3 – Retention of Community Facilities

Other Considerations

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
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
SPD – Development on Gardens and Backland Development

5. CONSULTATIONS (External to Planning)

United Utilities: This response is based on the details submitted on the planning application form; any changes to the planning application will invalidate this response. UU have no objection to the proposal providing that the following conditions are met:-

- A public sewer crosses this site and we will not permit building over it. UU will require an access strip width of 12 metres, 6 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

- This site must be drained on a separate system just prior to connecting to the public sewer with surface water flows restricted to a maximum discharge rate of 25 L/S

Strategic Highways Manager: The units have frontage access onto Plane Tree Drive and also Sorbus Drive, with single driveways provided. The main highway issues relates to car parking provision, the 14 dwellings have only 1 parking space provided and despite these being for social housing these are still family homes and it is likely that car ownership will be much higher.

Residential parking standards have now moved to minimum standards due to problems arising from on-street parking causing congestion, the minimum standard for the dwellings proposed is 200% so therefore there is 100% shortfall in the spaces being provided.

Therefore, the Strategic Highways Manager would be looking for a higher parking allocation as part of this application and would have to raise objections to the application.

Additional Comments after amended plan submitted: Some of the double driveways will be tight in terms of width but all of the units can get two cars in, so the objection is withdrawn.

Environmental Health: No objections, conditions suggested in relation to construction hours, piling works, dust control and contaminated land.

6. OTHER REPRESENTATIONS – None received at time of writing this report.

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement
- Contaminated Land Survey
- Phase 1 Habitat Survey

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The National Planning Policy Framework (NPPF) states at paragraph 47 there is requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan

period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) 2013.

The SHLAA has put forward a figure of 7.1 years housing land supply.

In this case the site is located within the Crewe Settlement Boundary and Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Crewe.

In this case the site is surrounded by a mix of residential and commercial/retail, and the public house has been vacant for some time. The proposal would provide an overriding local benefit through the provision of affordable housing for which there is a local need and would assist with the Councils 5 year housing land supply. The proposal is therefore considered to be acceptable in principal. However the loss of a community facility must still be considered, along with compliance with Policies BE.1 – BE.5 of the Crewe and Nantwich Replacement Local Plan 2011.

Loss of Community Facility

Policy CF3 seeks to protect community facilities which make a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made.

Previous appeal decisions which have considered schemes that would result in the loss of a public house, have established that where there are other facilities within easy walking distance then there are no planning objections to the loss in principle. Appeal decisions make it clear that the consideration is whether there are alternative establishments in the local area not whether they offer exactly the same ambience / facilities as the one which has closed.

Policy CF3 makes no reference to the need to market an establishment before it is lost or for any considerations regarding viability. Whereas the Council has used such a reason for refusal for other premises in villages, the same considerations do not apply to the loss of a public house in a town such as Crewe with other public houses within walking distance. It is

therefore considered that the loss of this public house would not conflict with policy CF3 of the Replacement Local Plan 2011

Affordable Housing

The proposal is for the redevelopment of this site to provide 14 x 2 bed houses for affordable housing. The Housing Officer has spoken to Wulvern Housing and they have confirmed that the tenure will be affordable rent.

There is a need for this kind of accommodation in Crewe: -

The Strategic Housing Market Assessment 2010 identified a requirement for 256 new affordable homes each year between 2009/10 – 2013/14 in the Crewe sub-area, which is the area this site is located in, the type of affordable housing required each year is 123 x 1 beds, 20 x 2 beds, 47 x 3 beds 40 x 4/5 beds and 26 x 1/2 bed older persons accommodation.

There are 249 applicants on the housing register with Cheshire Homechoice who have selected the Middlewich Street Estate 1 area of Crewe as their first choice, these applicants require 40 x 1 bed, 104 x 2 beds, 80 x 3 beds, 17 x 4 beds and 2 x 5 beds and 6 applicants have not specified the number of bedrooms required.

The Interim Planning Statement: Affordable Housing states that Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). It also states that properties should be constructed in accordance with the Design and Quality Standards adopted by the Homes and Communities Agency. This can be conditioned. Furthermore as the applicant is proposing a 100% affordable housing scheme it is considered reasonable to condition the provision.

Highways Implications

The site is currently a public house with one vehicle entrance onto the car park. The proposed dwellings will be accessed off both Plane Tree Drive and Sorbus Drive with parking to the front of the site. The proposal has a provision of 28 parking spaces and new dropped kerbs will be required for all properties.

The Strategic Highways Manager states that the amended plan now show 200% car parking. Although some of the double driveways will be tight in terms of width but all of the units can get two cars in, and therefore the proposal is acceptable in terms of parking provision.

It is therefore considered that the proposed development is acceptable and will not have a significant impact on highway safety.

Amenity

The development site is surrounded by residential and commercial premises. The dwellings which face the dwellings opposite on Plane Tree Drive have principal windows on their front elevations. The dwellings are sited at least 21m from the proposed new dwellings which would also have principal windows on the front elevation and therefore are of an acceptable separation distance and will not have detrimental impact on neighbouring amenity.

Furthermore the dwellings sited opposite on Sorbus Drive also have principal windows on the front elevations, these dwellings will be sited over 21m from the proposed front elevation of the dwellings and therefore also meet the separation standard between principal elevations.

Unit 1 will be sited adjacent to No.24 Coronation Crescent, which appears to be a flat above the Chip Shop. Unit 1 will have two windows on the side elevation serving a lounge at ground floor level and a bathroom at first floor level. The applicant states that these will be obscure glazed, and this can be conditioned. No.24 Coronation Crescent has two secondary windows on the side elevation. There is a 5m separation distance between the two properties, and therefore the proposal should not have detrimental impact on neighbouring amenity.

There will also be sufficient distance between the rear elevations of the dwellings on Coronation Crescent of over 30m, and is therefore acceptable in terms of impact on neighbouring amenity.

Separation distances within the site are acceptable and will afford the future occupiers of the site suitable amenity.

The Councils guidance suggests that all new dwellinghouses should have a private amenity space of at least 50m². Units 1, 3, 7, 8, 9 – 14, all have at least 50m² afforded to them and therefore meet the requirement, however units 2, 4, 5, and 6 have below the standard to the rear of the site (between 42 and 45 m²), however do include an area of amenity space to the front. It is therefore considered acceptable in this instance.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The applicant has submitted a standard house type to be used for all dwellings other than Plot 8 which has an additional door and porch feature on the side elevation facing Sorbus Drive to help create a distinctive element on the corner of the two streets. Although the dwellings are a standard house type they are of a design which is in keeping with the surrounding area and will not have a detrimental impact on the surrounding streetscene.

It is considered that the layout of the development site is acceptable and is of a design which is in keeping with the surrounding development. All of the properties have off street parking to the front of the site which with some additional landscaping should help to soften the impact of the development. It is considered that the design is acceptable and would not appear out of character in this part of Crewe.

The boundary treatment for the dwellings has also been submitted and in part it is considered that this is acceptable with the exception of the 2m brick wall proposed around the garden of unit 8, which would appear as a very dominant element within the streetscene and creating an oppressive visual appearance. The applicant has stated that this element can be altered to provide a wall with railings which would help to improve the visual appearance of the site. Amended plans are outstanding on this issue and will be reported as part of an update report.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

- (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is
- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Ecologist has been consulted on the application and confirmed that no evidence of bats was recorded during the survey, however due to features being identified on site with the potential to support roosting bats the ecologist who undertook the survey has recommended that a bat activity survey is undertaken.

In order to make a fully informed assessment of the potential impacts of the proposed development upon protected species survey a report of the results of the required activity survey must be submitted to the Council prior to the determination of the application. Following the recent judicial review it is no longer considered appropriate to condition such surveys. This additional information is still outstanding. Without confirmation that the development will not have a harmful impact on bats the application cannot be approved. The findings of the addition report and further comments from the Councils Ecologist will be reported in an update report to the Committee.

If the application is approved the Councils Ecologist has also noted that conditions should be attached to the permission for a further survey to be carried out relating to breeding birds if development is undertaken between 1st March and 31st August, and a scheme of bird breeding features should be submitted.

Other Matters

United Utilities have noted no objection to the proposal subject to a 6m access strip either side of the public sewer which crosses the bottom of the site. The applicant has submitted a plan which shows the sewer crosses the front of the site and there is a minimum gap of 6m between the front of the dwellings and the sewer. This appears to meet the issues raised by United Utilities and therefore is acceptable.

10. CONCLUSIONS

The site is within the Crewe Settlement Boundary where the principle of residential development is considered to be acceptable and in this case it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or there are any policies within the NPPF that indicate that development should be restricted. It is considered that the development is acceptable in terms of affordable housing provision and there is a need for this development. The scheme complies with the relevant local plan policies in terms of amenity and it is considered that the proposal is an acceptable design and layout.

There is a presumption in favour of the development and accordingly it is recommended for approval.

11. RECOMMENDATION

APPROVE subject to the satisfactory submission of a further bat survey and Subject to conditions

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays and method statement**
- 5. Dust Control**
- 6. Prior to the commencement of development a Phase I Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
- 7. Submission and approval of materials**
- 8. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing the development will meet at least Level 3 of the Code for Sustainable Homes (2007). The scheme shall be implemented as approved and retained thereafter.**
- 9. Implementation and submissions of landscaping scheme**
- 10. Implementation of Boundary Treatment, and**
- 11. Implementation and submission of bin storage**
- 12. Dwellings to be retained as affordable housing**
- 13. Drainage details to be submitted**
- 14. Highway and car parking works to completed prior to first occupation**
- 15. Removal of permitted development rights, extensions and outbuildings**
- 16. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.**
- 17. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including swifts. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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