

Application No: 16/3664N

Location: THE WHITE LION, AUDLEM ROAD, HANKELOW, CW3 0JA

Proposal: Demolition of public house and erection of 5no. four-bedrom detached dwellings

Applicant: Mr Timothy Guttridge

Expiry Date: 27-Sep-2016

## **SUMMARY**

The site is located within the Settlement Boundary of Hankelow village. Within the settlement boundaries of the village, Policy RES.4 advises that the development of land or re-use of buildings for housing on a scale commensurate with the character of that village will be permitted in accordance with Policies BE.1-BE.5.

Given that the application property sits within the village boundary which consists of other residential properties it is considered that the proposal to erect 5 dwellings on this previously-developed and vacant site is acceptable in principle from a pure land use perspective.

Paragraph 49 of the NPPF states that 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The adverse impacts are that the proposal would result in the loss of the existing public house which is listed as an Asset of Community Value. However it has been demonstrated that the public house is not a viable business in the past and with little prospect of being viable in the future and that demand is limited for commercial use in this rural location. Therefore it is not considered to make a positive contribution to the local community.

The proposal would also bring positive planning benefits such as provision of market housing, a minor boost to the local economy, redevelopment of a previously developed site and is considered to be locationally sustainable given the location to the bus stop and the frequency of service.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

## **RECOMMENDATION**

**APPROVE with conditions**

## **REASON FOR DEFERAL**

Call in request from Cllr Bailey

## **PROPOSAL**

The proposal seeks consent for the demolition of public house and erection of x5 number of four-bedroom detached dwellings

## **SITE DESCRIPTION**

The application site is a long established disused public house building, which is currently known as The White Lion, is situated on the corner of Audlem Road and Longhill Lane in Hankelow.

The area consists of predominantly residential properties which bound the site to the east, south and east and also across the road to the west.

The site comprises a two storey building together with a single storey extension to the south and several single storey extensions and outbuildings to the rear.

The principal buildings are positioned along the western boundary of the site fronting the highway (Audlem Road). The eastern portion of the site comprises a large car parking area and small garden/amenity area ('beer garden').

There are two points of access to the site; one at the south western corner adjoining Audlem Road and the other at the north east of the site adjoining Longhill Lane. The site measures 2,024 square metres (0.2 hectares).

The site is within the village settlement boundary as per the Crewe and Nantwich Local Plan and is classified as an Asset of Community Value

## **RELEVANT HISTORY**

7/03337 – Re-siting of a private garage (approved 1977)

7/16868 – Alterations and extensions (approved 1989)

## **LOCAL & NATIONAL POLICY**

## **Borough of Crewe and Nantwich Local Plan 2011**

Policy BE.1 – Amenity  
Policy BE.2 – Design Standards  
Policy BE.3 – Access and Parking  
Policy BE.4 – Drainage, Utilities and Resources  
Policy NE.5 – Nature Conservation and Habitats  
Policy NE.10 – New Woodland Planting and Landscaping  
Policy RES.2 – Unallocated Housing Sites  
Policy RES.3 – Housing Densities  
Policy TRAN.9 – Car Parking Standards  
Policy CF.3 – Retention of Community Facilities

## **Cheshire East Local Plan Strategy – Consultation Draft March 2016 (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

Policy MP1 – Presumption in Favour of Sustainable Development  
Policy PG1 – Overall Development Strategy  
Policy PG2 – Settlement Hierarchy  
Policy SD 1 – Sustainable Development in Cheshire East  
Policy SD 2 – Sustainable Development Principles  
Policy SE 1 – Design  
Policy SE2 – Efficient Use of Land  
Policy SE5 – Trees, Hedgerows and Woodlands  
Policy SE13 – Flood Risk and Water Management  
Policy CS4 – Residential Mix  
Policy EG 2 – Rural Economy

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

## **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 – Presumption in favour of sustainable development  
17 – Core planning principles  
47-50 – Wide choice of quality homes  
56-68 – Requiring good design  
70 – Promoting Health communities

## **Supplementary Planning Documents (SPD):**

North West Sustainability Checklist

Community Right to Bid: Non-statutory advice note for local authorities

## **CONSULTATIONS**

### **Highways (Cheshire East Council)**

No objection

The proposal will unlikely result in a net increase in pedestrian and vehicle trips and the highways impact will be minimal

### **Environmental Protection (Cheshire East Council)**

No comments received at the time of writing the report

### **Archaeology**

No objection subject to condition requiring the implementation of a programme of archaeological work prior to commencement

### **United Utilities**

No objection however advice/guidance notes offered to the applicant which can be attached by informative

### **Parish Council**

- Contrary to NPPF paragraph 70 which requires LPA's to plan for cultural facilities/services and to guard against the unnecessary loss of these facilities
- Statement is inaccurate regarding the facilities at the Golf Club at Hankelow and the Community Rooms in Hankelow Methodist Chapel. Both of these venues are operated privately and in respect of the Chapel, where pre-booking for hire is required, there are covenants which restrict its use, including a prohibition on the serving of alcohol. Brookfield Golf Club, although open to non-members, is a private concern orientated towards the needs of its member clientele who pay a premium for the facilities provided by the Club. It is not an alternative to the White Lion, nor does it seek to be. Moreover, it is only available for part of the year (closed between September and April after 5.00 pm).
- The pub has been used for myriad activities over the years including quiz nights (monthly from 2011-2015), dominoes, meetings of Hankelow Amenities Group; the Neighbourhood Plan Steering Group and the annual community dinner. It also serves a wider community than Hankelow parish, drawing residents from Audlem, Hatherton, Buerton and surrounding area.
- The pub has a 200-year history as a successful public house as evidenced in the application under the Community Right to Bid scheme, despite a few recent turbulent years. During 2013-2015 the pub won two awards and was drawing favourable customer comments from a wide area.
- It features not only as a building, but also as one of the reasons why some residents moved to the village and is an important part of community cohesion.
- Contrary to policy BE1 as it represents an inappropriate use of the site taking account of the local area.
- Contrary to policy CF3
- Increase in traffic movements
- Use inappropriate to the local area

- Proposal is unnecessary as housing stock being met by other sites
- The applicant did not consult with the Parish Council in advance of submitting the application contrary to the Localism Act 2011
- Building is listed as an Asset of Community Value
- A Ministerial statement published in January 2015 announced an intention to change the law to provide event greater protection for pubs which play a crucial role at the heart of communities and this would stop valued community pubs from being demolished or converted into difference uses against the will of local people.
- The Government provided £250,000 to 'Pub is the Hub' and to the Plunkett Foundation in 2013-2014 and 2014-2015 to help pubs to diversity into providing a wide range of community-focused services to help local residents buy and operate co-operative pubs. The Community Right to Bid, which came into effect in 2012, gives community groups a fairer chance to prepare a bid to buy community buildings that are important to them.
- The Government has provided a £19m support programme to help eligible community groups to take on community ownership.
- The applicant's 'Market Demand Report' is considered to be flawed. The reason for the failure of the business pre-January 2016 can be attributed, in part, to the fact that the public house was only open for part of the week and a large part of the premises was not heated. Moreover, the future success of the pub cannot be gauged accurately on the short period from January 2016 to date.
- The Parish Council will seek to establish the building as a community pub, applying for financial support from eg, the Plunkett Foundation. There is overwhelming community support for retaining this building as a public house and an independent village committee has been established with the aim of taking this forward.
- The Parish Council challenges whether the owner has marketed the building for sale or proceeded direct to seeking planning permission to demolish.

## **REPRESENTATIONS**

7 letters of support have been received which raise the following points;

- The pub is not and will never be viable
- Housing development more useful to the community than an empty pub
- Not sustainable business
- Proposal would be visually in keeping with the area
- Limited housing proposal would meet local need for housing

39 letters of objection have been received which raise the following points;

- Local landmark
- Fulfils local need
- Sustainable as a pub
- Role of the pub could be enhanced
- Increased need for community facility given housing growth
- HS2 and Northern Power House would increase visits to the village
- Have alternate schemes been considered
- Exacerbate drainage problems
- Proposals are higher density than exists in the village

- Building Listed as an Asset of Community Value and should be retained
- Article 4 directive should be used to prevent further changes along with policy to retain public houses
- Cultural and heritage value should be protected
- When open the pub provided at meeting place and successful quiz nights were held
- Pub included in a local pub guide on Trip Advisor
- Loss of employment
- Parish Council were not approached regarding the failing of the pub
- Applicant was offered the chance to meet with a community group but has decided to await the determination of the application
- Contrary to local and national planning policies
- The local Golf Clubs are restricted in hours and use and cannot full fill the gap left
- Loss of community facility is unsustainable
- Insufficient evidence regarding the viability of the pub
- Could be successful under the right management
- Site benefits from passing trade
- Hanklow is visited by walkers and cyclists
- Other rural pubs are successful
- Hanklow does not need more housing
- Bats in the roof space
- Replacement buildings are not locally distinctive
- Loss of light
- Noise and dust from construction

## **APPRAISAL**

The key issues are:

- The principle of the development
- Loss of existing employment use
- Loss of an asset of community value
- Amenity
- Ecology
- Impact on trees/important landscape features
- Character/appearance
- Highway safety

## **APPRAISAL**

### **Principle of development**

The proposal would meet one of the core planning principles as contained within the NPPF which states 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'*

The site is located within the Settlement Boundary of Hanklow village. Within the settlement boundaries of the village, Policy RES.4 advises that the development of land or re-use of buildings for housing on a scale commensurate with the character of that village will be permitted in accordance with Policies BE.1-BE.5.

Given that the application property sits within the village boundary which consists of other residential properties it is considered that the proposal to erect x5 dwellings on this previously-developed and vacant site is acceptable in principle from a pure land use perspective.

Consideration against Policies BE.1-BE.5 (amenity, design, highway safety, drainage and infrastructure) are accessed below along with consideration of the environmental value of the site.

## **Housing Land Supply**

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

## **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”*

The NPPF determines that sustainable development includes three dimensions:- 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;

These roles should not be undertaken in isolation, because they are mutually dependent.

## **Environmental role**

### Locational Sustainability

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. 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.

Recommended standards (m denotes metres):

Post box (500m)



Post Office (500m)  
Amenity Open Space (500m)  
Children's Play Space (500m)  
Primary School (1000m)  
Outdoor Sports Facility (500m)  
Local meeting place (1000m)  
Leisure Facilities (Leisure Centre and Library) (1000m)  
Public House (1000m)  
Child Care Facility (nursery or crèche) (1000m)  
Bus Stop (500m)  
Public Right of Way (500m)  
Pharmacy (1000m)  
Railway station (2000m where geographically possible)  
Any transport node  
Bank or cash machine (1000m)  
Supermarket (1000m)  
Secondary School (1000m)  
Medical Centre (1000m)  
Convenience Store (500m)

No assessment has been provided against the above criteria. However the proposal would likely fail most of the criteria. This assessment identifies that the site would not be located near to a number of key services, which are located in Audlem village

However the site is approximately a one minute walk from the nearest bus stop which offers frequent services to Nantwich, Audlem and Whitchurch via the bus service 73. The site is situated off the Audlem Road which connects Hankelow to Nantwich (approximately 6 miles to the north) and Audlem (approximately 1.7 miles to the south).

Audlem provides shops, a primary school and community facilities with some opportunity for access to jobs as well, although there are no major employment site.

As a result, whilst the location of the site would be distant from a number of key facilities and would in some circumstances encourage the use of the car, it is considered that the access to the regular bus service to the nearby large service centres of Audlem, Nantwich and Whitchurch, that the site would represent a sustainable location and as such would adhere to the NPPF.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

## **Design**

The area is characterised by predominantly detached residential properties consisting of bungalows and regular 2 storey dwellings with a mixture of traditional and modern design and with render and red brick finishes.

Properties are arranged linearly in a row of ribbon development with a single layer of properties fronting the road; however this built pattern is broken to the north and south by built form which extends further to the south-east.

The proposal seeks to demolish the existing public house and erect x5 detached properties, with 2 of these properties fronting Audlem Road and 3 of these properties fronting Longhill Lane.

Given that detached properties are the predominant property type it is considered that the detached properties proposed are appropriate to the setting. The design seeks to mirror locally distinctive features such as the use of mock Tudor frontages, which is a feature noted on other properties fronting Audlem Road.

The arrangement of the properties is a consequence of the siting at a corner plot and is not is not considered to be contrary to the existing urban grain noting that they follow the road frontage.

Property frontages, depths and heights are comparable to other properties in the locality and the ratio of built form to garden areas is also comparable, particularly in relation to properties on Long Hill Lane.

Finally the proposals also respect the existing building lines noting that plots 1 and 2 are set behind the built line of Holly Cottage of Audlem Road, plot 3 would be sited no closer to the road than that of the existing public house and plots 4 and 5 set behind the build line of Smithy House off Longhill Lane.

As a result it is considered that the properties can be accommodated on the site without causing significant harm to the overall character/appearance of the area.

## **Trees**

Policy NE.5 advises that the LPA will protect, conserve and enhance the natural conservation resource.

The site does not contain any trees. Limited planting was noted to the eastern boundary which is to be retained and additional planting is proposed to the Audlem Road frontage to the north.

As a result the proposal would not cause harm to existing landscape features and would provide the opportunity to increase trees/planting on site.

## **Highway Safety**

Policy BE.3 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

The proposal has been assessed by the Councils Highways Engineer who concludes that the proposal will unlikely result in a net increase in pedestrian and vehicle trips over and above that associated with the use of the existing public house. Therefore the highways impact will be minimal.

Sufficient visibility splays are also to be provided and shown on plan 'SCP/16220/F02 ver C'. Off-road parking provision accords with Council standards and adequate on-site turning areas have been proposed.

As a result it is not considered that the proposal would pose any significant harm to the existing highway network.

### **Flood Risk and Drainage**

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

United Utilities have been consulted as part of the application and have raised no objections subject. However it is considered that drainage details could be secured by condition to prevent local flooding.

It is also considered that the removal of the large area of built development including existing hardstanding will present a benefit in terms of control of surface water run off.

### **Ecology**

The application has been supported by a protected species survey prepared by a suitably experienced ecological consultant.

This identifies that evidence of bat activity in the form of bat droppings and feeding remains was recorded within the existing buildings, however the bat activity surveys did not record any evidence of bats currently roosting within the building.

The Council's Ecologist has also assessed the proposal and has concluded that the existing buildings are unlikely to currently support a legally protected bat roost. However he has recommended a condition requiring an updated Bat Survey if works are not commenced before June 2017.

Therefore it is not considered that the proposal could be accommodated with posing any significant concerns from an ecology perspective.

### **Environmental Conclusion**

On balance the proposed development is considered to constitute sustainable development from a locational perspective with a neutral impact in terms of trees, ecology, design, flooding and drainage, subject to conditions where necessary.

As such, it is considered that the proposed development would be environmentally sustainable.

### **Economic Role**

It is accepted that the construction of a housing development would bring the usual economic benefits to the closest public facilities in the closest villages for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new residents' spending money in the area and using local services.

### **Social Role**

The proposal would provide additional housing stock which would go some way to addressing the national housing shortage.

### **Loss of existing pub/Asset of Community Value**

This consideration relates to both social and economic aspects of sustainability.

Since the application was submitted the existing Public House was successfully nominated as an Asset of Community Value (ASV).

Paragraph 70 of the NPPF advises planning policies and decisions should guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs

Policy CF.3 of the local plan advises 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.

As the proposal seeks to demolish the existing public house, it is therefore necessary to consider whether the public house makes a positive contribution to the life of the community and if so whether its loss would be unnecessary and if alternate provision has been made to mitigate its loss.

To assist in the assessment, the application has been supported by a marketing statement under taken by a local estate agent, Butters John Bee. This report advises as follows:

- *Analysis of information and local market knowledge*

*We have researched the businesses operating at the property to ascertain the reasons for business failures. The property location does not benefit from significant passing traffic and Hankelow, aside from Golfing facilities is not a destination for visitors whilst nearby villages and towns are considered to be destination choices for drinking and eating establishments.*

*Between 2006 and 2016 eight separate tenants have occupied the property with variations of public house 'with food' offers. All experienced business failure with the landlord effectively subsidising the business with rent free periods and experiencing significant unpaid rent (arrears). We highlight two points that the business activity highlights:*

- 1) In 2009 the type of food offer changed to Indian Cuisine until 2012 until the business failed. This demonstrates that a variety of restaurant offers have been tested and operated from property but a sustainable business could not be achieved.*
- 2) The White Lion won the Nantwich Food award for best Pub with food in 2013 and 2014 whilst occupied by Mr Peter Haywood but the business still failed even with a 10 month rent free and resulted in a lease assignment.*

- *Conclusion of Butters John Bee*

*We are of the opinion a pub and restaurant business cannot be sustained at the property due to the following reasons:*

- 1. Hankelow has a small population who have demonstrated in the past a lack of consumer support for the White Lion with the conclusion there is no local demand for the services provided.*
- 2. The rural/village location with a lack of passing trade.*
- 3. The effect of significant competition from a number of local pubs/restaurants at Audlem, Woore, Whitchurch and Nantwich and a lack of incoming consumers to Hankelow.*
  - Combermere, Audlem appx 1.5 miles away*
  - Birdge Inn, Audlem appx 1.5 miles away*
  - The Shroppie Fly, Audlem appx 1.5 miles away*
  - The Deli Café, Audlem appx 1.5 miles away*
  - The Pinfold Café, Audlem appx 1.5 miles away*
  - The Chetwode Arms, Mill Green. appx 2.8 miles away*
  - Coopers Arms, Woore appx 5 miles away*
  - The Swann, Woore appx 5 miles away*
  - Falcon Inn, Woore appx 5 miles away*
  - The Globe, Audlem Road. appx 5.7 miles away*
  - The Globe, Maer. appx 6 miles away*

*Butters John Bee have substantial experience of marketing a variety of property types including public houses and restaurants to either sell or lease in Cheshire, Shropshire and North Staffordshire. It is our opinion the property no longer supports a viable public house and restaurant use and an owner occupier or commercial tenant is unlikely to be found with long terms business viability. There is no evidence that trading conditions for this property will improve and it is highly likely that further businesses will fail resulting with the property being vacant for prolonged periods of time and the fabric and condition of the property will deteriorate and fall into disrepair leaving a prominent building adversely affecting the character of village.*

*There is no evidence of market demand for alternative commercial use. It is our opinion the property will attract significant demand for change of use to residential development which is sympathetic to the character of the village.*

#### *Marketing period*

*For over 12 years the property has been let to a number of tenants. After each failed the applicant undertook a marketing exercise to identify a new tenant. The most recent exercise was when the property was void between April 2012 and January 2013. During this time, the property was marketed for a period of 9 months with no interest received until Mr Peter Heywood agreed to take the lease on in January 2013 (points 7 & 8 of the market report) and the marketing ceased. A copy of that marketing information is attached.*

*The property has always been marketed for a use that it has planning permission for, hence A4 uses, typically pub tenants, would have been attracted to this property. The nature and design of*

*this property did not attract other potential community uses in this time as these would have clearly come forward over the various marketing stages. If a prospective occupier had come forward for an alternative use (that required planning permission), it would have been necessary for a planning application to be submitted prior to that tenant agreeing the lease. However no such uses came forward.*

*As you will have seen in the Market Demand Report, this 'stop-start' marketing exercise attracted a range of end-users over the last 12 years however given their limited success this merely led to a continuing curve of the public house's decline as no tenants were able to make a viable business.*

*With this taken into account, the applicant decided to consider alternative options to use the site when the property became vacant in February 2016. A planning application was prepared to redevelop the site with the intention of informing a new marketing exercise to establish a wider range of uses, including residential development, should planning permission be granted. With this taken into account, this is why there is no evidence for marketing in the last 10 months.*

#### *Additional supporting information*

*The Planning Statement and the Market Demand Report both demonstrate that the applicant has offered significant incentives to his tenants since he took ownership of the property in 2004 to provide an environment where the public house could be run in a viable way. This included 3, 6 and 10 month rent free periods at the beginning of the leases to the respective tenants in order to give them the best possible start to their business. Notwithstanding this, all of these ventures failed to be profitable and consequently the tenants terminated their leases within 2 years of occupation (or they were made bankrupt). In addition to this, this public house has been run without a tie to a specific brewery, this enabled tenants to purchase their beers, wines and spirits from wherever they chose to and therefore go for the most affordable deals available (with public houses that are tied to breweries typically paying 50% more for their alcohol than non-tied public houses). The applicant understands that in all of these cases, none of the ventures proved to be profitable.*

*Whilst the applicant (who is the landowner) was never party to the financial information of his tenants, his knowledge of the industry (as he owns a number of other more successful public houses and retail properties) suggests that the profit margins that could be achieved for the White Lion would have been relatively tight (once payment of rates, staff wages, stock and other costs are deducted from the overall turnover). A public house in this location, with its relatively small local customer base within walking distance, means that it would need to achieve most of its income from passing trade or for it to succeed as a 'designation pub'. Given the unreliability of this element of the business model, it is often difficult to obtain finance backing from banks due to fluctuation in the income stream. This becomes even more difficult when there are a significant number of public houses and restaurants in nearby Audlem (which has a significantly greater pull as a tourist and visitor location due to its canal, village character, associated shops and services as well as community events, and has a higher population).*

#### *Replacement/alternative community facilities*

*Whilst the loss of this community facility is regrettable, a building of this significant size (which has been designed specifically as a public house and restaurant) would make it very difficult for*

*another community uses to utilise all of the space efficiently. The significant car parking area and public house garden also provides issues of public liability that would need to be carefully managed. Furthermore, the option of subdividing the plot to provide a smaller building for a community use with the remainder developed for housing is likely to result in an unviable scheme with a community use that would likely also fail (as history of the White Lion suggests). It is key for this site to be designed appropriately in order for this prominent site to continue to be in keeping with the character of Hankelow, and the proposed development removes a building which is not of particular high quality. Furthermore, the site's location on the road junction between Audlem Road and Longhill Lane means that access and car parking for the site needs to be carefully designed to ensure that it meets highway safety standards. By introducing a mixed use into the site, this is likely to result in an over-development of the scheme which would compromise highway safety and would be unlikely to be supported by your highway officer.*

### Officer appraisal

The information provided advises that the property has been let to 8 separate tenants over the last 10 years. However all attempts appear have failed to operate successfully over this period of time with the landlord subsidising the business rent free periods. The reasons for the failures are stated as being due to the lack of demand given the small population of Hankelow (approximately 272 people), the rural location and lack of passing trade and the impact from competition from other public houses.

Whilst it would appear that the pub was performing well in the years 2013/2014 by winning the Nantwich Food award for best Pub with food, this achievement in itself does not appear to have been enough to sustain the business.

As a result the evidence provided suggests that the pub has not operated successfully for the last few years and Butlers John Bee do not consider that it will be able to operate as a viable business in the future. No financial figures have been provided showing the decline in turn over of the business however the applicant advises that this is due to the landowner not having the figures from the tenants and given the number of historical tenants who have operated from the premise. However the supporting statement provided by the applicant suggests that the profit margins that could be achieved for the White Lion would have been relatively tight.

The reasons suggested being that a public house in this location, with its relatively small local customer base within walking distance, means that it would need to achieve most of its income from passing trade or for it to succeed as a 'designation pub'. It also advises that given the unreliability of this element of the business model, it has been difficult to obtain finance backing from banks due to fluctuation in the income stream. The supporting information also advises that competition from a number of public houses and restaurants in nearby Audlem is another factor. The applicant has also given consideration to retaining part of the building for community use however considers that design of the building, which has been designed around its use as a public house/restaurant, would make it very difficult for another community uses to utilise all of the space efficiently. They also consider that the significant car parking area and public house garden also provides issues of public liability that would need to be carefully managed. They have considered the option of subdividing the plot to provide a smaller building for a community use with the remainder developed for housing however consider this is likely to result in an unviable scheme with a community use that would likely also fail. They also consider multi uses at this road junction

and the site's location on the road junction would compromise highway safety. This highway point is not evidenced and therefore no weight should be given to this consideration.

It is considered that the applicant has demonstrated a strong case in support of their application. It is considered that the use of the building as a public house is not viable and there is no evidence of market demand for alternative commercial use. As a result it cannot be considered to make a positive contribution to the social or cultural life of the community.

As the proposal would result in the loss of an ACV regard should be had to guidance contained in The Community Right to Bid: Non-statutory advice note for local authorities which advises of the following:

*"The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case"*

It is therefore for the Local Planning Authority to consider whether the ACV is a material planning consideration and how much weight to attach to it in the decision making process.

In this instance it is clear from the number of neighbour comments that the local community considers the public house to be a valued community facility. Therefore the impact on the ACV is considered a material planning consideration which carries significant weight in the decision making process.

It is therefore necessary to weigh up the benefits and adverse impacts of the proposal in the planning balance. The benefits are the removal of a building which has been demonstrated to be unviable for commercial use and with no evidence of market demand for future uses and replacement with additional housing stock which would go some way to addressing the national housing shortage. The dis-benefits are the loss of the ACV and the impact this would have on the local community.

Paragraphs 7 & 14 of the NPPF refers to the presumption in favour of sustainable development as being the social, economic and environmental roles. It is therefore necessary to assess the proposal against each role.

Social – the public house when in use would provide social benefit to the local community and provide a local meeting place. However given that the public house is currently vacant and has been for 10 months, it is not currently providing any social benefit to the local community. The proposal would however see the provision of market housing which would go some way to addressing the nation housing shortage and would full-fill part of the social role.

Economic – given that the public house has been deemed unviable both now and in the future, it is not providing and will continue not to provide any economic benefit to the local community. Balanced against this, the proposal would provide some limited economic benefit in the form of employment during the construction period and the spending power of future occupants.



Environmental – the existing building does not have any heritage value, therefore its loss and replacement with housing is considered to have a neutral visual impact. The replacement buildings would be constructed to modern building standards and materials which would improve the environmental function of the building.

In conclusion whilst the loss of the community facility is regrettable, it has been demonstrated that the public house is not a viable use and with no evidence of market demand for future uses, on balance it is considered that the loss of the ACV is outweighed by the benefits of the proposal to provide additional housing stock to meet the national housing shortage than retain a building which is not viable for commercial use and is considered a sustainable form of development.

On this basis it is not considered necessary to seek to provide an alternate community facility.

## **Residential Amenity**

Policy BE.1 advises that development should not prejudice the amenity of occupiers or future occupiers of adjacent properties by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

Policy BE.2 requires a high standard of design, which respects the character and form of its surroundings.

### Holly Cottage

The nearest property (plot 1) would be sited 1.5m to the windowless side elevation. Whilst it would project approximately 3.5m from the rear built line of Holly Cottage, it would be sited approximately 1.5m from the shared boundary and also complies with the unofficial 45-degree code which suggests no harm through loss of outlook/oppressive impact.

There would be potential light loss during the early morning however the impact would be limited to a short period and would not impact on the main usable garden area. Such a relationship between properties is also not uncommon in modern housing estates.

### Poolside Cottage

The nearest property (plot 3) would be sited 16.5m to the side boundary, plot 5 would be sited 25m to the side boundary and plot 4 would be sited 18m to the windowless side elevation, these separation distances are considered sufficient to prevent significant harm to living conditions.

### Smithy House

The nearest property (plot 5) would be sited 21m to the side elevation containing secondary living and bedroom windows, this separation distance is considered significant to prevent significant harm to living conditions.

### Internal plot layouts

The proposals provide adequate separation distances internally to prevent overlooking between windows. Whilst plot 5 would be sited just 6.5m from the boundary shared with plot 2, the impact would be limited to the end section of garden and would not impact on the main usable garden area. This relationship is also not uncommon in modern housing estates.

As a result it is not considered that the proposal would cause significant harm to the living conditions of the occupiers of neighbouring properties.

### **Other matters**

The proposal is not of a size to require any contributions to affordable housing, open space or education.

It is noted that a Hankelow Neighbourhood Plan is currently being prepared, however it is yet to reach Regulation 14 stage and therefore cannot be attached any significant weight at this stage.

### **Planning Balance**

The site is located within the Settlement Boundary of Hanklow village. Within the settlement boundaries of the village, Policy RES.4 advises that the development of land or re-use of buildings for housing on a scale commensurate with the character of that village will be permitted in accordance with Policies BE.1-BE.5.

Given that the application property sits within the village boundary which consists of other residential properties it is considered that the proposal to erect x5 dwellings on this previously-developed and vacant site is acceptable in principle from a pure land use perspective.

Paragraph 49 of the NPPF states that 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 and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The adverse impacts are that the proposal would result in the loss of the existing public house which is listed as an Asset of Community Value. However it has been demonstrated that the public house is not a viable business in the past and with little prospect of being viable in the future and that demand is limited for commercial use in this rural location. Therefore it is not considered to make a positive contribution to the local community.

The proposal would also bring positive planning benefits such as provision of market housing, a minor boost to the local economy, redevelopment of a previously developed site and is considered to be locationally sustainable given the location to the bus stop and the frequency of service.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the adverse impacts. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1) Time period within 3 years**
- 2) Approved plans**
- 3) Material to be provided**
- 4) Bet survey required if not commenced before June 2017**
- 5) Implementation of a programme of archaeological work**
- 6) Existing and proposed land levels to be provided**
- 7) Drainage strategy to be provided**
- 8) Removal of permitted development rights for extensions**

**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 her 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.**

