The Planning Inspectorate

Appeal Decision

Site visit made on 8 May 2017

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 June 2017

Appeal Ref: APP/P3420/W/17/3169702
Offley Arms Hotel, Poolside, Madeley, Crewe CW3 9DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by London & Edinburgh Pension Scheme LLP against the decision of Newcastle-Under-Lyme Borough Council.
- The application Ref 16/00594/FUL, dated 4 July 2016, was refused by a notice dated 10 November 2016.
- The development proposed is the erection of 3no. Dwellings.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 3no. Dwellings at The Offley Arms Hotel, Poolside, Madeley, Crewe CW3 9DX in accordance with the terms of the application, Ref 16/00594/FUL, dated 10 November 2016, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by London & Edinburgh Pension Scheme LLP against Newcastle-Under-Lyme Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect on highway safety, having particular regard to the vehicular access and the efficient operation of the highway network in the vicinity of the site.

Reasons

4. The Offley Arms Hotel is a substantial traditional red brick public house and restaurant which is situated in a prominent location fronting directly onto Poolside and overlooking the village pond. It is located within Madeley, relatively close to the village centre and within walking distance of a large proportion of its residential community. Furthermore, there are public transport links close by which provide connections to the nearby towns and settlements. Overall, I conclude that the site lies in a sustainable location.

5. Saved Policy T16 of the Newcastle-Under-Lyme Local Plan, (Local Plan) 2003 advises that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem. I am however mindful that the Local Plan predates the National Planning Policy Framework (the Framework) which makes it clear that local planning authorities should only

impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.

6. Poolside is a classified road and in the vicinity of the site on-street parking is unrestricted. However, the appeal site does not lie within a dense residential or commercial area where there is a high competition for on-street parking. There is no development along the western side of Poolside, and the neighbouring properties of Pool House and The Cottage both have curtilage parking. Furthermore, Poolside Fish Bar which is located close by has a large forecourt parking area available for the use of its customers.

7. The maximum level of car parking required for The Offley Arms Hotel, based on levels specified in the Local Plan, would be 30 spaces. The existing car park provides 35 spaces, and as a consequence of the appeal proposal the number of spaces would be reduced to 24 which would not be significantly below the maximum requirement. Furthermore, in support of the application a car parking survey was undertaken to show the extent to which the existing car park is used. Over the two week period in which it was surveyed the maximum number of cars on the car park as anyone time was nine. The Council do not appear to dispute the results or this study or its methodology, and I note that the Highway Authority also did not raise any objections to the proposal. Moreover, I have not been provided with any substantive evidence to illustrate that there is a particular issue with on-street parking in the vicinity of the site, or to demonstrate that on-street parking causes congestion in the area.

8. I have taken into consideration the car parking survey undertaken by a neighbour over a weekend period. Although on one of those days 31 spaces in the car park were utilised, on the remaining days less than 24 spaces were in use. On the evidence I have before me I am not persuaded that the 24 spaces that would be retained for the public house and restaurant would not be sufficient to meet the needs of its customers. Even if the proposal did result in increased competition for on-street parking I am not persuaded that this could not be accommodated on Poolside. Whilst third party evidence suggests that private accesses have been obstructed in the past, this is likely to have been caused by inappropriate parking. Moreover, I am not persuaded that the existing level of, or an increased demand for on-street parking is, or would be, detrimental to highway safety or the safety of pedestrians.

9. Having regard to the paragraph 39 of the Framework, the sustainable location of the appeal site and the characteristics of Poolside I conclude that in this case it is appropriate to apply flexibility to the Council's Local Plan car parking standards.

10. The appeal proposal would not alter the existing vehicular access arrangement which would continue to serve the car park and the proposed dwellings. Although part of the access drive it is too narrow to allow two vehicles to pass, drawing no. 4277-01-14 which was submitted with the appeal documents, clearly illustrates that at the junction of the access with Poolside there is sufficient space to allow a vehicle to enter the site whilst a vehicle is waiting to exit onto the highway. Furthermore, there is a clear line

of sight along the short access drive between the road and the car park. Drivers of vehicles entering or leaving the site are able to observe oncoming traffic which would minimise the risk of vehicles meeting along its length and having to undertake reversing manoeuvres onto the carriageway.

11. Poolside has a wide pavement along the stretch of carriageway adjacent to the appeal site, and there is clear visibility in both directions for drivers of vehicles emerging from the site. I have not been provided with any evidence that would suggest that the existing access is unsafe for use by vehicles or pedestrians and I am satisfied that the additional vehicles movements associated with the proposed dwellings would not prevent it from continuing to operate as a safe and suitable access to the site.

12. I conclude that the appeal proposals would not have a harmful effect on highway safety, having particular regard to the vehicular access and the efficient operation of the highway network in the vicinity of the site. I find no conflict with the development plan, in particular in respect of Policy T16 of the Local Plan which seeks to ensure that new development, amongst other things, would not would create or aggravate a local on street parking or traffic problem. I also find no conflict with the Framework which seeks to ensure that new development provides a safe and suitable access to the site for all people.

Other Matters

13. I understand that the existing public house is an asset of community value which third parties wish to retain. However, there is no evidence before me that would suggest that the appeal proposal would prevent it from continuing to serve the community. I therefore give this consideration limited weight.

14. I have taken into consideration third party concerns regarding to damage to property during the construction period, access to private property and issues in relation to flooding. Any damage caused to a neighbouring property or impeding access to a private right of way would be a separate legal matter and not for my consideration in this appeal. The Council did not raise any specific issues in relation to flooding but suggested a condition to secure adequate surface water drainage which I have imposed to prevent any increase in risk of flooding from the site.

15. The appeal site is located within Madeley Conservation Area. The site is tucked away at the rear of Poolside and its visibility to the wider Conservation Area is limited. The Council are satisfied that the design and layout of the proposed dwellings would respond well to its immediate surroundings and I agree with then Council's conclusion that the appeal proposals would preserve the character and appearance of the Conservation Area.

Conditions

16. The Council has suggested a number of conditions which I have considered against the advice in the Framework and Planning Practice Guide. As a result I have amended some of them for clarity and consistency and omitted others.

17. I have imposed a condition specifying the approved plans as this provides certainty. It is also necessary to impose a condition to require the car

parking for the public house to be laid out prior to the development commencing in the interests of highway safety.

18. There is evidence that there is a potential for unknown land contamination on the site and for this reason I have imposed a pre-commencement condition to require an assessment of the risks posed by contamination to safeguard the living conditions of future residents.

19. A condition relating to the method of construction is required prior to the commencement of development, and a condition to secure the hours of construction are necessary to safeguard the living conditions of neighbouring residents.

20. Conditions requiring the details of cycle parking facilities, vehicular access, parking and turning area, including refuse disposal facilities, lighting and drainage are necessary in the interests of highway safety, to promote sustainable transport modes and to safeguard the character and appearance of the area. Conditions requiring details of tree protection, landscaping, materials of construction and specifying the details of the roof lights are necessary to protect the character and appearance of the conservation area.

21. I have imposed a condition relating to the provision of specified glazing and ventilation systems to safeguard the living conditions of future residents.

22. The Council has suggested a condition to remove permitted development rights for extensions or alterations to the proposed dwellings, including additions or alterations to the roof, erection of a porch or any building or enclosure incidental to the enjoyment of the dwellinghouses. The condition is recommended in the interests of safeguarding the character and appearance of the Conservation Area. The Planning Practice Guide advises that conditions to restrict the future use of permitted development rights should only be used in exceptional circumstances. Permitted development rights take account of the new development within Conservation Areas and the dwellings would not be sited on a constrained plot or in a prominent location within the Conservation Area. I do not therefore consider that this condition is reasonable or necessary to safeguard the character or appearance of the area.

23. I have not imposed a condition suggested by the Council in relation to imported soils or to require details of changes in ground levels. The site is relatively level and there is no evidence that the appeal proposals would require soils to be imported or that ground levels would substantially change. I do not therefore consider that the suggested conditions would be necessary.

Conclusion

24. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Scale 1:1250; Sketch Scheme Option 6, Ref 4277-01-11 Rev H; Proposed Elevations (scheme option 6), Ref 4277-01-12 Rev D; Proposed Floor Plans, Ref 4277-01-13 Rev A.

3) The works comprised in the development of the new dwellings hereby permitted shall not take place until the parking and turning areas for the neighbouring Public House have been provided in accordance with drawing no: 4277-01-11 Rev H with the spaces clearly delineated. The parking and turning area shall thereafter be retained for the sole use of the Public House.

4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

5) The development herby permitted shall not be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

   i) a site compound with associated temporary buildings;

   ii) the routing of construction vehicles;

   iii) timing of deliveries;

   iv) the parking of vehicles for site operatives and visitors;

   v) loading and unloading of plant and materials;

   vi) storage of plant and materials used in constructing the development;

vii) measures to prevent the discharge of deleterious material and surface water onto the highway.

6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

7) No development shall take place until full specification details (including construction, layout, surfacing, surface water drainage and lighting) of the vehicular access, parking spaces and turning areas to serve the dwellings has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of any dwellings and thereafter the turning and car parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

8) No development shall take place until a scheme for the operational management of facilities to be provided for the storage and empty of refuse and recycling bins have been submitted to and approved in writing by the location planning authority. The refuse and recycling facilities shall be provided prior to the first occupation of the dwellings and retained thereafter and managed in accordance with the approved scheme for the lifetime of the development.

9) Prior to the commencement of development above slab level details, including samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

10) Notwithstanding the submitted plans, before the development hereby permitted are first occupied full details of secure weatherproof parking for a minimum of 3 cycles, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details before the development is first occupied and shall thereafter be retained for the life of the development.

11) The development hereby permitted shall not be occupied until details of full landscaping proposals which shall include proposals for tree planting have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season after completion of the development, or within 12 months of the commencement of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size

and species unless the Local Planning Authority gives written consent to any variation.

12) The glazing and ventilation systems recommended within section 8.0 of the noise assessment report provided by Martec Environmental Consultants Ltd, dated 4 October 2016 and referenced 20161010 7824 Madeley.docx shall be installed within the development and, thereafter, maintained.

Details of any mechanical ventilation system, or passive input ventilation system, to be used shall be supplied to the local planning authority for prior approval to ensure that they do not provide a pathway for external noise to enter the building and do not act as an unacceptable noise source themselves.

Following approval, the approved ventilation system shall be installed and, thereafter maintained.

13) Demolition or construction works, including the operation of machinery and processes shall take place only between 0700hours and 1800hours on Mondays to Fridays, 0700hours to 1300hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

14) The proposed roof lights should be 'conservation style' and should be installed flush with the plane of the roof slope within which they are to be installed, unless otherwise agreed in writing with the Local Planning Authority prior to development commencing.