

Application No: 20/3175M

Location: The Crown, 96, CHURCH STREET, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5QD

Proposal: Change of use and conversion of former public house and associated residential accommodation into two dwellings. Demolition of outbuilding structure at rear.

Applicant: Mr Morgan, Alderley GB 1 Ltd

Expiry Date: 17-Sep-2020

SUMMARY

This application seeks planning permission for the change of use of the Crown Public House, Church Street, Bollington and the partial demolition of some outbuildings to the rear of the premises.

There has been a serious attempt to market the pub as a going concern which has been unsuccessful. The use as a public house, owing to remedial works and the lack of interest to continue its current use have demonstrated that the premises are no longer viable. The loss of the pub is therefore accepted.

The site is located sustainably within the village of Bollington and the proposal represents an efficient re-use of a building. It is considered that the proposal is environmentally, socially and economically sustainable and accords with the Development Plan and the National Planning Policy Framework.

The proposal is acceptable in terms of its impacts on the Conservation Area, character and appearance of the site and area and neighbouring amenity.

Bearing all the above points in mind, it is considered that the proposal accords with relevant Development Plan policies.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

The application is to be presented at Northern Planning Committee as Cllr Stott has requested it be called in to Committee for the following reasons;

- *Under the Employment and Business Policy Regulations for the Regeneration of existing Employment Land in Cheshire East Council's Planning Rules it states that proposals for change of use from C1, B1, B2 and B8 which reduce overall employment will not be supported.*
- *It should be demonstrated that no alternative user can be found and that although the Bollington Neighbourhood Plan gives a period of two years there is a minimum term in Cheshire East Council of 6 months.*
- *Bollington Neighbourhood Plan states There should be an appropriate and realistic marketing exercise which includes onsite visible signage, online marketing detailing the sale, viewing and negotiating opportunities, records of enquires and outcomes, an asking price in line with similar properties in the region, and consultation with Bollington Town Council at the outset.*
- *This public house is not redundant nor is it an unused car park.*
- *The site is within 20 metres of a water course*

DESCRIPTION OF SITE AND CONTEXT

The site is a public house known as 'The Crown' which is located on Church Street in the Bollington and Kerridge Conservation Area. This part of the Conservation Area is also the subject of an Article 4 direction, which seeks to control minor proposals which would usually be permitted development such as external modifications to protect the character of the conservation area.

The building is a traditional double fronted Public House constructed from local Kerridge stone with an outbuilding to the rear which lies between the pub and a large car park at the rear. This provides vehicular access off Ingersley Vale.

The pub has a central entrance with dining/snug and lounge areas to the front area of the building and kitchen, servery and toilets to the rear of the ground floor. The first floor contains a manager's flat comprising three bedrooms, a bathroom, kitchen and lounge.

DETAILS OF PROPOSAL

Full planning permission is sought for the change of use of the Public House to two residential flats. The building would be vertically split with each flat having a lounge/kitchen, family room, 3 bedrooms, bathroom and en-suite. There would be private amenity space to the rear and 2 parking spaces for each flat.

The proposal would include the partial demolition of an outbuilding to the rear and the infilling of a rear entrance corridor.

The front elevation would remain the same as existing and the rear elevation would include some changes to fenestration, mostly at ground floor. The side elevation would have an old door way reopened to create access to Flat 2

RELEVANT HISTORY

54930P - Internal illuminated sign - Refused 13-Oct-1988

44269P - Kitchen extension - Approved 14-Mar-1986

40274P- Extension to form gents toilets and bedroom - Approved 04-Apr-1985

20/3162M - Proposed erection of three dwellings together with associated access and car parking - Pending

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

IN1 Infrastructure

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient development

SE12 Pollution, Land Contamination and Land Instability

SC4 Residential Mix

SE7 The Historic Environment

Appendix C – Parking Standards

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

Macclesfield Borough Local Plan (MBLP) – Save Policies

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)

DC9 (Protected Trees)

DC38 (Guidelines for space, light and privacy for housing development)

DC42 (Subdivision of properties for residential purposes)

NE11 (Nature conservation)

BE2 (Preservation of historic fabric)

Bollington Neighbourhood Plan (made on 1 June 2018)

R.P1 Retain retail offerings

BE-P2 Conservation area

Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Framework (NPPG)

Cheshire East Design Guide

CONSULTATIONS (External to Planning)

United Utilities – No comments received

Manchester Airport – No objection

Head of Strategic Infrastructure (Highways) – No objection

Lead Local Flood Authority (LLFA) - No comments received

Environmental Protection – No objection

Bollington Town Council -.Object for the following reasons:

- The marketing exercise submitted is inadequate. It is neither realistic nor appropriate and does not accord with Bollington Neighbourhood Plan Policy Retail Policy R.P1 Retain and develop retail offerings which states *Other than as provided for in the GPDO*, change of use from Classes A1 and A3 - A4 will be supported where it can be demonstrated that no alternative user can be found through an appropriate and realistic marketing exercise.* * *Town and Country Planning (General Permitted Development) (England) Order 2015.*
- Inaccurate and misleading information provided in the application
- No loss of employment which is incorrect, unknown date for closure which is incorrect, and the premises is in flood Zone 1 which is not detailed in the application
- There is a Covenant on the car park of this development which is alleged to prevent its development for housing (which may not be a planning consideration)
- There should be an appropriate and realistic marketing exercise which includes onsite visible signage, online marketing detailing the sale, viewing and negotiating opportunities, records of enquires and outcomes, an asking price in line with similar properties in the region, and consultation with Bollington Town Council at the outset. This has not met basic Planning Rules nor taken into account the Bollington Neighbourhood Plan.
- The application is inaccurate and written in such a way to suggest that the premises have been closed for some time. This was not a redundant public house or an unused car park and has been in every day use until quite recently.
- The application also states that it is not within 20 metres of a water course and in fact it is much closer to a watercourse than that so should be resubmitted with all the necessary guidelines observed.

REPRESENTATIONS

3 letters of objection have been received which raise the following concerns:

- Church Street and neighbouring Lord Street are very narrow village lanes subject to a high volume of traffic which could not cope with further traffic that will be brought with the addition of more dwellings
- When a previous development was approved a number of years ago it resulted in a approx. 15 metres of neighbours boundary hawthorn hedge being unlawfully removed by the developer to enhance the views from the gardens of the new properties, resulting in litigation
- This area of Bollington has been developed enough
- Bollington Neighbourhood Plan was overwhelmingly passed following the referendum in March 2018
- Following a difficult period for all retail businesses, public houses were permitted to reopen on the 4th July, nearly all the pubs in Bollington and Kerridge have reopened except for The Crown
- The proposal does not accord with Bollington Neighbourhood Plan Retail Policy R.P1 to retain and develop retail offerings as the submission does not address this and therefore does not accord with the wishes of Bollington residents who predominately supported the adoption of the plan
- A period of time should be allowed before consideration of change of usage from the Crown Pub as a business to conversion for housing. Due to Covid 19 having played a part in the closure of the pub which is on the edge of popular walks. It is a pub with a large beer garden unlike many in the area. Additionally given the knock on effects of Covid 19 consideration should be given to whether the statutory requirements should be extended in these exceptional circumstances

OFFICER APPRAISAL

Principle of Development

The site lies within the Bollington and Kerridge Conservation Area and a Predominantly Residential Area as designated in the adopted Macclesfield Borough.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined *"in accordance with the plan unless material considerations indicate otherwise"*.

As stated in paragraph 11 of the National Planning Policy Framework (NPPF) and Cheshire East Local Plan Strategy (CELPS) Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay".

Principle of the Change of Use

Paragraph 92 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. CELPS Policy SD 1 states that *'Sustainable development in Cheshire East' requires development to, wherever possible, provide appropriate infrastructure to meet the needs of the local community, including community facilities*". Also *"that it should contribute to protecting and enhancing the natural, built, historic and cultural environment"*.

Bollington Neighbourhood Plan Policy R.P1 – Retain and develop retail offerings states that:

"... 3. Other than as provided for in the GPDO, change of use from Classes A1 and A3 - A4 will be supported where it can be demonstrated that no alternative user can be found through an appropriate and realistic marketing exercise. * Town and Country Planning (General Permitted Development) (England) Order 2015"*

The explanation of what is required in an active and realistic marketing is explained as follows

- i. On-site display of visible, prominent signage, including contact details – this is mandatory for vacant premises. For occupied premises, if it is unacceptable to the seller a satisfactory written explanation must be included in the required Notification to Bollington Town Council;*
- ii. A website detailing the sale;*
- iii. Viewing and negotiating opportunities;*
- iv. A record of enquires and outcomes;*
- v. An asking price in line with similar properties in the region;*
- vi. Notification of Bollington Town Council at the opening of the exercise"*

In respect of Policy R.P1, the information submitted as part of the application states;

- i. "The premises were still in business when marketing of the premises first began. It is normal practice for businesses not to display the fact that the premises are for sale as this would be likely to have a detrimental impact on the clientele and subsequently business trade. Any interested party looking for a public house premises would have looked at specialist web sites such as Christie & Co, where the building and business were advertised.*
- ii The property was actively marketed by the agents Christie & Co online and a copy of the sales brochure has been provided.*
- iii Christie & Co's website lists public houses for sale. The property was listed by the agency on 17 July 2019 with the property going live on the agency system on 29 July 2019. As part of their marketing campaign, details of the property were emailed to a total of 1,069 clients registered with the agency. The property received an additional 148 web views with four parties requesting further details and information thereafter.*
- iv Christie & Co confirmed that despite their best endeavors, there were no requests for viewings or offers received to continue the use of the premises as a licensed public*

house. Given that our client was the only party to progress with the sale, no other outcomes are available.

- v The premises were marketed at £425,000, a realistic asking price, and whilst it is effectively an end terraced premises, it incorporates three bedrooms, plus outbuildings together with a large car park, which is quite different to the adjacent terraced properties within Bollington. Research on Zoopla confirms that in December 2020, the average house price in Bollington is £295, 638. No 88 Church Street sold in June 2020 for £225,000 and includes only two bedrooms. The views of independent estate agents Gascoigne Halman were obtained on the selling price of the premises, who stated that "Given the opportunity that has presented itself to us in terms of the redevelopment of the pub and the site I feel that £425,000 is an extremely modest and fair sum to pay"*
- vii As referred to, the marketing of the premises started prior to the applicants involvement in the site and therefore they would not have had any control discussing the matter with Bollington TC over this via the planning application process. However, Bollington TC would and have had an opportunity to comment on the application."*

The submitted marketing exercise demonstrates that efforts to market the pub as a going concern have been undertaken and no one has come forward to continue to operate the business. Active marketing started over 12 months prior to the submission of the application.

The lack of erecting a signage to advertise the sale of the property is not unusual as many businesses feel that it can negatively impact upon the existing business. In respect of not contacting Bollington Town Council in advance of the submission, this is something that most members of the public would not expect to undertake. 4 parts of the explanation of the policy have been complied and 2 parts have not.

The applicant has submitted further evidence to state *'that the business was only open prior to the covid shut down as the pub overtraded significantly and that a fair maintainable trade for a good was a lot lower than that achieved at the peak of the business three/four years previously'*. It is also important to note that *Bollington 'has several pubs so competition is high. Regional/National operators have invested large sums and written off large debts therefore smaller companies breweries have found it hard to compete'*.

Information has been submitted about the structural condition of the building and the cost to rectify the repairs required. The structural faults listed include a dangerous chimney, the roof being in poor condition, bulges in the front and side wall, vertical cracking, beams bending in the cellar, water ingress and a degree of settlement with underpinning to the rear extension required. The costs for works to undertake remedial works and renovate the pub to an acceptable standard would be £522,000. It is submitted by the applicant that to the continuing use of the building as a public house would not generate sufficient funds to be able to undertake these works. However, the conversion of the building to residential use would allow those works to be undertaken.

It has been demonstrated by the submitted marketing information and structural information that the use of the premises as a public house is no longer viable. The proposal would not result in a designated community asset and the proposal is considered to comply with CELPS Policy SD 1 and the aims of neighbourhood plan Policy R.P1.

Heritage

The existing building lies within the Conservation Area and is in a prominent position on the corner of Church Street and Ingersley Vale and therefore adds to the character of the area.

A Heritage Impact Assessment is submitted which states *that the test contained within the NPPF, 'is whether the harm to a heritage asset is outweighed by the public interest and benefits of a proposal'*. It concludes that *'the proposed works will result in a neutral/benign impact on the heritage asset the conservation area and that there are strong public interests to overcome this impact'*. This is also confirmed by the Council's Conservation Officer. It is submitted by the applicant that continuing the use of the building as a public house would not generate sufficient funds to be able to undertake the remedial works required and this evidenced by a structural survey.

There is policy support for the preservation and reuse of such buildings in CELPS Policies SD 1 and SE 7 which state that development should *'contribute to protecting and enhancing the natural, built, historic and cultural environment'* and also *"that heritage assets should be retained and reused where practicable"*. Also, saved policy BE2 of MBLP which seeks to preserve, enhance and interpret historic fabric and Policy BE.P2 of Bollington neighbourhood Plan. The proposal complies with these aims and would give the premises a viable use, which would safeguard the heritage asset.

Design and Impact on the Character and Appearance of the Area

The property lies within the Bollington and Kerridge Conservation Area where the main consideration is whether or not the proposed development would preserve or enhance the character or appearance of the Conservation Area. The proposal is considered to have a neutral impact upon the conservation area as the building would be seen "as existing" as the building would be sympathetically converted with minimal external alteration. On this basis, the proposal will preserve the character and appearance of the Conservation Area and the overall impact of the proposal on the character of the area is acceptable in relation to Policies SE 1, SD 2 and SE 7 of the CELPS.

Residential Amenity

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings. However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m.

As the building sits on the corner of Church Street and Ingersley Vale, the impact upon adjacent neighbour amenity would be acceptable due to the distance between the new flats

and adjacent neighbours (in excess of 28 metres). The upper floor is already in use as manager's accommodation so there is currently some overlooking of the surrounding area.

The insertion of windows on the rear elevation at ground floor level could be screened by appropriate boundary treatment around the rear and southern elevation. This detail could be secured by condition.

The change of use to residential use would reduce the potential for noise particularly in the evening. Therefore it is considered that the impact of the proposal on the residential amenity of the neighbouring properties subject to condition is within acceptable limits in line with saved Policies DC3, DC38 and DC42 of the MBLP.

Highways and Parking

Bollington is designated as a Local Service Centre where the parking standards at Appendix C of the CELPS advise that a parking provision of 2 spaces per 2/3 bed dwelling is provided.

The proposal includes four parking spaces to the rear of the building with access off Ingersley Vale. It is considered that the pedestrian and vehicular access to the site is safe and suitable; and off-street car parking provision is in accordance with the parking standards.

The location of the Public House in a local service centre means that it is within walking distance of many facilities. Accessibility is considered to remain in accordance with the objectives of saved Policy DC6 of the MBLP.

Trees and Landscape

There will be no trees lost as a result of the proposed conversion and landscape impacts would be neutral. The scheme therefore complies with Policies SE 4 and SE 5 of the CELPS and saved Policy DC9 of MBLP.

Nature Conservation

A Bat Survey was submitted which indicated that there are no bats present in the building and it has very low potential for a bat roost. It is considered that it complies with Policy SE 3 of the CELPS.

Flood Risk / Drainage

The site is located over 30 metres away from the Dyers Pond at Ingersley Vale. Comments have been received regarding the potential for flooding. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. As such no flood risk concerns are raised. The application is deemed to comply with policy SE 13 of the CELPS, which broadly requires that new development should reduce flood risk. No comments have yet been received from United Utilities and these will be reported to members by update should they be received.

CONCLUSIONS

Bollington Neighbourhood Plan Policy R.P1 seeks to retain and develop retail offerings in Bollington. It is designed primarily to protect existing retail clusters due to it being a linear town. It does acknowledge that *“hotels, cafés and restaurants are important to residents, employees and clients of Bollington’s businesses and tourists”*. However there are also heritage policies within the development plan, which seek to protect the historic fabric of the Conservation Area and there is a policy presumption in favour of the re-use of buildings for sustainability reasons. While the objections are noted, much of the work required to show that the public house has been the subject of a detailed marketing exercise has been undertaken and submitted. The costs involved in making the building safe and secure for the building to continue as a public house are significant. There are other public houses within walking distance of the site further north on Church Street. Therefore, there has been a serious attempt to market the pub as a going concern which has been unsuccessful. The loss of the pub is therefore accepted.

The use of the building, part of which is currently a manager’s flat at first floor would ensure the continued protection of the building which forms an important feature in street scene of Bollington and Kerridge Conservation area.

Bearing all the above points in mind and subject to conditions, it is considered that the proposal accords with relevant Development Plan policies and as such it is recommended the application be approved.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) 3-year commencement**
- 2) Development to be carried out in accordance with approved plans**
- 3) Details / samples of facing materials to be submitted for approval**
- 4) Details of lighting scheme to be submitted for approval**
- 5) Removal of permitted development rights for extensions and outbuildings**
- 6) Parking spaces provided prior to first occupation**
- 7) Details of bin storage to be submitted and approved**
- 8) Details of cycle storage to be submitted and approved**
- 9) Details of boundary treatments to be submitted with stone wall retained**
- 10) Electric vehicle charging point to be provided at each property**
- 11) Dust Management Plan to be submitted and approved**
- 12) Contaminated land – verification of any imported soils**
- 13) Contaminated land – watching brief for removal of any hard standing**
- 14) Protection for nesting birds**
- 15) Scheme of features for breeding birds to be incorporated into the development to be submitted and approved**

In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated

authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

