

Application No: 11/2241N

Location: LAND SOUTH OF THE ROYAL OAK, MAIN ROAD, WORLESTON

Proposal: Outline Application for Residential Development, Associated Access and Landscaping Works

Applicant: Mr R Hollinshead

Expiry Date: 07-Jul-2011

Date Report Prepared: 8th August 2011

SUMMARY RECOMMENDATION

Approve with Conditions and subject to the completion of a section 106 agreement for the provision of affordable housing on site

MAIN ISSUES

- Principle of Development
- Impact on Character and Appearance of Streetscene
- Impact on the Amenity of Neighbouring properties
- Impact on Highway Safety
- Other Matters – Community Facilities, Drainage

REASON FOR REFERRAL

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Councillor M Jones to consider the environmental impact, design and whether the proposal is within current Crewe and Nantwich Regulations.

PREVIOUS MEETING

At the Planning Committee meeting held on 24th August 2011, Members resolved to defer this application in order allow further information to be provided with regard to the loss of car parking spaces and further consideration of the noise impact from the public house in respect of those comments raised by Environmental Health.

With regard to the impact of noise on the proposed development further comments have been received from Environmental Health. Environmental Health have reiterated that the Royal Oak Public House currently has a premises licence which includes the provision of live music until

11.30pm and recorded music until 12am every night of the week. However, currently the licensee does not utilise this licence to the full extent as there is no live or recorded music at the premises. Therefore it is not possible to ask the applicant to undertake a noise assessment to ensure the occupants of the proposed dwellings are not affected by the noise, as there is no music for the applicant to assess.

The premises licence for the Royal Oak was granted under the Licensing Act 2003 and the licence remains in force until it is surrendered. However, should the Environmental Health Department receive and substantiate complaints of noise nuisance arising from the pub playing music, they have the option to request a review of the licence, under the above legislation, and the option is there to remove or reduce the music element of the licence.

Local residents also have the same power to request a review of the licence, under the Licensing Act 2003. Furthermore the Environmental Protection Act 1990 is also available to the Environmental Health Department, should the Council wish to pursue action for a Statutory Nuisance in relation to music from the pub. Consequently the issue of potential noise nuisance arising from the pub, should they decide to change the way they operate, can be dealt with adequately by legislation outside the Town and Country Planning Act 1990.

At the time of writing the report no comments have been received with regard to the parking situation however a full update will be provided prior to Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site forms land attached to the existing Royal Oak Public House within the settlement boundary for Worleston. The site comprises part of the existing beer garden and parking area to the south of the public house, and also land between the public house beer garden and residential properties to the south which is grazing land. Fronting Main Road is a hedgerow whilst the rear boundary is also vegetated. There is a pond located in the south eastern corner of the site.

DETAILS OF PROPOSAL

This is an outline application with all matters reserved. The application proposes the construction of five dwellings. Whilst all matters have been reserved an indicative layout has been submitted to demonstrate how the site could be developed. The indicative layout shows three detached dwellings and a pair of semi detached dwellings. Two dwellings would be accessed from individual driveways whilst a further access is proposed which would serve the remaining three dwellings. All properties would be two storey in height.

RELEVANT HISTORY

10/2597N – Outline Planning application withdrawn for Residential Development, Associated Access and Landscaping Works on 25th October 2010

P03/1168 – Outline planning application refused for Residential Development (8 Dwellings) on 17th October 2003.

P95/0420 – Outline application for residential development refused on 24th August 1995.

7/15544 – Planning permission approved for Extension to beer garden and new boundary fence on 5th October 1988.

7/15358 – Planning permission approved for extension to public lounge on 9th June 1988.

POLICIES

Local Plan Policy

- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)
- 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)
- RES.2 (Unallocated Housing Sites)
- RES.4 (Housing in Villages with Settlement Boundaries)
- TRAN.9 (Car Parking Standards)
- CF.3 (Retention of Community Facilities)

Other Considerations

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS7 – Sustainable Development in Rural Areas

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

CONSULTATIONS (External to Planning)

Strategic Highways Manager – Main Road has a 30mph speed limit with good forward visibility. The proposed accesses will be able to meet the correct visibility. The shared surface access is over designed and should be constructed as a vehicular crossing only. An amended plan will be required for Highways approval.

United Utilities – No objection. Should be drained on a separate system with only foul drainage connected to foul sewer.

Environmental Health – Royal Oak has a license for live music until 11:30pm and recorded music to 12am every night of the week. There are currently no live bands or DJ's performing at these premises. Consequently no noise assessment is required. Suggest conditions relating to external lighting, hours of construction, pile driving, and bin storage.

With regard to land contamination it is noted that residential properties are a sensitive end use. As such an informative has been suggested that the developer inform the LPA of any land contamination if encountered during construction.

Campaign for the Protection of Rural England – The proposed development could undermine the viability of an important village amenity. The land classification of the field has not been disclosed.

VIEWS OF THE PARISH COUNCIL

Object to proposed development. The Royal Oak is an integral part of the village, the loss of the beer garden would remove the one area in the village where people in the village can socialise and relax. The loss of parking facilities which is used by passing trade and local residents would result in considerably more on road parking.

The two storey dwellings are not in keeping with the existing bungalows on that side of the road and not in keeping with the character of the village. Concern that this is the first stage of a larger development for the site (pub marketed on web). Development should be geared towards providing affordable housing,

OTHER REPRESENTATIONS

Fourteen letters of objection received from Hillcrest, Aston Grove Farm, Station House, and 59, 80, 85, 87, 89, 91, 95, 97, 103 and 116 (x2) Main Road, the salient points being:

- Insufficient infrastructure in village would not sustain development
- Flooding, United utilities admit system is inadequate
- Accesses would cause strain on already busy road
- Speed limit often ignored
- Opposite very busy shop
- Some residents use pub car park, if lost they will be forced to park on road
- Loss of beer garden/village amenity
- Access road gives impression of future development
- Development not in keeping with village/bungalows
- Should be providing affordable housing
- First phase of a larger development
- Internet advert for the sale of the pub
- Ponds in village contain eggs of Great Crested Newts
- Visually overbearing and overlook cottages, loss of privacy
- Excessive development for site
- Pair of semi detached bear no resemblance to other three
- Angled building line will cause car parking problems
- Loss of trees and hedgerows
- Noise and traffic nuisance caused from pub to proposed dwellings
- Governments presumption in favour of sustainable development – promotes economic activity and allow communities to have a greater say in the way their immediate environment is planned – proposal at odds with this
- Contrary to national planning guidance
- Little prospect of young people being able to afford these houses

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Tree Survey

Protected Species Survey

OFFICER APPRAISAL

Principle of development

This is an outline planning application with all matters reserved. The main consideration is therefore whether the construction of 5 dwellings would be acceptable in principle. The site is located within the settlement boundary for Worleston. Policy RES.4 allows for residential developments in such locations provided that they are of an appropriate scale for the village. It is considered that the construction of 5 dwellings would be a proportionate addition to the village and is of a scale in numeric terms which would not appear out of context. It is therefore considered that the proposed development would be acceptable in principle. However there are other considerations which need to be considered at this stage relating to the provision of affordable housing,

Affordable Housing

Policy RES.7 of the Local Plan states that in settlements with a population of 3,000 or less affordable housing will be required to be provided on proposals of 5 units or more, and exceptionally for proposals of more than one unit where there is a proven need. The Affordable Housing Interim Planning Statement which has been adopted indicates at 3.7 that for all sites in rural areas which have a population of less than 3,000 the Council will negotiate for the provision of an element of affordable housing on all sites of 3 dwellings or more, and the general minimum proportion of affordable housing required will be 30%. There is a need for affordable housing in Worleston. The Strategic Housing Market Assessment 2010 shows that there is a requirement for 25 additional affordable homes in the Minshull area which Worleston is included in for the purposes of the SHMA 2010 located with the biggest shortfall being for 3 bed units. There has been very little affordable housing delivery in the Minshull area since 2005. There is a proven need for affordable housing in the area and therefore the scheme will require the provision of affordable housing. As the proposal is for 5 units it is considered that this can be secured through on-site provision for 30% of the dwellings to be affordable, this equates to 2 dwellings. The applicant has confirmed that there are agreeable to providing affordable housing and this can be secured through a section 106 agreement.

Impact on character and appearance of the streetscene

Whilst the application is in outline with all matters reserved an indicative layout has been submitted. The proposed layout demonstrates that 5 dwellings could comfortably be sited on this land without appearing out of place or context with the village.

Worleston has a mixture of house types and ages ranging from two storey terraced properties, detached properties and semi detached bungalows. The latter would be sited

immediately to the south of the proposed development. Whilst those properties are single storey, there are two storey properties directly opposite and the Royal Oak PH is also a two storey property. It is therefore considered that two storey dwellings would be appropriate on this site and would not appear out of character with the village. A condition to ensure that the dwellings are no higher than two-storey is considered to be appropriate.

The indicative layout demonstrates a staggered building line. The southern property would be in line with No.80 whilst the northernmost property would be in line with the public house. This is considered to be an acceptable building line.

Concern has been raised that the scale of the dwellings would be out of character with the village which is noted. This is an outline application and the design and appearance of the dwellings could be subject to change as part of any reserved matters application.

Impact on the amenity of neighbouring properties

The indicative plan shows a relationship between proposed dwellings and those on the opposite side of Main Road which would reflect the existing relationship of properties within the village and would be acceptable.

The plan shows that the southernmost dwelling would be over 1m from the boundary of No.80 and 5m from the flank elevation. Given the size of the curtilage of No.80 it is considered that the proposed dwelling would not be overbearing, again a condition to restrict the height would be appropriate.

Again the submitted plans are indicative and could be subject to change. The layout does however demonstrate that the proposed development could be accommodated on the site without causing any detrimental harm to the amenities of nearby properties or between the proposed dwellings.

As the site is located adjacent to a public house there is potential for nuisance to be caused to the occupants of the proposed dwellings. Environmental Health have considered that no noise assessment would be required and as the pub is not utilising its license there would be no disturbance to the properties from noise.

Environmental Health have requested conditions be attached to any approval for details of external lighting to be submitted, restriction of construction hours, details of pile driving and refuge details. These can be secured by condition.

Impact on Highway Safety

The indicative plan shows two accesses serving the two southernmost dwellings and a further shared access to serve the three northernmost dwellings. The Strategic Highways Manager has confirmed that the site has good visibility and that the proposed accesses shown on the indicative plan would achieve the required visibility splays for this 30mph road. The indicative plan also shows that all vehicles could enter and exit the site in a forward gear. Concern was however made that the access serving the proposed three dwellings is overdesigned. Access is a reserved matter and amended details can be secured as part of a reserved matters application.

An adequate number of parking spaces can be secured for each dwelling.

Whilst access is a reserved matter it is clear that the dwellings can be satisfactorily accessed.

Impact on Protected Species

The application has been supported by a Phase One habitat survey for Great Crested Newts. The survey identifies that no Great Crested Newts were recorded as being present and therefore would not pose a constraint to development.

The Councils ecologist identifies that bats could be present within the trees within/adjoining the site. The indicative layout demonstrates that the trees would be retained, however this is an indicative layout which could be subject to change. A condition has therefore been suggested that these trees be retained and if they are required to be removed then a detailed bat survey be submitted.

The site has the potential to support breeding birds, including House Sparrow, and conditions are therefore suggested for surveys to be carried out if works commence during the breeding season. The House Sparrow is a biodiversity action plan priority species and therefore details should be submitted to incorporate features into the scheme.

Within the application site is a pond which is a Biodiversity Action Plan priority habitat and is shown to be retained. A condition is suggested for details of the enhancement of the pond.

Hedgerows are also priority habitats. The scheme would require the removal of the roadside hedgerow. Notwithstanding this a landscaping scheme could secure hedgerow planting to mitigate for its loss and a condition to this end is suggested.

Other matters

Concern has been raised with regard to the loss of the beer garden and parking. There is adequate additional parking to the north of the public house and there has been no concern raised by the Strategic Highways Manager. With regard to the loss of the beer garden whilst this is regrettable the public house itself would be retained and there is no policy objection as the community facility would be retained.

It is considered that the site can be satisfactorily drained and there has been no objection raised from United Utilities.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed dwellings would be sited within the settlement boundary for Worleston which is acceptable in principle. It is considered that the proposed development can be carried out on the site without causing harm to the character and appearance of the streetscene, the amenity of neighbouring properties or highway safety, through the submission of a satisfactory reserved matters application. The proposal is therefore in compliance with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), 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), RES.2 (Unallocated Housing Sites), RES.4 (Housing in Villages with Settlement Boundaries), TRAN.9 (Car Parking Standards), RT.1 (Protection of Open Spaces with Recreational or Amenity Value), RT.2 (Equipped Childrens Playspace), CF.2 (Community Facilities) and CF.3 (Retention of Community Facilities) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

Approve subjection to the completion of a s.106 agreement to secure on-site provision of affordable housing and subject to the following conditions:

- 1) Commencement of Development (Outline)**
- 2) Submission of Reserved Matters**
- 3) Time Limit of Submission of Reserved Matters**
- 4) Materials to be submitted and approved**
- 5) Surfacing Materials to be submitted**
- 6) Boundary treatment**
- 7) Removal of PD for extensions**
- 8) Drainage to be submitted and approved**
- 9) Height limitation – no greater than two storeys**
- 10) Landscaping scheme to show a replacement hedgerow to Main Road Boundary**
- 11) Pond to be retained details of its enhancement to be submitted with landscaping reserved matters application**
- 12) If works carried out during bird breeding season, survey to be carried out and submitted**
- 13) Details of enhancement features for House Sparrow to be submitted prior to commencement of development**
- 14) Landscaping scheme to demonstrate the retention of trees, if removed detailed bat survey required**
- 15) details of external lighting to be submitted and approved**
- 16) Construction Hours**
- 17) Details of Pile Driving**
- 18) Details of the storage of bins/refuge to be submitted and approved.**

