

Southern Planning Committee

Agenda

Date:	Wednesday, 5th August, 2009
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive apologies for absence.

2. **Code of Conduct - Declarations of Interest/Pre-Determination**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes** (Pages 1 - 6)

To approve the minutes of the meeting held on 15 July 2009.

4. **Public Speaking**

Please contact Julie Zientek on 01270 529641

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not Members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Applicants/Supporters

5. **P09/0095 Use of Agricultural Land as Rugby Pitches, Land off Wybunbury Lane Stapeley for Crewe & Nantwich RUFC** (Pages 7 - 22)

To consider the above planning application.

6. **09/1252N Outline application for residential development, 55-57 Remer Street Crewe CW1 4LU for Mr R Harrison** (Pages 23 - 30)

To consider the above planning application.

7. **09/1255N New Single Dwelling, Land adjacent to 87 Crewe Road, Nantwich, Cheshire for Mr J. Stuart** (Pages 31 - 36)

To consider the above planning application.

8. **09/1285C Proposed Manufacturing Building On The Former B Block Site, Including Ancillary Infrastructure Comprising Site Access Road, Security Gatehouse, Car Parking And An Internal Firing Range, BAE Systems, Land Systems Munitions, Radway Green, Alsager, Near Crewe, CW2 5PJ for Mr K Mellis, BAE Systems Properties Ltd** (Pages 37 - 44)

To consider the above planning application.

9. **09/1304N Demolition of existing building and construction of new foodstore with associated parking, Earl of Crewe Hotel, Nantwich Road, Crewe for Aldi Stores Ltd** (Pages 45 - 60)

To consider the above planning application.

10. **09/1646N Side and Rear Extensions, Heath Lea School Lane Bunbury CW6 9NR for Mr A Taylor** (Pages 61 - 64)

To consider the above planning application.

11. **09/1817N Proposed Dwelling Adjacent 51 Rope Lane, Wistaston. Re-Submission of P09/0193 at 51 Rope Lane, Wistaston, Crewe, CW2 6RH for Mr N. Windsor** (Pages 65 - 70)

To consider the above planning application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 15th July, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor B Dykes (Chairman)

Councillors T Beard, D Bebbington, M Davies, S Furlong, L Gilbert, S Jones,
A Kolker, S McGrory, A Richardson, R Walker and J Weatherill

OFFICERS PRESENT

Sheila Dillon (Senior Solicitor), John Ellis (Strategic Highways &
Transportation Manager), David Malcolm (Development Control Manager –
Sandbach Office) and Paul Moore (Principal Planning Officer –
Sandbach Office)

Apologies

Councillors G Merry, B Howell and J Jones

**35 CODE OF CONDUCT - DECLARATIONS OF INTEREST/PRE-
DETERMINATION**

Councillor S McGrory declared that, with respect to application number 09/0809C, he had been involved in discussions regarding previous planning applications for the site but had expressed no opinion with respect to the current application.

Councillor T Beard declared a personal interest in respect of application number 09/1325N on the grounds that he had been appointed as a Cheshire East Council representative on the Board of Wulvern Housing. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor B Dykes declared a personal interest in respect of application number 09/1325N on the grounds that he had been appointed as a Cheshire East Council representative on the Board of Wulvern Housing. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

All Members of the Committee declared that they had received correspondence in relation to application number 09/1598C.

Councillor L Gilbert declared that he had called in application number 09/1598C at the request of Twemlow Parish Council, but that he had not expressed an opinion and had not fettered his discretion.

36 **MINUTES**

RESOLVED – That the minutes of the meeting held on 24 June 2009 be approved as a correct record and signed by the Chairman.

37 **09/0809C OUTLINE APPLICATION FOR THE DEMOLITION OF A DWELLING HOUSE (NUMBERS 3 & 5) AND REDEVELOPMENT OF THE SITE. TOGETHER WITH THE ADJOINING HAULAGE YARD FOR UP TO 93 DWELLINGS AND THE PROVISION OF PUBLIC OPEN SPACE TOGETHER WITH ASSOCIATED HIGHWAY AND LANDSCAPING WORKS. THE APPLICATION SEEKS SPECIFIC APPROVAL OF THE SITE ACCESS FROM HOLMES CHAPEL ROAD, ALL OTHER MATTERS BEING RESERVED, LAND OFF JERSEY WAY, MIDDLEWICH FOR DANIEL KERSHAW, RUSSELL HOMES**

Note: Mr J Scott (on behalf of the local residents group), Mrs A McCall (supporter) and Mr W Booker, Singleton Clamp & Partners, (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be REFUSED for the following reason:

The proposed development would be contrary to Policies GR1 (parts iv and v), GR9 (part ii) and GR18 of the Congleton Borough Local Plan 2005 due to its unacceptable accessibility and traffic generation, and failure to ensure adequate and safe provision for access and egress for vehicles.

Note: Following consideration of this application, the meeting was adjourned from 3.05 to 3.10pm to enable members of the public to leave.

38 **P09/0095 USE OF AGRICULTURAL LAND AS RUGBY PITCHES, LAND OFF WYBUNBURY LANE STAPELEY FOR CREWE & NANTWICH RUFC**

Note: Mr G Evans (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on neighbouring residential amenities.

39 09/0650N EXTENSION TO CREATE EN-SUITE AND DRESSING ROOM, 8, GREEN LANE, WILLASTON, NANTWICH, CHESHIRE, CW5 7HY FOR MR R BOOTH

Note: Mr C Todd (on behalf of Willaston Parish Council), Mr W Blackburn (an objector) and Mr R Ashall, Ashall Town Planning, (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Materials to match existing dwelling
2. Approved plans

40 09/1325N DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW BUILDINGS AND REDEVELOPMENT OF LINK HOUSE TO PROVIDE 35 APARTMENTS AND TWO RETAIL UNITS WITH ASSOCIATED INFRASTRUCTURE, LAND AT 2 & 4 HEATHFIELD AVENUE AND 29, 29A & 31 HIGHTOWN CREWE

Note: Mr A Sladen-Dean (an objector), Mr G Allen, Geoff Allen Associates, (on behalf of the applicant) and Mr G Pike, Alison Pike Architects & Designers, (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the prior completion of a Section 106 Agreement to secure the provision of 12 affordable units for rent and the provision of a commuted sums payment towards the enhancement of existing open space

and the following conditions:

1. Standard
2. Approved plans
3. Materials
4. Surfacing materials
5. No demolition during bird breeding season or site checked by ecologist
6. Access and car parking to be provided
7. Cycle rack details and to be provided
8. Solar panels to be provided and maintained and method statement
9. No subdivision of retail units
10. A1 shops only

11. Landscaping
12. Landscaping implementation
13. Boundary treatment
14. Waste management plan
15. Sustainable urban drainage measures
16. Noise attenuation
17. Lighting scheme
18. Finished floor levels

**41 09/1515N THE INSTALLATION OF A RADIO BASE STATION
CONSISTING OF A 10M REPLICA TELEGRAPH POLE, CANNON
TYPE D AND G CABINETS AND DEVELOPMENT ANCILLARY
THERETO, LAND AT THE JUNCTION OF VALLEY ROAD,
READESDALE AVENUE, CREWE, CHESHIRE FOR O2 UK LTD**

Note: Mr E Jones (an objector) and Mr S Short (the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That PRIOR APPROVAL is REQUIRED, but the details be APPROVED subject to the following conditions:

1. Standard – 3 years
2. Monopole and antenna to be brown in colour, equipment cabinet to be green
3. Development to be completed in accordance with the approved plans

**42 09/1589N PROPOSED EXTENSION ON REAR OF DWELLING, 4
FULBECK CLOSE, WISTASTON, CREWE FOR MR SUTTON**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Standard Time Limit
2. Materials to Match Existing Building
3. Approved Plans
4. Rear Fence to be Retained

**43 09/1598C CONSTRUCTION OF ONE TWO-STOREY DWELLING WITH
DETACHED DOUBLE GARAGE AND NEW ACCESS.CONSTRUCTION
OF NEW ACCESS FOR EXISTING DWELLING, BEECH HOUSE,
TWEMLow GREEN, HOLMES CHAPEL CHESHIRE, CW4 8BN FOR
MR J HINDLEY**

Note: Mr C Hulley (an objector) and Mr Hindley (the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Standard commencement condition
2. Development to accord with approved revised plans
3. Removal of permitted development rights Class A to C of Part 1 Schedule 2 of GPDO 1995.
4. Limit hours of construction,
5. Limit hours of piling
6. Submission of samples of facing materials
7. Standard contaminated land conditions
8. Standard Tree Protection conditions
9. Standard Landscaping conditions

44 JUDICIAL REVIEW OF DECISION TO GRANT PLANNING PERMISSION, BRYANCLIFFE, WILMSLOW PARK SOUTH, WILMSLOW

The Committee considered a report which detailed the result of the Judicial Review proceedings brought against the decision of Macclesfield Borough Council to grant planning permission for the development at Bryanclyffe, Wilmslow Park South, Wilmslow.

In February 2008, following completion of a section 106 agreement, Macclesfield Borough Council had granted planning permission for the demolition of the existing house and erection of 3 apartments with undercroft parking on the site.

The legality of the decision to grant planning permission had been challenged on seven grounds and a hearing was held on 21 and 22 May 2009. The judge had determined that the Judicial Review application should succeed and had quashed the planning permission, on the basis that he agreed with three of the grounds, these being:

- that the Committee Report did not deal with the European Community Habitats Directive on protected species in regard to the bat roost that had been identified on the site;
- that the Committee Report failed to say whether there was compliance with the policies in the Development Plan or not;
- that there was a failure of the Council to take account of applicable policies.

In order to ensure that such a challenge could not be made against any future decisions of Cheshire East Council, it was necessary to amend

existing procedures and include in Committee reports more information relating to European Protected Species and more specific detail on compliance or otherwise with Development Plans.

RESOLVED

- 1 That the decision of the High Court be noted;
- 2 That it be noted that changes will be required in the processing of applications and content of reports as a result of the areas of challenge that were successful;
- 3 That it be noted that that the areas of unsuccessful challenge will be taken as the minimum level for processing and determining applications for Cheshire East.

The meeting commenced at 2.00 pm and concluded at 4.50 pm

Councillor B Dykes (Chairman)

Planning Reference No:	P09/0095
Application Address:	Land off Wybunbury Lane Stapeley
Proposal:	Use of Agricultural Land as Rugby Pitches
Applicant:	Crewe & Nantwich RUFC
Application Type:	Full
Grid Reference:	368019 351048
Ward:	Wybunbury
Earliest Determination Date:	4 th March 2009
Expiry Dated:	1 st April 2009
Date of Officer's Site Visit:	11 th February 2009
Date Report Prepared:	16 th March 2009/2 nd July 2009/20 th July 2009
Constraints:	Open Countryside

SUMMARY RECOMMENDATION:

Approve with conditions

MAIN ISSUES

- The impact upon the character and appearance of the area
- The impact upon neighbouring residential amenity
- The impact upon protected species
- Highways issues

1. REASON FOR REFERRAL

This application was deferred at the Southern Planning Committee meeting of the 15th July 2009 for a site visit. The applications was also heard at the Development Control Committee for Crewe and Nantwich Borough Council on 26th March 2009 with a determination to grant delegated powers to the Head of Planning to approve the application following further consultation with the Environmental Health Department and Ecologist at Macclesfield Borough Council regarding late representations which have been received. Following a review of the additional information submitted and on receiving legal advice the Head of Planning (now Development Manager) considers it inappropriate for her to exercise the delegated authority given in the committee decision, as it is necessary for the committee to apply its mind to the additional material included in this report at section 8 Officer Appraisal – Amenity and Protected Species (Addendum) and reach a decision in light of it.

2. DESCRIPTION OF SITE AND CONTEXT

The site is located on the northern side of Wybunbury Lane within the open countryside. The land is currently in agricultural use and is bound by a mix of hedgerows and trees of varying sizes and quality to the northern, southern and western boundaries. A 1 metre high post and rail fence forms the boundary to the eastern boundary of the site. Open drains run along the northern and western boundaries of the site. To the north of the site are the existing Crewe & Nantwich Rugby Club pitches and the Crewe Vagrants Club. Access to the site would be from the north via the existing access from Newcastle Road with the existing car park at the Crewe Vagrants Club serving the site.

3. DETAILS OF PROPOSAL

This is an application for the change of use of the land from agricultural to rugby pitches. The application does not include any buildings, advertising hoarding or floodlights.

4. RELEVANT HISTORY

P00/0605 - Renewal of Temporary Permission for Use of Agricultural Land as Rugby Pitches. Approved 6th December 2000

P98/0537 - Use of land as rugby pitches as extension to existing sports ground. Temporary approval given until 17th September 2000

5. POLICIES

The relevant development plan policies are:

Policies in the Local Plan

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.12 (Agricultural Land Quality)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RT.6 (Recreational Uses in the Open Countryside)

Regional Spatial Strategy

DP2 (Promote Sustainable Communities)

RDF2 (Rural Areas)

L1 (Health, Sport, Recreation, Cultural and Education Services Provision)

Government Guidance

PPS7 (Sustainable Development in Rural Areas)

PPS9 (Biodiversity and Geological Conservation)

PPG17 (Planning for Open Space, Sport and Recreation)

6. CONSULTATIONS (External to Planning)

Highways Authority: If the access to the land is taken off Wybunbury Lane the access would need to comply with CCC standards

Environmental Health: The hours of use should be restricted to; April – September 09.00 – 20.30; November – February 09.00 – 17.00 and March – October 09.00 – 18.30.

The Environmental Health Department have assessed the first Noise Assessment submitted by residents and make the following comments;

- The use of BS4142 as an assessment method for this type of noise is not appropriate as this method should only be used for the assessment of noise from industrial areas such as factories etc and not sports grounds.

- It is acknowledged that there is no standard specifically covering this type of noise. It is suggested that the preferred method of assessing the noise would have been to compare the ambient noise levels taken at the club (i.e. within 15m of the pitch as taken on the 11/3/2009) with those taken from the Spirrals. Therefore using the noise reading taken on the 11/3/2009 (as these are the only readings taken within a reasonable time of each other) the level at the Spirals is 51 dBA and the noise taken from the pitch when it is corrected for the difference in distance is 51dBA. This would demonstrate that there should be very little difference between the noise from the club and the noise currently experienced at the Spirrals.
- Unfortunately, it would not be appropriate to use the noise readings taken on the 15/3/2009 as the readings taken from the Spirrals was at a much earlier time of the day when compared with those taken from the Club. In addition, the noise reading taken from the Club are at a distance of about 100m from the pitch which when the correction factor is included this takes the noise level to 63dBA which is significantly above those taken within 15m and hence should better reflect the noise when the pitch is being used.
- With respect to the noise reading taken on the 5/3/2009 it is not possible to compare this against any of the other readings as it has been taken on a different day and hence the ambient noise levels in the area could have been different to the days when the other readings were taken.
- If as is suggested in the report the World Health Organisation Community noise levels are used (which should be based on a 16 hour day time reading and not short term reading of an hour or less) these indicate that the noise level at Spirrals is already in the category of moderate annoyance and this will not change with the noise from the use of the rugby pitches.

Therefore, based on the readings presented in the report it is considered that there will not be any significant increase in the ambient noise levels in the area as a result of the application being approved providing the proposed hours of use, as set out during our previous comments, is a condition of any approval that may be granted.

In terms of the second Noise Assessment submitted by a local resident at The Spirals Environmental Health have raised the following comments;

- Supplementary acoustic report (dated 23rd March 2009) does not provide any new noise readings but it does offer a different method of assessing whether the noise is likely to cause annoyance. It should be noted that this method should be used for the assessment of road traffic and it may not be appropriate for the assessment of noise from rugby pitches. However, this method compares LAeq values and the only readings that can be compared in the report are those taken on the Wednesday as these have been taken 15m from the boundary of the Vagrants (The Spirals will be 20m from the proposed boundary). When this level of 52dB is compared to the level at The Spirals taken on the same day (but not a similar time) which is 54dB this equates to a difference of 2dB which according to the table is insignificant and in order to perceive a change in noise level there has to be an increase of 3dB.
- In addition, using the noise levels taken on the Wednesday within 15m from boundary of the Vagrants it should be noted that this is also below the recommended level set by the World Health Organisation of 55dB in gardens and outdoor areas. Also the ambient levels taken at The Spirals are shown to exceed this level and that taken closest to the boundary of the Vagrants pitches.
- The assessment also uses readings taken at 100m from the boundary and then seeks to distance correct them. It would have been more accurate to use the same monitoring position for all of the readings which should have been the location at 15m from the boundary of the Vagrants and these should have been compared to ambient readings taken from The Spirals at a similar time. Also the assessment compares the ambient readings taken on different days of the week; this is not good practice because it is not possible to accurately predict what the noise level from the pitches would have been on these days.

- In conclusion, the Environmental Health opinion has not changed, when comparing like for like readings the residents submission does show that there would not be any significant increase in the noise levels bearing in mind that through the winter the hours of use will be controlled by not allowing flood lights and that the use of the pitches would generally follow the rugby season which is Autumn through to early Spring when the days are shorter. Also, whilst it is unlikely that the pitches will be used constantly through the day a condition could be imposed requesting that the pitches further away from the resident's property should be used first and the pitches which are the subject of this application should only be used as a last resort when all the others are in use hence limiting the time they are used.

Natural England: The Authority should request a mitigation package from the applicant for any impacts that will affect bats directly or areas they might use for shelter. Works should be carried out outside the bird breeding season (March to August) or if clearance works are undertaken then a check of the site should be made by a suitably qualified ecologist to ensure that birds are not present. If protected species are found on the site all works should stop until further surveys are carried out and a suitable mitigation package is developed.

Further representation received. Previous correspondence made on this application still stands. It is not for Natural England to decide on the level of the survey required. It is for the Local Authority as the competent authority to decide whether the applicant has sufficiently established whether or not protected species are present or not and the full extent that they may be affected by the proposed development. While Natural England does assess developments for licences and provide licences, it is not our decision as to whether a development will require a licence to proceed; this decision must be made by the applicant (via their ecologist). A licence should be applied for if, on the basis of survey information and specialist knowledge, it is considered that the proposed activity is reasonably likely to result in an offence. No licence is required if, on balance, the proposed activity is unlikely to result in an offence. While the decision for further surveys or not must be made by the Local Authority, if the application is approved without further survey, we would advise that on the basis of all evidence so far received that Reasonable Avoidance Measures (RAM'S) could be incorporated into a condition to avoid any possible disturbance of newts. If protected species are found on the site all work should stop until further surveys for the species are carried out and a suitable mitigation package is developed.

DEFRA: No comments received at the time of writing this report

Macclesfield BC Ecologist (acting as consultant to CNBC): A full Great Crested Newt survey is not required in this instance. This is based on the assessment that the development is likely to pose only a minor short-term threat to newts, if they were to be present, and that this risk could be reduced by the implementation of simple avoidance measures.

7. VIEWS OF THE PARISH COUNCIL:

No comments received

8. OTHER REPRESENTATIONS:

Letters of support have been received from the occupiers of Oaklea Farm, Wybunbury Lane & Nut Tree Farm, Wybunbury Lane raising the following points:

- Means for competitive sport for young people should be encouraged;

- The development will not affect the character of the area providing that there are no additional floodlights and access is not taken from Wybunbury Lane;
- Vehicular access should be taken via Newcastle Road;
- The proposal would bring a facility which could be enjoyed by all walks of life and would be a benefit to the community;
- The facility will keep young people fit and reduce obesity.

An additional letter of support has been received from the Crewe and Nantwich Rugby Union Development Forum which raises the following points;

- The membership of the CNRUFC Juniors and Seniors has outgrown the clubs current playing facilities. The juniors have teams right the way through from under 7s to under 18s (approximately 250 local young people) and the seniors have 4 teams (approximately 85 local adults). Currently there are only 2 pitches for these teams.
- These teams regularly train at the clubs facilities but have had to look for other training facilities to preserve the pitches such as using Reaseheath College, Nantwich Town FC and Brine Leas High School.
- Many volunteers have contributed to the clubs progress and there are approximately 35 volunteers with the juniors and approximately 20 volunteers with the seniors.
- There are a number of local groups and organisations that also use or would like to use the rugby union clubs facilities: primary school rugby festivals, high school rugby leagues, colleges and university games, rugby league club and council projects such as the Cheshire Youth Games.
- The purchase of more land is essential for the club and many other groups to provide better quality activities all on one site, as well as providing even more opportunities for local people.
- Furthermore, purchase of more land is central to the future development of rugby in the local area including providing opportunities for girls and ladies rugby.

Letters of objection have been received from the occupiers The Spirrals, Stapeley House, Sunnyside & Privet Cottage Wybunbury Lane and Haymoor Green Farm raising the following points:

- Loss of agricultural land
- Impact upon the open countryside;
- A sequential test is required to consider alternative sites;
- The application is invalid;
- The application does not provide sufficient detail;
- The applications does not indicate how the site is to be set out;
- Impact upon surrounding properties and other countryside users through increased noise and an acoustic survey will be carried out;
- Local residents have seen Great Crested Newts in the area and a full survey with adequate mitigation measures will be required;
- Impact upon Haymoor Green Farm which is a Grade II listed property;
- Residents continue to suffer unauthorised developments of the adjacent caravan storage and overnight parking facility;
- Light pollution;
- Impact upon residential amenity;
- Existing light and noise pollution from the Vagrants would be increased;
- Flooding/drainage;
- Vehicular parking along Wybunbury Lane;
- Further urbanisation of Wybunbury Lane which is under threat from an unauthorised caravan development;
- The development could be used by others for a precedent if further development is approved;
- The Club should approach other land owners and consider a less sensitive site;

- Inaccuracies in the applicants habitat survey.

An additional letter of objection has been received on behalf of the occupiers The Spirrals, in relation to the Committee Report presented at the last committee meeting. This letter raises the following points:

- The Environmental Health Officer appears to accept that, based upon World Health Organisation Community Noise Levels, the noise level experienced at The Spirrals in relation to the present Rugby Club use is in the category of "moderate annoyance". The existing use at its nearest point is more than 150 metres away from The Spirrals. To conclude that the proposed use (being 20 metres away at the nearest point) will not increase the level of annoyance is clearly perverse.
- In view of the concerns raised by the acoustic consultant's report surely it is incumbent on the applicant to produce evidence to demonstrate that noise levels generated by the proposed use will not lead to greater levels of annoyance or indeed complaints of statutory noise nuisance. The Council should be carrying out its own readings to satisfy itself that it has reached the correct conclusion.
- The proposed times of use represent an increase in use of the proposed rugby pitches from that previously approved on the expired consents. The times imposed on these expired consents (Saturdays and Sundays only between 9 a.m. and 4.30 p.m.) were imposed to protect the amenity of neighbouring residents following careful consideration of the Planning Committee back in 2000. For the Officer to now accept and recommend such a substantial change to the proposed times (basically any time during daylight hours throughout the year) and to justify it on the grounds that the Environmental Health Officer was not consulted on previous applications is not acceptable. The applicants have made it clear that they intend to extend and intensify the use of the Club's facilities. To effectively give them unrestricted use cannot be reasonably justified and no attempt has indeed been made to do this. It will result in the residents suffering from continuous disturbance from the proposed use during daylight hours all year round.
- The use of the existing facilities has given rise to complaints both direct to the Club and more recently to the Council's Environmental Health and Planning Enforcement Officers. As far as the residents are aware, these complaints remain unresolved. Floodlighting in respect of the existing use is persistently operated beyond the time limits referred to in the conditions attached to the existing consents. This already leads to regular noise disturbance well into the night. Again it seems perverse for the Council to consider granting consent for an extension and indeed an intensification of the Rugby use without resolving existing ongoing problems.
- The Planning Officer's conclusion that the noise impact on neighbouring residents is likely to be "intermittent and minor" is unfounded and misleading given that *there are a number of local groups and organisations that also use or would like to use the rugby union clubs facilities as stated in the Committee Report.*
- The proposed planning conditions relating to the laying out of pitches and landscaping do not enable further public consultation on these important issues. Given the concerns raised by the residents, this is clearly an unsatisfactory situation. Whatever is proposed should therefore be fully considered prior to determining this planning application. The previously submitted hand sketched drawing with no scaling is totally inadequate for this purpose.
- There are continuing concerns that the Committee is considering a proposal supported by inadequate information for what has become a major project which is being actively supported

by the Council. This is clearly unsatisfactory and could lead people to conclude complicity and thereby make any decision challengeable.

A further letter has been received from Planning and Law Ltd. This letter is not to supplement the objections already made but to consider whether the application has been lawfully handled. The letter relates to two aspects of the application;

- Ecological surveys and in particular issues relating to the presence or otherwise of Great Crested Newts
- Acoustic Survey Work and the issue of impact of noise on residential amenity and potential nuisance

One local resident has commissioned a separate Great Crested Newt Pond Appraisal which concludes that a full protected species survey will be required for the following reasons;

- The physical characteristics of ponds 1 & 2 indicated that the ponds potentially offer Great Crested Newts a suitable aquatic habitat;
- The presence of Great Crested Newts (GCN) at 'The Spirrals' was supported by;
- The presence of an adult smooth newt (smooth newts are often associated with GCN)
- The presence of sub-adult common frog and toad indicating a likelihood of successful amphibian breeding
- The availability and extent of good terrestrial foraging, shelter and dispersal habitat neighbouring the ponds
- The significant number of ponds within 500 metres of 'The Spirrals'
- The known presence of GCN in the wider area
- It is considered that to reliably establish the presence likely absence of GCN within ponds 1 and 2, a full GCN survey should be undertaken on both ponds at the appropriate time of year.

One local resident has commissioned 2 Noise Assessment's in relation to this application and this concludes that;

- The desirable external level of 50dB LAeq is likely to be exceeded if the sports activities occur at the extended site, opposite The Spirrals as proposed – Predicted levels 52 - 63 dB. Allowing for a 15dB reduction in open windows the 'reasonable' internal levels for bedrooms are likely to be exceeded. If activities at the sports club are doubled this could increase noise levels produced by these activities by up to 3dB, increasing current levels to between 55-66dB
- The expected wide range of noise levels produced by these activities depend on the number of games being played, how vociferous the participants are, the frequency of the whistle use, impact noise, spectators and so on and this is reflected in the results of monitoring
- From BS4142 the rating level is estimated to range between +9 and +25dB above the measured background noise level at 'The Spirrals'. From BS4142 this indicates a difference ranged between 'Above Marginal Significance' and 'Indicates that Complaints are Likely'
- WHO Guidelines - current levels suggest that the proposed extension is likely to cause a moderate to serious annoyance to the community in regard to outdoor living areas
- From the above criteria the proposed extension to the Crewe Vagrants site and the activities on this site are likely to result in annoyance to the rural community in this area, indicating that complaints are likely (also above marginal significance at times) and are likely to exceed desirable external and internal domestic noise levels.
- Noise levels at the Spirrals are likely to be around 10 dBA + lower than the levels from sporting activities at around the low to mid 40dB's – L90. Levels from the activities themselves are likely to range from the low to high 50 dB's to mid 60 dB's.

- It is considered that much of the noise from the proposed boundary would be above background noise levels in the area; in addition the character of the “sporting” noise is markedly different from the background noise. Consequently noise from the facility would be clearly audible.
- Noise with information (speech, songs, warning sounds and so on) more distracting than noise with little or no information (waves sound, wind in trees, traffic, boiler-house noise and so on). Most of the noise from this site is human speech with high information content, because the shouts between players are specifically to attract attention (of other players) but would naturally also tend to attract the attention of nonparticipants. The Spirrals faces directly onto the playing fields; therefore, residents would be most likely to be exposed to the noise in their gardens during summer evenings and weekends, i.e. out of doors. The level at which people speak is generally taken as 55 to 65 dBA.
- In addition, if the pitch is used by adults some of the shouts and calls do contain foul and abusive language. From my observations I consider that such language is commonplace when used by adults and appears to be part of the enjoyment of the participants, i.e. it is not likely that participants could be dissuaded from using such language and/or shouting to each other if unsupervised. In summary I consider that noise from the site, as proposed, could cause disturbance to the Spirrals and other residents, especially as it used primarily by adults.

9. APPLICANT'S SUPPORTING INFORMATION

Phase 1 Habitat Survey

- The habitats within the site are considered to be of only very local nature conservation value, with species present being common and typical of their type. The areas of some nature conservation in comparison were limited to the scrub and trees around the perimeter. If the redevelopment of the site retained much of the boundary vegetation the works would only therefore result in the loss of improved grassland of negligible conservation value;
- Any new proposed planting, should look to include a higher proportion of native species, of a local provenance, and/or selecting ornamental species that provide known benefits to wildlife as fruit and nectar sources;
- The Oak trees along the western boundary have medium potential for bats. It is recommended that any existing trees and shrubs within the site are retained within the development, (where feasible), as these can provide established foraging and roosting/nesting sites for bats and other wildlife as well as providing stepping stone habitats in to the wider area;
- In terms of nesting birds; any vegetation clearance should be undertaken outside of the bird breeding season (March to September inclusive);
- The ditches are considered unsuitable for water vole due to the lack of vegetation and degree of over shading of bank-side hedgerow/trees. Water voles are therefore not likely to pose any constraints to the development at this time;
- The terrestrial habitat within the site and the surrounding fields offered very limited suitable great crested newt habitat. Great crested newts are therefore not considered to pose any constraints to the redevelopment of the site at this time;
- The habitats on site are not considered suitable in supporting reptile species. The main body of the site was homogenous in structure providing limited varied vegetation for basking, foraging and cover. Reptiles are not considered to pose any constraints to the redevelopment of the site.

The applicant's ecologist has also responded to the comments made in the letter of representation regarding the procedural issues of the survey.

10. OFFICER APPRAISAL

Principal of Development

The site is located within the open countryside and Policy NE.2 allows development which is amongst other things essential for recreation. Policy RT.6 (Recreational Uses in the Open Countryside) allows development providing that it meets a number of requirements including that it does not harm the character or appearance of the countryside. In this instance the applicant has indicated that an extension in the number of rugby pitches is required due to growing numbers of members at the Rugby Club. The requirement for the use is accepted and given that Government Policy aims to support sport, general health and well-being the proposed use is considered to be acceptable and complies with Local, Regional and National Policies subject to an assessment upon the impact upon residential amenity, highways, the character and appearance of the area and the other issues addressed below.

Amenity

The site is located within close proximity to a number of residential properties with the nearest being The Spirals which is approximately 20 metres to the south of the site on the opposite side of Wybunbury Lane. Careful consideration therefore needs to be given to the impact of the proposals upon the residential amenities of The Spirals and other surrounding residential properties.

As no external lighting is proposed the use of the site will be limited to daylight hours only and the applicants have suggested the following hours of use which are linked to daylight hours throughout the year; April – September 09.00 – 20.30; November – February 09.00 – 17.00 and March and October 09.00 – 18.30.

In terms of noise from recreational and sporting activities PPG24 (Planning and Noise) states that the local planning authority will have to take account of how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of the participants against nuisance to other people. The existing rugby pitches are not restricted by any hours of operation condition and the only restrictive condition relates to the use of the floodlights (between 8am and 10pm and on 2 days a week only). As a result the proposed hours of operation condition is more restrictive than those conditions currently in place on the existing rugby pitches.

It is accepted that two previous applications for the use of the application site as rugby pitches (which have now expired) were restricted to use on Saturdays and Sundays between the hours of 9am and 4.30pm only. In response to this Environmental Health were not consulted as part of the 2 previous applications and following consultation they have raised no objection to this application. Furthermore given the government emphasis on improving general health and well being it is considered that the proposed hours of use are acceptable.

The use of the land as rugby pitches is likely to lead to noises such as shouting and limited cheering which can have an impact on neighbouring amenity. However this impact is likely to be intermittent and minor in its impact due to the local nature of the games taking place, the timing of the competitive matches/training (matches mainly at weekends and training mainly at weeknights) and the distance to the nearest residential property which is approximately 20 metres. Furthermore there have been no complaints to the Council's Environmental Health Department regarding noise from the existing rugby pitches prior to the submission of this application and the Environmental Health Officer has raised no objection to the application subject to the imposition of a condition restricting the hours of operation at the site. Given these

comments a full acoustic assessment of the site will not be required. The proposals are therefore unlikely to have a significant impact on neighbouring amenity that would warrant the refusal of this planning application. Furthermore, the points raised by the Council's Environmental Health Department in relation to the resident's noise survey are accepted and it is not considered that the proposed change of use would result such a significant increase in noise levels that would warrant the refusal of this planning application.

In order to address concerns of rugby balls crossing the southern boundary line onto Wybunbury Lane or The Spirals a condition will be attached to ensure that the layout of the pitches is agreed in writing prior to the first use of the site.

Impact upon the Character and Appearance of the Open Countryside

The application site is improved grassland which is bound by hedgerows and trees of varying quality. The proposed development is for the change of use of the land to rugby pitches only with no associated buildings or floodlighting. The alterations to the character and appearance of the site would therefore be limited to the laying out of the rugby pitches and the associated rugby posts.

All trees/hedgerow will be retained without the need for pruning apart from a small section to the northern boundary of the site where access to the site would be gained. Given that the site is well screened on all sides and the only works would be limited to the laying out of rugby pitches and the associated rugby posts, the proposal would have minimal impact upon the character and appearance of the open countryside. This view is supported by PPS7 which states that 'Planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location'. PPG17 states that in countryside around towns 'local authorities should encourage the creation of sports and recreational facilities'.

Impact upon Listed Buildings

Haymoor Green Farm is a Grade II Listed Building which is located over 200 metres to the south of the application site. Given this separation distance and due to the fact that the application is for change of use only, it is not considered that the proposal will have a detrimental impact upon the character and setting of Haymoor Green Farm or any other listed buildings.

Highways

The proposed rugby pitches would be accessed via the existing access at the Crewe Vagrants. The Highway Authority has raised no objection to this access point and it is also considered that the proposal would raise no parking issues since there are sufficient existing spaces.

Protected Species (Addendum)

This addendum is written to supplement the committee report and update reports for application P09/0095 in relation to protected species and to inform the decision as to whether planning permission should be granted.

Great Crested Newts are protected under the EC habitats Directive. The directive is then implemented by the Conservation (Natural Habitats etc) Regulations 1994. The most pertinent

and direct guidance is given by ODPM Circular 06/05 which accompanies and is complementary to PPS9.

Paragraph 98 of Circular 06/05 states that protected species are a material planning consideration and Paragraph 99 states that it is essential that the extent that protected species may be affected should be established before planning permission is granted. However paragraph 99 also states that *'bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development'*. A survey was requested from the applicant in order to ascertain whether there was any reasonable likelihood of Great Crested Newts being present because of the habitat offered by the area surrounding the development site.

In this instance following the consideration of both surveys it is not considered that there is a reasonable likelihood of Great Crested Newts being both present and affected by the development as required by Paragraph 99 of Circular 06/05.

Both Ecologists (Peake Ecology & CES Ecology) would agree that there are certain characteristics of the surrounding ponds which mean that none of the ponds can be considered optimal for the use of breeding habitat for GCN. The field is also isolated from some of the ponds by Wybunbury Lane and a steep sided ditch runs along the Lane which would reduce the habitat connectivity between the ponds and the development site.

The development site is of an agriculturally improved nature and lacks any features which would make it important to GCN for the purposes of shelter or hibernation.

The proposed development is therefore unlikely to result in an offence under Regulation 39 which states that it is an offence to:

- Deliberately capture or kill a great crested newt [Regulation 39(1)(a)]
- Deliberately disturb a great crested newt [Regulation 39(1)(b)]
- Deliberately take or destroy the eggs of a great crested newt [Regulation 39(1)(c)]
- Damage or destroy a breeding site or resting place of a great crested newt [Regulation 39(1)(d)]

The above offences dictate whether a licence is required and no licence is required if on balance the, the proposed activity is unlikely to result in an offence. However the decision on whether to apply for a licence must be made by the applicant (via their ecologist).

The letter of objection refers to the case *R v Cornwall County Council ex parte Jill Hardy*. This concludes where a development poses a likely risk of harm to a protected species, then local planning authorities should ensure that an adequate survey is carried out in advance of a planning application. However it is not considered in this case that a likely risk of harm would arise from this proposed development.

Given the characteristics of the application site and the findings of the applicant's Habitat Survey it is considered that there is not a reasonable likelihood of GCN being present and affected by the development. As part of the update report a condition for Great Crested Newt Mitigation Measures was suggested and the update report stated that *'In terms of the mitigation measures for Great Crested Newts the case officer has contacted Natural England who has confirmed that it will not be necessary to determine the population size of GCN and that the mitigation measures could be based on the worst case scenario'*. This element of the update

report and the use of the mitigation condition imply that GCN are present on the site and that the requirements of A16 (1) could be met. However this is not the case due to the characteristics of the application site, the comments from the LPA Ecologist and the findings of the applicants Habitat Survey which all lead to the conclusion that there is no reasonable likelihood of GCN being present and affected by the development. The use of the mitigation measures condition applies to the use of Reasonable Avoidance Measures as suggested by the LA Ecologist and Natural England. The Reasonable Avoidance Measures (RAM) condition is required as a precautionary measure as it is unlikely that GCN will be affected by the proposed development,

Although the use of the RAM condition is precautionary it assumes that the requirements of A16 (1) are met, and as a result an assessment of the requirements of A16 (1) will be required. This element of the European Directive states that providing that there is no satisfactory alternative the derogation is not detrimental to the maintenance of the populations of the species concerned at a status in their natural range, Member states may derogate from the provisions of Articles 12, 13, 14, and 15 (a) and (b): in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. This effectively gives 3 tests which have been met in the following way;

- There are no satisfactory alternatives as the land which surrounds the Rugby Club is similar in nature and characteristics to the application site. Furthermore the application site benefits from some surrounding barriers (Wybunbury Lane and the flowing drains) which reduce habitat connectivity.
- The derogation is not detrimental to the maintenance of GCN populations. This requirement has been met in the assessment of the site by the applicant's ecologist in the habitat assessment and the assessment of the condition of the site as not being suitable habitat for GCN
- There are imperative social reasons of overriding public interest. This is set out in the supporting information provided by the representation from Crewe and Nantwich Rugby Union Development Forum which refers to the fact that the Rugby Club has outgrown its current facilities which comprises of 2 pitches for 250 local young people and 85 adults, with other local schools and clubs wanting to use the existing pitches.

PPS1: Delivering Sustainable Development, in line with Section 38(6) of the Planning & Compulsory Purchase Act 2004, states that *"where the development plan contains the relevant policies, applications for planning permission would be determined in line with the plan, unless material considerations indicate otherwise"*. PPS9: Biodiversity and Geological Conservation states that *"in taking decisions, local planning authorities should ensure that appropriate weight is attached to...protected species"*. PPS7: Sustainable Development in Rural Areas seeks to promote recreation in and the enjoyment of the countryside, whilst conserving wildlife in accordance with statutory designations.

Local Plan Policy NE.2 (Open Countryside) considers outdoor recreational uses as an appropriate use within rural areas, whilst Policy RT.6 (Recreational Uses in the Open Countryside) also confirms that such uses would be permitted subject to a number of criteria including that the proposal does not harm the character of the countryside or nature conservation, to which the proposed development accords. The Policy justification to Policy NE.5 (Nature Conservation and Habitats) states that wildlife habitats should be conserved wherever possible and that a licence from DEFRA will be required where the proposal would involve the capture, disturbance, damage, or destruction of a European Protected Species or its breeding or resting place. Policy NE.9 (Protected Species) states that development will not be permitted where it would have an adverse impact upon protected species. Given the

conclusions of the Habitat Survey, consultation responses from the LA Ecologist and Natural England, and that the proposed development would satisfy the three tests as set out above there would not be a detrimental impact on Great Crested Newts.

Considerable weight has been given to assessing the likely impact that the proposed development would have on Great Crested Newts which are a European Protected Species, protected under the EC Habitats Directive. The proposed development would not result in the reasonable likelihood of GCN being present and affected as identified by paragraph 99 of Circular 06/05, and the use of a Reasonable Avoidance Measures condition as a precautionary measure would not conflict with the 3 tests required by A (16) of the EC directive. As summarised above, and in the rest of the Committee Report, it is considered that the proposed development, as conditioned, is in line with policies contained within the Development Plan for the area and National Planning Guidance.

Trees

A number of trees surround the site to the northern, southern and western boundaries. These trees are an important feature and are proposed to be retained as part of this application. The only works which may occur would be pruning work to 2 trees to the northern boundary to give access onto the site. A condition will be attached to this permission to ensure that all trees are retained and any pruning works are first agreed in writing with the Local Planning Authority.

Other issues

One letter of representation refers to the loss of agricultural land and Policy NE.12 of the Local Plan applies. There is no evidence to suggest that the application site falls within Grades 1, 2 or 3A of the Ministry for Fisheries and Food Classification and consultation has been carried out with DEFRA in order to address this issue. In terms of the loss of agricultural land, DEFRA has not raised any comments on this application and given that there is no evidence to suggest that the application site falls within Grades 1, 2 or 3A of the Ministry for Fisheries and Food Classification it is considered that the proposed development is acceptable.

One letter of representation requests a sequential test to be carried out. However a sequential test is not required at any level of policy for playing pitch development and this is not considered to be necessary as part of this planning application.

Comments relating to the validity of this application and the lack of supporting information are not accepted and it is considered that the application is valid and the application has been submitted with sufficient information to allow its determination.

This application site lies adjacent to the site which relates to planning application P08/0509 for the change of use of land to use as a residential caravan site for 6 caravans, including construction of hardstanding, erection of fencing and provision of foul drainage. Limited weight should be given to this application as it differs significantly from that which is proposed as part of this application. Both applications will be dealt with under a different set of local, national and regional policies.

The submitted application has not included a plan indicating the layout of the pitches on the site and neither did the previous application where the orientation of the rugby pitches was controlled by condition. A plan has now been submitted which shows an indicative layout of the pitches and this shows that 2 pitches would be located within the site with a further training/junior pitch to the north of the site. No consultation has been carried out with reference

to this plan which is indicative only. Residents comments will have been made in relation to the whole site being used as rugby pitches and these will still be considered as part of this planning application. A condition will still be attached to ensure that the final layout of the pitches is agreed in writing.

11. CONCLUSIONS

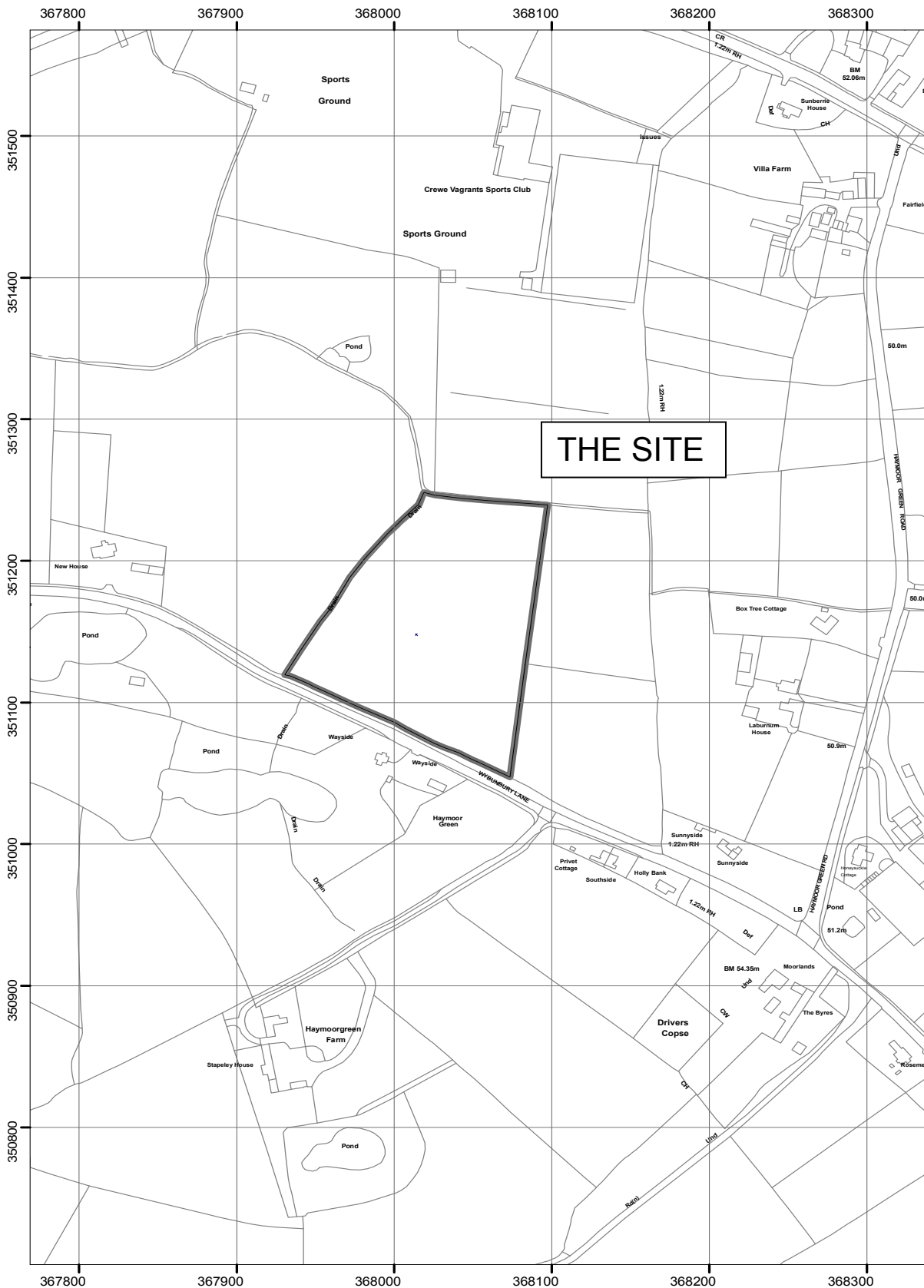
The proposal would result in the development of open countryside as Rugby Pitches. The proposal complies with local, regional and national planning policy and the principal of this use which supports sport, general health and well-being is considered to be acceptable. Given the scale of the use it is not considered that the proposal would have a detrimental impact upon neighbouring amenity through noise or in any other way. The proposal would not have a detrimental impact upon the character and appearance of the open countryside or impact upon protected species. Finally the access which is to be taken off Newcastle Road would not raise any highway safety/parking issues and the proposal is therefore recommended for approval subject to the conditions set out below.

12. RECOMMENDATIONS

APPROVE Conditions

- 1 Standard**
- 2 Layout of pitches to be agreed**
- 3 No floodlights**
- 4 Details of access/bridge link to be agreed**
- 5 Landscaping to be submitted**
- 6 Landscaping to be completed**
- 7 Hours of operation**
- 8 Works to be carried outside the bird breeding season unless the site is first checked by a suitably qualified ecologist**
- 9 Works to stop if protected species found**
- 10 Retention of trees all pruning to be agreed in writing with the LPA**
- 11 No vehicular access to be gained from Wybunbury Lane**
- 12 Reasonable Avoidance Measures - Great Crested Newts**

LOCATION PLAN:



P09/0095 – Land off Wybunbury Lane Stapeley Nantwich

N.G.R; - 368.027 351.152

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Planning Reference No:	09/1252N
Application Address:	55-57 Remer Street Crewe CW1 4LU
Proposal:	Outline application for residential development
Applicant:	Mr R Harrison
Application Type:	Outline
Grid Reference:	370811357113
Ward:	Crewe East
Earliest Determination Date:	8 July 2009
Expiry Dated:	10 August 2009
Date of Officer's Site Visit:	10 June 2009
Date Report Prepared:	17 July 2009
Constraints:	

SUMMARY RECOMMENDATION:

REFUSE

MAIN ISSUES:

- Impact on the character of the area
- Siting and design
- Impact on amenity
- Impact on highway safety
- Drainage issues
- Loss of employment site

1. REASON FOR REFERRAL

This application is to be determined by the Cheshire East Council Southern Planning Committee as the application relates to the creation of over ten residential units.

2. DESCRIPTION OF SITE AND CONTEXT

The application site comprises a former fruit and vegetable warehouse building which is currently vacant and the surrounding hardstanding. The site is bounded by 2m high palisade fencing with hedging towards 248a Middlewich Road although this is not within the application site.

The site lies within the settlement boundary of Crewe and is surrounded by residential development.

3. DETAILS OF PROPOSAL

This is an outline application for the erection of 12 dwellinghouses at land at 55- 57 Remer Street which is located to the rear of 53 Remer Street.

Approval is sought for access with appearance, landscaping, layout and scale reserved for subsequent approval.

There is an existing fruit and vegetable warehouse and car park on the site at present which are proposed to be removed as part of the proposals.

An indicative site layout plan has been submitted which shows a cul de sac formation with four sets of three terraced properties. Each property has a minimum of two off street car parking spaces.

4. RELEVANT HISTORY

None relevant

5. POLICIES

Regional Spatial Strategy

None relevant

Local Plan Policy

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.9 Protected Species
BE.1 Amenity
BE.2 Design Standards
BE.3 Access And Parking
BE.4 Drainage, Utilities And Resources
E.7 Existing Employment Areas
RES.2 Unallocated Housing Sites
RES.3 Housing Densities
TRAN.5 Provision For Cyclists
TRAN.1 Public Transport
TRAN.9 Car Parking Standards

Other Material Considerations

SPD Development on Backland and Gardens 2008

PPS1: Delivering Sustainable Development
PPS3: Housing
PPS9 Biodiversity and Geological Conservation

6. CONSULTATIONS (External to Planning)

Highways: No response at time of writing report

Environmental Health: No response at time of writing report

7. OTHER REPRESENTATIONS

Letters of representation received from the occupiers of 43-51 Remer Street, 248a Middlewich Street, 6 Hawthorn Grove raising the following points:

- Concerns over drainage
- Request dwellings restricted to 2 storeys
- Concerns over access arrangements
- Concerns regarding overlooking and loss of privacy
- Concerns regarding increased flooding
- Concerns over noise and disturbance

8. APPLICANT'S SUPPORTING INFORMATION

Protected Species Survey (May 2009 by Ecologically Bats)

- No evidence of bats
- No bat mitigation required
- Suggests best practice measures and conservation measures to enhance the development site for wildlife

Design and Access Statement (May 2009 by Building Plans and Design)

- Location is within walking distance of shops etc
- Existing building erected in 1987 and used as a fruit and vegetable business employing 28 staff
- Approximately 80 vehicles used the site at any one time
- Business hours of 6am-6pm Monday – Saturday
- Owners have tried to market the property for 6 months and advertised with Butters John Bee for 6 months
- Existing site area is exposed and vulnerable therefore the design and position of the proposed dwellings will help to reduce the risk of crime and opportunities for vandalism and also produce a more secure area for the existing houses in the immediate area
- Proposal meets the criteria within the relevant local plan policies and complies with the council's minimum spacing standards
- The proposed dwellings would be compatible with surrounding land uses and does not prejudice the amenity of future occupiers or the occupiers of adjacent properties
- The proposed dwellings would not generate such levels of traffic that the development would prejudice the safe movement of traffic on surrounding roads or have an adverse impact on neighbouring uses
- The proposed dwellings would not lead to an increase in air, noise or water pollution insofar as this might have an adverse effect on the other use of land.

9. OFFICER APPRAISAL

Principle of Residential Development and Housing Densities

The site lies within the settlement boundary of Crewe and is classed as an unallocated Brownfield site. RES.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 states that development on such sites will be permitted subject to policies BE.1- BE.5. Residential development on the site is therefore acceptable in principle, subject to detailed matters of design, amenity, car parking, access and drainage considerations.

PPS3: Housing states that most additional housing development should be concentrated in urban areas. This should involve the more efficient use of land by maximising the re-use of brownfield urban land to minimise the amount of greenfield land being taken for new development. Annex B of PPS 3 (Housing) classes the curtilage of a building as previously developed land. Accordingly, the site is not regarded as greenfield. In light of this, and considering the proximity of this site in relation to public transport and local services, the broad principle of residential development in this location is considered acceptable. However, to fully accord with Policy RES.2 (Unallocated Housing Sites), the development must also be in keeping with the requirements of policies BE.1 – BE.5.

PPS3 does not offer any density threshold for new developments; it only stipulates a minimum of 30 dph. That said, policy RES.3 suggests between 30-50 dph where the quality of the local environment is not compromised and provided that this is on a scale in keeping with the character of the area. In this instance, the proposals achieve a density of 41.3 dph however regard must also be had to the character of the area which is at lower densities in this section of the Borough.

Loss of Employment Site

Policy E.7 states that loss of employment sites will only be permitted where the present use harms the character and amenities of the surrounding area, is not capable of satisfactory use for employment or it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises in the borough.

Considerable pressure exists for the conversion of employment sites to non employment uses, such as housing, and the cumulative loss of such sites close to local centres of population would reduce the availability of local jobs, resulting in higher local unemployment and/ or increased commuting.

Inspectors have held that whilst a requirement for a marketing assessment is not explicit in the policy, some form of assessment of the current supply of employment land and premises in the Borough needs to be made along with the impact of the loss of sites on such provision.

In this instance, the existing business was relocated in 2007 and the business has since ceased trading. The Design and Access Statement indicates that the premises were advertised for 6 months privately and for 6 months with Butters John Bee latterly. This is a smaller unit which may be of benefit to a local employer seeking to increase the size of their premises. The applicant has failed to provide the necessary information to demonstrate that the building is no longer suitable for alternative employment uses. To permit the development would be contrary to policy E.7 within the Local Plan.

Design Standards

Both national and local plan policies relating to design promote high quality design which enhances the character of the built environment.

The character of the area comprises a mix of semidetached 1940/ 1950 two storey dwellings and detached and terraced 19th century dwellings.

The area is characterised by properties set back from the road frontage. There is even spacing between properties and a suburban development density.

The illustrative layout submitted proposes 12 dwellings in groups of three terraced properties in a cul de sac formation. Whilst layout is not to be determined at this stage it is considered that there is sufficient variation in existing dwelling styles and types and given the backland location, this layout is considered to respect the character and appearance of the area.

Whilst appearance is also reserved for subsequent approval the existence of a uniform build height necessitates a restrictive condition limiting the buildings to no more than 7.5m high. This will also ensure that the backland location which should remain in the background does not attract undue attention or become unduly prominent.

Amenity

The most pertinent issues relating to amenity relate to the impact of the development on neighbouring amenity through overlooking, visual intrusion, overshadowing and loss of light and the impact on the highways network. Highway safety issues are considered in the section below.

It is considered that the construction of a new housing development within an established residential area is compatible with surrounding land uses.

No's 5 and 6 Hawthorn Grove and No's 43-53 Remer Street have principal windows facing the development site. That said, this has been addressed within the indicative site layout which proposes blank gable ends facing no's 5 and 6 and principal elevations in excess of 21m away from the rear elevations of properties fronting Remer Street. Whilst this layout is indicative only, it demonstrates that any overlooking issue to these properties could be easily overcome.

In terms of the impact to no. 248a, this property has no windows facing the development site and the proposed dwellings do not raise any concerns relating to overdomination.

The proposals also appear to provide the minimum 50 sq. m of garden space required per dwelling.

Protected Species

Disused buildings are suitable habitats for bats which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Whilst this planning consent cannot implement other legislation, protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

Circular 06/2005 paragraph; 99 states that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.' This guidance does go on to state that 'developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of species being present.

A protected species survey has been submitted with the application which indicates that no evidence of bats was found and suggests best practice measures to be employed during demolition. If planning permission is issued this can be conditioned accordingly.

Car Parking and Access

PPG13 promotes a flexible approach to car parking standards and seeks promote more sustainable transport choices through spatial planning.

Manual for Streets offers more inventive options for car parking within residential settings for larger schemes such as this.

'Car Parking What Works Where' also suggests alternative means of accommodating car parking, however given the constraints relating to the size of the site, available access points and the character of Remer Street as a classified road providing a main thoroughfare into Crewe, off street car parking provision will be necessary.

Policies TRAN.1 seeks to encourage developments well served by public transport.

The proposals show the provision of two car parking spaces per dwelling which accords with the minimum requirements for a dwelling within Appendix 8.1.

The proposals will utilise the existing point of access which is over 5m wide and has good visibility. The layout provides sufficient space to manoeuvre a vehicle so that motorvehicles can exit the site in a forward gear.

The views of the Highways engineer are awaited.

Drainage

The proposals will be drained via the mains sewer; in light of the comments from neighbours regarding the drainage issues within the local area a drainage scheme will be conditioned accordingly.

10. CONCLUSIONS

The proposals are acceptable in terms of the impact on protected species, highway safety, drainage and neighbouring amenity. However, there are fundamental concerns regarding the loss of an employment site and which warrant a refusal of planning permission.

11. RECOMMENDATIONS

REFUSE Reasons

1. The Local Planning Authority considers that the proposals will result in the loss of an employment site. The submission fails to demonstrate that the present use harms the character or amenities of the area and that the site is not capable of satisfactory use for employment or that there will be no detrimental impact on the supply of employment land or premises in the locality in the event that the development is allowed. To allow the development would be contrary to Policy E.7 (Existing Employment Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

LOCATION PLAN:



09/1252

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Planning Reference No:	09/1255N
Application Address:	Land adjacent to 87 Crewe Road, Nantwich, Cheshire
Proposal:	New Single Dwelling
Applicant:	Mr J. Stuart
Application Type:	Full Planning
Grid Reference:	365961 352317
Ward:	Nantwich
Earliest Determination Date:	21 st July 2009
Expiry Dated:	12 th August 2009
Date of Officer's Site Visit:	22 nd July 2009
Date Report Prepared:	23 rd July 2009
Constraints:	None

SUMMARY RECOMMENDATION

Impact of the development on:-

- The living conditions of neighbouring properties
- Design and Impact upon the street scene
- Parking/Highway Safety

SUMMARY RECOMMENDATION:

Approve with Conditions

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Moran has requested it be referred to Committee due to concerns over the proximity and overbearing impact of the proposal upon neighbouring residential properties.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is a small parcel of land which is located to the east of 87 Crewe Road within the Nantwich Settlement Boundary. The site was formerly part of the residential curtilage of No 87 Crewe Road which was separated from this property by a small pedestrian route which runs between 87 Crewe Road and the application site. To the north-east of the site is Woodland Avenue which is a residential cul-de-sac which is set at a higher level than the application site. To the east of the site is a strip of public open space which includes a number of large trees.

3. DETAILS OF PROPOSAL

This is a full planning application for 1 three-storey dwelling. The property would have three bedrooms and an integral garage with a parking turntable to the front driveway to allow vehicles to leave the site in forward gear.

4. RELEVANT HISTORY

P04/0927 - Outline Application for One Dwelling – Refused 19th October 2004 – Appeal Lodged – Appeal Allowed 21st June 2005
P04/0737 - One Dwelling with 2 Parking Spaces – Refused 10th August 2004
P03/0627 - Outline Application for One Dwelling – Refused 11th August 2003
P03/0208 - Outline Application for One Dwelling – Refused 14th April 2003

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP). The relevant development plan policies are:

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP4 – Make the Best Use of Existing Resources and Infrastructure
L4 – Regional Housing Provision

Local Plan Policy

RES.2 – Unallocated Housing Sites
RES.3 – Housing Densities
BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure

Other Material Considerations

PPS1 – Delivering Sustainable Development
PPS3 – Housing
Supplementary Planning Document – Development on Backland & Gardens

6. CONSULTATIONS (External to Planning)

Highways: No comments received at the time of writing this report

7. VIEWS OF THE PARISH COUNCIL

No comments received at the time of writing this report

8. OTHER REPRESENTATIONS:

Letters of objection have been received from the occupiers of 55 Highfield Drive, 17 & 25 Mount Drive, 70, 87, 90, 92 & 94 Crewe Road, 17 Broadleigh Way, 20 Hornby Drive & 8 Gingerbread Lane raising the following points;

- Proposed dwelling is unsightly and out of character;
- The Plot is not large enough to accommodate a dwelling;
- The three storey dwelling would not sit comfortably with the two-storey dwellings;
- Loss of amenity land and parking to 87 Crewe Road;
- Lack of parking;

- Turntable will be difficult to operate;
- Sufficient new housing in the area;
- Highway safety;
- Detriment to the local environment;
- Size scale and style is inappropriate;

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- This full planning application and the design of the dwelling has been influenced and follows as closely as possible the previous outline plan for siting and access of a new dwelling
- The inspectors decision notice refers to the wide variety of house type surrounding the site and that a tall thin virtue of the sites limitations would not be inappropriate or have an unacceptable harmful effect on the street scene
- The pedestrian right of way which provides access to the rear of the adjacent properties is maintained.
- The inspector concluded that the proposal would not prejudice residential amenity
- The Inspector also considered that the only trees on the site are located on the rear boundary would not be affected by the proposal
- The ridge and eaves of the proposed dwelling align with the elevation of the adjacent property
- The bay window feature reflects the pattern and style of the adjacent single storey bays
- A garage and space to the front of the dwelling provides parking for two vehicles. It is proposed to incorporate a turntable to ensure vehicles will be able to always enter the building in forward gear

10. OFFICER APPRAISAL

Principle of Development

The site has a history of planning refusals for residential development. However planning permission was granted at appeal following the refusal of planning application P04/0927. This application was refused under the previous local plan but the Inspectors decision was made with reference to the current local plan.

Although the planning permission under application P04/0927 has now expired considerable weight needs to be given to this decision given that it was made at appeal under the current Local Plan. There have been changes in other legislation at all levels such as PPS3 (Housing), the Regional Spatial Strategy and the Council's SPD on Housing Development on Backland and Gardens. However it is not considered that this new planning guidance and policy or other material planning considerations provide significant support to outweigh the decision which was made by the Planning Inspector at appeal. As a result it is considered that as the site is located within the Nantwich Settlement Boundary that principle of one dwelling on this site is acceptable.

Design

The proposed dwelling would be three stories in height and the eaves and ridge height of the dwelling would align with that of the adjacent terrace. As a result it is considered that the height of the property is acceptable. The proposal also includes the provision of a three-storey bay to the front elevation and although this would be taller than the existing

single storey bays to the adjacent terrace it is considered that this bay would act as a bookend to this group of buildings.

The proposed dwelling would have a staggered front elevation and its siting is similar to that approved at appeal. The staggered front elevation is a result of the requirement to provide parking/turning area within the curtilage of the property. The front elevation of the projecting bay would run flush with the existing terrace to the west whilst the garage door would be stepped back to reduce its prominence in the street scene. It is therefore considered that the siting of the dwelling is appropriate.

The design of the proposed dwelling has been subject of pre-application discussions. The design of the front elevation includes a projecting two-storey bay with gable, a small pitched dormer, Juliette balcony and sills and headers to the windows which help to add interest and create a dwelling that sits comfortably alongside No 87 Crewe Road.

Amenity

To the west of the site the proposed dwelling would be sited alongside the gable elevation of No 87 Crewe Road which includes just one clear glazed ground floor window facing the application site. This window is a secondary window to the room it serves and as a result it is not considered that the proposal would have a detrimental impact upon the amenities of the occupants of No 87 Crewe Road through loss of light, over-bearing impact or loss of privacy.

To the rear the proposed dwelling would have a separation distance of approximately 16 metres to No 10 Woodland Avenue. The application site is set at a lower level to No 10 Woodland Avenue and it is considered that the proposal would have minimal impact through loss of light or over-bearing impact upon this property. The openings to the rear at first floor level would be a living room and a bathroom with a rooflight serving a bathroom. The boundary hedgerow, change in land level and orientation of the properties would result in the living room window having minimal impact upon No 10 Woodland Avenue through loss of privacy. Whilst the openings which serve bathrooms could result in a loss of privacy this can be mitigated with an obscure glazing condition.

The properties on the opposite side of Crewe Road have large front gardens and the proposed dwelling would not impact upon the amenities of these properties.

The application site was formerly part of the garden of No 87 Crewe Road and concerns have been raised over the loss of amenity space to this dwelling. The ownership of the site is under investigation and the results of this will be reported as part of the Committee Update Report.

Highways

The proposal would result in 2 parking spaces for the proposed dwelling one within the garage and one on the driveway. A turntable would be installed on the driveway which would allow vehicles to leave and enter the site in forward gear. This is considered to be appropriate for a dwelling of this site within close proximity to Nantwich Town Centre.

Representations from local residents have questioned whether a manual turntable could be operated by the future occupants and what will happen if the turntable brakes down. It is considered that an electric turntable will be required and a condition will be attached to

ensure that this is retained and in working order, although a geared manual over-ride is available for emergencies. Turntables have been successfully installed at other sites in Cheshire East.

The application site provides parking for No 87 Crewe Road and concerns have been raised over the loss of car parking to this dwelling. This ownership of this site is under investigation and the results of this will be reported as part of the Committee Update Report.

Footpath

The footpath would be retained to serve the adjacent properties, although the turntable would encroach onto the footpath slightly the applicant has confirmed that he is in the ownership of this land and the right of passage for the neighbouring properties will be retained.

Trees

The trees to the rear boundary of the site are not protected by a Tree Preservation Order and would not be affected by the development.

11. CONCLUSIONS

The application site is located within the settlement boundary of Nantwich and given the past approval by the Inspector using the current local plan the principle of residential development is considered to be acceptable. The proposed development would have minimal impact upon the amenities of surrounding residential properties and would not raise any highway issues. It is considered that the design and siting of the proposed dwelling would not appear out of character in this location as to warrant the refusal of this planning application.

12. RECOMMENDATIONS

APPROVE subject to the following conditions;

- 1. Standard**
- 2. Materials to be submitted and approved**
- 3. Retention of garage space**
- 4. Obscure glazing to rear bathroom window and bathroom roof light**
- 5. Tree retention and protection**
- 6. Drainage to be submitted and approved**
- 7. Landscaping to be submitted and approved**
- 8. Landscaping to be implemented**
- 9. Removal of PD Rights**
- 10. No obstruction of side alleyway during construction**
- 11. Boundary treatment**
- 12. Electric turntable to be provided and retained**

LOCATION PLAN:



Application No:	09/1285C
Location:	BAE Systems, Land Systems Munitions, Radway Green, Alsager, Near Crewe, CW2 5PJ
Proposal:	Proposed Manufacturing Building On The Former B Block Site, Including Ancillary Infrastructure Comprising Site Access Road, Security Gatehouse, Car Parking And An Internal Firing Range.
Applicant:	Mr K Mellis, BAE Systems Properties Ltd
Application Type:	Outline
Ward:	Doddington, Crewe & Nantwich and Alsager, Congleton
Registration Date:	6 May 2009
Earliest Determination Date:	10 July 2009
Expiry Date:	5 August 2009
Date report Prepared	3 July 2009
Constraints:	Site allocated in Congleton Local Plan First Review as Royal Ordnance Factory

SUMMARY RECOMMENDATION:

Approve Subject to Conditions

MAIN ISSUES:

Impact on the character and appearance of the area.

Scale and mass of the building.

Development on contaminated land.

1. REASON FOR REPORT

The application is included on the agenda of the Southern Planning Committee as the scheme exceeds 1,000 m² floor area and is therefore a major development.

2. DESCRIPTION OF SITE AND CONTEXT

The site lies to the south of Alsager and forms part of the larger BAE complex at Radway Green. The site is identified in the Congleton Borough Local Plan under Policy E9 'Royal Ordnance Factory'.

The application site is located within an established manufacturing and assembly facility. In addition, there is an existing industrial estate located immediately west of the site.

The Royal Ordnance Factory at Radway Green was developed in 1939. The factory was established to produce small arms ammunition (SAA) and cartridges for HM Forces. Industrial production started at the site in 1940, although the site facilities were not fully completed until 1942.

The site originally comprised a number of buildings with production being based within four centrally located large open plan buildings, A, B, C and D blocks. In addition to the main production buildings, a number of firing ranges were constructed on the southern side of the site,

along with infrastructure, including gas works, a boiler house, administrative units and waste treatment facilities. To the east of the site, a number of bulk storage magazines were also constructed to store explosive material and finished munitions. To the north of the site, a substantial rail marshalling yard infrastructure yard was built to support site operations.

A line of Goat Willow lies to the south of the B block building and beyond the open air firing range lies open countryside.

3. DETAILS OF PROPOSAL

The application seeks outline planning permission, with all matters reserved except access, for the development of a manufacturing building for the production of small arms munitions within the Radway Green site.

The proposal also involves ancillary development, including an indoor firing range, revised internal site access and lay-by, gatehouse, car parking, and landscaping.

The main components of the facility and the maximum development parameters are outlined below:

- New Factory Building – 21,000 sqm with a maximum height of 10m;
- Access and Car Parking – 15,500 sqm of hard standing;
- Storage and infrastructure facilities – 400 sqm with a maximum height of 4 metres;
- Gatehouse – 60 sqm with a maximum height of 4 metres;
- Indoor Firing Range – 800sq m, with a maximum height of 4 metres.

The general vehicular access is gained from Number 1 Road North, which runs directly from Radway Green Road (B5078). The B5078 connects directly with Junction 16 of the M6, which is located approximately 1.5km south of the site.

The site was formerly occupied by a similar sized building which has recently been demolished, Prior to the demolition work being undertaken, a survey was carried out to consider whether the property was inhabited by bats. The survey noted that whilst there was some potential for occupation, there was no evidence of use of the property by bats.

4. RELEVANT HISTORY

Approval was granted by Crewe & Nantwich Borough Council for the redevelopment of part of the adjoining employment site in 2008. Application P08/0131 was for the construction of 41 new small units for B1 B1(c) B2 & B8 uses including reconfiguration and rationalization of existing infrastructure and parking facilities.

Prior to the submission of this application, the applicants submitted a request for a screening and scoping opinion under Regulation 10 (2) and 10 (5) of the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

After consideration of the site and the proposed development, it was confirmed that the scheme did not comprise development under Schedule 2 of the regulations and could therefore be considered under the normal planning regime.

5. POLICIES

Unusually, the site of the proposed building falls across the boundary between the former Congleton Borough Council and the former Crewe & Nantwich Council. However, following Local Government reorganisation in April 2009, the site is now wholly within the area covered by Cheshire East.

Regional Spatial Strategy

Policy DP 4: Make the Best Use of Existing Resources and Infrastructure

National Planning Guidance

PPS1: Delivering Sustainable Development

PPG4: Industrial and Commercial Development and Small Firms

PPS9: Biodiversity and Geological Conservation

PPS23: Planning and Pollution Control

PPG24: Planning and Noise

Local Plan Policy

Congleton Borough Local Plan

PS8: Open Countryside

GR2 & GR3: Design

GR4 & GR5: Landscape

NR1: Trees and Woodland

E5: Employment Development in the Open Countryside

E9: Royal Ordnance Factory

Crewe and Nantwich Borough Council

NE2: Open Countryside NE5: Nature Conservation and Habitats

NE9: Protected Species

NE20: Flood Prevention

BE1: Amenity

BE2: Design Standards

BE6: Development on Potentially Contaminated Land

E4: Development on Existing Employment Area

E7: Existing Employment Sites

In both Plans, Green Belt land is identified as being approximately 300m beyond the southern site boundary.

Other Material Considerations

No other material considerations.

6. CONSIDERATIONS (External to Planning)

Highways:

At the time of the preparation of the report, no comments had been received.

Environmental Health:

The applicant submitted a detailed assessment of Ground and Groundwater Conditions which has been considered by the Council.

The Environmental Health Officer has not raised any objection to the proposal in principle but has suggested a series of conditions relating to the control of noise and the protection of air quality.

Ecology

In respect of wildlife, the Ecologist commented on the need for survey work to address breeding birds and Great Crested Newts given the proximity of trees to the site and the presence of ponds within 500m of the site. This information has since been submitted and acknowledged as confirming the development would not have a detrimental impact on Great Crested Newts.

Also, due to the fact that the scheme is outline and there is a degree of uncertainty about the final form of development, a scheme may come forward which could potentially result in less harm to trees and scrub on the site

Although some trees would have to be removed to facilitate development, much of the planting in the area is self set and of low quality and accordingly no objection is raised on this point although conditions are recommended to ensure appropriate landscaping is provided following development.

7. VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council have confirmed they have no objections to the proposal. At the time of writing the report, no comment has been received from Doddington and District Parish Council.

8. OTHER REPRESENTATIONS

Environment Agency

The Environment Agency have considered the application. Although they have no objection in principle to the development, they have suggested a series of conditions requiring the submission of the following:

- A scheme for the provision and implementation of a surface water regulation
- A scheme for the management of overland flow from surcharging of the site's surface water drainage
- A scheme to dispose of foul and surface water
- A scheme to deal with the risks associated with contamination of the site
- Details to ensure the base of any infiltration device maintains at least a one metre unsaturated zone above any water table

Natural England

Natural England examined the submitted information and concluded that additional work was required in respect of the possibility of bats on the site.

United Utilities

No objection in principle to the development but have commented that the development could have an impact upon their infrastructure within the Radway Green site. Accordingly, measures

should be put in place to ensure the equipment is protected and measures put in place to maintain access to the equipment.

Neighbours

No representations have been received from neighbours.

10. APLLICANT'S SUPPORTING INFORMATION

In support of the proposal, the applicants have submitted the following information:

- Design and Access Statement
- Planning Statement
- Ecological Surveys including bats, Great Crested Newts, breeding birds, invertebrates, reptiles and a Phase I habitat survey
- Landscape surveys
- Groundwater conditions report
- Contamination Desk Study
- Flood Risk Assessment
- Outline Remediation Strategy

11. OFFICER APPRAISAL

Principle of Development

In essence, the principle of redevelopment of the building is supported through the Regional Spatial Strategy by Policy DP 4 "Make the Best Use of Existing Resources and Infrastructure"

This policy sets out a sequential hierarchy for the selection of development sites and as a priority identifies the redevelopment of sites with existing infrastructure before moving on to other locations.

Congleton Local Plan Policy E9 also supports in general the proposal and states:

"Planning permission will be granted for those applications seeking approval for the re-use or redevelopment of buildings and land within the existing confines of the Royal Ordnance Factory at Radway Green, as defined on the inset map, for those uses falling within use classes B1, B2 and B8 of the Use Classes Order 1988, subject to compliance with those criteria set out in policy [GR1](#)."

The requirements of Policy GR1 relate to all development and seek to ensure that the proposed development is of a suitable design and character whilst not resulting in a detrimental impact on the surrounding area or neighbouring occupiers.

In the Crewe & Nantwich Local Plan, there is no site specific allocation although Policy E4 does give guidance on the redevelopment of existing employment sites as follows:

"Proposals for new employment development, for the re-use, re-development or intensification of the use of land within existing employment areas will be permitted, (in accordance with policies BE.1 - BE.5)."

The supporting Policies BE1 to BE5 echo the aims of the Congleton Policy GR1 although greater detail is provided on the requirements that a development has to meet to be deemed acceptable.

Highways

At the time of the preparation of the Officers report, no comments have been received from the Highways Officer. However, as the proposed development is on the site of the existing B block and the net additional floor space to be created will amount to only 400 m², approximately a 4% increase on the previous building footprint of 20,500 m², it is unlikely that the new scheme will generate significant different levels of highways activity to that currently experienced. Furthermore, the site is within an existing industrial area which already benefits from appropriate infrastructure for heavy goods vehicles.

Design

Although this scheme is outline only, indicative elevations and floor plans have been submitted. The new building will have a similar size as the existing structure as already indicated with a total floor area of 20,900 m².

The new structure is to be a similar height to the existing building at 10.0m. However, whilst the scale of the previous building was offset to a certain degree by the form of the roof which comprised a series of ridges with valleys in between, the new building is to benefit from a portal frame construction which will result in a constant roof height.

This revised form, however, will allow an upper floor to be inserted into the building to allow more use to be made of the space inside.

The building is to be predominantly clad in a profile sheeting system which is to be offset by a section of masonry walling around the main entrance and high level glass block sections to allow light in at the upper level.

A series of openings are also proposed around the building to facilitate loading vehicles.

Amenity

Due to the location of the building within the existing complex and the distance to neighbouring properties, the new structure will not result in any change or detriment to existing amenity levels. Consideration has been given to the requirement to control the hours of work but due to the relatively removed nature of the site and the activity undertaken, as well as the existing established use which is not restricted, it is felt that such a condition would not be necessary in this instance.

Ecology

Further to the comments of the Ecologist, the applicants have submitted information to show that the existing building was not occupied by bats as a roost prior to its demolition.

Whilst it would be desirable to retain as much of the surrounding landscaping for wildlife, it should be noted that this application is outline only and sets out the maximum extent of development that the applicant would wish to undertake on the site. It is at the reserved matters stage that the final

design and detail of the scheme will be considered. This outline application if approved would establish that development would not have a detrimental impact on protected species contrary to the guidance of the EU Habitats Directive.

12. CONCLUSIONS AND REASONS FOR THE DECISION

Having considered the potential impact of the development and the similarity in terms of scale and mass of the proposed development to the building that previously existed on site, it is felt that the proposed scheme is in accordance with both local planning policy as expressed through the Borough of Crewe & Nantwich Local Plan 2005 and the Congleton Borough Local Plan First Review 2005 and national planning policy. Accordingly, this scheme is recommended for approval subject to conditions.

13. RECOMMENDATION

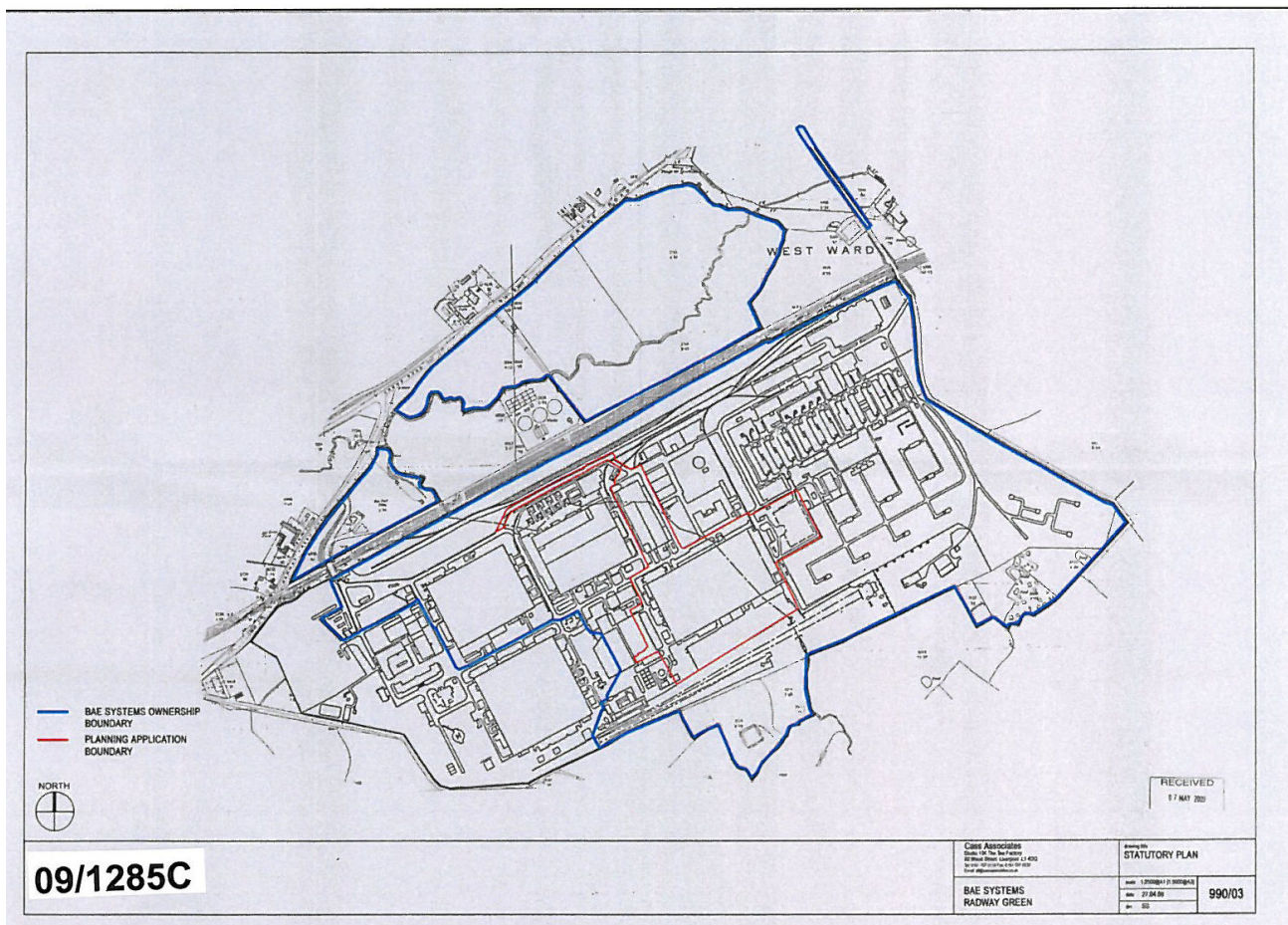
Approve subject to the following conditions:

- 1. Time limit on outline permission.**
- 2. Submission of reserved matters.**
- 3. Details of materials to be submitted.**
- 4. Drainage and surfacing of hard standing areas.**
- 5. Landscaping - submission of details.**
- 6. Landscaping conditions - implementation.**
- 7. Decontamination of land.**
- 8. Decontamination validation report.**
- 9. Submission of a scheme for the provision and implementation of a surface water regulation system**
- 10. Submission of a scheme for the management of overland flow from surcharging of the site's surface water drainage system**
- 11. Submission of a scheme to dispose of foul and surface water**
- 12. The following components of a scheme to deal with the risks associated with contamination shall be submitted:**
- 13. The site shall be remediated in accordance with the approved remediation strategy and method statement, with no deviation from the strategy without prior written agreement from the Local Planning Authority;**
- 14. A verification plan providing details that the works set out within the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**
- 15. Implementation of ecological reports**
- 16. Protection for breeding birds.**
- 17. Tree protection.**
- 18. Tree pruning / felling specification.**
- 19. Prohibition on burning materials on site.**
- 20. Limit on hours of work for piling operations.**

Informatives

- Protection of water table**
- Protection of existing United Utilities services on site.**
- No disturbance to nesting birds during the breeding season**

Location Plan



Planning Reference No:	09/1304N
Application Address:	Earl of Crewe Hotel, Nantwich Road, Crewe.
Proposal:	Demolition of existing building and construction of new foodstore with associated parking.
Applicant:	Aldi Stores Ltd.
Application Type:	Full Planning Permission
Grid Reference:	370238 354515
Ward:	Crewe South
Earliest Determination Date:	15 th July 2009
Expiry Dated:	11 th August 2009
Date of Officer's Site Visit:	22 nd July 2009
Date Report Prepared:	22 nd July 2009
Constraints:	Settlement Boundary Nantwich Road Shopping Area Locally Listed Building

SUMMARY RECOMMENDATION:**REFUSE for the following reasons**

- Loss of Locally Listed Building
- Siting and Design
- Sustainability
- Traffic Impact

MAIN ISSUES:

- The acceptability of the development in principle
- Locally Listed Building
- Layout, design and street scene
- Sustainability
- Impact on neighbour amenity
- Landscape and Ecology
- Crime and Disorder
- Public Consultation
- Highway Considerations
- Drainage and flood risk

1. REASON FOR REFERRAL

The application has been referred to committee because it is a commercial building of over 1000 square metres in floor area.

2. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development lies on the south side of Nantwich Road and comprises lands currently occupied by the Earl of Crewe public house, a "pay and display" car park, a range of outbuildings and vacant land formerly occupied by garaging.

The Earl of Crewe is an imposing Victorian building which fronts on to Nantwich Road and has a sizeable mature garden between its east flank and a frontage to Sherwin Street. Within the car park there is a two storey range of outbuildings, now boarded up and an attached single storey range formerly used as lock up garages. The public house is included on the local list of buildings of historic and architectural interest.

Land uses along Nantwich Road in the vicinity of the site are predominantly commercial, with a mix of shops, financial and professional services, hot food takeaways, restaurants, cafes and public houses. Once away from the main road the area is almost entirely residential.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of all the buildings within the site and the construction of a food store of 960sq.m sales area and 1,348sq.m gross internal area at ground floor level. Free customer car parking will be located to the western and southern parts of the site and a total of 85 spaces will be provided. 4 no. DDA compliant spaces, 2 no. parent and child spaces along with cycle parking facilities for customers and staff will also be provided. Servicing facilities and plant will be located to the southern elevation of the store.

4. RELEVANT HISTORY

P06/0868- Erection of eight terraced properties and conversion of outbuildings to three dwellings. Withdrawn

P06/1282 Erection of 7 two storey terraced properties and the conversion of barns to three residential properties. Approved 12th February 2007

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2021

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 7 Promote Environmental Quality

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy W 1 Strengthening the Regional Economy

Policy W 5 Retail Development

Policy RT 1 Integrated Transport Networks

Policy RT 2 Managing Travel Demand

Policy RT 3 Public Transport Framework

Policy RT 9 Walking and Cycling

Policy EM9 Secondary and Recycled Agregates

Policy EM 11 Waste Management Principles

Policy EM 12 Locational Principles

Policy EM 15 A Framework For Sustainable Energy In The North West

Policy EM 16 Energy Conservation & Efficiency

Policy EM 17 Renewable Energy

Policy EM18 Decentralised Energy Supply

Policy MCR 4 South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
S.10 (Major Shopping Proposals)
S.9 (Nantwich Road)

National policy

PPS 1: Delivering Sustainable Development
PPS 6: Planning for Town Centres
PPS 25: Development and Flood Risk
PPG 13: Transport
Department for Transport – Manual for Streets
Proposed Changes to PPS6: Planning for Town Centres – Consultation

6. CONSULTATIONS (External to Planning)

Environmental Health

Do not object to this application subject to the following comments
Supply general comments only

1. The site is adjacent to an Air Quality Management Area which has been declared due to the levels of nitrogen dioxide in the area. Therefore the applicant would have to undertake a comprehensive air quality impact assessment of the proposal before any permission is granted.
2. Before the use commences the building together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to and approved by the borough council.
3. The car park should be closed to all vehicles (except for staff vehicles) outside store opening times so as to protect the amenity of local residents.
4. Hours of operation, including deliveries to the site, shall be restricted to those stated in the application form i.e. 8am-8pm Monday to Saturday and 10am-5pm on Sundays.

Highways Authority

The Highway Authority's response will be reported in the late information. However the Highway Engineer has stated verbally that he has concerns about a number of highway matters at the site.

United Utilities

No objection subject to the site being drained on a separate system with only foul drainage connected into the sewer

7. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

8. OTHER REPRESENTATIONS

Objection

Letters of objection have been received from the following addresses: 4 Sherwin Street, 19 Atholl Avenue and 203 Bedford Street, Crewe, making the following points:

- There are some serious questions to be raised regarding the traffic flow along Nantwich Road, particularly at weekends. At present it is extremely difficult to turn right from the adjacent side streets near the proposed new store;
- Have the highway department fully investigated this situation?
- Has consideration been given to turn left only sings, repositioning of traffic lights, any other measures to alleviate traffic chaos;
- Looks like a petrol station forecourt;
- Sandbach and Nantwich Aldi stores have a more interesting design, not the box shape of the Crewe building. Can we have similar?
- The trees need to be retained on the site;
- The building is not in keeping – there are no other single storey glass fronted, garage type showroom buildings in the area;
- 90% of the buildings in this area are two storeys with tiled sloping roofs. The only flat roof is the co-op which is dating back the 70's style like the town square which the Council are trying to change;
- The planned pedestrian entrance of Sherwin Street would be a bolt hole for vandals and thieves. As the Council have recently been securing the town alleyways and protecting the community and successfully reducing crime this certainly would not adhere to their policy;
- If they did not have this entrance they would not require the planned walkway. Then it would be possible to arrange the car parking spaces against the loading bay wall and therefore protect the precious long established trees. After all this is national Green Year;
- Would it be possible to compromise and incorporate the existing building in the new store?

Support

Letters of support have been received from the following addresses: 174 151, 208 Bedford Street, 23 St. Andrews Avenue, 38 St. Andrews Court 20, 42, 76 Ernest Street, 12, 26 Culland Street, 29, 159 Ruskin Road 20 Smallman Road and 239 Nantwich Road, Crewe making the following points:

- The store will be a great asset to the area;

- It would be convenient for local residents. There are a lot of elderly people who would gain from an accessible low cost store;
- It will be nicer to look at than the Earl of Crewe with its hideous painting and poor signage not to mention the untidy land in Sherwin Street;
- The public house is hardly open;
- The garages to the site have been demolished and are an eyesore with rubbish dumped there;
- There will be jobs created which are needed in a recession;
- Shopping at present is very limited and Aldi have something for everyone;
- Pensioners can walk to the store;
- Aldi staff are friendly, food is always organic, service the best and also low prices;
- There are a lot of problems at the pub due to youths fighting late at night, damaging cars and property;
- There are very few people who use the Earl of Crewe;
- There are also problems with loud noise and loud music from the pub;
- It will not affect the amount people spend in other Nantwich Road shops as they already use supermarkets in town.
-

9. APPLICANT'S SUPPORTING INFORMATION

Transport Assessment

- The report has demonstrated that the proposed Aldi food store development would not have a detrimental impact on the operational performance and safety of the local highway network.
- It is concluded that there are no overriding reasons preventing the Local Planning Authority from recognising that the proposal is acceptable with regard to the local highway network.

Framework Travel Plan

- To achieve the initiatives in the Travel Plan, Aldi will encourage its employees and customers alike to take into account the benefits of sustainable forms of transport that are available to them given the highly accessible location of the site.
- Aldi will undertake local infrastructure improvements to further enhance sustainable transport options in the vicinity of the site. This allied with progressive management practices and the provision of adequate infrastructure will influence and encourage staff and customers to choose sustainable transport options in preference to the private car.
- The Travel Plan will seek to achieve significant reductions in car usage for journeys to and from the store. This will produce resultant benefits in terms of air quality and emissions and will also significantly reduce car parking demand and traffic generation associated with the development.

Consultation Statement

- Pre-application discussion has taken place with statutory bodies, stakeholders and elected members a press release was issued and a public exhibition was held
- A free post and free phone facility was also set up to enable people to make comments.
- A total of 79 responses were received, of which 68% were in favour, 13% made comments and 19% objected.
- The statement includes a summary of the comments.
- The applicant is committed to on-going community and stakeholder engagement through meetings and newsletters.

- All comments received have been reviewed by the project team and where changes could be made, they were. Feedback was also given at the exhibition and questions answered. Many of the issues raised are covered in the application documents which accompany this response.
- Following a review of the feedback received Aldi considered the comments raised and has responded as follows.
- A new Aldi food store on the site would assist in meeting a local need as the Cheshire Town Centre Study identifies capacity for additional convenience floor space in Crewe. Because Aldi stores only sell own brand products, the store can sit side by side with existing stores already in Nantwich Road. Aldi believe that the new store would attract local customers who currently travel to one of the larger supermarkets in Crewe. This would bring new life into the shopping area and complement the other shops.
- The Earl of Crewe public house has deteriorated in recent years and does not contribute to the Nantwich Road. The design of the proposed store would be high quality and would seek to provide a modern, lean and light store for the town. Aldi has carefully designed the scheme to incorporate certain features from the Earl of Crewe public house, such as the commemorative plaque to ensure that the new food store complements the existing streetscape and provides a feature on Nantwich Road.
- The new store would seek to bring a new landmark building to the street frontage with a sympathetic design to reflect the history of the site while creating a new use of the land to help draw customers to Nantwich Road.
- The principal means of access would be via the existing access off Nantwich Road. The access radii and width will be modified to provide easy access into and out of the site whilst maintaining the required visibility standards. There are no proposals for any access to be taken from Sherwin Street.
- The Earl of Crewe public house already has a private pay and display car park to the side and rear of the building. The new store would seek to continue to provide parking for customers of shops along Nantwich Road as well as customers of the new Aldi Store. The development is proposing a total of 85 car parking spaces, including four spaces for disabled customers and two parent / child spaces.
- Aldi proposes that the new store car park would become free for visits up to 90 minutes giving customers time to complete their shopping in store and make further trips to the neighbouring shops. There would be no restrictions on parking out of store opening hours.
- Aldi is committed to ongoing public consultation by way of further meetings and a newsletter.

Retail Statement

- The Cheshire Town Centre Study identifies both a quantitative and qualitative need for additional convenience floorspace in Crewe.
- The site lies primarily within the defined Nantwich Road shopping area, which is a preferred location for new retail development and notwithstanding this there are no more central sites within Crewe Town Centre or Nantwich Road, which are suitable, available or viable to accommodate the proposal. It presents the most appropriate opportunity for additional retail investment of the scale proposed.
- The development is of an appropriate scale to the Nantwich Road location and the catchment area served by the centre.
- The site is well served by public transport and is readily accessible by a choice of modes of transport including, buses, rail, cycling and walking.
- The scale of the proposed store is modest and the predicted trading impact of the development is minimal and it will have no harmful effect on the vitality and viability of Crewe

Town Centre or the Nantwich Road shopping area, but rather it will enhance the retail offer, widen choice for consumers and therefore improve the activeness of the Nantwich Road shopping area.

- There are therefore no retail considerations contrary to national and local policies such that planning permission should be granted.

Design and Access Statement

- The scheme proposal is a contemporary modern design, which will replace a structure alien to its surroundings.

- The proposal will bring crisp materials to the streetscape whilst also enhancing existing public routes and servicing.

- The carefully chosen palette of materials will fit neatly into the urban landscape and create a sharp modern addition to Nantwich Road and the neighbouring areas.

- Enhanced landscaping levels will also be introduced to the streetscape, throughout the car park and to the boundaries

- To conclude the scheme fulfils the requirements of the policies set down at both National and Local levels and therefore should be treated in a favourable light by the Local Authority

Planning Statement

- The site is in a sustainable location and is suitable to accommodate the scale of the proposed foodstore, which is appropriate for the location. It will enhance the retail offer in the Nantwich Road shopping area and improve customer choice and will have no adverse impact on the centre, or on Crewe town centre. It will also offer the prospect of linked trips, improve the centre's car parking facilities and will contribute to urban regeneration objectives.

- The building is of good quality which respects urban design principles and is in keeping with the local context and will therefore significantly enhance the surrounding area.

- The Transport Assessment has confirmed that the traffic generation in respect of the proposed store can be satisfactorily accommodated on the highway network.

- No other issues have been identified which are adverse to the proposed development

- For all these reasons it is submitted that planning permission should be granted.

Geo-environmental Assessment

- No significant contamination of the soils has been identified on the site. However there is a slim chance that some contamination may be present in currently inaccessible areas of the site or in the former demolished garage area. However, gross contamination is not anticipated and a watching brief should be undertaken during development to ensure no areas of minor contamination are overlooked.

- At this stage no specific remedial measures are considered necessary. No sources of contamination have been identified at this stage and the development of the foodstore and associated car park will largely remove any pathway between potential contamination and site end users.

- Imported clean soils may be necessary to support plant growth in areas of soft landscaping. This will also prevent potentially undesirable soils coming to the surface. However, it may be possible to utilise the existing topsoil in the beer garden area if an area is available to stockpile it during construction.

- The most suitable foundations at the site are likely to be a combination of pad and strip foundation founding on the firm to stiff clays. Ground bearing floors slabs are likely to be suitable.

Bat Survey

- No evidence was found anywhere on site to suggest that bats ever roosted here.
- The barn looked to offer the most potential from outside but internally it was obvious that the fire 2 years ago had caused extensive damage and most of the timbers were severely charred. The barn was re-roofed after the fire and if bats had been present beforehand this major disturbance is likely to have, at the very least, caused them to relocate elsewhere. However, there was no evidence to suggest that they had ever roosted there.
- The pre-fabricated garages that have been demolished were unlikely to have been attractive to bats.
- Nor do the trees on the site show any signs of suitable roosting habitat, apart from one ivy clad tree, which in isolation within sub-optimal bat habitat is unlikely to be attractive to bats.
- However, bats do forage and roost in areas close to Crewe town centre and this site may be visited from time to time by the occasional bat or two but it is unlikely to be significant.
- In view of this a license from Natural England regarding bats is not currently required before building work commences on site.
- Mitigation measures are not required for bats
- However, if the situation changes and bats are subsequently found on site, then a license for bats may be required and mitigation measures necessary.
- If in the unlikely event that a bat is accidentally discovered during building operations, work must cease immediately in that area. The bats should be left undisturbed and a bat consultant contacted for advice.

10. OFFICER APPRAISAL

Principle of Development

The site lies outside the town centres of Crewe and Nantwich, as defined in the Local Plan, where Policy S.10 states that major retail developments will be permitted only if all of a number of criteria are met. According to the supporting text major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m. The proposed Aldi store would have a gross floorspace of 1407sq.m and therefore it is not necessary for the developer to demonstrate that there is a proven need for the development; a sequential approach to site identification has been followed; or that the proposal, either by itself or together with other shopping proposals or developments, will not harm the vitality or viability of another shopping centre.

Furthermore, the proposed store would be located partly within the Nantwich Road Shopping Area as defined in the local plan, although some of the parking area to the rear would lie outside this area. According to Policy S9 new retail development will be permitted on Nantwich Road (as defined on the proposals map), provided it is in accordance with policies BE.1 - BE.5. The proposal is therefore acceptable in principle, subject to the consideration of more detailed matters of amenity, design, access and parking, drainage and infrastructure and compliance with other relevant local plan policies.

Layout, Design and Street Scene

The proposed store has been sited at the front of the site but is orientated with the main frontage at 90 degrees to the road. Consequently the Nantwich Road frontage is formed by a long blank elevation with high level windows. In visual terms this will create a bland and uninteresting street scene, and will create a significant break in the retail frontage which will

discourage shoppers from continuing beyond it to other shops along Nantwich Road. This lack of active frontage will also reduce natural surveillance of the street leading to an increase in actual and perceived risk of crime.

The building also fails to address the Sherwin Street frontage, with a similarly blank elevation being presented to this street, albeit slightly softened with boundary planting. The building occupies a corner position at the junction of Nantwich Road and Sherwin Street, and yet no attempt is made to emphasise this with a landmark feature or architectural statement, none of which represents good urban design practice.

The majority of the development along Nantwich Road, including the properties to either side of the site, is of between two and three storeys in height with a vertical emphasis and rhythm created by fenestration patterns, stops in the building line, bay windows and gables. Buildings are generally traditional in style with pitched, tiled roofs and red facing brick walls. By contrast the proposed building is a single storey flat roofed “slab”, with a strongly horizontal emphasis both in terms of its overall form and its fenestration. This would appear entirely alien and out of keeping with the character of the surrounding area and would be detrimental to the character and appearance of the street scene. Other than a small projecting canopy near to the entrance there is no articulation or relief in terms of the line of the building. The materials would be smooth grey concrete panels, with grey aluminium grey trim. Consequently, the building makes no reference to its surroundings and no contribution to local distinctiveness. The detail of the elevations only serves to emphasise the detrimental impact of its scale, form and siting on the character and appearance of the street scene. The development is therefore clearly contrary to Policy BE.2 (Design Standards) of the Local Plan.

Locally Listed Building.

The existing Earl of Crewe public house is listed in Appendix 5.3 of the Crewe & Nantwich Adopted Replacement Local Plan 2011 as a building of local interest. This is an important building within the street scene in this part of the Nantwich Road in Crewe.

It was built in 1897, in the year of Queen Victoria's Diamond jubilee, and is a good building of its type with symmetrical two storey bays to either side of the front elevation which terminate in jettied gables at the third / attic floor level which display detailed plasterwork and are supported on prominent consoles. To either side of each of these gables are tall brick external chimneys stacks each with detailed brick bands which reinforce the quality of detailing in this elevation, with a third chimney of the same style found towards the rear.

The brick and terracotta detailing in this building is particularly good, with a continuous moulded projecting string course between ground and first floor incorporating a Tudor rose frieze detail which is also copied vertically above. The stonework surrounds to the windows and their quoins are also striking.

The height, mass and style of this fine building complements the buildings to either side and its height in particular mirrors that of others in this part of the Nantwich Road. The building and its outbuildings are, therefore, an important part of the historic character of this road and its buildings and it is for these reasons that it has been incorporated on the local list.

Policy BE13 of the Adopted Replacement Local Plan 2011 states that buildings or structures included in the non-statutory list of buildings and structures of local architectural or historic interest will be protected from inappropriate development proposals affecting the reason for their inclusion in the list.

Clearly, complete demolition of a building would be considered inappropriate development and would affect the reason for its inclusion in the list. Therefore, the Council has a clear preference for the re-use of these locally listed buildings and structures unless that re-use is neither physically nor financially sustainable, or it can be clearly demonstrated that there are reasons for the development which outweigh the need to safeguard the building or structure.

The applicant argues that the original character of the building has been changed and diminished not least by the loss of the whimsical lantern tower destroyed by fire, which was original located between the two front gables. In addition the attic floor has been painted blue and a single storey extension has been added on the western side, which further detract from its appearance. The general condition of the building has also deteriorated and is in need of maintenance.

It is not considered that these are sufficient reasons to justify the demolition of the building. No evidence has been put forward that the building is structurally unsound or that it requires more than general maintenance. The painting of the attic is a cosmetic alteration, which could easily be reversed and a more comprehensive restoration, as part of a conversion to an alternative use could deal with the missing lantern and single storey extensions.

The applicant also argues that whilst presently operating, the owners of the building have been attempting to sell the business for over three years without success and have therefore sought interest for alternative uses. With a similar lack of enquiries, redevelopment has become increasingly attractive. Vacation of the building is increasingly likely in the short term leading inevitably to further deterioration and problems in respect of its appearance. However, no marketing evidence has been submitted to support these claims.

The scale and layout of the building, the applicant claims, are such that it does not lend itself easily to conversion and in the present economic climate costs are prohibitive. This argument is not accepted. It is considered that the building is suitable for a range of uses, which would be economically viable, particularly in conjunction with the implementation of the extant permission which exists on the land to the rear of the site. There have been recent examples within the Borough of Public houses being converted to a range of uses including flats, student accommodation and restaurants. It is not considered therefore that the developer has demonstrated that re-use is neither physically nor financially sustainable.

The supporting documentation states that notable features from the original building will be incorporated within the new development. However, other than reference to a commemorative plaque details of these features have not been forthcoming. The developer also considers that the proposal will bring a new landmark building to the street frontage which will enhance the area and incorporate features from the former building. As set out above Officers have very grave concerns regarding the design of the new building and do not consider that it in any way compensates or provides special justification for the loss of a locally listed building. The proposal is therefore contrary to Policy BE.13 of the Local Plan.

Crime and Disorder.

Large scale retail proposals often raise concerns about car-related antisocial behaviour on the car park when the supermarket is closed. Such problems have been experienced at other stores in the Borough and it is therefore suggested that in the event of approval conditions should be imposed requiring the erection of gates or other physical measures to secure the site access outside store opening hours, as well as the provision of CCTV and speed humps.

Public consultation

In support of the application, the developer has submitted a Consultation Statement. The Borough Council's Adopted Statement of Community Involvement, which provides guidance on the production of Statements of Local Engagement states, at Paragraph 8.3, that such documents should show how applicants have involved the local community and where the proposals have been amended, as a consequence of involving the local community.

The Statement, submitted as part of this planning application, outlines the public consultation that has taken place and summarises those concerns and issues that were raised. The main issues appear to have been the need for the new store, loss of the historic building, car parking and access. Whilst the statement goes on to provide further justification for the proposal and reassurance that these matters are of no consequence, it does not appear that the scheme has been amended in any way to respond to public concerns.

Sustainability

The new Regional Spatial Strategy places considerable emphasis on achieving sustainable development, minimising waste and energy consumption. It also advocates provision within new development of micro-generation opportunities. Policy EM 18 states that "in advance of local targets being set, new non residential developments above a threshold of 1,000m² and all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

No information has been provided within the supporting documentation to explain how the new development will comply with this requirement or why it is not feasible to comply. Furthermore, no information has been provided about how energy saving features or sustainable construction techniques will be utilised within the development or how the carbon footprint arising from demolition and redevelopment, rather than re-use of the existing building will be off-set. The proposal is therefore contrary to Policies DP 9 (Reduce Emissions and Adapt to Climate Change), EM 16 (Energy Conservation & Efficiency), EM17 (Renewable Energy), and EM18 (Decentralised Energy Supply).

Furthermore, no indication is given as to how the demolition waste from the existing building is to be dealt with. No evidence has been put forward to suggest that it can be utilised on site. This is contrary to the principles set out in RSS Policies EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles) as well as the provisions of Policy 11 (Development and Waste Recycling) of the Waste Local Plan

Air Quality

The site is adjacent to an Air Quality Management Area which has been declared due to the levels of nitrogen dioxide in the area. Therefore, Environmental Health have stated that the applicant would have to undertake a comprehensive air quality impact assessment of the proposal before any permission could be granted. This has now been commissioned, although at the time of report preparation it had not been received. Any further information on this issue will be reported to Members at the meeting.

Amenity

The proposed store will be sited between 18 and 20m away from the properties on the opposite side of Nantwich Road and Sherwin Street, which will be sufficient to prevent any loss of light to those properties. Given the lack of glazing in the elevations fronting on to these streets, privacy is also not considered to be an issue. Distances in excess of 20 m will be maintained to all of the other neighbouring dwellings.

With regard to the operation of the building the Environmental Health section have raised concerns about noise, odour and light from the premises, but are of the opinion that these can be adequately mitigated through appropriate conditions. Furthermore, compared to the existing pub use, any disturbance resulting from customer or early morning delivery activity is considered to be minimal and it is therefore considered that there are no sustainable amenity grounds for refusal.

Landscape and Ecology

The proposal involves the loss of a number of mature trees from the middle of the site. However, these were to have been removed as part of the approved scheme for residential development and in view of this fall-back position and the fact that the trees are not protected by a Tree Preservation Order, it is not considered that a refusal on these grounds could be sustained.

A bat survey of the existing buildings on site has been undertaken but has not revealed any presence of bats on site. Whilst the comments of the Council's ecologist were still awaited at the time of report preparation, it is considered that this issue is unlikely to present further grounds for refusal and that any residual concerns can be adequately dealt with through appropriate precautionary conditions.

Highways and Parking.

This will be discussed in the late information report circulated to members. However, the Highway Engineer has concerns about a number of aspects of the development.

Loss of Community Facility

Policy CF3 seeks to protect community facilities which make a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made. Previous appeal decisions which have considered schemes that would result in the loss of a public house, have established that where there are other facilities within easy walking distance then there are no planning objections to the loss in principle. Appeal decisions make it clear that the consideration is whether there are alternative establishments in the local area not whether

they offer exactly the same ambience / facilities as the one which has closed. Policy CF3 makes no reference to the need to market an establishment before it is lost or for any considerations regarding viability. Whereas the Council has used such a reason for refusal for other premises in villages, the same considerations do not apply to the loss of a public house in a town such as Crewe with other public houses within walking distance. It is therefore considered that the loss of this public house would not conflict with policy CF3 of the Replacement Local Plan 2011.

Other Matters

A significant number of letters have been received in respect of the proposal, paragraph 27 of PPS1 states that the members of the local planning authority are elected to represent the interests of the whole community in planning matters. When determining planning applications they must take into account planning considerations only. This can include views expressed on relevant planning matters. However, the paragraph concludes that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

Therefore, in considering letters of representation, Members must consider the validity of the points that have been raised and not the number of letters received.

Residents complaints about antisocial behaviour relating to the pub do not provide justification for its demolition as these are a management issue and can be address through licensing and other legislation. Furthermore, the public house could be converted to another use which would eliminate these problems as well as addressing its appearance and the maintenance issue. The untidy land at the rear can also be dealt with through enforcement proceedings or the implementation of the extant residential permission.

The quality and price of Aldi products or the helpfulness of their staff are not material planning considerations.

11. CONCLUSIONS

In summary it is considered that whilst retail development would be acceptable in principle, the proposal would result in the loss of a locally listed building, the re-use of which the Local Planning Authority considers to be both physically and financially sustainable. The applicant has failed to demonstrate that there are any other reasons for the development which outweigh the need to safeguard the building and the proposal.

The layout, massing, and design of the proposal are wholly unacceptable and would be severely detrimental to the character and appearance of the street scene on this part of Nantwich Road. It is also considered that the developer has failed to adequately demonstrate how the proposal will contribute to sustainable development objectives through renewable energy, energy saving design and waste minimisation and recycling.

The applicant has also failed to demonstrate that the proposal will not exacerbate existing air quality problems on Nantwich Road and that an adequate and safe highway access can be achieved.

The proposal is considered to be acceptable in terms of its impact on crime and disorder, landscape and ecology, amenity of neighbouring properties, drainage and flood risk, and

highways and parking. Furthermore, it is concluded that the developer has complied with the Statement of Community involvement. However, these are insufficient to outweigh the concerns in respect of the loss of the locally listed building, the highway and air quality impacts of the proposal, its design and layout and contribution to sustainable development.

Therefore, in the light of the above, and having due regard to all other matters raised, it is concluded that the proposal is contrary to policies BE.13 (Buildings of Local Interest), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011; Policies DP9 (Reduce Emissions and Adapt to Climate Change), EM16 (Energy Conservation & Efficiency), EM17 (Renewable Energy), EM18 (Decentralised Energy Supply) EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles) of the North West of England Plan – Regional Spatial Strategy to 2011; Policy 11 (Development and Waste Recycling) of the Waste Local Plan and the provisions of PPS6.

12. RECOMMENDATIONS

REFUSE for the following reasons:-

- 1. The proposal would result in the loss of a locally listed building, the re-use of which the Local Planning Authority considers to be both physically and financially sustainable. The applicant has failed to demonstrate that there are any other reasons for the development which outweigh the need to safeguard the building and the proposal is therefore contrary to Policy BE.13 (Buildings of Local Interest) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 2. In the opinion of the Local Planning Authority the proposed development, by reason of its size, site layout and design would severely detract from the character and appearance of the street scene contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 3. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that they have met the RSS requirements to provide 10% of renewable energy on site and the proposal is therefore contrary to Policies DP9 (Reduce Emissions and Adapt to Climate Change), EM16 (Energy Conservation & Efficiency), EM17 (Renewable Energy), and EM18 (Decentralised Energy Supply) of the North West of England Plan – Regional Spatial Strategy to 2011. Furthermore, no clear strategy for waste management and recycling of waste materials on site has been put forward contrary to the principles set out in RSS Policies EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles) as well as the provisions of Policy 11 (Development and Waste Recycling) of the Waste Local Plan.**
- 4. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposal will not exacerbate existing air quality problems on Nantwich Road, contrary to Policy NE.17 (Pollution Control) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**

Location Plan



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Planning Reference No:	09/1646N
Application Address:	Heath Lea School Lane Bunbury CW6 9NR
Proposal:	Side and Rear Extensions
Applicant:	Mr A Taylor
Application Type:	Householder
Grid Reference:	356157358003
Parish:	Bunbury CP
Earliest Determination Date:	16 July 2009
Expiry Dated:	5 August 2009
Date of Officer's Site Visit:	8 July 2009
Date Report Prepared:	17 July 2009
Constraints:	

SUMMARY RECOMMENDATION:**APPROVE** (subject to conditions)**MAIN ISSUES:**

- Impact on neighbouring amenity
- Impact on the character of the area
- Impact on highway safety

1. REASON FOR REFERRAL

This application was to be determined by the Cheshire East Council Scheme of Delegation. However the application has been called in to the Southern Planning Committee by Councillor B Dykes due to concerns regarding the impact of the development on the streetscene, bin storage and parking.

2. DESCRIPTION OF SITE AND CONTEXT

The application site comprises a two storey semi-detached property located along School Lane in Bunbury. The dwelling is set within a rectilinear curtilage. Part of the garden lies outside of the settlement boundary although the dwelling itself is within the settlement boundary of Bunbury. A footpath runs alongside the eastern (side) boundary.

3. DETAILS OF PROPOSAL

The proposals relate to a two storey side and rear extension measuring 11.2m in length, 2.4m wide on the side elevation and 4.4m wide on the rear elevation and reaching a height of 7.4m on the side and 6.8m to the rear. A single storey rear extension is also proposed measuring 3.6m wide, 4.8m deep and reaching a height of 3.7m.

4. RELEVANT HISTORY

None relevant

5. POLICIES

Regional Spatial Strategy

None relevant

Local Plan Policy

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

RES.11 (Improvements and Alterations to Existing Dwellings)

Other Material Considerations

SPD Extensions and Householder Development

6. CONSULTATIONS (External to Planning)

None consulted

7. VIEWS OF THE PARISH COUNCIL:

None received at time of writing the report

8. OTHER REPRESENTATIONS: None received at time of writing the report

9. APPLICANT'S SUPPORTING INFORMATION

None received

10. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary of Bunbury where there is a presumption in favour of development. Policy RES.11 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 governs the acceptability of extensions to dwellinghouses and stipulates that extensions should respect the setting, design, scale, and form and materials of the original dwelling and should not result in a loss of amenity to neighbours or result in a loss of car parking.

Design

The existing dwelling is an attractive 2 storey semi detached dwelling located within the settlement boundary of Bunbury. It has a chimney joint with the neighbour, is of brick and tile construction and the facade includes an attractive ground floor bay window.

The extension has a reduced ridge and eaves height which has resulted in a design which does not line through in terms of its window detailing. That said, the extension is clearly

recognisable as a subordinate element of the property and the design of the windows matches the windows on the existing property both at the front and back.

It is considered on balance that the design of the extension is appropriate for this dwelling particularly as it is not prominent within the streetscene or a significant element on the frontage of the building.

A footpath runs along the side elevation of the property; the extension will not overdominate this footpath as the bulk and massing has been relieved with the addition of a door and window and the break in building line.

Amenity

The attached neighbour at Sunnyside has an existing single storey rear extension and the proposals will not result in a breach of the 45 degree code at that dwelling.

Aldersley House is located to the south of the proposed extension. In terms of overlooking, a window is proposed on the side elevation at first floor level which serves an ensuite bathroom. This will be conditioned to be obscure glazed as the side elevation of the extension of Aldersley House contains principal windows. The existing hedged boundary provides obscurity at ground floor level.

A 0.7m gap between the side boundary and the extension has been left to enable bin access.

Access and Parking

Whilst the extension will remove vehicular access to the existing garage to the rear of the site there is still sufficient room at the front of the dwelling for the parking of vehicles. Whilst this is not ideal, a condition can be attached to any permission for details of the parking of two cars within the curtilage to be submitted for approval using a permeable surface.

11. CONCLUSIONS

The proposals are considered acceptable as the extension will have a limited impact upon the streetscene and the character of the existing dwelling and the proposals do not raise any concerns for highway safety or neighbouring amenity.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard**
- 2. Materials**
- 3. Approved Plans**
- 4. Obscure Glazing**
- 5. Scheme for Replacement Car Parking**

LOCATION PLAN:



09/1646N

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NORTH

Planning Reference No:	09/1817N
Application Address:	51 Rope Lane, Wistaston, Crewe, CW2 6RH
Proposal:	Proposed Dwelling Adjacent 51 Rope Lane, Wistaston. Re-Submission of P09/0193
Applicant:	Mr N. Windsor
Application Type:	Reserved Matters Application
Grid Reference:	369284 352989
Ward:	Rope
Earliest Determination Date:	4 th August 2009
Expiry Dated:	17 th August 2009
Date of Officer's Site Visit:	22 nd July 2009
Date Report Prepared:	22 nd July 2009
Constraints:	None

SUMMARY RECOMMENDATION

Impact of the development on:-

- The living conditions of neighbouring properties
- Character and appearance of the locality

SUMMARY RECOMMENDATION:

Approve with Conditions

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Simon has requested it be referred to Committee due to concerns over the proximity and overbearing impact of the proposal upon neighbouring residential properties.

2. DESCRIPTION OF SITE AND CONTEXT

No 51 Rope Lane is a large detached dwelling located to the rear of 55 - 61 Rope Lane within the Crewe Settlement Boundary. No 51 Rope Lane is of brown brick construction with a brown tiled roof; the property has 2 projecting bays to its front elevation. The property has a large residential curtilage with garden areas to both the north and east.

3. DETAILS OF PROPOSAL

This is a reserved matters application for one dwelling following the approval of outline application P07/1713. All matters were reserved as part of the outline application and these are to be determined as part of this application. The proposal is for a 2 storey L shaped dwelling which would have 5 bedrooms and a basement.

4. RELEVANT HISTORY

P09/0193 - Proposed Dwelling – Withdrawn 14th April 2009

P07/1713 - Outline Application for the Erection of One Dwelling – Approved 12th February 2008

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP). The relevant development plan policies are:

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

L4 – Regional Housing Provision

Local Plan Policy

RES.2 – Unallocated Housing Sites

RES.3 – Housing Densities

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

Other Material Considerations

PPS1 – Delivering Sustainable Development

PPS3 – Housing

Supplementary Planning Document – Development on Backland & Gardens

6. CONSULTATIONS (External to Planning)

Highways: No comments received at the time of writing this report

Environment Agency: No comments received at the time of writing this report

United Utilities: No comments received at the time of writing this report

7. VIEWS OF THE PARISH COUNCIL

No comments received at the time of writing this report

8. OTHER REPRESENTATIONS:

No representations received at the time of writing this report

9. APPLICANT'S SUPPORTING INFORMATION

Supporting Letter and Design and Access Statement

- Following pre-application discussions the garage wing has been reduced in length by 1.78m and 1.95m in height. A half hipped roof has been introduced to the gable facing the properties fronting Rope Lane;
- Complementing hipped roofs have been provided to the dormers serving bedroom 1;
- The bulk and mass of the proposal has now been substantially reduced from the original design;

- The proposal now reflects the size, style and quality of 51 Rope Lane and the general vernacular of many similar sized properties which form the true and original character of Wistaston.

10. OFFICER APPRAISAL

Principle of Development

The site is located within the Settlement Boundary of Crewe and the principle of a new dwelling on the site has been approved following the approval of planning application P07/0173. This application therefore does not present an opportunity to revisit that issue.

Design

The design of the proposed dwelling has been subject of pre-application discussions following the withdrawal of application P09/0193. The design of the front elevation includes half dormers to the garage wing, a brick plinth to the property, sills and headers to the windows, a porch and chimney which help to add interest and create a dwelling that sits comfortably alongside No 51 Rope Lane.

The area is characterised by dwellings of various sizes and styles. No 51 Rope Lane is a large detached dwelling located to the rear of newer dwellings which front onto Rope Lane. The proposed dwelling would be viewed alongside No 51 and it is considered that the height and design of the proposed dwelling is acceptable.

The main concerns as part of the previous application related to the design of the dwelling which was considered to be bulky and box-like in its appearance. However the design has been amended and the garage wing has been reduced in both height and length to create a more harmonious composition. The proposal is therefore considered to be acceptable in terms of its design and respects the character and appearance of the area.

Amenity

To the north there would be a separation distance of between 19 and 20 metres between the rear elevation of No 2 Bankfield Avenue and the proposed dwelling. The northern elevation of the proposed dwelling would include 2 first floor windows serving a bathroom and an en-suite which would be obscure glazed and as a result there would be no loss of privacy. The separation distance would exceed the guidance contained within the SPD which states that there should be a separation distance of 13.5m between a principal elevation and a blank elevation and as a result it is not considered that the proposal would have an over-bearing impact or result in any loss of light to this property or any other property to the north of the application site.

The blank elevation of garage wing would be 16 metres from the rear elevation of No 55 Rope Lane and given that this separation distance exceeds the guidance contained within the SPD it is considered that the proposal would not have a detrimental impact upon the amenities of this property through loss of light, overbearing impact or loss of privacy.

The principal windows to the front elevation of the proposed dwelling would be 21 metres from the principal windows to the rear of No's 55 and 57 Rope Lane. This separation distance meets the requirements of the SPD and it is considered that the proposal would

not have a detrimental impact upon the amenities of this property through loss of light, overbearing impact or loss of privacy.

The proposal includes a balcony to the rear elevation. A condition will be attached to this application to ensure that detailed drawings of this balcony are provided to ensure that a Juliette balcony is installed and not a true balcony which would raise privacy issues.

Highways

The proposed dwelling would be served by the existing access to No 51 Rope Lane. As part of the outline application the Highway Authority raised no objection to the application providing that the access is widened to 4.5m. This was conditioned as part of the outline consent and as a result it is not envisaged that the Highway Engineer will raise any objections to this application.

Trees

The site contains a number of young trees to the northern and western boundaries. The applicant has indicated that these trees will be retained and this will be controlled by condition.

11. CONCLUSIONS

The application site is located within the settlement boundary of Crewe and the principle of residential development has been accepted following the approval of the outline application. The proposed development would have minimal impact upon the amenities of surrounding residential properties and would not raise any highway issues. It is considered that the design and siting of the proposed dwelling would not appear out of character in this location as to warrant the refusal of this planning application.

12. RECOMMENDATIONS

APPROVE subject to the following conditions;

1 Standard

2 Materials to be submitted and approved

3 Details of balcony to be submitted and approved

4 Obscure glazing and remove PD for additional windows in northern and western elevations

5 Tree retention and protection

LOCATION PLAN:



09/1817N

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