



# Appeal Decision

Site visit made on 24 August 2022

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 October 2022**

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**Appeal Ref: APP/Q4245/W/22/3296154**

**Pelican Inn and Motel, 350 Manchester Road, Altrincham, WA14 5NH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by New Care (Altrincham) Ltd against Trafford Metropolitan Borough Council.
  - The application, Ref 105786/FUL/21, is dated 7 September 2021.
  - The development proposed is Demolition of existing buildings and their replacement with a specialist residential scheme to provide a care home (Use Class C2) and fully accessible and adaptable apartment scheme (Use Class C3), new access, car parking provision, open space, and associated work.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application follows the failure of the Council to determine the planning application within the prescribed period. Had it been able to determine the application, the Council has indicated that the application would have been refused.
3. I note the reasons for refusal set out within the Council's Committee Report. While this is not the application decision, as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.

## Main Issues

4. The main issues are:
  - The effect of the proposal on the character and appearance of the surrounding area and The Pelican Inn, a non-designated heritage asset,
  - the effect on the social and cultural needs of the community,
  - whether sufficient affordable housing has been proposed; and,
  - whether the proposal would provide suitable quality of accommodation for future occupiers in terms of outdoor amenity space and floor space provision.

## Reasons

### *Character and Appearance*

5. The appeal site covers a sizeable area between Manchester Road and Malpas Drive, it contains a large public house with an attached hotel surrounded by a significant car park and a smaller green space. The public house, Pelican Inn, is of some age and the Council has identified it as a non-designated heritage asset (NDHA) while the hotel building is much newer and does not have any historic interest.
6. Manchester Road is a thoroughfare characterised by primarily residential development and small groups of commercial both of which follow the road with a strong building line.
7. As noted above the Pelican Inn portion of the appeal site is considered to be a NDHA by the Council. I note the appellants concerns regarding this, including how it was identified. However, the Planning Practice Guidance is clear that local planning authorities can identify NDHA through planning applications.
8. In this case I understand that the mock-Tudor public house was built by George Wescott, a local architect of some renown, in the 1930s. It is now of a relatively rare style nationally, and is located on a site which has a long historic connection to public houses. Although extended and altered to the rear, the front and two sides are generally intact and present the most visual interest. Moreover, it still sits amongst dwellings contemporary to its construction and to which it was built to serve. To this end I find that its significance stems from the history of the site, including its local connections, the rarity of this once common style of public house, and the extent to which the building still retains its important architectural features. Therefore, and lacking any evidence to the contrary I have no reason to disagree with the Council's findings that the Pelican Inn is a NDHA.
9. The proposal would, by way of the demolition of the public house, result in the loss of the NDHA. This would consequently cause the complete loss of its associated historic interest and significance as outlined above. However, the u-shaped hotel building to the rear of the site is of a relatively modern and low-quality design. Architecturally it bears little relationship to the public house or the residential dwellings which adjoin it. Its loss, therefore, would not be detrimental to the historic interest of the site nor to the character and appearance of the wider area. Nevertheless, harm would still occur from the demolition of the public house.
10. The two proposed replacement buildings would follow the general pattern of development along Manchester Road, being primarily linear and parallel to the road. Although I am mindful that the care home building would project significantly away from the road, resulting in a T-shape, this would not be a significant or prominent feature from the street scene to the detriment of the prevailing pattern of development.
11. The dwellings and commercial properties within the street scene and wider area are primarily characterised by their relatively traditional appearance, two-storey height and pitched roofs. Therefore, as the apartment and care home buildings would be of a height between three and four storeys, and given their overall massing, they would be significantly larger than, and would not

reflect the prevailing character of, the buildings within the street scene. This is further exacerbated by the modern and simple materials, fenestration and detailing of the proposed buildings. Collectively they would not be sympathetic to the street scene or the character of the area, as outlined above, and would consequently appear out of keeping.

12. Although the appellant has suggested that the proposed buildings would be of a human scale, I do not find that their design or height would afford such an impression for future occupiers or passers-by. Nevertheless, even if this were the case it would not be sufficient to outweigh the harm identified above.
13. Therefore, the loss of the Pelican Inn, a NDHA of architectural merit with historic connections to the area, would result in unacceptable harm to the historic character of the area. Moreover, the size, appearance and detailing of the proposed replacement buildings would result in incongruous additions to the street scene, which would have unacceptable and detrimental effects on the character and appearance of the area. The proposal would therefore conflict with Policies L7 and R1 of the Trafford Local Plan: Core Strategy (the CS) which, amongst other matters, require that developments are appropriate to their context, including with regard to height, materials, and elevational treatments, as well as protecting or enhancing the historic environment. The proposal would also conflict with chapters 12 and 16 of the National Planning Policy Framework (the Framework), including Paragraphs 126, 130, 195 and 203 with regard to ensuring high-quality, beautiful design, and the minimisation of conflict between proposals and heritage assets, including NHDA. In reaching this decision I have also been mindful of the guidance set out within the Planning Practice Guidance (the PPG) and the National Design Guide.

#### *Needs of the Community*

14. As noted, the appeal site contains a large public house which is currently vacant. Although not contained within a list of assets of communal value, the Framework considers public houses as community facilities. Paragraph 93 of the Framework seeks, amongst other matters, to plan positively for community facilities in order to enhance the sustainability of communities and residential environments, and to guard against their unnecessary loss, especially where it would reduce the community's ability to meet its day-to-day needs.
15. As a public house I find that the host building would primarily meet the social and cultural needs of the local community, such as socialising with friends and family and holding private and community events.
16. The appellant has directed my attention to 10 public houses within 2km of the appeal site. It is likely that these would meet the same social and cultural needs as the host building. However, I do not find that any of the public houses are so close as to provide attractive alternatives that readily serve the same community as the host building. Whilst the three closest examples are likely to cover some of the appeal site's catchment, given their distance and that the catchment extends beyond these examples, it is unlikely that they would serve the whole area. Moreover, it has not been demonstrated that these examples would be able to accommodate the displaced customers from the appeal site. In considering this I am also mindful of the concerns expressed in representations to the appeal.

17. Although the appellant has demonstrated that two years of marketing was carried out, this was primarily over the Covid-19 pandemic where the associated lockdown and social distancing measures significantly changed the leisure and hospitality market. I therefore find that the marketing is not representative of the norm and that consequently it would not justify the loss of the public house.
18. I am mindful of the current state of repair of the appeal building and that this would increase the cost of putting the building back in to use. From the evidence before me and my observations on site, the damages have occurred since the property closed and as a result of it remaining vacant.
19. Taking all this into account, there is insufficient evidence to demonstrate that the public house is no longer capable of functioning as a community facility. Consequently, I find that the loss of the host building would reduce the ability for the local community to meet their typical social and cultural needs to its detriment. It would therefore be in direct conflict with Paragraph 93 of the Framework as outlined above.

#### *Affordable Housing*

20. CS Policy L2 requires that new C3 housing developments within "hot" market locations provide 40% affordable housing and the Supplementary Planning Document SPD1: Planning Obligations (the SPD1) increases this provision to 45% under "good" market conditions. Both main parties agree that the site is within one of the "hot" market locations and that the current market conditions are "good". As the proposal would result in 22 apartments the above requirements would result in the provision of 10 affordable units.
21. Paragraph 64 of the National Planning Policy Framework allows for a reduction in the provision of affordable housing where the proposal reuses or redevelops brownfield land or a vacant building. Any reduction as a result of the vacant building credit must, however, be by a proportionate amount. The PPG suggests that such a reduction could relate to the floorspace of the existing and proposed buildings. In this case the existing public house and hotel would amount to effectively half of the proposed floorspace. Consequently, the appellant has put forward half the Council's suggested affordable housing units, namely 5. Subject to the vacant building credit applying to this case, I find that such a reduction would be proportionate.
22. In this case, it is clear from the evidence before me, and my observations on site, that the appeal site and buildings are currently vacant and not used for any purpose, including that of a public house and hotel. Whilst the site was marketed prior to the closure of the public house, I do not find that this demonstrates the appellant's intentions were to redevelop the site at the outset. Although there is some damage to the property which appears to have stemmed from vandalism, it is clear that the appellant has sought to secure the site. Moreover, the damage and length of the vacancy do not suggest that the building has been abandoned.
23. Although the host building may not have been vacant for 5 years, it has not been demonstrated that this would be necessary for the vacant building credit to apply. Moreover, it is not a relevant matter for the Council to consider if any incentive is needed for redevelopment as the incentive is provided by the Framework to encourage development.

24. In light of the above, the provision of 5 affordable housing units would be proportionate and acceptable, and therefore, in accordance with the vacant building credit. The proposal therefore complies with the overarching aim of CS Policy L2 to provide affordable housing, as well as with the guidance, as outlined above, within SPD1. The proposal would also comply with Framework Paragraph 64 with regard to the vacant building credit and the guidance within the PPG for assessing such a credit. Whilst CS Policy L8 has also been referred to by the Council, this relates primarily to the use of planning obligations and so does not directly relate to the matters upon which this issue turns.

#### *Living Conditions*

25. As noted above the proposal would result in a mixture of 1 and 2 bedroom apartments. Given the presence of 2 bedroom properties, it is likely that future occupiers will include children. Consequently, I find that the typical daily needs of future occupiers would include sitting out, relaxing, socialising and playing. The proposal includes the retention of a green space and trees on the site for use as an amenity space for future occupiers.

26. I am mindful that flats often do not come with significant areas of outside amenity space. Moreover, I note that there is a significant public park on the opposite side of Manchester Road from the appeal site. Between the park and proposed amenity space, future occupiers would be provided with a good level of outside amenity space for sitting out, relaxing, socialising and playing. I therefore find that, in this particular instance, given that the shared amenity space and the public park opposite would meet the daily needs of future occupiers, I am satisfied that this would provide acceptable living conditions for future occupiers.

27. The Council has made reference to the optional standards set out within the Technical Housing Standards – Nationally Described Space Standard (the Standards). The Standards set out, amongst other things, the minimum floorspace for new dwellings, including flats. However, this is an optional standard and paragraph 6 specifically refers to the local authority needing to adopt the standards within their local plan.

28. In this case, it is clear from the relevant policies provided by the Council that the Standards have not been adopted as part of the local plan. As such, whilst they can provide a useful starting point for the assessment of what amounts to a reasonable sized dwelling, it has not been determinative in my consideration of the appeal.

29. Nevertheless, it is clear that the 1 and 2 bedroom flats would meet, at the least, the smallest group of their respective types. In particular, the 2 bedroom flats, those that the Council object to, would all at least meet the requirements for a 2 bedroom 3 person property. As such I find that the proposal would provide suitable internal accommodation for future occupiers.

30. In light of the above, given the amount of internal and external amenity space proposed, the development would provide a suitable level of living conditions for future occupiers. The proposal would therefore comply with CS Policy L7 which, amongst other matters, requires that developments provide access to appropriate open space and not prejudice the amenity of future occupiers. It would also comply with Paragraph 130 of the Framework regarding the

promotion of health and well-being and the provision of a high-standard of amenity.

### **Other Matters**

31. I accept that the proposal, by way of the nature of a care home, would provide employment opportunities within the local area. However, this would also be true of a public house and hotel and does not override the harms that have been identified above.
32. I note the appellant's references to the quality of the existing stock of care homes and the possible effect on the living conditions of their respective occupiers. However, whilst these existing homes may provide a different standard of accommodation in qualitative terms, this has no bearing on the consideration of the appeal scheme, which needs to be assessed against current national and local planning policies.

### **Planning Balance**

33. The Government's objective is to significantly boost the supply of housing and the proposal would provide 22 new dwellings, including 5 affordable properties, and a 75 bed care home. It would also lead to a small and time-limited economic benefit during the construction phase, as well as social and economic benefits resulting from future occupiers. Given the scale of the proposal, these matters would attract moderate weight.
34. Although the proposal would provide a suitable level of living conditions for future occupiers, this is a requirement of development plan policy and would not constitute a benefit of the scheme in itself. As such, I attribute neutral weight to this benefit in my considerations.
35. Conversely, the proposal would result in harm to the character and appearance of the surrounding area, including the complete loss of a NDHA and its significance, and harm to the social and cultural needs of the community. These matters are in serious conflict with the development plan taken as a whole and attract substantial weight.
36. Accordingly, although the Council is presently unable to demonstrate that it has a genuine 5 year housing supply, the benefits that would be derived from the proposed development would be significantly and demonstrably outweighed by the harms that have been identified. There are no other material considerations that would suggest that a decision other than in accordance with the development plan and the Framework should be taken.

### **Conclusion**

37. For the above reasons, I conclude that the appeal be dismissed.

*Samuel Watson*

INSPECTOR