

Southern Planning Committee

Agenda

Date:	Wednesday, 24th June, 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 3 June 2009.

4. **Public Speaking**

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

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

5. **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 (Pages 7 - 18)**

To consider the above planning application.

6. **09/0961C - Change of Use to Ground Floor from Class A1 (shop/former ceramic tile showroom) to Class A5 (hot food takeaway), 12 Rood Hill, Congleton for Mr Fereidoun Kolahi (Pages 19 - 22)**

To consider the above planning application.

7. **P08/0865 - Change of Use from Public House to A3 Indian Restaurant at the Cheshire Cheese Public House, 56 Crewe Road, Nantwich. (Pages 23 - 34)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 3rd June, 2009 at Lecture Theatre, Crewe Library,
Prince Albert Street, Crewe, Cheshire CW1 2DH

PRESENT

Councillor B Dykes (Chairman)
Councillor G Merry (Vice-Chairman)

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

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer), David Malcolm (Development Control
Manager – Sandbach Office) and David Snelson (Principal Planning Officer –
Crewe Office)

Apologies

Councillors S McGrory and A Richardson

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

Councillor A Moran, who was in attendance at the meeting, declared a personal interest in respect of application number P09/0109 on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor Mrs G Merry declared that it appeared she had predetermined application number 09/0423C on the grounds that she had called in the application, and withdrew from the meeting during consideration of this item.

Councillors T Beard and J Jones declared that it appeared they had predetermined application number 09/0755N on the grounds that they had called in the application, and withdrew from the meeting during consideration of this item.

Councillors T Beard, D Bebbington, M Davies, B Dykes, Miss S Furlong, L Gilbert, J Jones, Mrs S Jones, A Kolker, Mrs G Merry, R Walker and Mrs J Weatherill declared a personal interest in respect of application number 09/0773M on the grounds that they knew the applicant. In accordance with the code of conduct, they remained in the meeting during consideration of this item.

Councillors P Mason, A Moran and R West, who were in attendance at the meeting, declared a personal interest in respect of application number 09/0773M on the grounds that they knew the applicant. In accordance with the code of conduct, they remained in the meeting during consideration of this item.

Councillor J Jones declared a personal interest in respect of agenda item number 10 on the grounds that he was a former student of the Manchester Metropolitan University. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor Mrs S Jones declared a personal interest in respect of agenda item number 10 on the grounds that the Manchester Metropolitan University, Alsager Campus, was in her Ward and that she was a member of Alsager Town Council, which had been consulted on proposals relating to the MMU site. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

23 MINUTES

RESOLVED – That the minutes of the meeting held on 13 May 2009 be approved as a correct record and signed by the Chairman.

24 **P09/0109 DEMOLITION OF EXISTING PUBLIC HOUSE AND ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING 12 TWO BEDROOM HOUSES AND 2 ONE BEDROOM FLATS, THE MILLFIELD HOTELBLAGG AVENUE NANTWICH FOR PLOVERDALE LIMITED**

Note: Councillor A Moran (the Ward Councillor) 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 time
2. Approval of materials
3. Approval of surfacing materials
4. Provision of car parking spaces
5. Details of covered and secure cycle storage to be submitted to and approved in writing by the Local Planning Authority and retained thereafter
6. Diversion of public sewer
7. Drainage details to include for sustainable drainage measures (SUDS) to be submitted and approved and thereafter implemented
8. Approved points of access to be constructed to Cheshire East Council standards and remaining existing access to be stopped up

9. Details of all boundary treatments to include fencing at rear of the site adjoining properties on Meeanee Drive to be submitted and approved in writing by the Local Planning Authority and retained thereafter
10. Details of landscaping to be submitted to and approved in writing by the Local Planning Authority
11. Approved landscaping to be implemented
12. Provision of bin storage areas
13. Removal of permitted development rights for extensions and detached structures
14. Approved plans
15. Hours of working 0730-1800 Mon-Fri, 0800 – 1400 Sat
16. Wheelwash facility to be provided

25 09/0423C CONSTRUCTION OF DETACHED DWELLING AND NEW VEHICULAR ACCESS, 24 COLLEY LANE SANDBACH FOR MR E PENNINGTON

Note: Dr P Cuthbert (on behalf of the Colley Lane Residents Group), Mr S Holland (an objector) and Mr J Cooksey, Hulme Upright Ltd (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 have an adverse impact on the residential amenity of adjacent property by virtue of the loss of light to No.20 Colley Lane contrary to Congleton Local Plan Policy GR6.

26 09/0430C ERECTION OF TWO DWELLINGS, LAND ADJACENT TO 6 BRINDLEY WAY, CONGLETON FOR MR P KIRBY

Note: Councillor P Mason (the Ward Councillor), Mr E Thomas (an objector) and Mr D Tatton, VWB Architects (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. The development hereby approved shall commence within three years of the date of this permission
2. The development hereby approved shall be carried out in total accordance with the approved plans numbered 3452/03C, 3452/04, 3452/05C received by the Local Planning Authority on 3rd March 2009

3. No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of all external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A-E of Part 1 Schedule 2 of the Order shall be carried out
5. Prior to the commencement of development:
 - A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).
 - Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.
 - If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.
 - Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.
6. The hours of construction of the development hereby permitted shall be restricted to 0800 to 1800 hours on Monday to Friday, 0900 to 1300 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
7. The hours of foundation works or other piling on site shall be restricted to 0830 to 1730 hours on Monday to Friday, 0930 to 1230 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
8. The approved development shall not be occupied until the approved accesses that are required for the development have been constructed in accordance with the approved plans and has been formed and graded to the specification of the Local Planning Authority, which is available from the Highway Authority, and the required visibility splays have been provided, all to satisfaction in writing of the Local Planning Authority.
9. Prior to commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include proposed finished ground levels or contours, details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or

grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

10. The landscaping plan shall be implemented in full accordance with the approved scheme within the first planting season following completion of the development hereby approved, or in accordance with a programme first agreed in writing with the Local Planning Authority. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
11. Prior to commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the occupation of the dwellings hereby approved and shall be carried out in accordance with the approved details and permanently retained unless otherwise first approved in writing by the Local Planning Authority.
12. No development shall commence until an ecological assessment of the potential impacts on the Site of Special Scientific Interest as a result of this development has been carried out, submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out by a suitably qualified person and shall include mitigation measures for the protection of the Site of Special Scientific Interest. Any mitigation measures shall be carried out in accordance with an agreed timetable.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no windows / dormer windows other than those expressly authorised by this permission shall be constructed.

27 09/0755N TWO STOREY SIDE EXTENSION AND CONSERVATORY, 25 WAREHAM DRIVE CREWE FOR MRS S PRINGLE

Note: Mr S Edge (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 sited in close proximity to the side facing kitchen window of No.27 Wareham Drive resulting in an overbearing and form of development causing significant overshadowing, loss of light and demonstrable harm to the amenities of that property. The

proposed development would therefore be contrary to Policies BE.1 (Amenity) and RES.11(Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and guidance contained within the Local Development Framework Extensions and Householder Development Supplementary Planning Document (2008).

28 09/0773M SINGLE STOREY FRONT EXTENSION AND PITCHED ROOF OVER EXISTING FLAT ROOF, 23 ASHFORD ROAD WILMSLOW FOR MR W FITZGERALD

The Committee considered a report regarding the above planning application.

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials to match existing

29 CONFIRMATION OF THE MANCHESTER METROPOLITAN UNIVERSITY, ALSAGER CAMPUS, INTERIM TREE PRESERVATION ORDER 2008

The Committee considered a report regarding a Tree Preservation Order which had been made by Congleton Borough Council on 17 December 2008.

The Order covered the majority of the Manchester Metropolitan University, Alsager Campus, and some additional parcels of land in the immediate vicinity containing trees which could be affected by the planned redevelopment of the site. In due course, a more specific Order would be required, identifying individual trees and groups of trees suitable for retention within the context of the redeveloped site. The Order had been served on persons with an interest in the land and a number of representations have been received. If the Tree Preservation Order was not confirmed, the protection it afforded trees would lapse on 16 June 2009.

RESOLVED – That the Manchester Metropolitan University, Alsager Campus, Interim Tree Preservation Order 2008 be confirmed, subject to a modification to the plan to exclude land at Grove House, Sunnyside, Alsager.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

Councillor B Dykes (Chairman)

Planning Reference No:	09/0809C
Application Address:	Land off Jersey Way, Middlewich
Proposal:	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.
Applicant:	Daniel Kershaw, Russell Homes
Application Type:	Outline
Ward:	Middlewich
Registration Date:	26 March 2009
Earliest Determination Date:	29 May 2009
Expiry Date:	25 June 2009
Date report Prepared	15 June 2009
Constraints:	None

SUMMARY RECOMMENDATION

Approve subject to conditions and S106 Agreement

MAIN ISSUES

Principle of Development
Proposed Access - Highway safety and capacity
Affordable Housing
Nature Conservation & Trees
Flood Risk
Environmental Health

1. REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the scheme exceeds 10 residential units and is therefore a major development.

2. DESCRIPTION AND SITE CONTEXT

The site lies wholly within the Settlement Zone Line for Middlewich and is not allocated in the Local Plan. However, the majority of the site has been identified within the Revised Preferred Options which allocated the site for up to 100 dwellings and public open space

The site is approximately 500m to the south west of Middlewich town centre and is bounded by Sandbach to Northwich rail freight line along its western boundary, Holmes Chapel Road to the south, Jersey Way and its wider environs to the east and King Street Industrial Park to the north.

The site measures approximately 2.6ha and is linear in shape running parallel with the railway line in a northwest to southeast direction with relatively even ground levels. A watercourse runs from the southwestern corner of the site along the western boundary into adjacent land which then cuts sharply back across the centre of the site to its eastern boundary and beyond.

Whilst the majority of the site was cleared prior to the submission of the previously approved application, 07/1452/FUL, the additional land included within this application site, i.e. that to the south contains 3 existing residential properties. In this case, the application proposes retention of 1a Holmes Chapel Road with a section of garden area incorporated as part of a visibility splay but that numbers 3 & 5 Holmes Chapel would be demolished entirely to be redeveloped within the wider scheme.

3. DETAILS OF PROPOSAL

This application is made in outline and seeks permission for demolition of existing dwelling houses at numbers 3 and 5 Holmes Chapel Road and redevelopment of the site for up to 93-dwellings, public open space and associated highway and landscaping works.

The application seeks detailed permission for means of access directly off Holmes Chapel Road and reserves layout, scale, appearance and landscaping reserved for future consideration.

In more detail, the proposed access would involve the following works: -

- Creation of a new priority junction directly onto the A54 Holmes Chapel Road.
- Widening of A54 to create two 3.25m lanes and 3m wide ghost right turn lane.
- Visibility Splays of 2.4m x 70m.
- Improvements to the footway width from approximately 0.9m to 2m wide.
- Closure of the existing sub-standard access points onto the A54.

4. RELEVANT HISTORY

08/1933 & 08/1934 Co-joined outline applications for residential development (up to 93 dwellings) proposing access from the A54 Holmes Chapel Road. The applications were withdrawn on the 3rd March 2009 following an objection from the highways engineer.

08/1430/OUT Outline application for residential development up to 88 dwellings with associated public open space, highway and landscaping works. Withdrawn following an objection from the then County Highway Engineer.

07/1452/FUL Erection of 82 dwellings, public open space, and means of access. Approved subject to S106 (signed 9th February 2009).

37596/3 Erection of 61 residential units, including 20 apartments, together with 16 office units totalling 1115sq.m B1 floorspace. Refused.

5. POLICIES

The development plan includes the North West of England Regional Spatial Strategy 2021 (RSS) and the Congleton Borough Local Plan First Review 2005 (LP).

Local Plan Policy

E-10 'Re-Use or Redevelopment of Existing Employment Sites'

GR1 'New Development'

GR2 'Design'

GR3 'New Residential Development'

GR4 & 5 'Landscaping'

GR6 & 7 'Amenity and Health'

GR9 'Accessibility, Servicing and Parking Provision'

GR10

GR21 'Flood Prevention'

GR22 'Open Space Provision'

H1 & H2 'Provision of New Housing Development'

H4 'Residential Development in Towns'

H9 'Additional Dwellings and Sub-divisions'

H13 'Affordable and Low Cost Housing'

NR1 'Trees and Woodlands'

NR2 'Statutory Sites'

RC1 'Recreation and Community Facilities – General'

SPG1 'Provision of Public Open Space in New Residential Developments'

SPG2 'Provision of Private Open Space in New Residential Developments'

SPD6 'Affordable Housing and Mixed Communities'

Other Material Considerations

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

PPS9 'Planning and Biodiversity'

PPG13 'Transport'

PPG16 'Archaeology and Planning'

PPS23 'Planning and Pollution Control'

PPG24 'Planning and Noise'

PPS25 'Development and Flood Risk'

Design Manual for Roads and Bridges

Manual for Streets

6. CONSIDERATIONS (External to Planning)

Environment Agency:

Consulted. No representation received.

Environmental Health:

No objection to the proposed development subject to the imposition of a number of conditions.

United Utilities

No objection to the proposed development providing that the site is drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse /soak away/surface water sewer and may require the consent of the Environment Agency.

Network Rail

No objection in principle subject to the development. However, due to its close proximity to the operational railway, Network Rail have requested a number of issues be taken into consideration, and a number of conditions attached, if the application is recommended for approval.

Highways:

The Strategic Highways and Transportation Manager has undertaken a detailed assessment of the applicants Transport Statement and junction design and is satisfied that, on balance, the proposals are acceptable. He therefore recommends approval of the application subject to conditions and subject to the applicants entering into a S106 Agreement to secure a contribution of £10,000 towards off-site bus infrastructure improvements and which secures submission of a travel plan.

Senior Landscape Officer (SLO):

The SLO provided comments in relation to impact of the development on protected species, trees and watercourses. The SLO requested that the indicative layout be reviewed prior to determination of the application having regard to protection of existing trees but that remaining issues be addressed by appropriate conditions.

Streetscape:

Children and Young Persons Provision

Streetscape have identified that there would be a surplus in the quantity of provision having regards to the local standards set out in the open space study. Whilst there is therefore no requirement for new children's play facilities, a qualitative deficit has been identified in existing open space and therefore a sum of £103,169 has been requested to increase the capacity of the existing LEAP at Angus Grove and to upgrade the facility at King Street.

Amenity Greenspace

As there would be a deficit in the provision of amenity greenspace, an opportunity has been identified to enhance the open space at Harbutts Field, which although just outside the 800m zone, is still reasonably accessible to the development. An addition contribution of £18,373 has therefore been requested.

Cheshire County Archaeologist:

Requests that a condition be attached to any planning permission which would ensure that details of an appropriate archaeological study are submitted to and approved by the council prior to the commencement of any development on the site.

7. VIEWS OF MIDDLEWICH TOWN COUNCIL

Object to the application on the grounds that the proposed access is unacceptable on highway safety grounds, as traffic would be emerging on to the busy A54 in very close proximity to the bridge.

8. OTHER REPRESENTATIONS

Representation from occupiers of 38 Jersey Way, Middlewich.

- Query as to whether existing Leylandi trees on the site boundary adjacent to his property are to be retained.
- Also advised that his property has required works under the NHBC Guarantee scheme for subsidence.

Representation from occupiers of Marian House, Middlewich.

- Proposals would exacerbate existing problems with congestion.
- Concerns over the impact of the scheme on highway safety.
- Would make it more difficult to access their property.
- A scheme has already been approved with access from Jersey Way.
- A previous application seeking access from the A54 was deemed unsafe.

Representation from occupiers of Sportsvilla, 2 Holmes Chapel Road, Middlewich.

- Highways; increase in hazards and traffic to Holmes Chapel Road.
- The Middlewich by-pass has not been constructed.
- The scheme would be detrimental to the character of the area as a result of demolition of the two houses.
- Over development of land adjacent to Holmes Chapel Road.

Representation from occupiers of Baile-Na-Cora, Holmes Chapel Road, Middlewich.

- Object as it will make a dangerous congested part of the road even more so.
- The previous application could not be supported and we can see little difference with the new design and a puffin crossing is not shown on the plan.
- Permission has already been granted for this development off Jersey Way so we cannot see the sense in the application as it can only cause even more of a traffic nightmare to local people but also Middlewich as a whole.
- Over development of the worst kind.

9. APPLICANT'S SUPPORTING INFORMATION

Transport Statement

Planning, Design and Access Statement

Protected Species Survey

Desk Study and Ground Investigation Report

Tree Survey

Noise Impact Assessment

PPS25 Flood Risk Assessment

Archaeological Survey

Illustrative Layout

10. OFFICER APPRAISAL

Principle of Development

The majority of the site, more particularly vacant land to the north of 3 & 5 Holmes Chapel Road, already benefits from planning permission for residential development following approval by members of planning application 07/1452/FUL. The principle of residential development has clearly therefore been established and therefore the inclusion of small amount of additional previously developed land within the overall site is considered to be acceptable in principle having regard to PPS3 and policies H2, H4 and H9 of the adopted local plan.

Highways

Following detailed assessment of the applicants transport statement and junction design, the Strategic Highways Manager (SHM) is satisfied that on balance the design of the proposed junction, and its likely on its operation, to be acceptable and that no sustainable reason for refusal on highways grounds exists. A number of the key issues arising from this response are discussed in more detail below.

In overall terms, members will be aware that a number of applications have previously been submitted and subsequently withdrawn following objections from the highways section. The significant difference with this application however is that the applicants have secured additional land which has allowed for an acceptable design solution to be reached having particular regard to advice contained within the Design Manual for Roads and Bridges (DMRB).

In terms of highway capacity, the applicant's assessment shows good capacity; however it is a fact that peak traffic flows on the A54 often queue past the site frontage and would therefore impact upon the ability of traffic to emerge from the junction. As a result, whilst the left turn out of the site will be less difficult than right turns towards Middlewich, both movements will rely to some extent on other drivers giving way to allow vehicles to egress from the site. In this regard however, and after detailed consideration, the SHM considers this situation to be similar to conditions experienced at many other congested urban locations and not sufficient to warrant refusal of the application.

Additionally whilst the junction design accommodates refuse and removal vehicles, the SHM recognises that it could not easily accommodate larger but less frequent heavy commercial vehicle movements and will have encroachment into the west bound through lane. Having considered this issue however, the SHM is prepared to accept this deficiency within this junction design and does not consider that it will have a detrimental impact upon highway safety.

On balance therefore, and the SHM would prefer access to be taken from the existing approved access off Jersey Way, it is considered that the proposed access is satisfactory and would preserve highway and pedestrian safety. The proposed development is therefore considered to meet the requirements of PPG13, the DMRB and policies GR1, GR3, GR9 and GR10.

Affordable Housing

The existing approved permission 07/1452/OUT was subject to a S106 which secured 30% affordable housing contribution (split 50/50 between social rented and shared

ownership) and 25% low cost housing. The applicants have confirmed that they are willing to provide the same quantity of affordable housing as part of this outline application and the proposals therefore satisfy the requirements of policy H13 'Affordable and Low Cost Housing' of the local plan and SPD6 'Affordable Housing and Mixed Communities'.

Ecology - Protected Species & Nature Conservation

In overall terms the applicant's ecological survey found the site to have little ecological interest with the exception of a dilapidated garage sited within the curtilage of No.3 Holmes Chapel Road which could be utilised by bats as a roost.

On the basis of these findings, the applicants survey contains a mitigation strategy to ensure that the conservation status of the bats is not compromised. Notwithstanding this however, the Senior Landscape Officer considers that further survey work is required before more comprehensive mitigation proposals can be designed but that this is something which can be secured by an appropriately worded condition and addressed as part of the reserved matters submission.

In terms of protecting commoner breeding birds within the site, it is considered that these can also be protected by an appropriately worded condition relating to landscape clearance works.

It is therefore considered that, subject to appropriately worded conditions covering further survey work and design of a detailed mitigation strategy, along with a condition to protect breeding birds satisfies the requirements of PPS9 'Planning and Bio-Diversity' along with policy NR2 'Statutory Sites' of the local plan.

Trees

Whilst the proposed means of access would ultimately result in the loss of a number of the Grade A trees within the southern belt, which separate land within the existing approved site from the additional land within this current application, it is not considered that this would be sufficient to warrant refusal of the application particularly given that many of the trees could be designed into the development at reserved matters stage. I am therefore satisfied that the proposals meet the requirements of policies GR1, GR2, GR5 AND NR1.

Flood Risk

Despite being consulted, no representation has been received from the Environment Agency in relation to the proposed development. Notwithstanding this however, the site benefits from an existing full planning permission (07/1452/FUL), which had been subject to a detailed assessment by the Environment Agency and subsequently found to be acceptable.

In addition, the applicants flood risk assessment concluded that the site is unlikely to be affected by fluvial flooding from nearby rivers or from the two watercourses in the vicinity of and flowing through the site. Whilst the site would be at risk from some surface water flooding during storm events with a 1% or 2% annual probability, likely to be caused as a result of surcharging from the drainage system, the FRA suggests that a number of mitigation options exist. This could include use of underground storage or, alternatively, natural flooding of above ground area such as, for example, areas of POS or car parking. The FRA recommends however that these issues are addressed at the detailed design

stage and it is therefore considered that a detailed drainage condition be attached to any planning permission which would also allow for further detailed consultation with the Environment Agency.

It is therefore considered that the requirements of PPS25 'Development and Flood Risk' can be satisfied.

Environmental Health

Noise Exposure Categories and PPG24

As a result of the fact that the sites lies adjacent to a railway line, King Street industrial estate and the A54, the applicants were required to submit a PPG24 Noise Assessment considering the impact of industrial and transport noise on future living conditions within any new residential environment.

The findings of this survey indicate that the in overall terms, noise levels within the site would be acceptable having regard to the noise exposure categories (NEC) contained within PPG24 but that two small areas on the site boundary, on the northern and southern boundary require noise mitigation measures to protect from industrial and road traffic noise respectively.

In terms of industrial noise, the case is more straightforward. The survey indicates that an acoustic screen would need to be erected along a small section of the northern site boundary to protect against noise from a compressor unit adjacent to units 40- 50 on the indicative site layout which would need to be designed to meet the standards identified within BS8233.

In the case of road traffic noise, the findings are complicated by the fact that the site frontage falls within the daytime NEC C where planning permission should not normally be granted and nighttime NEC D where planning permission should normally be refused. In this case however, it is not considered that planning should not be refused for a number of reasons. Firstly, only a small section of the overall site area falls within NEC D; secondly, layout is reserved for future consideration thereby allowing more detailed consideration as to where new properties should be sited having regard to noise measurements (although this could mean a reduction in the number of units); and finally mitigation measures can be designed into the scheme to reduce noise levels to an acceptable level having regard to the requirements of BS8233 and World Health Organisation guidelines which can be secured by a suitably worded condition.

Contamination

The contaminated land survey submitted with the application identified that a number of contaminants exist on the site. It confirms however that none of levels identified exceed the thresholds within the CLEA guidelines before making a number of recommendations as to possible options for remediation. Following an assessment of this document, Environmental Health have confirmed that subject to the imposition of a condition to secure further information, they have no objection to the proposed development. It is therefore considered that the proposed development can satisfy the requirements of PPS23 'Planning and Pollution Control' along with local plan policies GR7 and NR6.

Over development and loss of buildings with character.

It is not considered that objection on the grounds of over development can be sustained. The proposed density is acceptable having regard to the existing character of the area and fully accords with the principles of PPS3. Similarly, it is not considered that the loss of any buildings on the site would harm the character of Middlewich. None of the buildings benefit from statutory protection and whilst a barn within the curtilage of no3 has some features of merit, it is in a very poor state of repair and could in effect be demolished without the need for planning permission.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle for residential development has already been secured. The critical issue with the application is the ability to demonstrate that the site can be accessed safely from the A54. In this respect it is considered that the proposed access would ensure appropriate vehicular and pedestrian safety. It is therefore considered that the scheme is acceptable on its merits.

12. RECOMMENDATION: Approve subject to the following conditions and the prior signing of a S106 Agreement.

Heads of Terms for Legal Agreement

1. Contribution towards public open space (£121,543.79)
2. Contribution of £10,000 towards off-site improvements to bus stops
3. Submission of a Travel Plan

General

1. 5 year reserved matters time limit.
2. Reserved matters – layout, scale, landscaping and appearance.
3. Submission of materials.

Environmental Health

4. Contaminated land condition.
5. Noise mitigation scheme.
6. Air quality study.
7. Hours restriction - construction.
8. Hours restriction - piling activity.

Network Rail

9. Details of vibro-impact machinery.
10. Details of earthwork activity.
11. No development within 2m of the railway boundary.

Highways and Drainage

12. Drainage - surface water and sewerage.
13. Design of flood storage and mitigation.
14. Detailed junction design to be submitted and agreed.
15. Junction constructed prior to any other works commencing.

Ecology and Trees

16. Scheme for watercourse protection.
17. Breeding bird protection.
18. Detailed mitigation strategy for bats.
19. Scheme for tree protection measures.

Archaeology

20. Programme for archaeological work.

Affordable Housing

21. Provision of 30% affordable housing split equally between social rented and shared ownership

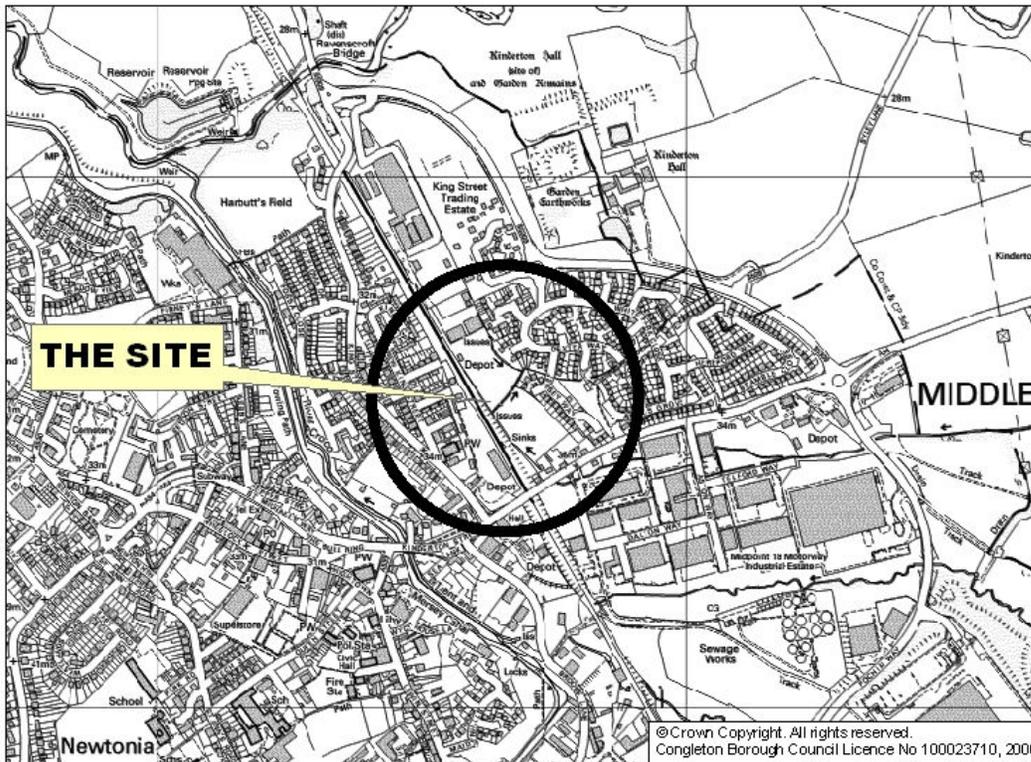
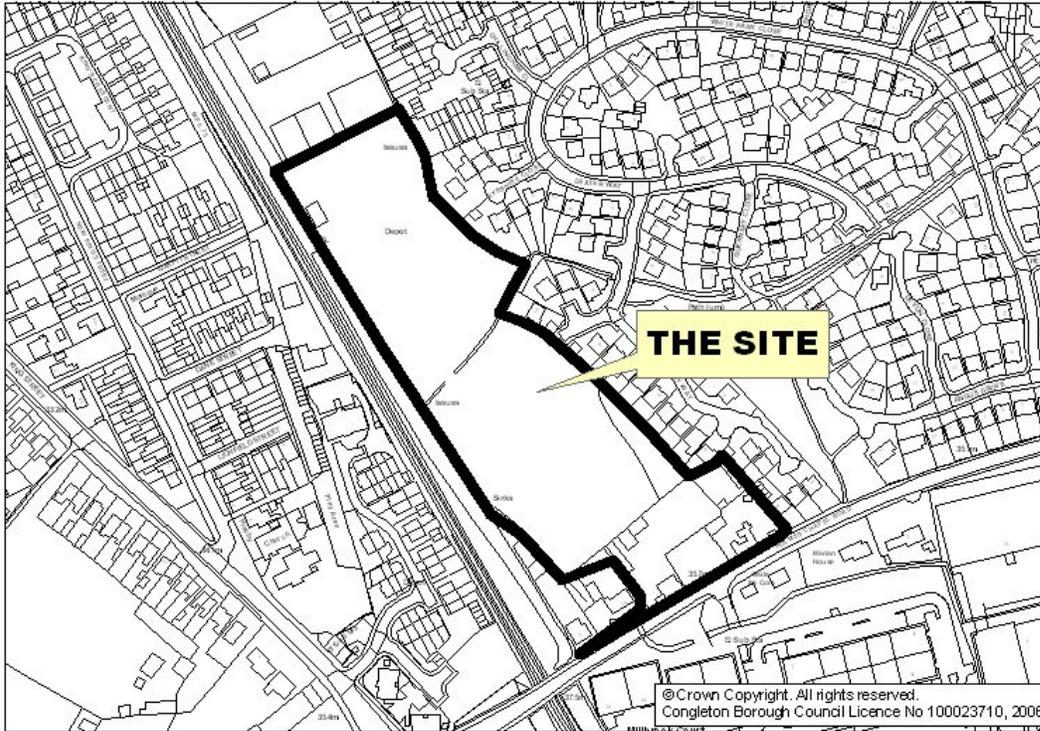
Sustainable Development

22. Waste management plan.

23. Compliance with Code for sustainable homes



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Planning Reference No:	09/0961C
Application Address:	12 Rood Hill, Congleton Cheshire, CW12 1LQ.
Proposal:	Change of use to ground floor from Class A1 (shop/former ceramic tile showroom) to Class A5 (hot food takeaway)
Applicant:	Mr Fereidoun Kolahi
Application Type:	Full
Ward:	Congleton Town West
Earliest Determination Date:	5 June 2009
Expiry Date:	2 June 2009
Date Report Prepared::	9 June 2009
Constraints	Listed Building

SUMMARY RECOMMENDATION:

Approve with conditions

MAIN ISSUES:

Principle of the development
 Impact on highway safety
 Impact on neighbour amenity
 Impact on the Listed Building

1. REASON FOR REFERRAL

Called in by Councillor Gordon Baxendale on the grounds of highway safety and parking issues.

2. DESCRIPTION OF SITE AND CONTEXT

The application site consists of numbers 12, 14 and 16 Rood Hill, Congleton, number 16 is a Grade II Listed Building which was formerly the Oddfellows Arms together with numbers 18 and 20 and at ground floor level there is a relatively modern shop window.

3. DETAILS OF PROPOSAL

The application seeks to establish the principle of change of use of the site from retail (A1) to hot food takeaway (A5), no external alterations are proposed in this application.

4. RELEVANT HISTORY

3409/3 Refusal of change of use from grocery to motor cycle sales 1976

5. POLICIES**Local Plan Policy**

GR1 (General criteria for development)
 GR6 (Amenity and health)

GR9 (Accessibility, servicing and parking provision)
BH3 (Change of use/conversion of Listed Buildings)
S2 (Shopping and commercial development outside town centres)

6. CONSULTATIONS (External to Planning)

The Environmental Health Section has recommended conditions relating to the hours of operation, noise insulation and odour extraction.

7. VIEWS OF THE PARISH / TOWN COUNCIL

The Town Council had not commented at the time of report preparation.

8. OTHER REPRESENTATIONS

None received at the time of report preparation.

9. OFFICER APPRAISAL

Principle of the Development

Policy GR1 requires that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area and not detract from its environmental quality. Proposals such as this one should be acceptable in terms of amenity and health, accessibility and servicing and parking provision. Policy S2 requires that development should be of an appropriate scale intended to serve the needs of a locally resident community. Having regard to these Policies, it is considered that the change of use to hot food takeaway would be acceptable as it is of an appropriate scale to serve the local community. The issues of the impact on amenity and access and parking are addressed below.

Amenity

Policy GR6 requires that proposals will only be permitted where there would be no unduly detrimental effect on the amenity of neighbouring residential properties. In the immediate vicinity of the site the buildings are largely of a commercial nature, although there are also residential properties nearby. In order to protect residential amenity in the area, it is therefore recommended that conditions be attached to the permission, should it be granted. The proposed conditions should limit the hours of opening to and require submission of details of proposed sound insulation and odour extraction. It is considered that subject to compliance with these conditions the use of the site as a hot food take away would not have an unacceptable impact on the amenity of nearby properties.

Accessibility, Servicing and Parking Provision.

Policy GR9 aims to ensure that new development does not impact on highway safety in terms of parking, access and servicing. The application site is situated on a busy road and there are parking restrictions in the form of double yellow lines adjacent to it. However there is a public car park on Royle Street, within 50 metres, which would provide adequate parking for customers to use. In addition to this the Highways Engineer has stated that he

has no objection to this proposal, as such it is considered that a refusal on the grounds of highway safety could not be sustained.

Impact on the Listed Building

The proposal seeks no external alterations to any of the buildings at this stage and there are no internal alterations to be made to the section of the building, which is the subject of listing. The applicant is aware that should internal alterations be proposed to this part of the building, a subsequent application for Listed Building Consent will need to be submitted.

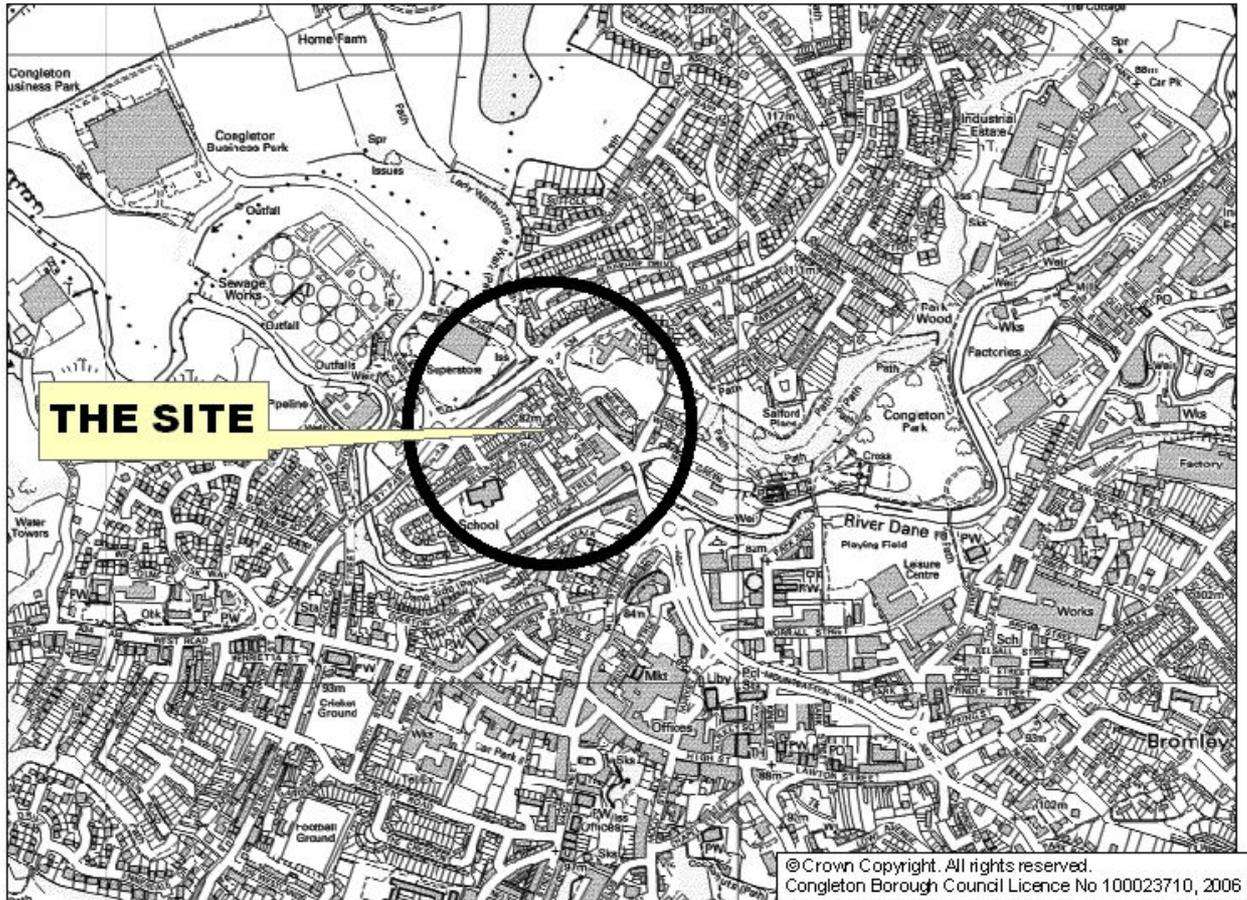
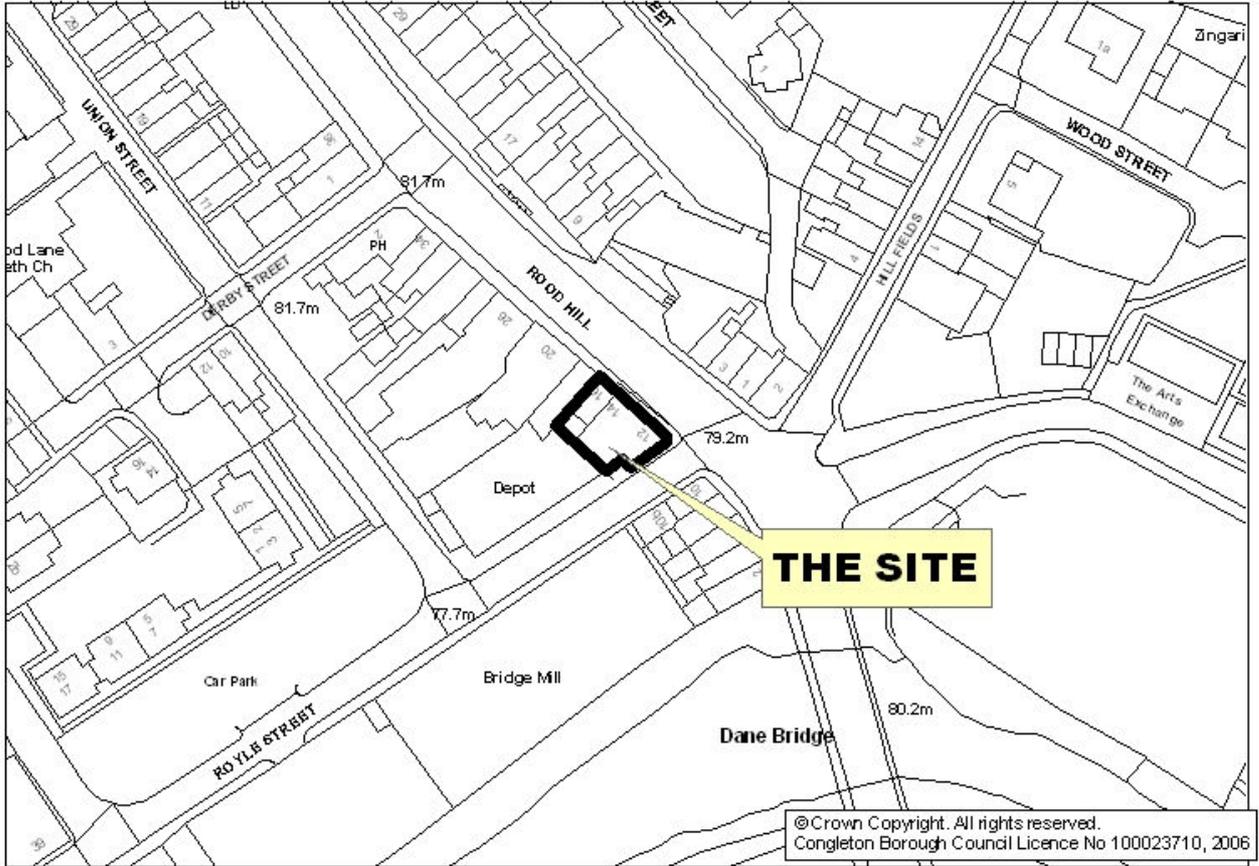
10. CONCLUSIONS

It is considered that the proposed use of the site as a hot food takeaway would not, subject to the imposition of the conditions recommended below, have an adverse impact on the amenity of neighbouring properties. With regard to parking provision and highway safety, it is considered that due to the parking facilities in the vicinity, there would not be an adverse impact on highway safety, therefore approval of this application is recommended.

11. RECOMMENDATION

APPROVE subject to the following conditions

- 1. Standard time**
- 2. Hours of operation, 11.30 to 23.30 Monday to Saturday and 11.30 to 22.30 Sundays and public holidays.**
- 3. Details of noise insulation to be submitted for approval**
- 4. Details of cooking odour extraction equipment to be submitted for approval**



CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 24th June 2009
Report of: Head of Planning and Policy
Title: Report in Relation to the Determination of Planning Application P08/0865 for Change of Use from Public house to A3 Indian Restaurant at the Cheshire Cheese Public House, 56 Crewe Road, Nantwich.

1.0 Purpose of Report

- 1.1 To advise members of the planning history at the Cheshire Cheese Public House in Crewe Road, Nantwich and seek Members agreement that the planning application for the change of use of the public house to an A3 Indian restaurant at the Cheshire Cheese Public House, 56 Crewe Road, Nantwich should be refused.

2.0 Decision Required

- 2.1 Members confirm that:-

The applicant has failed to confirm through the use of a Section 106 Agreement, that if the development which is the subject of this application is implemented then the apartments permitted under the earlier planning permission reference P08/0498 will not be constructed and in the event that the apartments are constructed the applicant will not implement the development to which this application relates. Without such Agreement the application fails to ensure that there will be no disturbance to residents in the apartments as a result of the late night opening and activities at the proposed restaurant. To allow the development would be contrary to Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

3.0 Financial Implications

- 3.1 None.

4.0 Legal Implications

- 4.1 None.

5.0 Risk Assessment

- 5.1 The refusal of the application could be subject to an appeal.

6.0 Background and Report

- 6.1 Planning application P08/0498 was submitted to the Crewe and Nantwich Borough Council on 18th April 2008 for the change of use of the public house and manager's flat to one dwelling and the erection of 9 apartments. The apartments were to be provided as a single building and located on the land at the rear of the public house. The Development Control Committee approved the application subject to conditions at the meeting on 27th July 2008.
- 6.2 A further proposal (P08/0865) by a different applicant was submitted on 4th July 2008 for the change of use from the public house to A3 Indian Restaurant. The development included modest single storey extensions on the rear of the premises and retained the existing car park to serve the restaurant. The application was recommended for approval subject to conditions in a report presented to the Development Control Committee on 11th September 2008 (See appendix 1 attached to this report). The report noted that the change of use on its own would not require planning permission being allowed under the General Permitted Development Order. However because the alterations include extensions the conversion work does require planning permission.
- 6.3 As a result of concerns raised between the time the report was drafted and the date of the committee meeting the recommendation was altered in the Additional Information report circulated to members before the Committee meeting (See appendix 2 attached to this report). This required the applicant to sign a Section 106 agreement to ensure that in the event the permission for the restaurant is implemented, the applicant would not commence construction of the apartments allowed under the earlier permission to take place. Also if construction of the apartments commenced then the applicant would not use the building as a restaurant. This was to ensure that there would be no conflict between the use of the premises as a restaurant and residents in the apartments located at the rear of the premises.
- 6.4 The application was approved with conditions by the Development Control Committee subject to the applicant first signing the Section 106 Agreement. The Council has written to the applicant's agent asking for the name and address of the applicant's solicitor in order to complete the Section 106 Agreement but no correspondence has been received despite a number of requests.
- 6.5 The application was considered by the Development Control Committee in September 2008 and since no details have been submitted since that time the application is now presented to the Southern Committee for further consideration.
- 6.6 The application for the apartments (P08/0498) was the first application on the site and the planning permission has been issued although no details have been submitted under the conditions of this permission to date.
- 6.7 Since the applicant and his agent have failed to progress the matter for the signing of the Section 106 Agreement in relation to the application P08/0865,

following the committee resolution on 11th September 2008, it is recommended that the application be refused in accordance with the wording in paragraph 2.1 of this report. It is considered that the proximity of the apartments to the proposed restaurant would be detrimental to residential amenities. This is particularly so since it was intended that the restaurant open until midnight Mondays to Fridays and until half past midnight on Saturdays and Sundays.

- 6.8 The Additional Information Report (see Appendix 2) notes that the application was originally submitted with the incorrect ownership certificate. The correct ownership certificate was received.

7.0 Reasons for Recommendation

- 7.1 To ensure that if construction of the apartments (permitted under application P08/0498) commences, the development which is the subject of the application for a change of use with extensions to form a restaurant (P08/0865) will not commence. Also if the works to commence the permission for a restaurant are implemented the permission for the apartments will not then be commenced.
- 7.2 To protect residential amenities in accordance with policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

For Further Information:

*Portfolio Holder: Councillor J Macrae
Officer: Rosamund Ellison Principal Planning Officer
Tel No: 01270-537482
Email:ros.ellison@cheshireeast.gov.uk*

Background Documents:

*Planning File and correspondence reference P08/0498 and P08/0865
Documents are available for inspection at:
Municipal Buildings, Earle Street, Crewe CW1 2BJ*

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APPENDIX 1

Planning Reference No:	P08/0865
Application Address:	56 Crewe Road Nantwich
Proposal:	Change of use from Public House to A3 Indian Restaurant
Applicant:	Mr Sirajul Islam
Application Type:	Full Planning Permission
Grid Reference	365828 352231
Ward	Birchin
Consultation Expiry Date:	31 st July 2008
Date for determination:	17 th September 2008

MAIN ISSUES

The main issues are:-

- the effect of the extension on the appearance of the building
- impact on residential amenities
- principle of the extension (but note that the report explains that the change of use is permitted development)
- highway safety

SUMMARY RECOMMENDATION

Approval subject to conditions

REFERRAL

This application was to be dealt with under the Council's delegation scheme, however, Councillor Fenton has requested it be referred to Committee on the grounds of highway issues, lack of car parking, location in a residential area and residents' concerns.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application property is a Victorian brick and tile two storey building which was formerly used as a public house and fronts Crewe Road. There is a large car park at the rear of the premises and vacant land behind the car park. The site is located within the settlement boundary of Nantwich in an area which is predominately residential. It is not within the town centre nor immediately adjacent to it.

This application seeks permission for a change of use from a public house to an A3 Indian Restaurant. The application relates solely to the ground floor and it is proposed to extend the single storey kitchen area on the site boundary into the internal courtyard and alter two stores which currently open into this yard. The lounge and bar areas of the former public house will be used as seating areas for the restaurant. At present it is proposed that the first floor living accommodation will not be used but it has until recently been occupied as living accommodation for the public house.

The existing access and car park will be retained to provide parking for 36 cars. The application states that there will be seating for 60 customers and assuming two persons per vehicle this would require 30 parking spaces leaving four spaces for staff and two spare. Opening hours are proposed as 17.00 to midnight Mondays to Fridays and 17.00 to 00.30am on Saturdays and Sundays.

2. RELEVANT PLANNING HISTORY

P08/0498. Conversion of Former Public House and Managers Flat to One Dwelling and Erection of 9 Residential Apartments with Car Park. Approved 27th July 2008.

3. PLANNING POLICIES

The development plan includes the Regional Spatial Strategy for the North West (RSS), (formally RPG13), the Cheshire 2016 Structure Plan (SP), and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Policies in the LP

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- TRAN.9 (Car Parking Standards)

Other relevant planning guidance includes:

- PPS1, Delivering Sustainable Development
- PPS 6, Planning for Town Centres.

4. OBSERVATIONS OF CONSULTEES

Highway Authority: No highway objections but any improvements to visibility at the egress would be welcomed.

United Utilities: No objections to the proposal, foul drains must have adequate grease traps.

Environmental Health: If the application is recommended for approval would require conditions for control of odours and fumes and acoustic insulation to ancillary mounted equipment.

5. VIEWS OF THE TOWN COUNCIL

Object on the following grounds:-

- A restaurant is not appropriate for this location, which is in a primarily residential area. -it is likely to operate later than a pub, causing noise and disturbance to residents. -cooking smells and fumes will detract from the amenity of the area;
- The public house was an established use which did not need planning permission. However, nowadays, it would probably be inappropriate to site a development which leads to late night noise and traffic in a residential area and the opportunity should be taken to establish a more acceptable use in this location if it is clear that the pub is not commercially viable.

6. OTHER REPRESENTATIONS

No letters of representation have been received at the time of writing this report.

7. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

The main points of the Design and Access Statement can be summarised:-

- the alterations include reconfiguration of the internal areas including toilet areas to provide a disabled WC;
- the kitchen extension will be enlarged but these alterations will not be visible being located within a courtyard area;
- building work will be in keeping with the existing building;
- access to the car park and for service vehicles is located at the side of the building;
- both external entrances to the premises will be retained and the front entrance adapted for wheelchair access.

8. OFFICER APPRAISAL

The main issues are the principle of development, impact of the extensions and alterations on the appearance of the building, highway considerations and impact of the use on residential amenities in the area.

Principle of reuse of the public house

In general terms, shopping polices for Nantwich allow new shops/ retail uses, including premises such as restaurants, within Nantwich town centre. There are no specific policies which would prevent the change of use to a restaurant, in principle, in this location.

Whilst the application seeks planning permission for a change of use it is noted that this alteration in the use is permitted by virtue of Part 3 of the General Permitted Development Order (as amended). Circular 03/2005 relating to the changes to the Use Classes Order which were introduced in 2005 confirms this. Therefore there can be no objections to the use as a restaurant. The only part of the application which requires approval is that for the extensions and alterations to the building.

Impact of the extensions on the appearance of the building

The kitchen area is single storey and is to be extended by 1.2m into the internal courtyard and this results in an increase in height of the ridge of the lean-to roof over this part of the building to 3.5m. The extension is to be constructed in brick and tile to match the existing materials and there are no objections to the extension with the new window and door in it. Similarly there are no objections to the bricking up of one door to a storage area and the bricking up of a second door to a store to form a staff WC which all form part of the courtyard area.

The application also seeks permission for a stack and ducting rising to 5.3m above ground level. This is located on the main rear elevation about 200mm from the adjacent parapet wall adjacent to 54 Crewe Road. Whilst it is a substantial projection it is on the rear of the building and although visible from Brick Lane this would not be at close quarters. There are therefore no objections to the proposed extensions and alterations to the building.

Highways

The Highway Authority raises no objections to the proposal. Notwithstanding comments above that there is no requirement for planning permission for the proposed change of use it is noted that the floor area of the former public house and the floor area of the restaurant are to remain the same, as is the parking area at the rear. There are no objections to the development on highway grounds either in terms of access arrangements or the parking provision. There are no proposed alterations to the access although it is noted that visibility on egress is limited but in view of the fact that this situation has prevailed for many years it would not be possible to refuse the application on such grounds. The parking standards in the Adopted Local Plan require a higher parking provision for the floor area of a drinking establishment (one space per 2 sq m of floor area) than for the same floor area of a restaurant (one space per 4 sq m of floor area) and therefore there is no requirement for additional parking spaces. Using these figure with a dining area of 60 sq m 15 parking spaces would be required thus indicating an overprovision of parking. However the applicant's submitted assessment indicates that about 30 parking spaces are required.

It is considered that because no permission is required for the change of use there is no reason to refuse the application on highway or parking grounds, and no requirement for further parking spaces, particularly since some customers may walk.

Living conditions

It is noted that the premises are to be opened until midnight Mondays to Fridays and to 12.30am on Saturdays and Sundays. As stated above the change of use is permitted by the General Permitted Development Order (as amended). It is noted that the site is located in a predominately residential area however the premises has a long standing use as public house and has had the benefit of a licence which allowed it to operate until 01:30 hours Mondays to Thursdays and 02:00 hours Fridays to Sundays. It would be unreasonable therefore to refuse the application due to impact on residential amenity because of the opening hours.

The matters which fall to be considered in relation to residential amenity are the impact of the ventilation ducting and the extension on the amenities at adjoining dwellings. The kitchen extension will not be visible from the adjoining dwelling at 54 Crewe Road because of the intervening parapet wall. It is a considerable distance from the side elevation of the adjoining dwelling at 60 Crewe Road and will not have any adverse impact on that property.

However the ventilation stack is close to the boundary of the dwelling at 54 Crewe Road. Odours and fumes can be controlled by suitable filters to remove smells and noise from ancillary mounted equipment can be insulated to control noise from it. Details of a noise insulation scheme and method of removal odours can be required by condition. Therefore the only issue relating to the impact of the ducting is its appearance from 54 Crewe Road. It is not considered that the ducting would appear obtrusive but it is recommended that it should be finished in black rather than left as steel which would draw attention to the ducting. Whilst it will be seen rising from the roof area of the single storey kitchen bearing in mind the position on the rear of 56 Crewe Road, the fact that there is a single storey rear projection on the back of 54 Crewe Road, and the overall size of garden at that property it is not considered that the presence of the duct would impact on residential amenity to such a degree as to justify refusal of the application.

9. CONCLUSIONS

Planning permission is not required for the proposed change of use, which is permitted under the General Permitted Development Order. Planning permission is however required for the extension to the kitchen area, alterations to outbuildings and the provision of the ventilation duct on the rear elevation. It is considered that the proposed extension and alterations to the building would not have any adverse impact on residential amenity at nearby dwellings or the character and appearance of the building.

10. RECOMMENDATION

APPROVE: Conditions

- 1. Standard**
- 2. Plans**
- 3. Matching materials**
- 4. Colour of ducting to be submitted, approved and implemented**
- 5. Retention of parking**
- 6. Scheme to control odours**
- 7. Noise insulation scheme for ancillary mounted equipment**

Appendix 2

DEVELOPMENT CONTROL COMMITTEE – 11 September 2008

(ADDITIONAL INFORMATION)

	App. No	Site and Description	RESULTS
6.	P08/0865	<p>Change of Use from Public House to A3 Indian Restaurant, 56 Crewe Road Nantwich for Mr Sirajul Islam</p> <p>UPDATES: The application has been submitted on the incorrect ownership certificate. The agent has confirmed verbally that a new certificate will be issued with notice served on the owner. It is recommended that the Committee determine the application based on the comments below and Head of Planning (Development Control) be authorised to consider any representations received as a result of the new ownership certificate and to grant planning permission following the signing of a Section 106 agreement in accordance with the following text and conditions of the committee report.</p> <p>As stated in the officer's report, planning permission was granted in July 2008 for 9 apartments and change of use of the public house to a dwelling (P08/0498). Discussions have taken place with Legal Services regarding the possible conflict of uses should the apartments be constructed and the public house not be converted to a single dwelling. The recommendation in the officer's report is that a condition be attached to any permission for the retention of the car parking. This would in effect stop the apartments being constructed because they are sited on the car park. However there are concerns that if the development of the apartments commences and for some reason is not completed and the Cheshire Cheese is then converted with its kitchen extension to a restaurant this could remove the parking for the new restaurant. It is therefore recommended that prior to the issue of planning permission, a Section 106 agreement is completed to confirm that in the event the permission for the extensions is implemented the applicant will at no time allow the construction of the apartments to take place. Conversely if the permission</p>	<p>Delegated authority to approve as per updates and completion of Section 106 Agree</p>

		for the apartments is implemented then the applicant will not use the building as a restaurant.	
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