

Application No: 14/3862N

Location: Horse Shoe Inn, NEWCASTLE ROAD, WILLASTON, CW5 7EP

Proposal: Outline planning application for the demolition of the former Public House and outbuildings and erection of up to four residential units with all matters reserved except for means of access at the Horseshoe Inn, Newcastle Road, Willaston

Applicant: Frederic Robinson Ltd

Expiry Date: 08-Oct-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES:

- Principle of the development
- Housing land supply
- Sustainability
- The acceptability of the Access
- The impact upon neighbouring amenity
- The impact upon ecology
- The impact upon trees

REASON FOR REFERRAL

The application is referred to Southern Planning Committee as it represents a departure from planning policy.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a former public house and its curtilage located on the northern side of Newcastle Road, Willaston, within the Green Gap.

The public house is detached and sits within a relatively large plot. It is two-storey's in nature and benefits from a number of single-storey outriggers.

There is a beer garden to the west of the site and a large car part to the east.

There is a TPO protected oak tree on the boundary of the car park with the highway.

DETAILS OF PROPOSAL

Outline Planning permission is sought for the demolition of a public house and the erection of 4 detached residential dwellings.

The access arrangements to the site are also sought for approval as part of this application.

Matters of; layout, appearance, scale and landscaping are reserved for subsequent assessment.

RELEVANT HISTORY

P98/0274 - Porch and bar extension – Approved 26th May 1998

POLICIES

Local Plan Policy

NE.2 - Open Countryside
NE.4 - Green Gap
NE.5 - Nature Conservation and Habitats
NE.9 - Protected Species
NE.20 - Flood Prevention
BE.1 - Amenity
BE.2 - Design Standards
BE.3 - Access and Parking
BE.4 - Drainage, Utilities and Resources
BE.5 - Infrastructure
RES.3 - Housing Densities
RES.5 - Housing Development in the Open Countryside
TRAN.1 - Public Transport
TRAN.9 - Car Parking Standards
CF.3 - Retention of Community Facilities

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

PG1 - Overall Development Strategy
PG5 - Open Countryside
PG6 - Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 - Biodiversity and Geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland

Other Material Considerations

Supplementary Planning Guidance (SPG) Note 2: Provision of Private Open Space in New Residential Developments.

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections, subject to an informative that the developer will enter into a S184 Agreement.

Environmental Protection – No objections, subject to a number of conditions which include; a restriction of the hours of piling, the prior submission of a piling method statement, the prior submission of lighting details, submission of a noise mitigation scheme with the reserved matters application, the prior submission of bin storage details, the inclusion of electric vehicle charging points, the prior submission of a dust mitigation scheme, the prior submission of a contaminated land report.

Informatives regarding hours of construction and contaminated land are also sought.

United Utilities – No comments received at time of report

VIEWS OF THE PARISH COUNCIL:

Stapeley and District Parish Council – No objections, however have concerns regarding the demolition of the public house

Willaston Parish Council - No objections to the residential development of the brownfield site but object to the demolition of the Public House

OTHER REPRESENTATIONS:

Cllr B. Silvester - No objections to the residential development of the brownfield site but object to the demolition of the Public House

SUPPORTING INFORMATION:

Tree report
Noise Assessment report
Bat survey
Air screening assessment
Dust assessment
Planning statement

OFFICER APPRAISAL

Principle of Development

The development proposed needs to be split up into multiple planning policy categories.

Loss of public house

For the conversion of the public house to accommodate dwellings, policy CF.3 of the Local Plan will be relevant.

Policy CF.3 states that *'proposals which would result in the loss of community facilities which make a positive contribution to the social or cultural life of a community will not be permitted, unless a suitable alternative provision is made.'*

In response to this policy, the applicant has advised within their submitted Planning Statement that *'trade figures over the last couple of years illustrate a decrease in sales, with figures for 2012 being the lowest in a number of years. Taking rental levels into account, these decreasing sale values result in an unviable profit margin in which to sustain a business.'*

It can be confirmed that the submitted 'Profit and Loss' accounts confirms these conclusions.

It is further advised that *'Since the closure of the public house in February 2013, only four enquiries have been received with only two enquiring about renting/selling the premises. Both of these enquiries were made in April/May 2013, over a year ago.'*

As such, given that little interest has been shown by prospective purchasers/renters in continuing the use of this site as a public house since it was marketed over a year and a half ago, in conjunction with the knowledge of the previous declining performance of the previous occupiers, it is no longer considered that the loss of this pub would have a detrimental impact upon the local community. It is currently vacant and has been for some time and with no prospect of it being continued to be used as a public house.

As such, it is considered that the loss of this public house in principle is acceptable.

Some local concern has been raised regarding the demolition of this public house in heritage terms. In response, the Council's Heritage Officer has advised that he does not consider that the building has sufficient heritage value to be selected as a listed building by English Heritage based on their principles of selection.

It is advised that the building is not sufficiently old and does not appear to have sufficiently significant architectural or historic interest to make a major contribution to the national stock to warrant its inclusion.

The building is also not listed on the Council's 'Local List' as a heritage asset.

As such, it is not considered that the loss of this building from a heritage perspective alters the principle acceptability of the scheme.

New housing

Housing Land Supply:

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the 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 clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Since the publication of the Housing Position Statement in February 2014 there have now been a number of principal appeal decisions which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated.

This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Green Gap

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

In response, the application site lies immediately adjacent to the Crewe Settlement boundary, just within a corner section of Green Gap between a south-western portion of Crewe (Willaston) and Shavington.

Given that the existing site where the development is proposed comprises of either built form or hard standing, it is not considered that the erection of dwellings in place of this existing built form would significantly erode the physical gap between the built up areas of Crewe and Shavington or have an adverse impact upon the landscape.

Previously development sites (Brownfield)

The NPPF requires a degree of consistency between the Local Plan and those policies within the framework. Where Local Plan policies are not consistent with the framework, greater weight should be given to the NPPF.

In this instance, the Local Plan is not consistent with the NPPF in terms of reference to previously developed land.

As such, on this matter, greater weight should be given to the NPPF.

Paragraph 17 of the NPPF advises that one of the core planning principles is that planning should;

'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.'

Within Annex 2 of the NPPF, a definition of previously developed land is provided. This definition reads;

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

All 4 of the dwellings sought would be sited entirely on part of the site which comprises of the public house and associated hard standing, be it the site of the public house itself, or its car park. As such, it is considered that the proposal would represent development on previously developed land / brownfield land.

Furthermore, the environmental value of the car park is considered to be limited given that the site lies between two forms of built development, the public house and a residential property. The principle of this aspect of the development on this land is therefore accepted.

Conclusion

Given that the public house on this site has been empty for approximately 1 ½ years with little interest being shown in its purchase / continued rental for public house use, in conjunction with the knowledge that the previous business was in decline, it is no longer considered that the public house offers a benefit to the local community.

As such, the loss of the public house is acceptable.

Although all 4 dwellings would be located within the Green Gap, given that the proposal would be located on previously developed land, it is considered that the impact of the erection of these dwellings on this site would not have a significant detrimental impact upon the visual character of the landscape.

As such, the principle of erecting 4 new dwellings on this site is considered to be acceptable.

Locational Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – 160m
- Outdoor Sports Facility (500m) – 60m
- Local meeting place (1000m) – 60m
- Public House (1000m) – 820m
- Child Care Facility (nursery or crèche) (1000m) - 60m
- Bus Stop (500m) – 90m
- Public Right of Way (500m) – 260m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Post box (500m) – 650m
- Children’s Play Space (500m) – 650m
- Primary School (1000m) – 1150m
- Convenience Store (500m) – 770m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 2700m
- Railway station (2000m where geographically possible) – 2700m
- Any transport node – 2700m
- Bank or cash machine (1000m) – 2100m
- Secondary School (1000m) – 1500m
- Pharmacy (1000m) – 1740m
- Medical Centre (1000m) – 1740m
- Post Office (1000m) – 2574m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 2011m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, it is within the recommended distance or within a reasonable distance of the majority of the listed public facilities.

Owing to its position on the edge of Willaston, within the recommended standards for the majority of the amenities listed, it is considered that this site is a sustainable site.

Access

The application site would be accessed via the existing public house access. As such, no changes to the existing access arrangements are sought.

It is shown on the indicative layout plan that each dwelling would be supported by 2 parking spaces. As such, it is not considered that the proposal would create any highway safety concerns.

The Strategic Highways Manager has advised that he have no objections, subject to the addition of an informative that the applicant enters into a Section 184 Agreement.

Amenity

The closest neighbouring properties to the site would be the occupiers of Blakelow, a detached two-storey dwelling approximately 50 metres away to the east.

Given this large separation distance, it is not considered that the proposal creates any neighbouring amenity concerns with regards to loss of privacy, light or visual intrusion.

With regards to environmental disturbance, the Council's Environmental Protection Officer has advised that they have no objections, subject to a number of conditions which include; a restriction of the hours of piling, the prior submission of a piling method statement, the prior submission of lighting details, submission of a noise mitigation scheme with the reserved matters application, the prior submission of bin storage details, the inclusion of electric vehicle charging points, the prior submission of a dust mitigation scheme, the prior submission of a contaminated land report.

Informatives regarding hours of construction and contaminated land are also sought.

With regards to the relationship between the proposed dwellings themselves, the indicative layout plan shows that the dwellings would be constructed in a 'courtyard style' arrangement in an 'L-shaped' design.

As such, there would be no front-to-rear relationships between the proposals to consider.

In terms of the side-to-side relationships, subject to their being no sole windows to principal habitable rooms in the side elevations of these dwellings, which would be determined at reserved matters stage, no issues between the proposed dwellings themselves would be created.

With regards to private amenity space, paragraph 3.35 of this SPD advises that each garden should be no less than 50 metres squared. The indicative layout plan shows that this minimum standard can be achieved.

Subject to the adherence of the development to the above, and the implementation of any recommended mitigation measures, it is considered that the proposal would be acceptable in terms of amenity and Policy BE.1 of the Local Plan.

Ecology

The application is supported by a bat survey.

In response, the Council's Nature Conservation Officer has advised that no evidence of roosting bats were recorded during the submitted survey and as such, do not present a constraint upon the proposed development.

However, it is advised that should planning approval be granted, conditions to safeguard breeding birds and to ensure some additional provision is made for breeding birds should be sought.

As such, subject to these recommended conditions, it is considered that the proposal would be acceptable in terms of protected species and Policy NE.9 of the Local Plan.

Trees

The application is supported by a tree report.

The report shows that there are several trees on the site including 3 mature Oak trees, a Leylandii hedge and a hedge / group of trees to the north of the site.

A mature oak tree between the existing car park and eastern boundary is subject to a Tree Preservation Order (TPO).

The Council's Tree Officer has reviewed the proposal and advised that as the application is an outline only (with access), the full arboricultural impacts cannot be established until a final detailed layout is submitted.

Tree protection measures are proposed for all retained trees. The trees to be removed include a mid-grade Oak tree and a grade B Leyland Cypress hedge.

It is advised that subject to conditions which secure the retention of the remaining trees on site and comprehensive updated tree protection measures and the submission of an Arboricultural Method Statement at reserved matters stage, no significant objections are raised in relation to trees and would adhere with Policy NR1 of the Local Plan.

Layout, Appearance, Scale and Landscape

Although layout has not been sought as part of this application, the indicative layout proposed was devised following pre-application discussions between the applicant and the Council's Planning Officer and Urban Design Officer.

The indicative layout comprises of 4 detached dwellings constructed in an 'L-shape' pattern fronting out onto a central courtyard. The courtyard comprises of a central minor, private round-a-bout, which would serve 2 parking spaces for each dwelling. The garden spaces available for each dwelling would adhere with the minimum 50 square metre standard.

As such, the indicative proposals would be appropriate in layout and scale terms and would provide for adequate parking.

Permission for appearance, scale and landscape are not sought as part of this application. Only indicative plans have been submitted at this stage and these are not considered below as they are subject to change.

Affordable Housing

Where an application site has a population below 3,000, there is a requirement to provide 30% affordable housing on sites of 0.2 hectares or 3 dwellings or more under the Council's Interim Planning Statement on Affordable Housing (IPS).

As the site falls within a sub-area of an urban area of over 3000 people, there is no affordable housing requirement in this instance.

CONCLUSIONS

Given that the public house on site has been empty for approximately 1 ½ years with little interest being shown in its purchase / continued rental for public house use, in conjunction with the knowledge that the previous business was in decline, it is no longer considered that the public house offers a benefit to the local community.

As such, the loss of the public house is acceptable.

Although all 4 dwellings would be located within the Green Gap given that the proposal would be located on previously developed land, it is considered that the impact of their erection of these dwellings on this site would not have a significant detrimental impact upon the visual character of the landscape and not result in the settlements of Crewe and Shavington blending into one another. As such, the principle of erecting 4 new dwellings on this site is considered to be acceptable in principle.

An existing access to the site would be utilised and sufficient parking would be provided. As such, no highway safety issues would be created.

Issues regarding Layout, Appearance, Scale and Landscape are to be considered at reserved matters stage.

No issues relating to neighbouring amenity, ecology or trees would be created.

As such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions

- 1. Time Limit (Outline)**
- 2. Submission of reserved matters**
- 3. Reserved Matters application made within 3 years**
- 4. Development in accordance with approved plans**
- 5. Details of materials to be submitted**
- 6. Hours of Piling**
- 7. Prior submission of a piling method statement**
- 8. Prior submission of external lighting details**
- 9. Prior submission of noise mitigation scheme**
- 10. Prior submission of electric vehicle charging point details**
- 11. Prior submission of a dust mitigation scheme**
- 12. Prior submission of land contamination report**
- 13. Prior submission of Boundary treatment**
- 14. Removal of Permitted Development Rights (Classes A-E)**
- 15. Safeguard breeding birds**
- 16. Incorporation of features for breeding birds**

Informatives:

- 1. Standard**
- 2. S184 Agreement**
- 3. Hours of construction**
- 4. Contaminated Land**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, 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.

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