

Southern Planning Committee

Agenda

Date:	Wednesday, 15th December, 2010
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

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. 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 of Previous Meeting (Pages 1 - 10)

To approve the minutes of the meeting held on 24 November 2010.

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.

Please contact Julie Zientek on 01270 686466

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

A period of 3 minutes is allocated for each of the planning applications for the following individual 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
- Supporters
- Applicants

5. **10/3860N Extension to existing building to provide 46 additional guest bedrooms and associated external works, Crewe Hall, Weston Road, Weston, CW1 6UZ for Q Hotels** (Pages 11 - 22)

To consider the above planning application.

6. **10/3861N Extension to existing building to provide 46 additional guest bedrooms and associated external works, Crewe Hall, Weston Road, Weston, CW1 6UZ for Q Hotels (Listed Building Consent)** (Pages 23 - 32)

To consider the above planning application.

7. **10/4143N New Dormer Bungalow on Rear Garden Land and Associated Access at No 3 Church Lane, 3 Church Lane, Wistaston, CW2 8HB for Mr & Mrs Beeston** (Pages 33 - 40)

To consider the above planning application.

8. **10/4162C New detached dwelling on land between 103 and 105 Crewe Road, Alsager, 103A Crewe Road, Alsager, ST7 2JE for Mr Ian Brandrick** (Pages 41 - 48)

To consider the above planning application.

9. **10/1250N Erection of 9 no. detached dwellings and associated detached garaging. Refurbishment and extension of 2 no. existing dwellings (Foolpenny Hall and Crosslands Cottage) and the demolition of existing office building at The Paddock - Foolpenny Hall. Formation of New Access onto London Road. Re-submission of 09/2012N, Foolpenny Hall, London Road, Stapeley for Mr. S. Williams** (Pages 49 - 74)

To consider the above planning application.

10. **10/3070N Proposed Change to the Design of 2 No. Houses and Garages as Established on Planning Permission P04/1482 and Proposed Re-use of Existing Vehicles Accesses into the Site of the Former Walgherton Garage Site, Walgherton Garage, London Road, Walgherton, CW5 7LA for Robert Duncan Homes Ltd** (Pages 75 - 82)

To consider the above planning application.

11. **10/3135C Proposed Boundary Fence at 6 Rowan Close, Sandbach, CW11 1XN for Mr Flowers** (Pages 83 - 92)

To consider the above planning application.
12. **10/3554N Erection of Temporary Foodstore (Class A1), Land at Lockitt Street, Crewe, Cheshire for Tesco Stores Ltd** (Pages 93 - 106)

To consider the above planning application.
13. **10/3602N Conversion of Redundant Industrial Building to Form 12 no Self-Contained Flats, Lily Works, Vincent Street, Crewe, CW1 4AA for Mr Andy Mines** (Pages 107 - 120)

To consider the above planning application.
14. **10/3689N Extension of Time Limit on Approved Application P07/1431 Outline Application for Proposed Office Development, Land South East of Crewe Road Roundabout, University Way, Crewe for Duchy of Lancaster c/o Smiths Gore** (Pages 121 - 128)

To consider the above planning application.
15. **10/4018N Conversion and Extension of Former Public House and Managers Flat to 2 Dwellings and Erection of 9 Residential Apartments with Car Park, 56 Crewe Road Nantwich, CW5 6JD for Alexandra Countryside Investments Ltd** (Pages 129 - 138)

To consider the above planning application.
16. **10/4124N 14 Two Storey Dwellings at Former Factory Site, Chestnut Grove, Crewe, for Mr D. Beecroft** (Pages 139 - 146)

To consider the above planning application.
17. **10/4236N Erection of Two Stables and Hay Store/Barn and Change of Use of Agricultural Land to Land Used for Keeping Horses, Land to the North of 50, Whitchurch Road, Audlem for Mr Matthew Barnett** (Pages 147 - 152)

To consider the above planning application.
18. **Appeal Summaries** (Pages 153 - 156)

To note the Appeal Summaries.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 24th November, 2010 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry Chairman)
Councillor L Gilbert (Vice-Chairman)

Councillors W T Beard, D Bebbington, W S Davies, B H Dykes, S Furlong,
E Howell, J Jones, S Jones, A Kolker, S McGrory, R Walker and
M J Weatherill

IN ATTENDANCE:

Councillor P Mason Portfolio Holder for Procurement, Assets and
Shared Services
Councillor R Cartlidge

OFFICERS:

Stephen Irvine Planning and Development Manager
David Malcolm Southern Area Manager – Development
Management
Ben Haywood Principal Planning Officer
Rachel Goddard Senior Lawyer
Carol Jones Democratic Services Officer

105 **DECLARATIONS OF INTEREST/PRE-DETERMINATION**

The following declarations were made by Committee Members:

Councillor W T Beard: Personal and prejudicial interest in Agenda Item 10
(10/3824N – 8 Coppenhall Lane, Crewe) on the basis that he was a friend
of the applicant and her husband, Councillor Roy Cartlidge.

Councillor Beard declared that in calling-in Application No. 10/3966N
(agenda Item 13 – land adjoining 45 Holland Street and The Backlands,
Crewe) he had formed an opinion and had, therefore, fettered his
discretion. He exercised his separate speaking rights as a Ward
Councillor and withdrew from the meeting during consideration of the item.

Councillor S Furlong: Personal and prejudicial interest in Agenda Item 8
(10/1269C – Bath Vale Works, Congleton) on the basis that she had
supported an objector to the development. Having declared the interest,
Councillor Furlong withdrew from the meeting during consideration of the
item.

Councillors G Merry and M J Weatherill each declared a personal interest in Agenda Item 8 (10/1269C – Bath Vale Works, Congleton) as they were Members of Cheshire Fire Authority which had been consulted on the application.

Councillors G Merry, D N Bebbington, S Furlong, R Walker and M J Weatherill each reported that they had received correspondence from JASP Planning Consultancy in respect of the applications for Elworth Hall Farm, Sandbach.

Each Member of the Committee declared a personal interest in agenda item 10 (Application No. 10/3824N – 8 Coppenhall Lane, Crewe for Mrs Julie Cartlidge) on the basis that they were colleagues of Councillor Roy Cartlidge, the husband of the applicant.

The following declarations were made by visiting Councillors:

Councillor R Cartlidge: Personal and prejudicial interest in Agenda Item 10 (10/3824N – 8 Coppenhall Lane, Crewe) as he was the husband of the applicant.

Councillor P Mason: Personal interest in Agenda Item 8 ((10/1269C – Bath Vale Works, Congleton) on the basis that he was a Member of Congleton Town Council which had been consulted on the application.

106 **MINUTES OF PREVIOUS MEETING**

RESOLVED: That the Minutes of the Meeting held on 3 November 2010 be approved as a correct record and signed by the Chairman.

107 **10/1765C THE PARTIAL DEMOLITION OF THE EXISTING SITE (INCLUDING MODERN AGRICULTURAL BUILDINGS AND EXISTING DWELLING) CONVERSION OF THE REMAINING EXISTING BUILDINGS TO FORM 7 DWELLING AND THE ERECTION 11 ADDITIONAL DWELLINGS WITHIN THE CURTILAGE OF THE EXISTING RESIDENTIAL PROPERTY, ELWORTH HALL FARM, DEAN CLOSE, ELWORTH FOR BELL DEVELOPMENTS LTD**

Note: Mr S Pemberton (Agent for the applicant) addressed the Committee on this matter.

The Committee considered a report in respect of the above planning application, together with an oral report of the site inspection.

RESOLVED: That delegated powers be granted to the Head of Planning and Housing to APPROVE the application subject to the removal of the objections from the Contaminated Land Officer, and the following conditions:

1. Standard 3 year time limit
2. Compliance with approved plans
3. Submission and approval of materials
4. Removal of permitted development rights plots 1- 7 and 15 – 18
5. Provision of car parking
6. Construction of Access
7. Scheme of drainage
8. No discharge of surface water to foul sewer
9. Creation of habitat of breeding birds/bats
10. Breeding Bird Survey prior to any work between 1st March and 31st August
11. Approval of any external lighting
12. Submission and approval of bin stores
13. Construction hours limited 08.00 to 18.00 Monday to Friday and 09.00 to 14.00 on Saturday.
14. Restriction of foundation piling to 9am to 5pm Monday to Friday and no works of this nature on Saturday, Sunday or Bank Holiday
15. Submission and approval of boundary treatment
16. Submission and approval of landscaping
17. Implementation of landscaping
18. Tree Protection Measures
19. No works within protected areas
20. Special construction measures for hard surfaces within protected areas.
21. No consent for rebuilding of farm buildings
22. The rainwater goods to the barn conversions to be cast metal and painted.
23. The roof-lights to be “Conservation Roof-lights” set as flush as possible with roof covering.
24. The doors and windows to the barn conversions to be fabricated in timber and set behind a 100 mm brick reveal.
25. Drawings, to a scale not less than 1:5, of specimen window frames to the barn conversions to include sections and clear indication of methods to be submitted.
26. The existing vents to the barn conversions shall be filled by means of recessed Staffordshire Blue bricks, bedded in black dyed mortar.
27. Any proposal to alter roof trusses to the barn conversions to be submitted to, and approved in writing by, the Local Planning Authority.
28. All external timber in the barn conversions to be painted or opaque-stained in colour to be approved with the Local Planning Authority.
29. The doors of the garages to the barn conversions to be fabricated in timber and vertically boarded.
30. Contaminated Land Report/Remediation
31. Provision of 10% renewable energy.

108 **10/2006C THE DEMOLITION OF THE EXISTING BUILDINGS
(INCLUDING AGRICULTURAL BUILDINGS AND EXISTING
DWELLING) AND THE REDEVELOPMENT OF THE SITE WITH 26
DWELLINGS AND ASSOCIATED WORKS, ELWORTH HALL FARM,
DEAN CLOSE ELWORTH FOR BELL DEVELOPMENTS LTD**

Note: Mr S Pemberton (Agent for the applicant) addressed the Committee on this matter.

The Committee considered a report in respect of the above planning application, together with an oral report of the site inspection.

RESOLVED: That the application be REFUSED for the following reasons:

1. The proposed residential development within the open countryside would be contrary to the provisions of Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review. Whilst it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing, the current proposal is not considered to be “suitable” as it is located on the periphery of Sandbach, rather than Crewe. It would undermine the spatial vision for the area and wider policy objectives as it would be contrary to the general thrust of the Core Strategy Issues and Options which directs the majority of new development towards Crewe, as well as the Council’s Draft Interim Planning Policy on the Release of Housing Land, which articulates the same spatial vision. This would be contrary to advice in PPS.3 and PPS1, which states these emerging policies are material considerations. For these reasons the Housing Land Supply arguments advanced by the applicants are considered to be insufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.
2. The Contaminated Land Report submitted with the application was commissioned in November 2007 and may not represent current site conditions. In addition the report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated. The proposal is therefore contrary to the provisions of Policies NR6 and NR7 (Reclamation of Land) and Policy GR6 (Amenity and Health) of the adopted Congleton Borough Local Plan First Review as well as PPS23 Planning and Pollution Control.

109 **10/2200N PROPOSED EXTENSION OF EXISTING HOTEL AND COMPLEX INCLUDING A NEW EXTENSION (ADDING 68 ROOMS), A NEW RECEPTION EXTENSION, REFURBISHMENT AND EXTENSION TO EXISTING CABARET ROOM AND BAR AND BUNBURY HOUSE ACCOMMODATION, NEW COURTYARD BLOCK (11 ROOMS) AND THE REFURBISHMENT AND EXTENSION OF EXISTING SPA FACILITIES, ALVASTON HALL HOTEL, PEACH LANE, WISTASTON FOR WARNER LEISURE HOTELS**

The Committee considered a report in respect of the above planning application, together with an oral report of the site inspection.

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

1. Standard
2. Materials to be submitted and approved
3. Provision of car parking prior to first occupation
4. Cycle parking to be provided prior to first occupation
5. Submission of, and approval of, landscaping scheme
6. Maintenance of landscaping scheme for a five year period
7. Scheme of tree protection to be submitted and implemented
8. Arboricultural Method Statement to be submitted and implemented
9. No works within protected areas
10. Scheme of drainage to be submitted and implemented
11. Details of creation of new habitats to be submitted and implemented.

110 **10/1269C ERECTION OF 126 NO. DWELLINGS, PROVISION OF PUBLIC OPEN SPACE AND ASSOCIATED WORKS, BATH VALE WORKS, BATH VALE, CONGLETON FOR BOVIS HOMES LTD**

Note: Councillor P Mason (Ward Councillor), Mr R Blindell (Objector) and Mr B Herrod (applicant) each addressed the Committee on this matter.

The Committee considered a report in respect of the above planning application.

RESOLVED: That the application be APPROVED, subject to the completion of a Section 106 Agreement to:

1. Make provision for the Public Open Space within the Application Site but without provision of an equipped play area.
2. Make provision for the Subsidised Housing in a location within the Application Site to be previously approved in writing by the Council. Provided always that the Subsidised Housing must be developed as an integral part of the overall scheme.
3. Make provision for 4 units of social rented housing and 3 units of discounted-for-sale housing; and

subject to the following conditions:

1. Standard
2. Plans
3. Materials
4. Boundary Treatment
5. Plan showing the specific details of the internal layout with regard to Manual for Streets Principles and the extent of the adoptable boundary to include full service strip provision.
6. Arboricultural Method statement to include tree protection, implementation of tree protection tree works and woodland management
7. Updated landscape proposals tree canopy adjustment plan
8. Updated detailed landscape scheme
9. Implementation of landscaping
10. Removal of Permitted Development Rights
11. The highway access shall be constructed in accordance with the recommendations of the Pedestrian Provision Road Safety Audit Stage 2
12. Provision of 10% renewable energy

111 **10/3808C EXTENSION TO TIME LIMIT - REDEVELOPMENT OF FORMER FACTORY TO PROVIDE 28 NO. NEW HOMES TO INCLUDED 12 AFFORDABLE HOMES PROVIDED BY RSL, FORMER CARDBOARD FACTORY, BETCHTON ROAD, MALKINS BANK FOR JOKARO LTD**

Note: Councillors E Howell and S Jones withdrew from the meeting at this point in the proceedings.

The Committee considered a report in respect of the above planning application.

RESOLVED: That the application be APPROVED subject to the completion of a revised Legal Agreement to secure a commuted sum *in lieu* of on-site open space provision (calculated in accordance with the Council's Interim Policy Note dated 24 September 2008) and the provision of 12 subsidised affordable housing units to be provided by a Registered Social Landlord, and the following conditions:

1. Implement development within 2 years of approval of last reserved matter
2. Submission of reserved matters within 3 years.
3. Submission of tree survey as part of reserved matters.
4. Submission of and approval of landscaping scheme as part of reserved matters.
5. Maintenance of landscaping scheme for a five year period.
6. Submission and approval of boundary treatment
7. Undertaking of ground and groundwater contamination report.
8. Access to CEC specification

9. Parking provision within the development to comply with CEC car parking standards.
10. Submission and approval of details relating to road construction
11. Submission for a scheme of drainage
12. Provision of visibility splays
13. Any reserved matters application to include provision for the retention and creation of natural habitats along the canal corridor and the eastern boundary of the site.
14. Suitable features for bats and breeding birds to be provided within the site
15. Development to take place in accordance with protected species report
16. To minimise disturbance to local residents during the construction period, no vehicles or service vehicles shall use the site between 18.00 and 08.00 Monday to Friday. Saturday working shall be limited to the hours of 08.00 and 13.00 and there shall be no construction activities on Sundays and Bank Holiday Mondays.
17. Provision of 10% renewable energy
18. Provision of details relating to foundation or other piling on site it is recommended that these operations are restricted to:

Monday – Friday	08:30 hrs – 17:30 hrs
Saturday	07:30 hrs – 13:00 hrs
Sunday	Nil

112 **10/3824N EXTENSION TO PROVIDE W/C AND SHOWER ROOM FOR DISABLED PERSON, LABURNUM HOUSE, 8 COPPENHALL LANE, CREWE, CW2 8TT FOR MRS JULIE CARTLIDGE**

Notes: (a) Having declared a personal and prejudicial interest in this item, Councillor W T Beard withdrew from the meeting during its consideration.

(b) Having declared a personal and prejudicial interest in this item, Councillor R Cartlidge withdrew from the meeting.

(c) Councillors E Howell and S Jones re-joined the meeting at this point in the proceedings.

The Committee considered a report in respect of the above planning application.

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

1. Commence development within 3 years.
2. Development in accordance with approved plans.
3. Materials to match the existing dwelling as closely as possible.

113 **10/3903N EXTENSION TO TIME LIMIT OF P07/1478 -
RESIDENTIAL DEVELOPMENT COMPRISING TWELVE THREE
BEDROOM TOWN HOUSES, RICHARD MULLOCK & SONS LTD,
WISTASTON ROAD, CREWE, CW2 7RL FOR RICHARD MULLOCK &
SONS LTD**

The Committee considered a report in respect of the above planning application.

RESOLVED: That the application be approved subject to the following conditions:

1. Standard time limit 3 years
2. Materials to be submitted and approved in writing
3. Surfacing materials to be submitted and approved in writing
4. Boundary treatment to be submitted and approved in writing
5. Landscape to be submitted and approved in writing
6. Landscape to be completed in accordance with the approved details.
7. Drainage details to be submitted and approved in writing.
8. Contaminated land survey to be submitted and approved.
9. Development to be carried out in accordance with the approved plans
10. Remove PD Rights.
11. The car parking provision shown on the approved plans is to be provided.
12. Details of external lighting to be submitted and approved in writing.
13. Construction hours (and associated deliveries to the site) shall be Restricted to 08.00 to 18.00 hours Monday to Friday, 09.00 to 14.00 Hours Saturday, with no working Sundays or Bank Holidays to Safeguard the amenity of local residents.
14. Prior to the new dwellings first being occupied, the commercial Buildings on the site shall be demolished and all material of demolition removed from the site.
15. Before the dwellings are occupied, the noise attenuation glazing, Ventilation and acoustic fencing shall be installed in accordance with the Noise and Vibration Survey received by the Local Planning Authority.
16. Prior to the commencement of development, details of how the proposed development will secure at least 10% of its predicted energy requirements from decentralised and renewable or low-carbon sources shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details which shall thereafter be retained.

114 **10/3918N PROPOSED RESIDENTIAL DEVELOPMENT
COMPRISING OF 9 NO. 2 STOREY DWELLINGS INCLUDING
ASSOCIATED PARKING & VEHICLE ACCESS, FORMER GEORGE
HOTEL 645 WEST STREET CREWE FOR MR F LLOYD- JONES,
THOMAS JONES & SONS**

The Committee considered a report in respect of the above planning application.

RESOLVED: That delegated authority be granted to the Head of Planning and Housing to APPROVE the application subject to (a) there being no objections raised by the Strategic Highways Manager; (b) no new material planning considerations being raised by residents; and (c) subject to the following conditions:

1. Standard time condition.
2. Materials to be submitted
3. Approved plans
4. Contaminated land
5. Construction hours
6. Pile driving
7. Landscape scheme
8. Landscape implementation
9. Access details including formation of footway to frontage
10. Car parking, access and turning space to be provided and retained
11. Obscure glazing to bathroom windows
12. Boundary treatment details
13. Permitted development rights for extensions and alterations and hardstanding removed
14. Bin storage details
15. Energy efficiency measures to be provided
16. Drainage details.

115 **10/3966N NEW TWO BEDROOMED BUNGALOW ON LAND
ADJOINING 45 HOLLAND STREET AND THE BACKLANDS, LAND
ADJOINING THE BACKLANDS CREWE CW1 3TZ FOR MR R PEART**

Note: Councillor W T Beard (Ward Councillor), Mrs S Briscoe (objector) and Mr R Peart (applicant) each addressed the Committee on this matter. Having addressed the Committee, Councillor Beard withdrew from the meeting during consideration of this item.

The Committee considered a report in respect of the above planning application.

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

The proposed development represents an unacceptable form of development. The siting of the bedroom windows within 1m of the site

boundaries would have a significant adverse impact upon the amenity of future occupants by reason of poor outlook and lack of natural light which is an indication that the proposed dwelling is too large and constitutes an overdevelopment of the site. In so doing, the proposals are contrary to Policies RES.2 (Unallocated Housing Sites), BE.1 (Amenity) within the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance with the SPD Development on Backland and Gardens and recent amendments to PPS3 Housing.

116 **10/4054N EXTENSION TO TIME LIMIT - FOR APPROVED
PLANNING APPLICATION P07/1076 FOR STORAGE BUILDING FOUR
SILOS AND TWO WASTE LIQUID TANKS, LAURELS FARM, CREWE
ROAD, WALGHERTON FOR JOSEPH HELER LTD**

The Committee considered a report in respect of the above planning application.

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

1. Standard time limit 3 years.
2. Materials to be submitted and approved in writing
3. Development to be carried out in accordance with approved plans
4. Buildings, silos and waste liquid tanks to be green in colour, unless otherwise agreed.
5. Landscape to be submitted and approved in writing
6. Landscape to be completed in accordance with the approved details.
7. Details of external lighting to be submitted and approved in writing.

The meeting commenced at 2.00 pm and concluded at 4.05 pm

Councillor G Merry (Chairman)

Planning Reference No:	10/3860N
Application Address:	Crewe Hall, Weston Road, Weston, CW1 6UZ
Proposal:	Extension to existing building to provide 46 additional guest bedrooms and associated external works
Applicant:	Q Hotels
Application Type:	Full Planning
Grid Reference:	373228 353784
Ward:	Doddington
Earliest Determination Date:	10 th November 2010
Expiry Dated:	10 th January 2011
Date of Officer's Site Visit:	23 rd November 2010
Date Report Prepared:	24 th November 2010
Constraints:	Open Countryside, Grade I Listed Building, Historic Park and Garden

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Impact upon the Historic Park and Garden
- Impact on character and setting of Crewe Hall
- Impact on highways

1. REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a development of over 1000sq.m

2. DESCRIPTION OF SITE AND CONTEXT

Crewe Hall is a Grade I Jacobean Listed Building standing within an Historic Park and Garden in the open countryside about one mile from the settlement boundary of Crewe. There have been recent extensions on land to the west of the main building to form a restaurant, additional bedroom accommodation, and leisure (gym / spa etc.) facilities. The application relates to an extension to the modern part of the hotel on the north side of the existing complex. The site of the proposed extension is close to the recently constructed leisure centre and separated from the old hall by other modern development. The site of the extension is currently laid to lawns with some tree and shrub planting; and beyond that are trees, hedgerows and fields.

3. DETAILS OF PROPOSAL

This application seeks planning permission for an extension to the existing modern bedroom building. The site is located to the north west of Crewe Hall. The proposed extension would have an L-shaped form and would consist of 2 bedroom wings. A single storey extension would link to southern part of the proposed extension which would be two storeys in height. To the north-west would be a three storeys element to the proposed

extension. A curved three storeys link element would link the two parts of the proposed extension. The extension would serve an additional 46 guest bedrooms with en-suite bathrooms.

4. RELEVANT HISTORY

10/1162N - Extension to Existing Spa Facility – Approved 17th June 2010
10/1161N – Listed Building Consent Extension to Existing Spa Facility - Approved 17th June 2010
P07/1353 - Listed Building Consent for Essential Repairs. Stone Repair or Partial Replacement Using Natural Stone Indent. Small Repairs to Masonry with Lime Restoration Mortar Limited Repointing With Lime Mortar - Approved 18th December 2007
P07/1267 - Listed Building Consent for Variation of Condition 6 on Permission P07/0630 to allow Lighting Columns 6m High - Approved 1st November 2007
P07/1266 - Variation of Condition 8 on Permission P07/0276 to allow Lighting Columns 6m High - Approved 1st November 2007
P07/0630 - LBC Two Storey Conference and Leisure Buildings and Associated Landscaping and Car parking - Approved 20th July 2007
P07/0619 - Listed Building application for pedestrian link and water tank - Approved 20th July 2007
P07/0618 - Listed Building Consent for bedroom accommodation - Approved 20th July 2007
P07/0293 - Planning permission for bedroom accommodation - Approved 3rd May 2007
P07/0289 - Planning permission for glazed link between bedroom accommodation and restaurant - Approved 20th April 2007
P07/0276 - Two storey conference and leisure building with landscaping and car parking - Approved 3rd May 2007
P06/1220 - Diversion of Existing Brook, Excavations to reinstate part of historic lake landscaping, planting and other works - Approved 7th April 2008
P06/1221 - Listed Building Consent for Alterations to Boat House - Approved 20th December 2006
P00/0191 - Listed Building Consent for extension for 101 bedrooms, facilities for health fitness and multi activities, restaurant, car parking and landscaping - Approved 27th July 2000
P00/0190 - Planning permission for extension for 101 bedrooms, facilities for health fitness and multi activities, restaurant, car parking and landscaping - Approved 27th July 2000

5. POLICIES

Development Plan policies

Local Plan policy

NE.2 – Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.9 - Listed Buildings: Alterations and Extensions

BE.14 - Development Affecting historic parks and gardens

TRAN.9 - Car Parking Standards

S.11 - Leisure and Entertainment

RT.6 - Recreations Uses in the Open countryside

Regional Spatial Strategy

DP1 – Spatial Principles

DP3 – Promote Sustainable Economic Development

DP7 - Promote Environmental Quality

W6 – Tourism and the Visitor Economy

W7 - Principles for Tourism Development

EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets

EM18 – Decentralised Energy Supply

MCR4 – South Cheshire

National policy

PPS1: Delivering Sustainable Development

PPS4: Planning for Sustainable Economic Growth

PPS5: Planning and the Historic Environment

PPS7: Sustainable Development in Rural Areas

6. CONSULTATIONS (External to Planning)

The Strategic Highways and Transportation Manager: There will be no significant impact on the surrounding highways network as a direct result of this development. No highways objections.

English Heritage: English Heritage considers that given the scale and impact of earlier development on the site and the relative scale and form of these proposals, the additional impact upon the historic landscape will be limited. English Heritage however makes strong recommendations that the landscape works should be clearly conditioned and that the implementation of the landscape conditions be closely monitored prior to any discharge

Victorian Society: Objects to the application on the following grounds;

- Crewe Hall is one of only ten Grade I-listed secular buildings in the former Crewe and Nantwich district. It is also on the English Heritage Register of Parks and Gardens of special historic interest. Essentially it is a complete Victorian mansion by EM Barry within a Jacobean shell. It is complemented by a Grade II* Listed stable block containing a tower by Edward Blore. The gardens north of the main house were laid out circa 1860 by WA Nesfield with a complicated series of terraces, parterres and balustrades; while the planting has become degraded since then most of this scheme survives. Therefore it is deeply unfortunate that an industrial estate has been permitted to develop immediately to the east of the hall. It is even more unfortunate that a large series of hotel buildings which do not relate to the hall architecturally have been permitted in recent years immediately to the west of Crewe Hall. The cumulative result of these piecemeal developments is a landscape and setting that has been degraded, and the historic character of which has been eroded. As a result English Heritage has placed the park and garden on its Heritage at Risk Register

- The Victorian Society deeply regret any further degradation of the setting of this building. Any future developments should be of commensurate quality to that of the Grade I listed building, and should both respond to its character and respect its setting. The Victorian Society feels that the proposed development falls short of this standard. The vigorous articulation and massing of Crewe Hall is not reflected in the standardised blocks of the proposed extension. Crewe Hall's high quality materials - brick, stone, lead and slate - are not reflected in the palette of acrylic render, stainless steel and unspecified architectural masonry chosen for the proposed extension. Above all, the proposed development would impinge further on views from the Nesfield Garden, and would further degrade the historic

character of the grounds. Planting screens of trees is not effective mitigation for this. Policy HE10 of PPS5 is clear on the importance that should be given to the effect of proposed developments on the setting of designated heritage assets. There are no benefits to the heritage elements of the estate proposed in these plans; instead there is further erosion of the architectural character of the estate.

- The owners of the hotel should be required to produce a long term Conservation Management Plan for the Hall and grounds in order to safeguard the future of the heritage assets. The Victorian Society feels that the current application would cause significant harm to the setting of one of the major historic buildings of Cheshire.

Garden History Society: No comments received

Cheshire Gardens Trust: Object in the strongest possible terms to the proposed development for the following reasons;

- Over a period of time planning permission has been granted for various developments of poor quality design that have filled the site and degraded this historic asset. The application follows this pattern and offers nothing to the historic landscape
- The historic landscape assessment is limited in scope to the immediate vicinity of the proposed extension and the Nesfield Garden. This does not allow the full significance of the designated historic landscape and the impact of the development to be fully considered
- If permitted the proposed bedroom wing is unlikely to be effectively screened by the trees and will result in the Nesfield Garden feeling quite enclosed, totally at variance with the hall which was set in spacious well designed surroundings reflecting the grandeur of the building
- The landscape proposals are inadequate, limited in scope and do nothing to address the much larger impact issues
- Notwithstanding the success of the hotel and its investment in new facilities as described in the planning statement there has been no such investment in the historic landscape
- The proposals conflict with the adopted local policies and are in direct contravention with PPS5
- Unfortunate past permissions should not be a justification for future accretions and the further degradation of the historic landscape

Environmental Health: Request conditions relating to acoustic enclosures, pile driving and hours of construction

Cheshire Fire Service: The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed. If planning approval is granted the applicant should be advised that means of escape should be provided in accordance with current Building Regulations. The applicant should consider the inclusion of an automatic system to enhance any proposed design.

7. OTHER REPRESENTATIONS

No representations received

8. PARISH COUNCIL

Crewe Green Parish Council: The Parish Council had the benefit of a presentation from the Applicant at the meeting in September and was very impressed with the proposals. The resultant Planning Application and Listed Building Consent Application were discussed at the November meeting and it was unanimously agreed that we should support the Application. The Parish Council welcomes this type of development, as it will provide a facility that will potentially benefit both the local and sub-regional economy.

Weston & Basford Parish Council: Raises no objection in principle to this proposal and has no comment to make on the application for Listed Building Consent. Notwithstanding this, the addition of 46 bedrooms represents a 39% increase in the number of guest rooms. Although the application states that there will be no increase in the numbers of parking spaces, it is logical to assume that the amount of traffic generated will increase as a result of the proposal. In this context the Local Planning Authority is requested to satisfy itself that the existing access on to Weston Road is adequate, given the fact that this is already difficult to negotiate, particularly for right turning traffic leaving the Hall, on account of the high volume of traffic travelling to and from Crewe linking to the A500 / Junction 16 on M6. The Weston and Basford Parish Plan which is about to be published identifies traffic related issues as the number 1 priority for Weston & Basford. The Parish Council needs to be satisfied that this proposal will not exacerbate the problem particularly in relation to Weston Road and Main Road Weston.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Produced by Brocklehurst Architects and dated august 2010)

- Developable space is limited but a vacant area was identified to the north of the existing bedroom wings on a slice of land previously occupied by a temporary building. The site would have very little impact on the historic parts of the site and is naturally screened by existing mature tree growth
- The design and appearance of the buildings are informed by previous developments on the site and their relationship to the site and Listed Buildings
- In pre-application discussions with the LPA and English Heritage it was felt that to avoid the new developments becoming over dominant any further building works should not be a straight replication of previous schemes
- The scale of the building seeks to respect the setting of the formal garden. The proposal presents a low profile to the historic garden that will be well screened by trees
- The overall form of the building is similar to previous developments, being simple rectangular bedroom blocks but shorter in length and therefore avoiding repetition of those previously
- The new building connects to the existing at ground floor only so there is a clear visual break between the new and existing, and avoiding a large scale building at the point where it is most visually prominent from the historic building
- The junction of the two wings forms the access core for the new bedrooms in the form of a curved rendered corner tower
- The proposed north wing bedroom extension is located to the west of one of the notable features in the Hall's grounds, the Nesfield Garden which dates to the mid-nineteenth century. Although the garden has sustained some subsequent alterations, consultations with English Heritage established that consideration needs to be given to preserving the integrity of the surviving features of the garden and minimising any potential changes to its immediate setting from the presence of the proposed extension to the west

- Extensive new parking was added to the hotel previously under the 2007 proposals in the form of the new main car park to the north-west corner of the site. The hotel and sublet tenants have in excess of 400 parking spaces
- Use of the hotel subsequently has indicated that there is spare capacity within the car park for the additional proposals

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- The applicant has already made significant investment in the site but the proposed development is a necessary one to allow the hotel to achieve its potential in economic and employment generation terms
- Implementation of these proposals will ensure the future prosperity of the business and the continued stewardship of an existing commercial site which is an important one within the district and is one of national significance as a heritage asset
- The site is clearly a sensitive one hence the significant degree of pre-application dialogue with both the LPA and English Heritage to explore various options for the provision of the additional bedroom accommodation
- The scheme has been designed and is now designed in such a way as to provide the accommodation needed for the hotel to properly function whilst having acceptable impacts on the Listed Building and its setting within the Historic Park and Garden
- There is a wide range of relevant planning policy applicable to this site and the proposal. It is reasonable to suggest that some of these are not wholly complementary to each other. There is in many such cases, a judgement to be made on a balance of issues
- The policy basis has been explored and whilst recognising that there are some elements of some policies that are not met by the proposed scheme the balance of issues is considered to be strongly in favour of the granting of planning permission and Listed Building Consent

Business Case for the Proposed Extension (Produced by the HIA Hotel Investment Advisors dated April 2010)

- Crewe Hall Hotel is a well located quality hotel that has benefitted from considerable investment in recent years which has taken the hotel from its former use through a phase with 62 bedrooms to its current facility mix which includes 117 bedrooms and meeting facilities for over 350 people
- The surrounding area supports a limited range of hotels from its corporate base but Crewe Hall offers an environment, quality and range of facilities
- Crewe Hall benefits from its imposing exterior, large grounds and facilities and forms part of a limited number of other hotels both regionally and nationally that offer very substantial conference and banqueting facilities
- There is an established demand for hotels of a certain type from the conference and events market for which access, location, price and the scale of facilities are the key determinants in choice of venue. Its one drawback is the scale of bedroom and leisure facilities when compared to its conference capacity and its competitive set
- Crewe Hall is constrained by an imbalance between the number of bedrooms and the scale of the conference, meeting and leisure facilities
- There is clear evidence from the hotels sales records and from research undertaken at competitive properties that substantial levels of demand for large conferences are being turned away as the hotel is not able to provide the number of bedrooms required by the conference organisers
- The displaced conferences then seek alternative venues elsewhere in the country and are therefore lost to the local economy
- A sympathetic development of an additional 46 bedrooms together with the expansion of the currently limited spa facility both to the rear of the main imposing hotel building would

enable Crewe Hall to absorb additional demand from large residential conferences and will have little if any negative effect on the trading of other hotels in this tightly defined hotel market place

Historic Landscape Appraisal (Produced by Simon Atkinson and dated August 2010)

This report recommends that the design of the proposed landscape works around the bedroom extension include the provision of the following:

- Improved screening in western views from the Nesfield Garden. This could involve tree planting to the west of the Yew tree hedge using species reflecting the current mix and the species used by Nesfield in his garden design. A proportion of these trees should be heavy or heavy standards in order to have an immediate visual effect
- Exposed areas of made ground should be turfed or otherwise vegetated in order to ensure that demolition rubble and other material are not visible
- Removal of the poor quality brick steps
- Re-surfacing of the path to provide a higher quality surface to the track between the north terrace and the modern gravel track

Consideration may also be given to the eventual replacement of the veteran Horse Chestnut tree in order to maintain screening in this area

Arboricultural Report; Impact Assessment & Method Statement (produced by Crown Consultants Ltd and dated September 2010)

- This report gives the following assessment of the trees which are located within close proximity to the proposed bedroom extension. 1 tree is of high amenity value, 14 trees are of moderate amenity value, 11 trees are of low amenity value and 3 trees are identified for removal

10. OFFICER APPRAISAL

Principle of Development

The site is located within the Open Countryside where according to Policy NE.2 only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

However, Policy RT6 states that development proposals for recreational uses in the open countryside, as defined on the proposals map, will be permitted provided that, inter alia, they do not harm the character or appearance of the countryside; they do not harm sites of historic or archaeological importance; they can be integrated with existing visitor attractions in the borough or in the vicinity. Proposals should re-use existing buildings wherever possible. Any new buildings or structures should be sited close to any existing buildings and should blend into the surrounding landscape in design, siting, materials and landscape.

The proposal involves the extension of an existing hotel and leisure complex. It will therefore be integrated with an existing visitor attraction. The new build elements will be situated adjacent to the existing buildings. As a result there will be no encroachment beyond the curtilage of the hotel. The site is located within close proximity to Crewe Hall which is a Grade I Listed Building and is located within the Crewe Hall Historic Park and Garden. The impact of the development upon these historical assets will be discussed below.

Government Policy within PPS 4 is also very supportive of proposals for rural tourism and states that *“To help deliver the Government’s tourism strategy, local planning authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features.”* It also states that Local Planning Authorities should, *“support extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses”*.

Therefore having regard to the provisions of Policy RT6 and PPS.4, the proposal is considered to be acceptable in principle, subject to compliance with the other criteria set out in Policy RT6. Specifically, the proposal should blend into the surrounding landscape in design, siting, materials and landscaping; it should not harm sites of nature conservation; there must be safe vehicular access to the site; the access roads must be suitable for the likely traffic generation; car parking provision should be in accordance with adopted standards; and it should be accessible by a range of means of transport. These issues are considered in more detail below.

Design and impact upon the setting of Crewe Hall and the Historic Park and Garden

Two of the consultees, the Victorian Society and the Cheshire Gardens Trust, have strongly objected to the application in relation to the impact of the development upon the Historic Park and Garden and the Grade I Listed Building whilst English Heritage has not objected on these grounds.

Crewe Hall is noted for its Grade II registered landscape featuring mid C19 formal gardens by William Andrews Nesfield which are associated with the Grade I listed country house and the remains of a landscaped park on which Lancelot Brown, William Emes, John Webb and Humphry Repton are all said to have worked.

The proposed extensions would be attached to the rear of the recent modern extensions which are themselves located to the rear of the Crewe Hall. The location of the proposed extensions will serve to minimise their immediate visual impact upon Crewe Hall.

It should also be noted that there are changes in land level between Crewe Hall and the modern extensions (the extensions are constructed at a lower level). The proposed removal of the current made ground/demolition rubble will enable the overall bulk, massing and height of the extension to be constructed at a lower level and to be less prominent in relation to Crewe Hall as a result.

Although some trees would be removed to facilitate the proposed development the proposed landscaping scheme together with the remaining trees would form a screen from the Nesfield Garden.

It is therefore considered that the visual impact of the proposed extension would not readily impact upon the hall, the existing complex of extensions, the historic park and garden and the Nesfield Garden. It will however be important to fully ensure that the landscape works are conditioned and their implementation monitored, together with the recommendations in the management issues section of their landscape appraisal.

The proposal to follow the established architectural style, materials and colours of the current extensions is the most appropriate approach in this context, given the location of the proposed buildings in relation to the recent modern extensions.

The footprint of the new extension has been staggered back, to retain more of the open setting between the new development and the Listed Building, which was requested as part of the pre application negotiations.

The proposed extension would be set down at the same level as the existing extensions, to ensure that they would be visually integrated and less prominent. The window design would also be visually integrated, with the design of the new extensions having less glazing than some of the existing recent extensions. This will serve to present a more sympathetic face to these rear elevations.

The existing ancillary pipes and vents (plant) to the current extension closest to the proposed new extension (east elevation) will be integrated visually by close board screening in order to improve the overall presence of the new extensions.

Amenity

There are no residential properties within close proximity to the site. As a result the proposed development would not have a detrimental impact upon residential amenity. The conditions suggested by Environmental Health are not considered necessary.

Highways

The views of Weston & Basford Parish Council have been noted. However the Strategic Highways Manager has been consulted and has raised no objection to the proposed development. As a result it is considered that the proposed development would not raise any significant highway safety/parking implications.

11.CONCLUSIONS

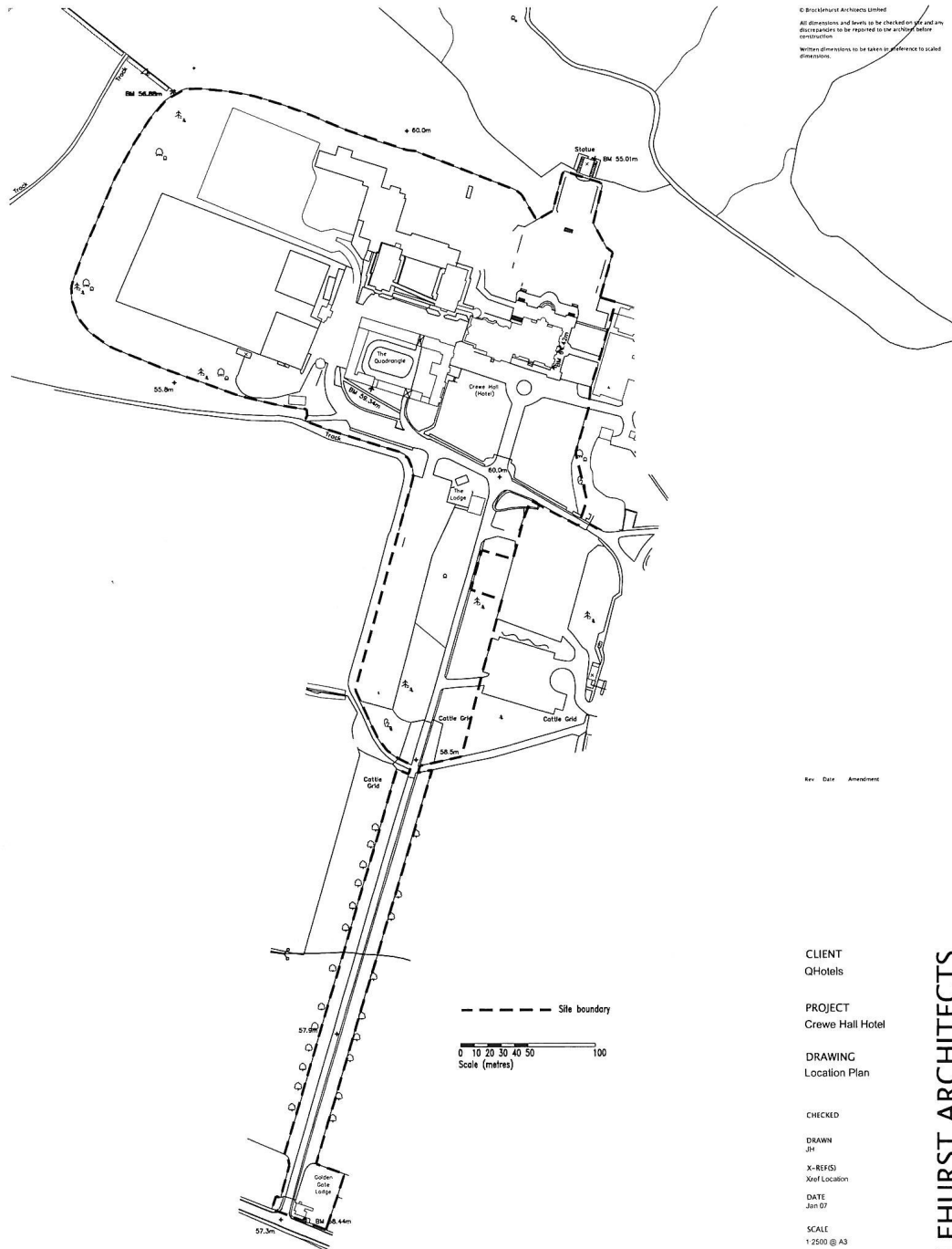
In summary, the proposal involves the redevelopment and expansion of an existing tourist/leisure and recreational facility in the open countryside, which is supported, in principle by the provisions of Policy RT6 of the adopted Local Plan and PPS4. The proposed development will not have a detrimental impact upon the character and setting of the Grade I Listed Crewe Hall and will not detract from the character and appearance the open countryside or the Historic Park and Garden. It has been demonstrated that the proposal is acceptable in terms of its impact on Trees and Landscape, Ecology, Residential Amenity and Highway Safety and it therefore complies with Local Plan Policies NE.2 Open Countryside, NE.5 Nature Conservation and Habitats, NE.9 Protected Species, NE.20 Flood Prevention, BE1 Amenity, BE2 Design Standards, BE3 Access and Parking, BE4 Drainage Utilities and Resources, BE.9 Listed Buildings: Alterations and Extensions, BE.14 Development Affecting historic parks and gardens, TRAN 9 Car Parking Standards, RT6 Recreational Uses in the Open Countryside and RT7 Visitor Accommodation. Therefore in the absence of any other material considerations and having due regard to all other matters raised, the proposal is considered to be acceptable and accordingly is recommended for approval.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time 3 years**
- 2. Materials to be submitted to the Local Planning Authority and approved in writing**
- 3. Tree protection measures to be carried out in accordance with the submitted Arboricultural Report; Impact Assessment & Method Statement**
- 4. Details of improvements to the surface of the paths around the site to be submitted to the Local Planning Authority and approved in writing**
- 5. Details of landscaping to be submitted prior to the commencement of development. The landscaping scheme shall include additional shrub beds with large ornamental shrubs to replace those being removed as part of the building works and a proposed beech hedge to separate the proposed extension and Nesfield Garden which shall be supplied as a 'ready grown' hedge**
- 6. Implementation and maintenance of the approved landscaping scheme**
- 7. The development shall be carried out in accordance with the approved plans only**
- 8. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds on the application site**

Location Plan :



© Brocklehurst Architects Limited
All dimensions and levels to be checked on site and any discrepancies to be reported to the architect before construction.
Written dimensions to be taken in preference to scaled dimensions.

Rev. Date Amendment

CLIENT
QH Hotels

PROJECT
Crewe Hall Hotel

DRAWING
Location Plan

CHECKED

DRAWN
JH

X-REF(S)
Xref Location

DATE
Jan 07

SCALE
1:2500 @ A3

DRAWING NUMBER
4615-15

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Planning Reference No:	10/3861N
Application Address:	Crewe Hall, Weston Road, Weston, CW1 6UZ
Proposal:	Extension to existing building to provide 46 additional guest bedrooms and associated external works
Applicant:	Q Hotels
Application Type:	Listed Building Consent
Grid Reference:	373228 353784
Ward:	Doddington
Earliest Determination Date:	10 th November 2010
Expiry Dated:	6 th December 2010
Date of Officer's Site Visit:	23 rd November 2010
Date Report Prepared:	24 th November 2010
Constraints:	Open Countryside, Grade I Listed Building, Historic Park and Garden

SUMMARY RECOMMENDATION

The application should be referred to the Secretary of State with a recommendation to approve with conditions

MAIN ISSUES

- Impact upon the Historic Park and Garden
- Impact on character and setting of Crewe Hall

1. REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it is considered that the full planning application and application for Listed Building Consent should be determined together.

2. DESCRIPTION OF SITE AND CONTEXT

Crewe Hall is a Grade I Jacobean Listed Building standing within an Historic Park and Garden in the open countryside about one mile from the settlement boundary of Crewe. There have been recent extensions on land to the west of the main building to form a restaurant, additional bedroom accommodation, and leisure (gym / spa etc.) facilities. The application relates to an extension to the modern part of the hotel on the north side of the existing complex. The site of the proposed extension is close to the recently constructed leisure centre and separated from the old hall by other modern development. The site of the extension is currently laid to lawns with some tree and shrub planting; and beyond that are trees, hedgerows and fields.

3. DETAILS OF PROPOSAL

Listed Building Consent is sought for an extension to the existing modern bedroom building. The site is located to the north west of Crewe Hall. The proposed extension would have an L-shaped form and would consist of 2 bedroom wings. A single storey extension would link to southern part of the proposed extension which would be two

storeys in height. To the north-west would be a three storeys element to the proposed extension. A curved three storeys link element would link the two parts of the proposed extension. The extension would serve an additional 46 guest bedrooms with en-suite bathrooms.

4. RELEVANT HISTORY

10/1162N - Extension to Existing Spa Facility – Approved 17th June 2010

10/1161N – Listed Building Consent Extension to Existing Spa Facility - Approved 17th June 2010

P07/1353 - Listed Building Consent for Essential Repairs. Stone Repair or Partial Replacement Using Natural Stone Indent. Small Repairs to Masonry with Lime Restoration Mortar Limited Repointing With Lime Mortar - Approved 18th December 2007

P07/1267 - Listed Building Consent for Variation of Condition 6 on Permission P07/0630 to allow Lighting Columns 6m High - Approved 1st November 2007

P07/1266 - Variation of Condition 8 on Permission P07/0276 to allow Lighting Columns 6m High - Approved 1st November 2007

P07/0630 - LBC Two Storey Conference and Leisure Buildings and Associated Landscaping and Car parking - Approved 20th July 2007

P07/0619 - Listed Building application for pedestrian link and water tank - Approved 20th July 2007

P07/0618 - Listed Building Consent for bedroom accommodation - Approved 20th July 2007

P07/0293 - Planning permission for bedroom accommodation - Approved 3rd May 2007

P07/0289 - Planning permission for glazed link between bedroom accommodation and restaurant - Approved 20th April 2007

P07/0276 - Two storey conference and leisure building with landscaping and car parking - Approved 3rd May 2007

P06/1220 - Diversion of Existing Brook, Excavations to reinstate part of historic lake landscaping, planting and other works - Approved 7th April 2008

P06/1221 - Listed Building Consent for Alterations to Boat House - Approved 20th December 2006

P00/0191 - Listed Building Consent for extension for 101 bedrooms, facilities for health fitness and multi activities, restaurant, car parking and landscaping - Approved 27th July 2000

P00/0190 - Planning permission for extension for 101 bedrooms, facilities for health fitness and multi activities, restaurant, car parking and landscaping - Approved 27th July 2000

5. POLICIES

Development Plan policies

Local Plan policy

BE.9 - Listed Buildings: Alterations and Extensions

BE.14 - Development Affecting Historic Parks and Gardens

National policy

PPS5: Planning and the Historic Environment

6. CONSULTATIONS (External to Planning)

English Heritage: English Heritage considers that given the scale and impact of earlier development on the site and the relative scale and form of these proposals, the additional impact upon the historic landscape will be limited. English Heritage however makes strong recommendations that the landscape works should be clearly conditioned and that the implementation of the landscape conditions be closely monitored prior to any discharge

Victorian Society: Objects to the application on the following grounds;

- Crewe Hall is one of only ten Grade I-listed secular buildings in the former Crewe and Nantwich district. It is also on the English Heritage Register of Parks and Gardens of special historic interest. Essentially it is a complete Victorian mansion by EM Barry within a Jacobean shell. It is complemented by a Grade II* Listed stable block containing a tower by Edward Blore. The gardens north of the main house were laid out circa 1860 by WA Nesfield with a complicated series of terraces, parterres and balustrades; while the planting has become degraded since then most of this scheme survives. Therefore it is deeply unfortunate that an industrial estate has been permitted to develop immediately to the east of the hall. It is even more unfortunate that a large series of hotel buildings which do not relate to the hall architecturally have been permitted in recent years immediately to the west of Crewe Hall. The cumulative result of these piecemeal developments is a landscape and setting that has been degraded, and the historic character of which has been eroded. As a result English Heritage has placed the park and garden on its Heritage at Risk Register

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- Crewe Hall is constrained by an imbalance between the number of bedrooms and the scale of the conference, meeting and leisure facilities
- There is clear evidence from the hotels sales records and from research undertaken at competitive properties that substantial levels of demand for large conferences are being turned away as the hotel is not able to provide the number of bedrooms required by the conference organisers
- The displaced conferences then seek alternative venues elsewhere in the country and are therefore lost to the local economy
- A sympathetic development of an additional 46 bedrooms together with the expansion of the currently limited spa facility both to the rear of the main imposing hotel building would enable Crewe Hall to absorb additional demand from large residential conferences and will have little if any negative effect on the trading of other hotels in this tightly defined hotel market place

Historic Landscape Appraisal (Produced by Simon Atkinson and dated August 2010)

This report recommends that the design of the proposed landscape works around the bedroom extension include the provision of the following:

- Improved screening in western views from the Nesfield Garden. This could involve tree planting to the west of the Yew tree hedge using species reflecting the current mix and the species used by Nesfield in his garden design. A proportion of these trees should be heavy or heavy standards in order to have an immediate visual effect
- Exposed areas of made ground should be turfed or otherwise vegetated in order to ensure that demolition rubble and other material are not visible
- Removal of the poor quality brick steps
- Re-surfacing of the path to provide a higher quality surface to the track between the north terrace and the modern gravel track

Consideration may also be given to the eventual replacement of the veteran Horse Chestnut tree in order to maintain screening in this area

Arboricultural Report; Impact Assessment & Method Statement (produced by Crown Consultants Ltd and dated September 2010)

- This report gives the following assessment of the trees which are located within close proximity to the proposed bedroom extension. 1 tree is of high amenity value, 14 trees are of moderate amenity value, 11 trees are of low amenity value and 3 trees are identified for removal

9. OFFICER APPRAISAL

Principle of Development

Listed buildings are protected by law both internally and externally. They are important because they show how methods of construction and detailing change over the centuries.

The Local Planning Authority seeks to control alterations and extensions to Listed Buildings to ensure the preservation of these irreplaceable assets.

Policy BE.9 states that development proposals for the alteration or extension of a listed building or any feature of special or architectural or historic interest will not be permitted unless the proposal respects the scale, materials, colour, detailing and other significant features of the building; and that the proposals do not detract from the character or setting of the building concerned, especially with regard to its surrounding gardens, landscape, or relationship with adjoining buildings and significant views.

Design and impact upon the setting of Crewe Hall and the Historic Park and Garden

Two of the consultees, the Victorian Society and the Cheshire Gardens Trust, have strongly objected to the application in relation to the impact of the development upon the Historic Park and Garden and the Grade I Listed Building whilst English Heritage has not objected on these grounds.

Crewe Hall is noted for its Grade II registered landscape featuring mid C19 formal gardens by William Andrews Nesfield which are associated with the Grade I listed country house and the remains of a landscaped park on which Lancelot Brown, William Emes, John Webb and Humphry Repton are all said to have worked.

The proposed extensions would be attached to the rear of the recent modern extensions which are themselves located to the rear of the Crewe Hall. The location of the proposed extensions will serve to minimise their immediate visual impact upon Crewe Hall.

It should also be noted that there are changes in land level between Crewe Hall and the modern extensions (the extensions are constructed at a lower level). The proposed removal of the current made ground/demolition rubble will enable the overall bulk, massing and height of the extension to be constructed at a lower level and to be less prominent in relation to Crewe Hall as a result.

Although some trees would be removed to facilitate the proposed development the proposed landscaping scheme together with the remaining trees would form a screen from the Nesfield Garden.

It is therefore considered that the visual impact of the proposed extension would not readily impact upon the hall, the existing complex of extensions, the historic park and garden and the Nesfield Garden. It will however be important to fully ensure that the landscape works are conditioned and their implementation monitored, together with the recommendations in the management issues section of their landscape appraisal.

The proposal to follow the established architectural style, materials and colours of the current extensions is the most appropriate approach in this context, given the location of the proposed buildings in relation to the recent modern extensions.

The footprint of the new extension has been staggered back, to retain more of the open setting between the new development and the Listed Building, which was requested as part of the pre application negotiations.

The proposed extension would be set down at the same level as the existing extensions, to ensure that they would be visually integrated and less prominent. The window design

would also be visually integrated, with the design of the new extensions having less glazing than some of the existing recent extensions. This will serve to present a more sympathetic face to these rear elevations.

The existing ancillary pipes and vents (plant) to the current extension closest to the proposed new extension (east elevation) will be integrated visually by close board screening in order to improve the overall presence of the new extensions.

10. CONCLUSIONS

In summary, the proposal involves the redevelopment and expansion of an existing tourist/leisure and recreational facility in the open countryside. The proposed development will not have a detrimental impact upon the character and setting of the Grade I Listed Crewe Hall and will not detract from the character and appearance the open countryside or the Historic Park and Garden. The proposed development therefore complies with Local Plan Policy BE.9 Listed Buildings: Alterations and Extensions and the provisions of PPS5.

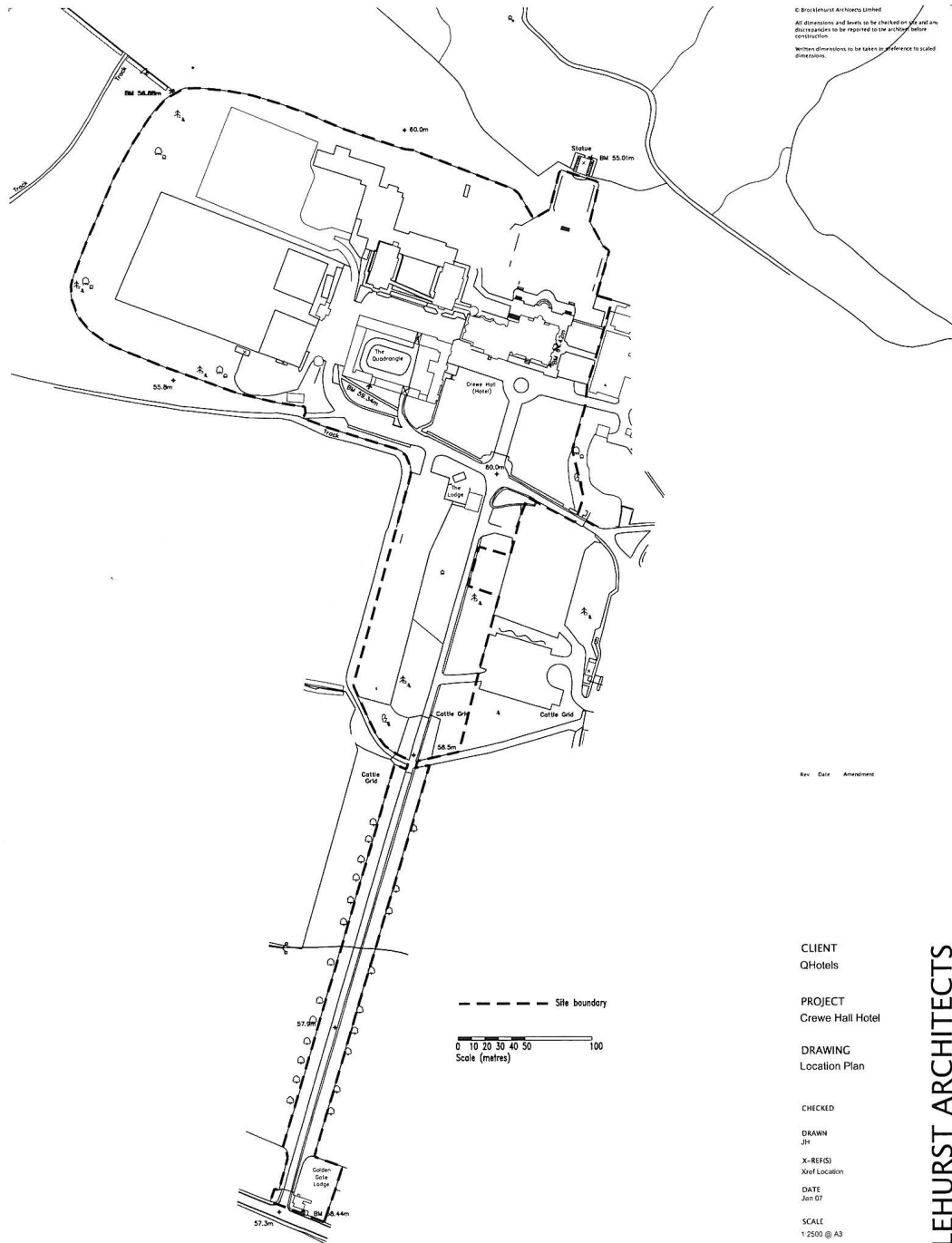
If the Council is minded to approve an application where there is an objection from English Heritage or any of the national amenity societies then the application for Listed Building Consent should be referred to the Secretary of State. In this case an objection has been received from the Victorian Society, a national amenity society, and as a result the application will need to be referred to the Secretary of State (This applies to the application for Listed Building Consent only and not the Planning Application).

11. RECOMMENDATIONS

The application be referred to the Secretary of State with a recommendation to APPROVE subject to the following conditions

- 1. Standard time 3 years**
- 2. Materials to be submitted to the Local Planning Authority and approved in writing**
- 3. Tree protection measures to be carried out in accordance with the submitted Arboricultural Report; Impact Assessment & Method Statement**
- 4. Details of improvements to the surface of the paths around the site to be submitted to the Local Planning Authority and approved in writing**
- 5. Details of landscaping to be submitted prior to the commencement of development. The landscaping scheme shall include additional shrub beds with large ornamental shrubs to replace those being removed as part of the building works and a proposed beech hedge to separate the proposed extension and Nesfield Garden which shall be supplied as a 'ready grown' hedge**
- 6. Implementation and maintenance of the approved landscaping scheme**
- 7. The development shall be carried out in accordance with the approved plans only**

Location Plan



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BROCKLEHURST ARCHITECTS

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Planning Reference No:	10/4143N
Application Address:	3 Church Lane, Wistaston, CW2 8HB
Proposal:	New Dormer Bungalow on Rear Garden Land and Associated Access at No 3 Church Lane.
Applicant:	Mr & Mrs Beeston
Application Type:	Full Planning
Grid Reference:	368096 353322
Ward:	Rope
Earliest Determination Date:	22 nd November 2010
Expiry Dated:	22 nd December 2010
Date of Officer's Site Visit:	23 rd November 2010
Date Report Prepared:	24 th November 2010
Constraints:	N/A

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Impact upon trees
- Impact on adjoining residential amenities.
- Impact on character and appearance of area.
- Impact on highways.

1. REASON FOR REFERRAL

Cllr Simon has requested that the application is referred to the Southern Planning Committee for the following reason;

'to enable a full and frank discussion in public regarding an application which is backland development'

2. DESCRIPTION OF SITE AND CONTEXT

The application site is part of the garden area of 3 Church Lane which is located on the western side of Church Lane within the Crewe Settlement Boundary. No 3 Church Lane is a detached two-storey dwelling which has a brown brick and rendered finish with a brown tiled hipped roof. The property has garages to either side and, to the rear, the property has a single storey rear extension and conservatory. To the front is a large tree which is covered by a Tree Preservation Order.

The area is predominantly residential and is characterised by large dwellings mainly two-storey dwellings which front onto the highway and sit within substantial gardens.

3. DETAILS OF PROPOSAL

This is a full planning application for 1 two storey dwelling. The property would be positioned to the rear of No 3 Church Lane with a private driveway running to the northern

side of No 3. The property would include 4 bedrooms and 2 balconies to the rear elevation.

4. RELEVANT HISTORY

10/2102N - New Dormer Bungalow on Rear Garden Land and Associated Access at No 3 Church Lane - Withdrawn 29th July 2010
P99/0485 - Single storey extension – Approved 6th July 1999

5. POLICIES

Development Plan policies

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets

EM18 – Decentralised Energy Supply

MCR4 – South Cheshire

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

CF.3 (Retention of Community Facilities)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

National policy

PPS 1: (Delivering Sustainable Development)

PPS 3: (Housing)

Other Material Considerations

Supplementary Planning Document on Development on Backland and Gardens

6. CONSULTATIONS (External to Planning)

The Strategic Highways and Transportation Manager: No representations received at the time of writing this report

Environmental Health: Request conditions regarding construction hours, contaminated land and pile driving

7. NANTWICH TOWN 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

Design and Access Statement (*Produced by Ron Designs*)

- The current scheme is a result of extensive design development following discussions with the planning team
- It is felt that the proposal is appropriate to its surroundings and would not adversely affect the area in which it is located
- The proposed dwelling will have almost no impact upon the street scene and is also located sufficiently back from the existing dwellings
- Relevant planning policies and particularly BE.1 to BE.3 and the SPD on Development on Backland and Gardens have been carefully considered and incorporated in this design in a similar way to a number of similar developments in the Crewe Road area which have set certain precedents
- The proposal increases the dwelling density in a moderate manner thereby helping meet housing supply needs and reducing demand on new Greenfield sites without greatly affecting the character or amenity of the area, whilst retaining large and generous yet manageable sized gardens to both the existing and new dwelling
- Great attention and care has been paid to ensuring safe access is provided and can be supported by the Highways Officer

Tree Survey (Compiled by S.A Coombes)

- The tree survey has been produced which surveys the trees on and overhanging the application site
- The tree survey identifies 11 trees of moderate quality and value, 12 trees of low quality and value and 1 tree for removal

10. OFFICER APPRAISAL

Principle of Development

As the proposal involves development on garden land, it is necessary to consider the implications of Planning Policy Statement 3 (Housing) which was amended on 9 June 2010. The amendments relevant to these proposals are as follows:

- The definition of previously developed land in Appendix B of PPS3 has been revised to exclude private residential gardens.
- An additional sentence has been added to paragraph 41 of the PPS, which explains that brownfield land is the priority for development, to say that *"there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed"*.

Notwithstanding these amendments Local Plan policies allow for the development of sites within settlement boundaries for housing subject to the proposals satisfying a number of criteria. There is nothing in these policies to restrict these developments only to proposals

on previously developed land, or to rule out development on Greenfield land where it is located within the settlement boundary.

Consequently, this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development, subject to compliance with Policy RES.2 (Unallocated Housing Sites), of the Local Plan and the Crewe and Nantwich Council SPD on Development in Backland and Gardens which is also relevant and provides more detailed advice. In order to fully accord with Policy RES.2 the development must also be in keeping with the requirements of policies BE.1 – BE.5 and the Councils Supplementary Planning Document on Extensions and Householder Development.

Design

Although the principle of development is considered to be acceptable due to its location within the Crewe Settlement Boundary, the development must also be acceptable in terms of its design and layout in accordance with Policy BE.2 which states that development should *'achieve a high standard of design and wherever possible enhance the built environment'* and *'respect the pattern, character and form of the surroundings'*.

Further guidance is given in the Councils SPD on Development on Backland and Gardens which states that *'a development which looks out of place and doesn't respect the positive characteristics of the immediate surroundings will not be permitted. Although new development should have its own sense of identity this should not be at the cost of the surrounding built environment'*.

The area is characterised by large residential properties which front onto the highway. These properties are positioned within large plots with generous spaces between the dwellings. The plots in which the properties are located are softened by mature vegetation growth and landscaping with limited areas of hardstanding.

The proposed dwelling would be located directly to the rear of No 3 Church Lane with an access track which would run to the north of the No 3. The proposed dwelling would face onto the rear elevation of No 3; this form of piecemeal backland development does not respect the pattern of the surrounding area as the development does not front onto the highway, which is a consistent part of the character of the area.

The development would involve the construction of a driveway of 60 metres in length, which would lead to the proposed dwelling, together with a driveway/parking area. The development would also result in the provision of additional boundary treatment to screen the two properties. In order to accommodate the development large parts of the vegetation and mature landscaping on the site would need to be removed. The consequence of all of the elements listed above would be mean that the development would harm the pattern, character and form of the surroundings and is therefore unacceptable.

The applicant has referred to a number of other sites in the locality which he feels are similar and set a precedent in allowing this application. These sites are not considered to be comparable for the following reasons;

- The first relates to a site to the rear of 437 Crewe Road. This site is a larger triangular plot of land and planning permission was first granted for a dwelling on this site in 2004 with an amended scheme approved in June 2005. Given that the original approval was made prior to the adoption of the current Borough of Crewe and Nantwich Replacement

Local Plan 2011 on 17th February 2005 and the Councils Supplementary Planning Document on Development on Backland and Gardens in July 2008 it is considered that this decision can be given very little weight in the determination of this planning application.

- The second scheme relates to a site at Badgers Wood which is over 700 metres from the application site. There have been number of planning permissions on this site and the earliest permission dates from 1994 and as a result this decision was not made using the current local plan and SPD as stated above. Furthermore this site is much larger than the current application site and the character of this area is not as strong as that at the application site.

- The third scheme relates to 22A and 22B Rope Lane which are located on backland site over 700 metres from the application site. There is no planning history for these properties and given their age it is not considered that these are comparable to the current application. Furthermore it should be noted that these properties are located on a larger plot of land.

Amenity

There would be a separation distance of over 30 metres between the front elevation of the proposed dwelling and the rear elevations of No's 1 and 3 Church Lane. This separation distance is considered to be acceptable and accords with the separation distances referred to in the Councils SPD.

The property has been designed so that the first floor windows to the front would be positioned away from the boundaries with No 1 and 5 and could be obscure glazed. As a result it is considered that there would be minimal impact upon the privacy to the rear gardens of these properties.

Given the length of the rear gardens of No's 1 and 5 Church Lane it is not considered that the development would have a detrimental impact upon these properties through loss of light or overbearing impact.

No other properties would be affected by the development.

Highways

Although the Strategic Highways Manager has not commented on this application, a response was received to the previous application. This stated that '*Church Lane at this location is not traffic calmed and is subject to a speed limit of 30 mph. The proposed visibility splays are 2.4m X 36m to the centre of the carriageway. This is not valid specification for this location as vehicles can carry out an overtake manoeuvre. The results of the traffic survey carried in accordance with TA22/81 show a required visibility splay of 2.0m x 36m (to the edge of the carriageway)*'. This information has been forwarded to the applicant's agent and an update on the highway matters at the site will be provided as part of the update report.

Trees

A tree survey has been produced with this application and this indicates that there are 11 trees of moderate quality and value, 12 trees of low quality and value and 1 tree for removal. These trees are located on or overhanging the site. The results of this tree survey are acceptable. The garage which was originally proposed as part of the previous

application has now been removed to ensure that the development would not have a detrimental impact upon the trees. This ensures that these trees that are on the neighbour's land will be retained and protected, especially as they have an estimated 40 years life.

Subject to the use of appropriate conditions the proposed development would not have a detrimental impact upon the trees on the site.

11. CONCLUSIONS

The application site is located within the settlement boundary of Crewe and 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. However the siting of the proposed dwelling on this backland site and its resultant driveway, hardstanding, boundary treatment and loss of vegetation would result in a development that would not achieve a high standard of design or would not respect the pattern, character or form of the surroundings. Furthermore insufficient information has been provided to help to assess the impact of the development upon the trees which are located on the site and overhang the site.

12. RECOMMENDATIONS

REFUSE for the following reason;

1. The Local Planning Authority considers that this piecemeal form of backland development by reason of the siting of the dwelling, the driveway/hardstanding, boundary treatment and loss of soft landscaping around the existing dwelling would result in a development which would not achieve a high standard of design and would detract from the pattern, character and form of the surroundings. As a result the development would be contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the Council's Supplementary Planning Document on Development on Backland and Gardens.

Location Plan : Licence No 100049045



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Planning Reference No:	10/4162C
Application Address:	103A Crewe Road, Alsager, ST7 2JE
Proposal:	New detached dwelling on land between 103 and 105 Crewe Road, Alsager
Applicant:	Mr Ian Brandrick
Application Type:	Full Planning Permission
Ward:	Alsager
Earliest Determination Date:	24 th November 2010/11/2010
Expiry Dated:	16 th December 2010
Date Report Prepared:	1 st December
Constraints:	None

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

The key issues that Members should consider in determining this application are;

- Principle of Development
- Design
- Amenity
- Highway Safety
- Landscaping

1. REASON FOR REFERRAL

Councillor S. Jones has requested that the application be determined by Southern Planning Committee for the following reasons:

1. The design is out of keeping with the street scene as the existing properties on both sides are pre-war.
2. The new property would compromise the privacy of 12 The Gables.
3. The property is un-neighbourly in proportion to 12 The Gables which is a bungalow property.

Councillor Jones recommends a site visit is undertaken and notes that the owner of 12 The Gables is willing for the site to be viewed from the property.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is situated within the Alsager Settlement Zone Line and relates to a parcel of land located between residential properties 103 and 105 Crewe Road. The land is the designated curtilage of No. 105.

The surrounding area consists of predominantly residential properties, most of which are two storey and a combination of detached and semi-detached properties.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of one detached dwelling house.

4. RELEVANT HISTORY

08/1761/OUT Approved (2008) Outline consent for one dwellinghouse

08/1288/OUT Withdrawn (2008) Outline consent for one dwellinghouse

07/0695/TPO Approved (2007) Application to fell one sycamore tree

5. POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP7 Environmental Quality

Local Plan Policy

PS4 Plan Strategy for Towns

GR1 General Criteria

GR2 Design

GR6 Amenity & Health

GR9 Parking and Accessibility

H1 Provision of New Housing Development

H2 Housing Supply

H4 Residential Development in Towns

NR1 Trees

6. CONSULTATIONS (External to Planning)

Highways:

[01.12.2010] The Strategic Highways Manager has no objection to the development subject to a condition securing the site's access and an informative requiring the applicant to contact the Highway Authority for any works that may affect the public highway.

Environmental Health:

[08.11.2010] Should the development be approved, the Environmental Health Division recommend conditions relating to contaminated land and the restriction of construction hours and pile driving.

Senior Landscape & Tree Officer:

[11.11.2010] The Landscape Officer has no objection in principle subject to retention and protection of the boundary hedge to the east and a landscaping condition to secure appropriate frontage treatment.

United Utilities

[09.11.2010] No objection however, notes that the site should, if possible, be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soak-away/watercourse/surface water sewer.

VIEWS OF THE PARISH / TOWN COUNCIL

[24.11.2010] Alsager Town Council seeks assurance that the development is in accordance with Policy GR2 of the Congleton Borough Council Local Plan. Concerns are also raised regarding possible un-neighbourliness particularly to properties at the rear of the site and that the development is infill.

OTHER REPRESENTATIONS

Two objections had been received at the time of report preparation and the following issues of concern were highlighted:

- Detrimental impact upon the amenity
- Detrimental impact upon privacy
- Overshadowing impact
- Would impact upon the views from neighbouring properties
- Dwelling is not in keeping with other properties in the vicinity
- No garage proposed
- Potential increase in vehicles parking on the street which in turn would lead to disturbance and loss of privacy due to vehicles stopping.
- Building works noise would be detrimental
- The proposal is described as two storeys however, it contains rooms within the roof space
- Inaccuracies on forms – form states 4+ bedrooms, yet the plans only show 3
- The area identified for car parking is not as big as the plan states

APPLICANT'S SUPPORTING INFORMATION

The following documents were submitted in support of the application:

- A Design and Access Statement

The statement outlines issues relating to the site's history and previous applications, a site assessment, use, amount, layout, scale, landscaping, appearance, and access.

- A Preliminary Environmental Assessment

7. OFFICER APPRAISAL

Principle of Development

The principle of a dwellinghouse on the site has previously been established within approved outline application 08/1761/OUT. Whilst it is noted that on 9th June 2010 the Coalition Government amended PPS3 and as a result garden land is now classed as Greenfield rather than Brownfield land, the application site is situated within the Alsager Settlement Zone Line where there is still a general presumption in favour of new development as indicated by policy PS4 of that Plan.

The principle of a dwellinghouse within this garden area is therefore still acceptable subject to the proposal meeting all other relevant policies of the local plan.

Design

The proposed dwellinghouse would front Crewe Road and would respect the surrounding pattern of development, as it would be sited in line with neighbouring properties 103 and 105 Crewe Road. Whilst the dwellinghouse would utilise the roof space and include a bedroom within such, the property would have an overall appearance of that of a two-storey property and as such would replicate the appearance of the other two storey properties located on Crewe Road.

The proposed dwellinghouse would be of a brick and tile construction and whilst it would not exactly replicate the appearance of adjacent properties, it would replicate some features and characteristics of such i.e. the property would include front gable detailing, a bay window, a chimney, and cill/lintel detailing.

As a result, given that dwellings in the area have variances in appearance and as the proposed dwellinghouse replicates some of the features of surrounding dwellings, it is considered that the proposal would respect the character, appearance, and form, of the surrounding area and would not be detrimental to the street scene.

Amenity

The proposed dwelling would be located between the flank elevations of 103 and 105 Crewe Road and would be somewhat in line with these properties. As a result it is not envisaged that the proposal would impact upon the privacy or amenity of such properties.

One other property bounds the application site – 12 The Gables, a north-west facing bungalow property located to the north of the site. Objections have been received which have outlined that the proposal would have a significantly detrimental impact upon such property. However, consideration must be given to the positioning of the proposed new dwellinghouse and the pattern of surrounding development.

The minimum privacy distance as outlined in SPG2 is 21.3 metres between principal rooms. It is appreciated that the proposed distance of approximately 21 metres between the two-storey rear elevation of the dwellinghouse and the corner of 12 The Gables would be slightly below this requirement. However, given that the dwellings are not directly facing, in this instance it is considered that the shortfall of 0.3 metres would be negligible and the impact in terms of privacy and amenity would be acceptable. It is appreciated that the dwellinghouse may cause some overshadowing due to its location to the south of No. 12. However, given the significant distance between the two dwellings it is not considered that this would be to such a level as to sustain a refusal of the application. In addition, weight is also given to the fact that the proposed dwellinghouse would be somewhat in line with existing properties on Crewe Road and therefore the proposed dwellinghouse would not be significantly closer to the neighbouring properties to the north than the existing arrangement.

It is acknowledged that the proposed dwellinghouse has a protruding single storey extension element which would be closer to No. 12 The Gables than the main body of the dwellinghouse. However, given that this is single storey level only, it is not envisaged that it would contribute to any reduction in privacy or amenity levels.

With regard to comments relating to construction noise, it is noted that the development would be restricted by condition to ensure that development could only be constructed between certain hours in order to protect neighbouring amenity.

With regard to impact upon amenity due to additional cars waiting/starting on the highway and therefore resulting in detrimental impact upon other dwellings, it is noted that the cars waiting/passing on this busy A road is a typical occurrence and this is not a reason for which the dwellinghouse could be refused especially as parking is provided within the site and there is no indication from the Strategic Highways Manager that the development would contribute to cars waiting or parking on the highway.

Concerns with regard to impact upon views from neighbouring properties are acknowledged. However, this is not a material planning consideration which can be taken into account for the determination of this application.

It is noted that following the construction of the proposed dwellinghouse, a sufficient amenity area would exist for No. 105.

Highway safety

In the absence of any objection from the Strategic Highways Manager, it is not envisaged that the proposal would result in any detriment to Highway Safety.

With regard to the comments received in relation to the lack of garaging at the site it is noted that there is no policy requirement for new dwellings to provide garages and as such this is not a reason for which the application could be refused.

Landscaping

There is little vegetation on the site other than a mature mixed species hedgerow on the Crewe Road frontage and a hedge to the eastern boundary. Subject to the retention and protection of the boundary hedge to the east and a landscaping condition to ensure appropriate frontage treatment as it is suspected that the existing hedge may not survive construction operations, it is considered that the landscaping implications of the proposed development would be acceptable.

It is noted that trees protected by Tree Preservation Orders are located to the north of the site. However, it is not proposed to remove any of these trees.

8. CONCLUSIONS

The principle of the development is acceptable as is the proposal's impact in terms of design, amenity, and highway safety. As a result the proposal fully complies with the relevant policies of the local plan.

9. RECOMMENDATIONS

Approve subject to the following conditions:

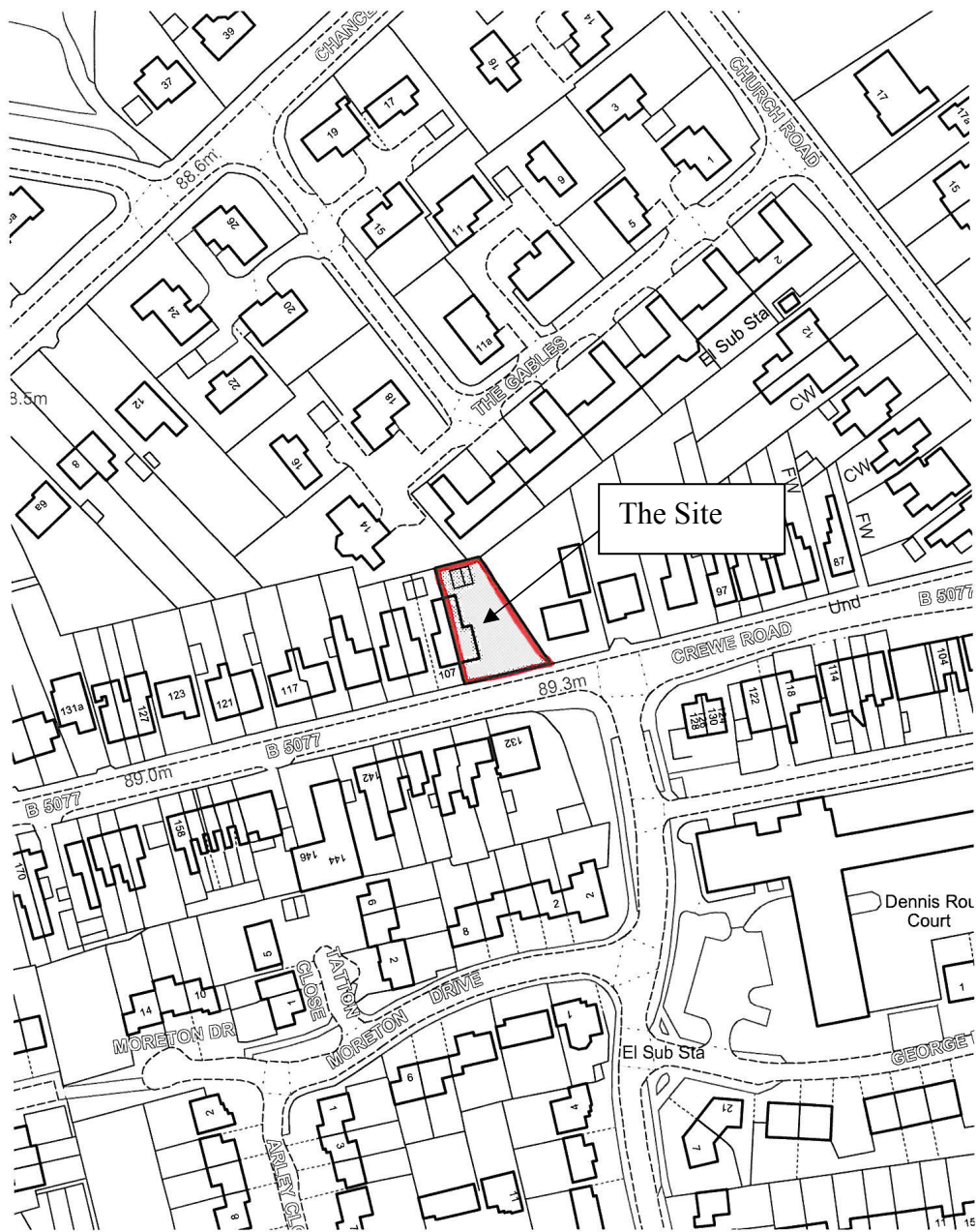
- 1. Standard time limit**
- 2. Plan numbers**
- 3. External materials submitted**
- 4. Surfacing materials to be submitted**
- 5. Windows set behind a reveal**

- 6. Removal of permitted development for extensions**
- 7. Landscaping to be submitted**
- 8. Implementation and maintenance of landscaping**
- 9. Boundary hedge protection and retention**
- 10. Boundary treatment details submitted**
- 11. Drainage details submitted**
- 12. Details of site access and visibility splays to be submitted**
- 13. Construction hours restricted**
- 14. Pile driving details submitted**
- 15. Contaminated land condition**
- 16. The dwellinghouse shall not be occupied until car parking spaces have been provided and thereafter retained**
- 17. Submission of land level details**

Informatives:

- Refer applicant to letter from United Utilities
- The applicant will need to obtain the consent of the Highways Authority (CEC) for any work in, or that may affect, the public highway. The applicant should contact Crewe area office (CEC) before constructing or altering any access. This work should be carried out under a section 184 licence.

Location Plan :



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Planning Reference No:	10/1250N
Application Address:	Foolpenny Hall, London Road, Stapeley
Proposal:	Erection of 9 no. detached dwellings and associated detached garaging. Refurbishment and extension of 2 no. existing dwellings (Foolpenny Hall and Crosslands Cottage) and the demolition of existing office building at The Paddock – Foolpenny Hall. Formation of New Access onto London Road. Re-submission of 09/2012N
Applicant:	Mr. S. Williams
Application Type:	Full Planning Permission
Grid Reference:	366558 351857
Ward:	Doddington
Consultation Expiry Date:	7 th July 2010
Date for Determination:	3 rd September 2010

SUMMARY RECOMMENDATION:

- In the event that an acceptable bat survey of the trees on site is submitted and the Ecologist withdraws his objection **APPROVE** subject to
- Conditions
- In the event that a bat survey of the trees on site is not submitted or the Ecologist does not withdraw his objection **REFUSE**

MAIN ISSUES

- Principle of Development
- Privacy and Amenity
- Layout and Design
- Tree and Landscape Matters
- Landscaping
- Protected Species
- Flooding
- Highway Matters
- Affordable Housing

REFERRAL

This application has been referred to the Southern Planning Committee because it is for more than 10 dwellings.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The site comprises approximately 1.37ha of land which includes two existing residential properties, Foolpenny Hall, Crosslands Cottage and an office building and associated garaging.

The site is broadly triangular in shape and is bounded by Newcastle Road to the north and London Road to the south. The buildings are located at the broader eastern end, and extensive grounds stretch away from the house to the west. The grounds contain over 100 protected trees and a large pond.

Planning permission is sought for the refurbishment and extension of Foolpenny Hall and Crosslands Cottage, the demolition of existing office building and the erection of 9 no. detached dwellings and associated garaging with the grounds of the property.

2. PREVIOUS RELEVANT DECISIONS

09/2012N Erection of 10 no. detached dwellings and 2 no. semi-detached dwellings and associated detached garaging. Refurbishment and extension of 2 no. existing dwellings (Foolpenny Hall and Crosslands Cottage) Demolition of existing office building at The Paddock – Foolpenny Hall. Formation of new access onto London Road. - Withdrawn

P06/0091 Alterations and extensions to existing bungalow. Approved 01/04/1996

7/13351 Residential units with private access road – Withdrawn 05/11/1986

7/16623 Erection of 2 dwelling houses – Refused 18/05/1986

3. PLANNING POLICIES

National Planning Policy

PPS1: Delivering Sustainable Development (2005)

PPS3: Housing (2007)

PPS9: Biodiversity and Geological Conservation (2005)

PPS.23 Planning and Pollution Control

PPS25: Planning and Flood Risk (2006)

Regional Spatial Strategy

DP1 – Spatial Principles

DP4 – Make best use of resources and infrastructure

DP5 – Managing travel demand

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF1 – Spatial Priorities

L4 – Regional Housing Provision

EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets

MCR4 – South Cheshire

Local Plan Policy

BE.1 (Amenity),
BE.2 (Design Standards),
BE.3 (Access and Parking),
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.17 (Pollution Control)
RES.2 (Unallocated Housing Sites),
RES.3 (Housing Densities)

Other Material Considerations

Cheshire East Interim Housing Policy
Government letter regarding changes to PPS3
Borough Of Crewe and Nantwich Supplementary Planning Document - Development on Backland and Gardens

4. OBSERVATIONS OF CONSULTEES

United Utilities

Has no objection to the proposal subject to the following

- Surface water should not be allowed to discharge to the foul / combined sewer
- The site must be drained on a separated system with surface water discharge to the soakaway / SUDS / Pond, which may require the consent of the Environment Agency
- A public sewer crosses this site and they will not permit building over it. They will require an access trip of 6m, with 3m on either side of the line of the sewer
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.
- Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.
- United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -
 - The Local Authority takes responsibility for the maintenance of the pond
 - The freehold of the land on which the pond lies is transferred to the Local Authority
 - United Utilities is provided with a deed of "Grant of Rights" to discharge into the pond in perpetuity. Such a deed would necessarily contain provisions against the development within the balancing pond, and against altering its topography, or making connections to it.
 - That measures have been taken to prevent flooding of properties
 - That a legal agreement is in place between all parties.

- A section 104 (Water Industry Act 1991) agreement for the surface water sewers draining to the balancing pond will not be entered into until every condition described above has been met.

Sustrans

Note the application for 9 detached dwellings and garages at Foolpenney Hall London Road Nantwich. Should this land use be approved they hope the Planning Dept can negotiate for a modest contribution from the developer towards improving walking and cycling routes towards the town centre of Nantwich. The current road layout combined with the recent development of Stapeley has made the walking and cycling environment in this area less attractive.

Highways Authority:

London Road Stapeley at this location is very quiet and leads to a dead end. There is a change in level between the carriageway and site levels which may prevent good visibility. The highways authority has no objections subject to the following conditions:

- No development shall take place until detailed drawings outlining the site's access arrangements have been submitted to and approved by the LPA and no part of the development shall be occupied until the access has been constructed in accordance with approved drawings.

Informative:

- The applicant will need to obtain the consent of the highways authority (CEC) for any work in, or that may affect the public highway. The applicant should contact Crewe area office (CEC) before constructing or altering any access. This work should be carried out under a section 184 licence.

Arboriculturalist

Object to this application.

- It should be noted that the information comprises of a separate 'Pre- Development Tree Survey' plan; a separate 'Trees with TPO plan' and a Planning layout showing protected trees for retention/removal.
- Reference is made to a Tree Constraints Drawing SK12A in the Arboriculturists Tree Protection Plan and Method Statement. To date I have had no sight of this document BS5837 Recommendations for Trees in Relation to Construction 2005 identifies the requirement for a Tree Constraints Plan and Arboricultural Implications Assessment which informs site layout design. The determination of any application should rely on up to date Arboricultural assessment provided by the applicant. As the Council has not received such an assessment, and in the absence of my request for an up to date survey, I am reliant on the current arboricultural information submitted to determine the impact of the proposal on trees.
- It is apparent that some changes to the previously submitted scheme under App 09/2012N have been carried out, reflecting the current layout as detailed on the proposed site layout (Drawing A001_P_006F). I assume this revised layout reflects the comments raised by the Arboriculturist in para. 7.1 of his 'Tree Protection Plan and Method Statement' Report in respect of dwelling numbers 8,9,10,11 and 12.

- For the purposes of this consultation I have compared the proposed site plan with the Trees with TPO plan to determine the impact of the proposals on protected trees.

Direct losses

- Plot 2 - Loss of 2 Ash (T224; T225) part of G7 of the Order due to the proposed access and turning area
- Plot 9 - Loss of Silver Birch (T67) part of G2 due to position of the proposed new build. It should be noted that the Arboriculturist refers to this tree in para 7.1 of his 'Tree Protection Plan and Method Statement' Report, advising that the tree is in good condition (Category B2) but has a short safe useful life expectancy. It should be noted that the Arboriculturist Tree Report provides an Estimated Remaining Contribution (ERC) of between 20-40 years.
- Plot 10 - Loss of two Ash (T175; T176), part of G7 of the Order to accommodate Plot 10. I note the comments raised by the Arboriculturist in his report in respect of T176 and can accept the observation that this is a low category tree.
- Plot 11 – Loss of Alder (T152), part of G2 to accommodate Plot 11. This has been identified in the Arboriculturists report as an A1 category tree and should be retained unless it can be demonstrated that mitigation provides a net environmental gain.
- Two trees, a protected Cherry (T78) and a Lime (T86) forming part of G3 of the Order are proposed to be removed as part of the formation of the new access into the site. I note from Ruth Conley's consultation comments on the previous application that several trees including T83, T84 and T86 would require removal, although no comment is made as to whether these removals are deemed acceptable or not. Reference is made to replanting, but this may allude to the removal of T67 in respect of its loss for Plot 11 rather than the proposed access.
- In consideration of the new site entrance, I accept that its location over the existing 300mm dia. sewer is probably the most favoured location. The protection trees, on and immediately adjacent to the sewer can be conceded due to easement of support for the sewer.

Indirect Losses – Avoiding Direct Damage /Avoidance of Future Conflict

- The proposed layout has identified that a number of plots are positioned close to protected trees which will present future inconvenience to incoming occupiers (Government Guidance Tree Preservation Orders: A Guide to the Law and Good Practice Section 5.11 applies). BS5837:2005 Trees in Relation to Construction (Recommendations) identifies the Root Protection Area (RPA) required to protect below ground constraints and a number of Plots/Access arrangements conflict with these recommendations
- Plot 9 – Protected Black Pine (T63) part of G3 of the Order. The proposed plot is located 6 metres from the tree and falls within the RPA (calculated at 210m² or a radius of 8.172m). The dominance of this tree situated to the south of the plot will present undue inconvenience, restrict natural daylight and sunlight and lead to future requests to fell or severely prune.
- Plot 11- Protected Norway Maple (T79) part of G3 of the Order. The proposed plot is located 7.5 metres from the tree. The dominance of this tree situated to the south east of the plot will present undue inconvenience and lead to future requests to fell or severely prune. The plot also conflicts with the RPA of a protected Cherry (T154), G4 of the TPO.

- Plot 2 - Protected Ash (T225), part of G7 of the Order. Potential loss of tree (see above) or if retained upon the RPA of this tree as a consequence of the position of the access to this plot
- Plot 10 – Protected Holly (T206), part of G6 of the Order. The position of the tree situated some 4 metres east of the plot will lead to future inconvenience and requests to fell.
- Plot 10 – Protected Ash (T203), part G6 of the Order. The tree situated some 9 metres east of the plot and will present undue dominance, future inconvenience and potentially lead to future requests to fell or severely prune.
- Plot 7 – Protected Sycamore (T14) part of G1 of the Order. This tree presents an unsatisfactory relationship to Plot 7. Consideration needs to be given to whether this tree should be retained or whether it should be removed to favour the adjacent Yew tree (T13).

Site Access- General

- I note the Highways Engineers comments requiring detailed drawings outlining the site's access arrangements to be submitted to and approved by the LPA. As access arrangements may have an impact on protected trees, I request that such detail should be provided at this stage in order that any impact on protected trees can be fully assessed. Details of visibility splays will also be required for the same reasons.
- It is noted that a number of trees adjacent to the existing access have been marked with paint. The application provides no detail as to whether the existing access is adequate for servicing the proposed number of units or whether any widening or provision of footpaths required, both of which will have an impact upon protected trees.

Landscaping

- In view of the former Landscape Architect (Crewe and Nantwich) comments on Landscape pertaining to the previous application, I suggest that a view is obtained from our Landscape Architect in respect of this current application, in particular with regard to boundary treatment of the Newcastle Road and London Road frontage.
- I would also suggest that in view of the impact of the development on landscape and trees generally, it would be helpful if the applicant could provide landscape details, indicating the extent of mitigation for loss of trees and impact of the scheme generally on the character of the area
- I am of the view that the application as currently presented should be refused, although addressing the above should provide the basis for a well designed workable scheme.

Reasons for Refusal

- The proposed development by virtue of its size and siting would result in the direct loss of existing trees which are the subject of the Borough of Crewe and Nantwich (Foolpenny Hall, London Road, Nantwich) Tree Preservation Order 2007. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located.
- The proposed development by virtue of its size and siting would result in a threat to the continued well being of existing trees which are the subject of the Borough of Crewe and Nantwich (Foolpenny Hall, London Road, Nantwich) Tree Preservation Order 2007. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located.

Landscape Officer

- Concerns that for such a large development I could not find an overall Landscape Master Plan. There are individual site layouts for each plot, but it is important to illustrate how these individual sites relate to the existing and proposed landscape features, notably, lake, boundary planting, trees and access roads.
- I assume that the existing lake is to be removed. Will the area be incorporated into garden space or will it be under a dwelling? Details of how this is to be achieved are requested the location can be illustrated on the Landscape Master Plan.
- A master plan showing the external and internal boundaries could be provided by a landscape condition. Refer to the detail comments below.
- If you are minded to go with an approval, please apply the landscape conditions.
- Details of external and internal boundaries need to be provided and shown on a Landscape Master Plan or Landscape Hard Works Plan.
- London Road (A51); Currently there is a hedge directly onto the road which is dense for most of its length. The new residents will require some security or boundary with the road. A close boarded timber fence adjacent to the carriageway should be avoided as it would provide a visual intrusion that is out of character with this major road approach to Nantwich. A fence located behind the existing hedge would be more appropriate.
- London Road (cul-d-sac); There is a mixture of 'gappy' hedges and temporary post & wire and post & rail fencing. A consistent approach is recommended. Railings have been adopted on other local developments. At this location planting to provide privacy with the railings could be considered.
- Internal Boundaries; The division between the individual plots need to be considered. Will they provide privacy to the rear of the properties or will there be an more open approach to the front? These are issues that need to be addressed and shown on a hard works landscape plan.
- Surface Materials; These are referred to on the individual plots, details of this paving is required and could be part of the hard works landscape plan.
- Soft Landscape Elements; A planting plan is required showing the proposed new boundaries, including hedges and planting in front gardens. Due to the shade of the existing trees, good quality lawns may be difficult to achieve. Similarly the pallet of plants available will be limited because they will be competing for light and nutrients with the large mature trees and planting.

Ecologist

Objects to this application.

There are two potential protected species issues (bats and great crested newts) associated with the proposed development. I also have comments to make with regards to the loss of the pond on site and breeding birds.

Bats

A further bat survey has been submitted with the application. It appears unlikely that roosting bats are present within any of the buildings to be demolished as part of the proposed development. However, no assessment of the trees on site appears to have been included in the bat survey. Clarification should be sought from the applicant with the regards to the potential of any of the trees on site to support roosting bats. This information should be obtained prior to the determination of the application.

Great Crested Newts

Great crested newts are known to occur through out the Cronkinson Farm housing development adjacent to the proposed development. At the present time the newts are contained within protective fenced areas. However, I understand that the fencing will shortly be removed allowing newts to move freely around the surrounding area. Despite the proposed development being 150m from the Foolpenny Hall site and separated by domestic gardens and London Road, it is the conclusion of the submitted report that the proposed re-development of Foolpenny Hall could pose a risk to Great Crested Newts and they express an intention to apply for a Natural England License. The mitigation proposals included with the survey report are very brief, but are acceptable considering the likely low level of impact.

Pond

The pond on site will be reduced in size as part of the proposed development. Whilst ponds are a Local and UK Biodiversity Action Plan priority habitat the Foolpenny Hall pond appears to have very limited value for nature conservation. The retained part of the pond should however be designed to maximise its ecological value. This matter may be dealt with by means of an appropriate planning condition.

Breeding Birds

The following two conditions are required to ensure that breeding birds are not disturbed during the construction phase and to ensure that additional provision is made for birds as part of the development.

- *Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.*
- *Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.*

Environmental Health:

Contaminated land observations

The application is for new residential properties, which are a sensitive end use and could be affected by any contamination present. The report submitted with the application recommends that an intrusive investigation is required. As such, and in accordance with PPS23, this section recommends that this be secured by condition.

Protection from noise during construction (hours of construction)

The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

Pile Driving

Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

Environment Agency

The proposed development will only be acceptable if the following planning conditions are imposed:

- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority
- Prior to the commencement of development a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
 - detail extent and type of new planting (NB planting to be of native species)
 - details of maintenance regimes
 - details of any new habitat created on site
 - details of treatment of site boundaries and/or buffers around water bodies

Housing

As the site is within the Nantwich settlement boundary and the number of units proposed is less than 15 there is no requirement to provide affordable housing.

5. VIEWS OF THE PARISH / TOWN COUNCIL:

None received at the time of report preparation

6. OTHER REPRESENTATIONS:

Letters of objection have been received from 5 Burgess Close; Greenfields, Newcastle Road; 30 London Rd; and 20 Pollard Drive, Stapley; and a Mr. Mark Burgess, making the following points:

Layout of the proposal:

- Although the applicant has reduced the number of proposed house the within this submission, it was clearly stated by specialists that examined the last application that building within the protected tree area would subject the houses to maintenance issues due to tree debris as well poor light quality. This issue does not appear to of changed in anyway.

Impact on the character of the area:

- The cul-de-sac as it stands is quite and sedate and this most valued ambience will be directly affected by the access point and the building of the properties (not only during the construction process itself but afterwards with parking, car access, noise/pollution levels, etc).
- There is concern about the noise pollution that will inevitably follow the population of several large family properties positioned close to my garden boundaries.

Planning Policy Change

- Legislation is anticipated soon making the development of suburban gardens (by such in-filling) much more difficult.
- Residents have noted the recent Garden Grabbing letter sent out to all planning departments and would consider developing the garden of Foolpenny Hall to fall within this remit.

Drainage

- There have been flooding issues on London Rd (in direct contradiction to the reports made in the application) directly opposite Fool Penny Hall.
- In the summer of 2007 flooding occurred in the garage and gardens of 30 London Rd. This was addressed by sinking extra gulley drains to take away excess water (which still gathers there even with this remedial work) by Crewe & Nantwich Borough Council (ref Paul Johnson).
- Further concern therefore comes from the build reducing the natural drainage from the land (through the pond and gardens) whilst creating man made impermeable structures, thus adding to the problem.
- Furthermore the natural camber of the road continues to create an excess flow of water adjacent to 30 London Rd.
- Drains for Greenfields run out of the property and down the existing drive from Crosslands Cottage. This drive is clearly identifiable on the location plan. Plot 2 needs to be design and sited having regard to the existence of this drain.

Residential amenity

- Plot 2 has a double garage which is site right against the boundary with "Greenfields". The garage is a two storey and has an outside staircase leading to a home office. Whilst Greenfields is overlooked by the upstairs windows of Crosslands Cottage and at a greater distance and to a much lesser degree by other houses, this two storey building at the front of the house right against the boundary is too intrusive especially with the outside staircase.
- Plots 4 & 8 are sited with a gable end towards Greenfields. These properties should have conditions attached to ensure that frosted glass is installed in the gable elevations.
- There will be encroachment of new build property towards existing houses. Residents paid a significant premium for this position simply because it lacked this encroachment, which they believe will reduce the enjoyment and amenity of their properties.
- This proposed development will have a significant and negative effect upon the value of neighbours houses

Natural features:

- The large, mature and attractive trees, at the rear of 5 Burgess Close, which provide a pleasant aspect not only do not appear on the TPO document - but also fail to appear on the tree survey documents submitted with the application. It seems that they are positioned amongst what would be "cluster 4". They certainly and massively exceed the girth/height minima for recording advised in the survey document.
- This natural and most beautiful area in the grounds of Fool Penny Hall are shared in passing by the residents of Stapeley and the surrounding area. The ambience/peace and natural tranquillity they provide are a custodial gift which should not be abused or changed. But more than this, the wild life that visits this most attractive piece of land should continue to be protected and nurtured
- Bird life including spotted woodpeckers, song thrushes, nut hatches have been seen there and owls can be heard within the area regularly.
- Dragon flies, newts and frogs visit our garden from the pond area in Fool Penny Hall and we regularly release both frogs and newts back into there garden as we have no pond.
- Bats are seen every night flying over our garden from Fool Penny Hall direction and we would strongly suggest that you challenge material submitted by the applicant pertaining to this fact, there is no bat activity in the area!
- Finally a vast majority of the creature's habitats will be lost not only when the houses are finally erected, but also during what will be a lengthy building process.

Other matters

- It will place undue stress on already stretched amenities in the area. Residents find it impossible to register with GP surgery. The local school is full and there are no plans to increase pupil numbers.
- Apart from very limited groceries at the local shop, people have to walk or drive into Nantwich for everything.
- When there are 250 more planned households also needing to park in Nantwich for shopping, doctors, dentists, the library etc. the situation is likely to become impossible. This further development can only add to the existing strain on services.

Arboricultural report

Residents have also commissioned an arboricultural report which was submitted in respect of the previous withdrawn scheme in 2009. The report concludes:

- When designing a housing scheme it is a relatively easy matter to position units on a plan so that they appear to have little impact on the existing tree cover. The physical nature of a building site development, even within a TPO context, often means that the pre-build desire and the final build result don't arrive at anything like the same point. This is before any of the units are occupied.
- Development at Foolpenny Hall will effectively be houses in a woodland setting with some of the mature trees between 60 and 90 feet tall. It is predicted that as soon as the residents move in and actually experience life on the site. The local planning authority will be bombarded with requests to prune or remove particular trees that householders believe they cannot live with. Even with an onsite maintenance regime, leaning gutters and sweeping roadways, this will not alleviate the worries of householder. The main complaints will be
 - Perceived safety to property and danger of wind throw
 - Loss of light and the need to have lights on in the house in the daytime

- Loss of television reception
 - Damage to parked vehicles and people from falling branches
 - Honeydew drip on cars from species such as lime and sycamore
 - Insect problems such as biting midges from the pond and we areas
 - Difficulties in obtaining household insurance and mortgage finance due to the tree root proximity
 - Difficulties in resale of properties as the site develops a poor reputation
- If the development goes ahead as planned the treescape will be rapidly eroded by a combination of water logging and resident pressure
 - Within five years the amenity value of the site could be totally lost and the area revert to becoming another bland housing development

An update to that report has been produced to address the amended plans. It draws the following conclusions:

- Whilst there has been some readjustment of the positions of the various plots on the site it is not considered that this in any way resolves the issues which have been previously identified.
- The recent grant of planning permission for extensive development on the site at Stapeley Water Gardens further compounds the loss of visual amenity in the immediate locality. As such the land at Foolpenney Hall represents an even more important landscape feature and should be protected at all costs .Should the development go ahead at Foolpenney Hall this entire area of Stately will just become a giant urban sprawl as the tree cover becomes eroded on this site.
- The pressure on a whole range of local amenities in the area is already immense. Any increase in the local population will push facilities beyond breaking point. There appear to be no plans to provide the infrastructure to support greater numbers of households in the Stapeley area.
- The developers have identified zones for construction which are outside the root zones of the standing trees. This does not take into account the possibility of damage to the properties form falling branches or from storm thrown trees, which are all within the reach of the tall trees on the site.
- The developers have also not taken into account the shad which is cast by these trees. Even in the height of summer most of the present garden is in almost continual shade. The largest trees (e.g. the Wellingtonia, which is the most important tree on site) are non-deciduous, growing on the south side of the plant and casting their shade throughout the year.
- It is recommended that the planning application and any further redevelopment on this site are opposed for the reasons outlined above.

7. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

Use

- The proposed use is residential within an existing residential area
- Amount
- The site will contain 11 dwellings on 1.37ha. This gives a density of 8 dwellings per hectare. This density is low and as a result of the number of trees on site. The dwellings are larger than average with the majority offer 5 or 6 bedrooms. The internal areas of the dwellings excluding garages range from 1650ft to 4790ft.

Layout

- The existing physical features on the site that have influences the layout of the proposals include the 2 existing dwellings, the existing roadway into the site, the mains sewer running across the side, the pond and the trees.
- The area that remains is divided into 4 main spaces or clusters
- Each cluster has its own identity and unique external treatment.
- Although all the treatments use the same red brick over the majority of the elevation, a sectional of either buff or blue brick and render are used in conjunction.
- The dwellings in each cluster are grouped to form courtyards at the front and the dwellings are connected to each other by a wall
- Cluster 4 is to the east and has very few trees, and is the smallest of the detached properties. These have been orientated to respect the building lines of the adjacent residential development. They also utilise the existing access road
- Cluster 3 includes the 2 existing dwellings and 1 detached property. They also utilise the existing access
- Cluster 2 includes 2 new build dwellings have a view of the pond and are orientated to respond to the site boundaries whilst providing sufficient open garden space between the tree canopies and new dwelling. They are accessed off a new site entrance from London Road
- Cluster 1 includes 1 new build dwelling that has a view of the pond and is orientated to respond to the site boundaries whilst providing sufficient open garden space between the tree canopies and new dwelling. It is accessed of a new site entrance form London Road.

Scale

- The existing buildings on the site are 2 storey. The new detached dwelling that forms part of Cluster 3 along with the exiting buildings is 3 storey. Cluster 4 that is next to Cluster 3 has 3 stories with the third storey in the roof space and only small dormer windows. Cluster 2 dwellings are 3 storey where the third floor is in the rood space with larger dormers. Cluster 1 dwelling is 3 storey with the third floor half in the roof space, with dormer windows.
- They feel that 3 storeys is appropriate as the surrounding properties are all 2 or 3 storeys and taller buildings will site more comfortably amongst the mature trees on the site

Landscaping

- Due to the large number of trees the pond and the shared access road into the site, all dwellings will have management charge. This will cover ongoing management of the trees, cleaning of gutters and clearing and maintaining of paths and road
- Within the courtyards a porous block paviour finish is proposed and a strip of love level planting in front of each dwelling. All external surfaces will be non slip and level access will be provided accords the site.
- They want to maintain a parkland fell and avid sold timber fencing. All boundary treatments will be parkland railings. Additional screening will be deciduous planting. The perimeter of the new dwellings will have minimal paving
- Lighting will be low level bollards

Appearance

- The proposal is to create contemporary homes in a great setting surrounded by mature trees with large glazed openings to the ground floor living spaces.
- Creating a solution that is too contemporary may put of potential purchasers so they opted to create a solution with a traditional looking element and a contemporary

element. The first is brick built with a solid first floor that contains bedrooms and bathrooms with brick columns to the ground floor creating large openings. The second is an enclosure for the ground floor living accommodation, which is conceived as a band of glazing and timber that runs underneath the ground floor columns and pushes out into the garden in some areas to form single storey living spaces and an external walled garden.

- Cluster 4 is predominantly red brick with inset panels of render. Cluster 3 has the existing buildings which are red brick and the extension and new build detached house in white render
- Cluster 2 has predominantly red brick with a blue brick feature. Cluster 1 has red brick and buff brick banding.
- The roof tiles are to be grey and include shaped tiles to create patterning on the roofs. The majority of the windows are full height floor to ceiling and have deep window reveals.

Access

- The dwellings will be constructed in accordance with Document M of the Building Regulations.
- Due to the location of the site, the majority of arrivals will be by car and access is provided to the front doors of all dwellings.
- Shared surfaces are incorporated within the site
- All roads are a single lane with a number of bends to encourage very slow vehicle speeds.
- Turning areas for emergency vehicles have been provided within the site from both entrance points.

Bat Emergence Survey

- No evidence was found to suggest that bats use or have previously used, any of the buildings on site for roosting purposes
- However, the site is attractive to foraging / commuting bats, as might be expected due to the large mature gardens and close presence of a large pond.

Great Crested Newt Survey

- No Great Crested Newts (GCN) were identified within the pond at Foolpenny Hall during the time of the survey. The absence of GCN from the pond can be indicated with a high degree of confidence following a robust GCN survey that utilised three survey methods on four separate (non consecutive) occasions as recommended in the GCN Mitigation Guidelines.
- A male smooth newt was observed terrestrially in the Foolpenny Hall garden. The possibility of smooth newts inhabiting the pond is considered unlikely considering the physical characteristics of the pond, and the presence of the fish and waterfowl. It is more likely that this newt was foraging terrestrially rather than visiting the Foolpenny Hall pond to breed
- A medium sized metapopulation of breeding GCN are known to be present on the adjacent Cronkinson Farm housing estate. Currently, these newts are separated from the Foolpenny Hall site by temporary amphibian fencing. However, once this fencing is removed it is likely that GCN's will disperse into the surrounding areas. Foolpenny Hall is separated from the Cronkinson Farm area by a section of London Road. However, this section has been made into a cul-de-sac, which has very little night time traffic. Consequently it can be reasoned that this road does not represent a significant barrier

to amphibian dispersal. Due to the physical characteristics of the Foolpenny Hall pond and the presence of fish and waterfowl, it is not thought likely that a breeding population of ordinary newts or GCN could become established in the Foolpenny Hall pond whilst these physical constraints remain. This would not, however deter GCN or other amphibians from utilising the grounds of Foolpenny Hall for shelter or foraging once the Cronkinson Farm amphibian fencing is removed.

Bat, Badger and Barn Owl Survey

- No evidence was found to suggest that bats roost or have ever roosted in any of the areas on site that were accessible.
- No evidence of nesting or roosting barn owls, past or present was found on the site
- No evidence of badger setts or foraging / commuting activity was found anywhere on site.

Tree survey

- All of the trees on site have been assessed and categorised
- A number of trees are identified as requiring urgent attention including some which require felling
- Once a draft layout has been produced a Tree Constraints Plan including the calculation of Root Protection Areas should be prepared in accordance with BS 5837 : 2005, Clause 7
- Once the layout has been finalised a Tree Protection Plan and Arboricultural Method Statement should be prepared in accordance with BS5837 : 2005 Clause 7
- Regular inspections of the trees are recommended

Tree Protection Plan and Arboricultural Method Statement.

- Dwelling numbers 8, 9, 10, 11, 12 and 13 should be repositioned or redesigned to allow at least 1m clearance to the fencing enclosing the protected areas / construction exclusion zones. Alternatively if construction of these units in the positions shown and with the dimensions shown on the drawings is deemed necessary, this would be possible with the use of micropile and beam foundations in accordance with a specific arboricultural method statement. The repositioning / redesign of Unit 11 would be facilitated by the removal of Tree no.67 which is a mature Silver Birch, which although in good condition has a relatively short safe useful life expectancy. If this tree is removed the Root Protection Area and construction exclusion zone should be amended accordingly.
- On receipt of full planning permission and prior to any other works, trees designated for removal should be removed and all remedial tree surgery works recommended in the tree report should be carried out
- Following the completion of tree removal and tree surgery works and prior to the commencement of any ground or construction works. Temporary protective fencing should be constructed.
- The temporary fencing should consist of a back braced scaffold pole framework with a weld mesh covering on the site side.
- The temporary protective fencing must remain in place through the development and must not be removed until all construction groundwork and landscaping works have been completed.

- No groundwork, construction work or works of any nature are to be permitted within the protected areas formed by the temporary protective fencing. No material are to be stockpiled within the protected areas
- In order to avoid disturbance to the physical protection forming the construction exclusion zone it is essential that the considerations detailed at Section 7.2 of BS5837:2005 are adequately addressed and that this can be demonstrated to the Local Planning Authority.
- The roadway from the new site entrance should be constructed using an engineer design "no dig" construction method incorporating the use of a cellular confinement system and geotextile membranes with a final surface of permeable block paving or porous tarmac. This will prevent damage to the root systems of retained trees by excavation and root severance and by compaction.
- All works must be conducted from within the corridor between the construction exclusions zones to either side of the entrance. The road must be constructed working into the site from the public road. Any machinery used is to work ahead starting from the drive entrance and working into the site and must only ever work from (i.e. stand upon) portions of the road which have been completed to at least base level.
- The final required extent of driveway constructed using no dig techniques will be dependent on the final layout. All roads driveway and parking areas which encroach into the root protection areas of retained trees must be constructed using these techniques.

Flood Risk Assessment

- The development is to take place on an already partly serviced site. It is understood that existing combined foul and surface water drains connect with the existing combined public sewer crossing the site
- There is an existing man made feature pond on site and ground levels generally fall toward this pond. There is no local history of this pond overtopping causing flooding on site
- There are no other local bodies of water likely to present risk of flooding on site
- There is no known occurrence of flooding as a result of groundwater levels reaching or increasing above existing ground level
- The possibility of flooding caused by blockage or lack of capacity in surrounding sewer has been considered. United Utilities have been consulted in this respect. At this time United Utilities have not responded to our consultation request and we have no indication that there is any history of flooding with sewers ,local to the site
- The site is in Flood Zone 1. It is land assess by the Environment Agency as having a less than 1 in 1000 annual probability of river or sea flooding.
- The Borough of Crewe and Nantwich Strategic Flood Risk Assessment confirms the area to be within Flood Zone 1 with no history of flooding on site.
- The extent of existing building and rain hard standings on site would suggest a peak run-off during a short 2 year storm to be approximately 12 litres/sec
- Mean annual flood flow for the site is Q_{bar} , is estimated at approximately 10/litres/sec
- The proposed total roof and paved area on site will develop a peak un-attenuated run-off during a short 2 year storm of approximately 6 litres/sec
- Any necessary on site designs for soak away or attenuation measures to limit surface water discharged will incorporate rainfall intensities that have been increased by 20% to take account of the effects of climate change up until the year 2085.
- On site drainage will be designed so as not to compromise the existing United Utilities sewerage system
- All on-site roofs and paved areas to drain to designed surface water disposal measure ensuring no off-site flooding

- By careful design of the drainage elements and flood prevention measures as described above there will be no residual flood related risks that will remain after the development has been completed

8. OFFICER APPRAISAL

Principle of Development

As the proposal involves development on garden land, it is necessary to consider the implications of Planning Policy Statement 3 (Housing) which was amended on 9 June 2010. The amendments relevant to these proposals are as follows:

- The definition of previously developed land in Appendix B of PPS3 has been revised to exclude private residential gardens.
- An additional sentence has been added to paragraph 41 of the PPS, which explains that brownfield land is the priority for development, to say that *“there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed”*.

Notwithstanding these amendments, and although the Regional Spatial Strategy prioritises the use of previously developed land, Local Plan policies allow for the development of sites within settlement boundaries for housing subject to the proposals satisfying a number of criteria. There is nothing in these policies to restrict these developments only to proposals on previously developed land, or to rule out development on Greenfield land where it is located within the settlement boundary.

Consequently, this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development, subject to compliance with Policy RES.2 (Unallocated Housing Sites), of the Local Plan and the Crewe and Nantwich Council SPD on Development in Backland and Gardens which is also relevant and provides more detailed advice. In order to fully accord with Policy RES.2 the development must also be in keeping with the requirements of policies BE.1 – BE.5 and the Councils Supplementary Planning Document on Extensions and Householder Development.

Privacy and Amenity

The Council's Supplementary Planning Document, “Development on Backland and Gardens” states that ideally there should be a distance of 21m between principal elevations and 13.5m between and principal elevation and a blank elevation.

Distances in excess of 30m will be maintained between the proposed dwellings and the houses on the opposite side of London Road and equally large distances would remain to the properties on the opposite side of Newcastle Road. A distance of over 30m will also remain between the dwelling at 11 London Road and the nearest proposed property.

A very limited separation of approximately 5m will be achieved between the rear elevation of plot 6 and the side elevation of 18 Pollard Drive. However, neither elevation contains any principal windows. Whilst there is a small first floor window in the gable of no.18 and a pair of kitchen / breakfast room windows in the rear elevation of Plot 6, these are considered to be secondary windows. Approximately 15m will be achieved

between the rear elevation of Plot 5 and the flank elevation of no.3 Pollard Drive, and there will be a separation of over 21m between Plot 4 and 5 Pollard Drive. Approximately 21m will be achieved between Plot 2 and the bungalow known as Greenfields. Plot 3 has a much closer relationship with Greenfields, which is approximately 9m at the closest point. However, the principal windows are at 90 degrees to each other and given that Plot 3 is the refurbished Crosslands Cottage, it is not considered that the impact on the living conditions of Greenfields will be significantly worse than the current conditions.

Whilst it is not considered that there would be any direct overlooking or loss of light to principal windows of neighbouring dwellings, there may be some additional overlooking of garden areas of adjoining properties from the first floor windows and external staircases to the proposed dwellings. However, a degree of overlooking of gardens is considered to be inevitable and reasonable within a suburban setting, and it is considered that sufficient separation will be maintained between the windows of the proposed dwellings and the property boundaries to avoid any unacceptable decline in standards of residential amenity.

However, conditions should be applied to ensure that adequate boundary treatments are provided between properties, to avoid direct loss of privacy between gardens. It is also considered to be appropriate to remove permitted development rights for extension alterations, and further openings in the proposed dwellings to protect the privacy and amenity of neighbouring occupiers.

Turning to standards of amenity within the site, where proposed plots are directly facing, the minimum separation distances have been achieved. There is some reduction in separation where properties are at an oblique angle to each other, which is considered to be acceptable, given that direct overlooking between principal windows is unlikely to occur. Appropriate landscaping and boundary treatment will also help to mitigate any overlooking within the site.

The Supplementary Planning Document requires a minimum provision of 50sq.m of private amenity spaces per dwelling. Given the low density of development on this site, which has been dictated by the presence of the trees, this will be easily achieved.

On balance, therefore it is considered that an acceptable standard of amenity will be afforded to all of the neighbouring properties as well as the proposed dwellings. The scheme therefore complies with the requirements of Local Plan Policy BE.1 and the Councils Supplementary Planning Document.

Layout and Design

In terms of layout, the three dwellings at the western end of the site will appear as three, large, individually designed detached dwellings, set within substantial grounds. This is considered to be appropriate, as it allows the retention of the maximum number of existing trees and reflects the pattern of early 20th century ribbon development along the former line of London Road. The eastern end of the site, which includes the refurbished and extended Foolpenney Hall and Crosslands Cottage, presents a denser form of development, arranged around a central courtyard. This is in keeping with the more modern cul-de-sac development of Pollard Drive and Burgess Close, which lie to the east of the site. It also reflects the historic form of the site, which comprised a series of outbuildings clustered around Foolpenney Hall. However, sufficient separation is

maintained between the Hall itself and the new development to allow it to continue to be read as a substantial, individual dwelling and the dominant element within the site.

The majority of the proposed buildings are 3 storeys in height, although the development also includes 2, 1.5 and single storey elements. The surrounding development comprises a mix of building heights. Whilst the majority of properties are 2 storeys, they include older dwellings with greater floor to ceiling heights, and therefore ridge heights, than modern houses. There is also a precedent for development of up to three storeys, which has been set by the recent development on the opposite side of London Road and the nearby Cronkinson Farm development. Notwithstanding these points, as originally submitted some of the proposed dwellings, had overall ridge heights of up to 11.5m. However, amended plans have been secured and consequently, the majority of dwellings have a ridge height of 8.5m and none of the proposed dwellings now exceed 9m in overall height.

The elevational detailing of the buildings is essentially contemporary and incorporates modern design features such as flat roofed half dormers, flat roofed and mono-pitched, single storey outriggers and enclosed patio / sun terraces. Furthermore, the high ratio of wall to window does not reflect established architectural principles and appears somewhat defensive. Whilst these features sit somewhat uneasily with the conventional nature of the surrounding suburban development, the rectangular or L shaped footprints and pitched roofs of the buildings are essentially traditional. As well as reducing the overall ridge height, the amended plans show a more traditional roof pitch and wall to roof ratio, which reflects the character of the surrounding development.

The pallet of materials also includes modern finishes such as white render large areas of glazing to the ground floors. However, precedents can be found for the use of these materials elsewhere in Nantwich and amended plans have been secured limiting horizontally timber boarding to use on doors.

The surrounding development comprises a mix of architectural styles ranging from large Victorian and Edwardian villas, like Foolpenny Hall itself, to 1960's and 70's housing estates, and very recent development at Cronkinson Farm. Furthermore, given the densely treed nature of the site, and the low overall density of development, the proposed dwellings will not be highly visible and will not be read in the context of the existing suburban development and therefore on balance, it is not considered that a refusal on design grounds could be sustained.

Tree and Landscape Matters

As stated above, there are a significant number of trees on site, which are the subject of a Tree Preservation Order. As originally submitted, the proposal involved the loss of a number of protected trees, including some which were classified as being worthy of retention. Furthermore, there was also concern that the close proximity of some of the dwellings to protected trees could lead to long term pressure for unnecessary felling or pruning as a result of complaints from occupiers about such problems as shading, detritus, moss growth on paths, root damage to houses, branches hitting windows and roofs, safety concerns and general overbearing influence of the trees.

The applicant has, however, submitted an amended layout to address the above concerns and the Council's arboriculturalist has indicated that he is now satisfied that any loss of significant healthy trees will be avoided, and sufficient separation will now be

maintained between proposed dwellings and protected trees to avoid long term pressure from future occupiers for further tree removal or significant pruning.

However, conditions are recommended requiring the submission, approval and implementation of a tree protection scheme and arboricultural method statement, which will need to cover, inter alia, the proposed construction techniques for hardsurfacing and roads under tree canopies. Similarly details are required of the site access arrangements, including visibility splays.

The arboriculturalist's formal response to the amended will be provided via the update report.

Landscaping

The Councils Landscape Officer has examined the application and commented that landscape details in the application are lacking. Given the heavily wooded nature of the site, the unusual layout of properties and the fact that it has two prominent road frontages, achieving the correct scheme of hard and soft landscaping will be vitally important. However, it is considered that all of these details can be secured by condition.

Protected Species

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

Regulation 3(4) of the Regulations provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely if it seems from the

information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in paragraph 116 of PPS9.

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted.

The applicant has submitted a Habitat Study in support of the application. There are two potential protected species issues (bats and Great Crested Newts) associated with the proposed development and a survey for both species has been submitted with the application. The Great Crested Newt survey has identified that the development could pose a risk to the species. However, mitigation measures have been proposed. The Council's ecologist has commented that these are acceptable and conditions can be applied to ensure that they are carried out.

With regard to bats, the survey has concluded that it is unlikely that roosting bats are present within any of the buildings to be demolished as part of the proposed development. The ecologist is satisfied with these conclusions. However, he has commented that the survey should be extended to include the trees on site. The applicant has been made aware of this requirement and a further survey has been requested and was awaited at the time of report preparation.

The pond on site will be reduced in size as part of the proposed development. Whilst ponds are a Local and UK Biodiversity Action Plan priority habitat the pond at Foolpenny Hall, according to the ecologist, pond appears to have very limited value for nature conservation. He has commented, however, that the retained part of the pond should however be designed to maximise its ecological value. This matter may be dealt with by means of an appropriate planning condition.

Conditions are also recommended to require a breeding bird survey to be carried out if any works are to take place during nesting season, and to make provision within the new development for nesting birds.

Subject to the receipt of a further bat survey and the imposition of the above conditions, it is considered that the proposal is acceptable in terms of its impact on protected species. However, in the event that a further survey is not received, or that the survey concludes that there would be an adverse impact on bats, the development should be refused on the grounds that it is contrary to Policy NE.5 of the local plan.

Flooding

Local residents have expressed concern that their properties are lower than the development site and that additional impermeable surfaces and reduction in size of the lake on the site will increase the amount of runoff water and thus increase the likelihood of flooding into their properties.

A Flood Risk Assessment has been submitted with the application, which concludes that the proposed development would not increase the risk of on-site or off-site flooding. The report has been considered by both United Utilities and the Environment Agency,

who have not raised any objection to the proposal subject to the imposition of appropriate conditions to control surface water run-off rates and overland flow.

In the light of these responses, it is not considered that a refusal on flood risk grounds could be sustained because the development complies with Policy NE.20 of the local plan and the provisions of PSS.25.

Highway Matters

The proposed access would be from London Road, which is a cul-de-sac. The two site access points are close to the end of the road, and as a result there is very little traffic passing the site. There is a traffic light controlled junction, giving access to the main road, and as a result the additional vehicle movements generated by the proposal are unlikely to have any impact in terms of traffic congestion or highway safety. The Strategic Highways Manager has commented that there is a change in level between the carriageway and site levels which may prevent good visibility and therefore any permission should be subject to conditions requiring detailed drawings of the access arrangements to be submitted approved and implemented.

Third party objectors have raised the issue of inadequate street lighting along the London Road cul-de-sac and have requested that the developer make a contribution towards its upgrading.

With regard to the provision of further off-site highway improvements including new lighting, advice on the use of conditions can be found in "Circular 11/95: Use of Conditions in Planning Permission". According to the circular, *"Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42, which include, inter alia, "necessary", "relevant to the development to be permitted" and "reasonable in all other respects."*

Where highway works are concerned, the implication of this is that the extent of the works must be proportionate to the size and nature of the development proposed. Furthermore, the works required by condition must be to deal with a highway problem, such as traffic congestion, which would be created by the development concerned. Developers cannot be asked to provide infrastructure improvements to deal with a problem which already exists, which would not be exacerbated by the development proposed. For the reasons detailed above, it is not considered that it would be reasonable to request that the developer enhance lighting that is already inadequate and would not be made worse by the development.

Circular 05/2005 (Planning Obligations) sets out key tests that must be met in order to require a developer to deliver off site works or contribute towards them. These, are similar to those relating to the use of conditions, as set out above and include the requirement for the works to be necessary to make the proposed development acceptable in planning terms. In this instance the Strategic Highways Manager has concluded that no off-site works are necessary to ensure that the development complies with the Development Plan and therefore the proposal would not conflict with the local plan policies. Accordingly it is not therefore considered necessary or reasonable to require the applicant to provide additional contributions in this instance.

Affordable Housing

The scheme is located within the settlement boundary for Nantwich where the threshold for affordable housing provision is 15 units. The proposal is for 9 new-build dwellings and the refurbishment of 2 properties. Consequently, there is no affordable housing requirement in this case.

9. CONCLUSIONS

Following due consideration it is concluded that the proposed development would be acceptable in principle, and would not have any adverse impacts on the privacy and Amenity of neighbouring occupiers, the character and appearance of the area, flooding and groundwater, highway safety or protected trees.

Subject to the implementation of appropriate mitigation measures it is not considered that the proposal will have any adverse effect on Great Crested Newts. However, on the basis of the submitted information the applicant has failed to demonstrate that the proposal will not adversely affect potential bats roosts within the trees on site. The applicant has been made aware of this issue and in the event that a satisfactory assessment of the trees on site is submitted and the Ecologist withdraws his objection, the application is recommended for approval.

However, in the event that a survey is not submitted and the Ecologist does not withdraw his objection, the proposal is considered to be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and accordingly it is recommended for refusal.

10. RECOMMENDATIONS

In the event that an assessment of the trees on site is submitted and the Ecologist withdraws his objection APPROVE subject to the following conditions:-

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Submission / approval / implementation of boundary treatment**
- 5. Submission / approval / implementation of a scheme of drainage to include the following:-**
 - a. surface water shall not be discharged to the foul / combined sewer**
 - b. surface water discharge to the soakaway / SUDS / Pond**
 - c. a scheme to limit the surface water run-off generated by the proposed development,**
 - d. The discharge of surface water from the proposed development to mimic that which discharges from the existing site.**
 - e. a scheme to manage the risk of flooding from overland flow of surface water,**
- 6. No building over public sewer**
- 7. Submission / approval / implementation of a landscape management plan**
- 8. Submission / approval / implementation of a access arrangement**
- 9. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.**

- 10. Submission / approval / implementation of features into the scheme suitable for use by roosting bats and breeding birds.**
- 11. Submission / approval / implementation of design for retained part of pond**
- 12. Contaminated land report**
- 13. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.**
- 14. Submission / approval / implementation of Details of any pile driving operations.**
- 15. Submission / approval of a Scheme of Landscaping**
- 16. Implementation of Landscaping**
- 17. Scheme of Tree Protection**
- 18. No works within protected areas**
- 19. Arboricultural Method Statement**
- 20. Remove permitted development rights.**

In the event that an assessment of the trees on site is not submitted and the Ecologist does not withdraw his objection REFUSE for the following reason:

- 1. In the opinion of the Local Planning Authority no assessment of the trees on site appears to have been included in the bat survey. The applicant has therefore failed to demonstrate that the proposal would not have an adverse effect on protected species contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**

Location Plan : Licence No 100049045



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Planning Reference No:	10/3070N
Application Address:	Walgherton Garage, London Road, Walgherton, CW5 7LA
Proposal:	Proposed Change to the Design of 2 No. Houses and Garages as Established on Planning Permission P04/1482 and Proposed Re-use of Existing Vehicles Accesses into the Site of the Former Walgherton Garage Site
Applicant:	Robert Duncan Homes Ltd
Application Type:	Full Planning
Grid Reference:	369687 348989
Ward:	Doddington
Earliest Determination Date:	24 th November 2010
Expiry Dated:	5 th October 2010
Date of Officer's Site Visit:	22 nd November 2010
Date Report Prepared:	2 nd December 2010
Constraints:	Open Countryside, Contaminated Land

SUMMARY RECOMMENDATION

Approve with conditions and subject to the Completion of a Section 106 Agreement to secure contribution towards affordable housing

MAIN ISSUES

- Principle of Development
- Design - Impact on the Character and Appearance of the Streetscene/Open Countryside
- Impact on Amenity of adjacent properties
- Impact on Highway Safety
- Affordable Housing
- Impact on Contaminated land

1. REASON FOR REFERRAL

This application is to be determined by Southern Planning Committee as it represents a departure to the Policies contained within the Crewe and Nantwich Replacement Local Plan.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is the former Walgherton Garage site located within the Open Countryside as defined by Local Plan Proposals Map. There are no other Local Plan designations affecting the site. The previous garage on the site comprised a single storey workshop to the rear of the site and a petrol filling station canopy towards the front of the site. The site is located on the A51 opposite the Boars Head Public House. There are a few isolated dwellings located along the A51 with no defined built-up frontage. To the north west of the site, immediately adjoining is a detached property known as The Bungalow.

3. DETAILS OF PROPOSAL

Planning permission was approved for two detached dwellings with single garages on the site on 6th December 2007 under P04/1482. That permission was subject to a s.106 agreement for a financial contribution in lieu of the provision of affordable housing.

This application seeks a variation of the approved design and layout of the approved dwellings. The proposed dwellings under this application will be the same width and height as the approved dwellings however they will have a greater depth and overall volume. The dwellings would have a depth which would be a maximum of 2.8m greater than approved, however this includes a new rear facing projecting gable which projects by 1.8m from the rear elevation.

The scheme also includes a replacement of the approved single garages to double garages, and two points of access rather than a single shared access. The alterations to the layout include the dwellings being sited slightly closer together with the access and their garages to the side and rear of the dwellings rather than accessed between the dwellings.

4. RELEVANT HISTORY

P04/1482 – Planning permission approved for the erection of 2 dwellings on 6th December 2007. This was the subject of a legal agreement for the provision of a financial contribution in lieu of affordable housing.

P04/1483 – Planning application withdrawn for erection of 4 cottages.

P03/0962 - Planning permission refused for change of use to residential development

P03/0112 – Planning permission refused for change of use to residential development

P95/0751 – Outline Planning permission refused for the construction of 5 number dwellings. Appeal dismissed 16/5/96.

5. POLICIES

The development plan includes the Regional Spatial Strategy for the North West (RSS) Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Regional Spatial Strategy

Policy RDF2 Rural Areas
Policy L4 Regional Housing Provision
Policy L5 Affordable Housing

Local Plan Policy

NE.2 Open Countryside
BE.1 Amenity
BE.2 Design Standards

BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
BE.6 Development on Potentially Contaminated Land
RES.5 Housing in the Open Countryside

National Policy

PPS1: Delivering Sustainable Development
PPS3: Housing
PPS7: Sustainable Development in Rural Areas

6. CONSULTATIONS (External to Planning)

Contaminated Land Officer – details submitted are acceptable, recommended site completion report to be submitted prior to occupation

Strategic Highways Manager - This proposed development will generate far less vehicular movements than the previous garage. The A51 is a very busy classified road and the proposed dwellings have gated driveways. The gates are positioned too close to the highway which will prevent any waiting vehicle to get off the highway before opening the gates. No highways objections subject to a condition relating to access details.

Cheshire Fire Service – provided general comments in relation to fire access and means of escape to be carried out in accordance with Building Regs.

7. VIEWS OF THE PARISH COUNCIL

None

8. OTHER REPRESENTATIONS

None

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (prepared by Harrison Wood Architecture, dated August 2010)

- Principle of development established
- Siting is similar
- Relocation of garages will assist with screening and maintaining privacy
- Accesses will be as existing crossing – principle discussed with Strategic Highways Manager
- Appearance drawn from existing dwellings in the area
- Each dwelling will have a floor area of 227.86sqm the total for both is 455.72. The houses and garages will cover a total floor area of 521.28sqm which is less than the 576sqm of the previous garage
- Scale will be similar when viewed from the front
- Overall building area is still less than the original garage
- The land coverage (foot print) of the dwellings and garages will be 300sqm

10. OFFICER APPRAISAL

Principle of Development

The principle of residential development on this site has been approved under planning permission P04/1482. Therefore, the principle of the proposal is not open for consideration. The main issue in this instance is therefore whether the proposed development is of an acceptable design in this Open Countryside location and whether the scheme would give rise to any highway safety issues. Other issues relate to the provision of affordable housing and contaminated land.

Design - Impact on the Character and Appearance of the Streetscene and Open Countryside

The originally approved two storey dwellings have a width of 12m and a depth of 8m, however one dwelling had a depth on one side of 9m due to a front facing projecting gable. The height to eaves and ridge approved are 5m and 8.5m respectively. The floor area of the approved dwellings and garages totalled 445.6m². The approved dwellings have a reduced footprint (248.6m²) over the previous garage buildings that were on the site (576m²) but there was an increase in mass as the approved structures are two storey.

The proposed dwellings would have a width which is 12m and would therefore match that of the existing approval. Furthermore the height to eaves and ridge would match those previously approved. However, the depth of the dwelling is proposed to be increased to 9.5m with a 1.8m deep rear outrigger set in from either side of the dwellings, making a maximum depth of 11.3m. The total floor area created by the dwellings and garages would be 573m², with a total footprint (ground coverage) of 325.26m². The dwellings and garages would therefore have an increase in footprint of 76.6m² and a total increase in floor area of 127.4m². The total massing of the proposed dwellings would also therefore also increase.

There are no policies within the Local Plan which provide for new dwellings in the Open Countryside in such instances where they form the replacement of non-residential buildings. Therefore there is no guidance on what an appropriate scale of the dwellings would be. In this instance there were previous buildings on the site which could be used as a guide but is not definitive or exhaustive. It is however considered that the proposed dwellings should be of a scale and design which is appropriate to its rural setting, which is considered to be the key consideration in this instance.

The dwellings have been designed so that there is only a 1.5m (to one dwelling) and 0.5m (to the other approved dwelling) increase in depth when viewed from the A51, with the rear projecting gables set in by 5m from these more prominent side elevations.

Whilst the size of the dwellings have been increased in both footprint and volume it is considered that the combined footprint would be less than the previous development on the site. The dwellings have been designed in such a way that the bulk and mass would not be significantly apparent, over that previously approved. When approached from the A51 in either direction the development would not appear overly prominent. It is considered that there would be no significantly detrimental impact on the character and appearance of the Open Countryside.

The design of the proposed dwellings are not too dissimilar to those previously approved however both dwellings would have slight front projecting gables in this instance. It is therefore considered that the design of the dwellings is appropriate. However the quality of design/materials used is important and therefore a condition is suggested to ensure the LPA has control over the appearance which is appropriate to its rural setting.

The proposed landscaping and boundary treatment as shown on the submitted revised plans is not considered to be acceptable. More landscaping and hedgerows, along with appropriate fencing rather than close board fencing, would ensure that this site retains its rural character rather than the more urban feel which has been proposed. It is however considered that this could be conditioned to ensure that appropriate details are submitted and implemented.

It is therefore considered that in the absence of any policy that the proposed scale of the dwellings is appropriate in this rural context and the character and appearance of the area could be further improved by the materials used and landscaping treatment proposed, which the LPA can retain control over.

Impact on the Amenity of adjacent properties

The adjacent property, The Bungalow, is sited within a large curtilage. Sited along the boundary of that property towards the rear is a garage. The siting of the proposed dwellings would be further away from The Bungalow than previously approved making the proposed development less overbearing, however this was not previously outlined as an issue. A driveway is proposed adjacent to the boundary with The Bungalow, however this is unlikely to cause any significant harm to the amenity of that property through noise and disturbance due to the position of their driveway and garage. There would be no windows within the side elevation of the proposed dwellings which would directly overlook The Bungalow. A first floor en-suite window is proposed in each new dwelling which would face towards the en-suite window of the other new dwelling. It is suggested that this should be conditioned to ensure that these are obscure glazed.

Impact on Highway Safety

The application proposals include the use of two separate site accesses rather than the approved shared access. The existing site has two points of access which this proposal seeks to utilise. The Strategic Highways Manager has identified that visibility is reasonable in both directions and the proposed dwellings would generate less traffic than the previous use. They have therefore raised no objection to the proposed development subject to the submission of further access detail, and detail on the position of any proposed gates.

Affordable Housing

The previous approval was subject to the signing of a s.106 agreement to secure a financial contribution in lieu of the provision of affordable housing as the proposed development involved more than one dwelling in an area where there was a proven need for affordable housing. This application would supersede the previous approval and also the legal agreement. Therefore it is recommended that any approval is subject to the signing of a s.106 agreement to ensure that financial contribution in lieu of the provision of affordable housing is secured.

Contaminated Land

As the site is a former garage there is the potential for contaminated land to be present. Discussions have been ongoing between the applicant and the Council's Contaminated Land Officer with regard to this issue. The Contaminated Land Officer has confirmed that the detail submitted is acceptable. There is therefore no further requirement for any further contaminated land surveys to be carried out however it is recommended that 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.

11. CONCLUSIONS

The principle of the proposed development has been established under the previous approval for the site. This proposal seeks to amend the design of the proposed dwellings. The footprint and volume of the proposed dwellings, including their garages, will be increased under this scheme. However they have been designed in a way which would not result in a significantly detrimental impact on the character and appearance of the streetscene or open countryside. There will be no significantly detrimental impact on the amenities of neighbouring properties, highway safety or contaminated land. As this is an Open Countryside setting there is a requirement to secure a financial contribution towards the provision of affordable housing which can be secured by a legal agreement.

12. RECOMMENDATIONS

APPROVE subject to the completion of a Section 106 Agreement to secure a contribution towards affordable housing, and subject to the following conditions:

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Materials as submitted and approved**
- 4. Scheme of Landscaping to be submitted and approved (including details of grass verge)**
- 5. Implementation and Maintenance of Landscape Scheme**
- 6. Details of Boundary Treatment to be submitted and approved**
- 7. Access Detail to be submitted and approved and shall be formed in accordance with CEC specification (including the setting back of any gates)**
- 8. Details of surfacing materials to be submitted and approved**
- 9. Contaminated Land Site Completion Report to be submitted and approved prior to occupation**

Informative(s): CEC Highways consent may be required before constructing or altering the accesses onto the A51

Location Plan : Licence No 100049045



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Planning Reference No:	10/3135C
Application Address:	6, Rowan Close, Sandbach, CW11 1XN
Proposal:	Proposed Boundary Fence at 6 Rowan Close, Sandbach
Applicant:	Mr Flowers
Application Type:	Full Planning
Grid Reference:	374676361100
Ward:	Sandbach
Earliest Determination Date:	17-Sept-2010
Expiry Dated:	07-Oct-2010
Date of Officer's Site Visit:	17-Jun-2010
Date Report Prepared:	06-Sept-2010
Constraints:	

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- **Principle of Development**
- **Protected Species**
- **Nature Conservation**
- **Trees**
- **Amenity**
- **Design**

1. REASON FOR REFERRAL

This application has been called in to the Southern Area Planning Committee by Councillor B Moran for the following reasons:-

“The erection of the proposed boundary fence may have an unacceptable detriment to the residents at No. 7 Rowan Close, in terms of visual intrusion that could be caused by the design [height, length, scale and appearance] and the locality of the proposed fence across the pond.

In my view, this application should be carefully assessed against policy numbers : GR2 1) D and GR6 iii) of the Local Plan, which are designed to afford protection.”

2. DESCRIPTION OF SITE AND CONTEXT

The application site measures 1023 sq. m and comprises an existing substantial and modern two storey detached dwelling and its residential curtilage known as no. 6 Rowan Close. The property lies at the head of the cul-de-sac which is accessed off Middlewich Road in Sandbach. The site contains half of a large pond which is shared with the neighbour at no. 7 Rowan Close. There are a number of mature deciduous trees which are within Area A4 of the Middlewich Road No 2. Sandbach TPO 1988.

The site is classed as Greenfield land and is located within the settlement boundary of Sandbach. However it backs onto Sandbach golf course which is a designated recreational facility and sited within the open countryside.

3. DETAILS OF PROPOSAL

The proposal relates to the erection of a boundary fence across the pond. Planning permission is required because the fence would be over 2m high when measured from the adjacent ground level.

Permitted Development for Householders: Guidance from Communities and Local Government March 2010 indicated that in respect of the application of permitted development rights:

“Height” - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. Ground level is the surface of the ground immediately adjacent to the building in question. Where ground level is not uniform (eg if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.

The height is taken from the highest part of the ground surface next to the fence, this would make the fencing 2.3m in height. The fence would comprise vertical close boarded panels, spanning 15.1m in length adjoining the existing projecting timber fence. The fence would be supported by posts and would lie along the site boundary of the property, across the pond.

4. RELEVANT HISTORY

10/1987T Fell Maple and Prune Other Trees 13-Jul-2010 Approved
10/0149T Prune Trees 09-Mar-2010 Approved
10/1865C New Dwelling 15-Oct-2010 Withdrawn

5. POLICIES

Regional Spatial Strategy

None relevant

Local Plan Policy

PS3 Settlement Hierarchy
PS4 Towns
GR1 New Development
GR2 Design
GR6 Amenity and Health
GR9 New Development
GR17 Car Parking
NR1 Trees and Woodland
NR3 Habitats
NR5 Non Statutory Sites

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

6. CONSULTATIONS (External to Planning)

Forestry and Landscaping section:

- There are a number of inaccuracies within the arboricultural report submitted and the report makes a number of recommendations for tree works which do not appear to be related to the development. As such these should be considered under a TPO application for tree works. In addition, the tree protection measures shown would not be acceptable for the development subject of this application.
- No information has been provided with regard to the proposed means of construction of the fence. Taking into account the presence of protected trees, the confined working area available, levels and the apparent depth of the pond, I consider further information should be required in this regard prior to determination.
- In the event that the development is deemed acceptable, it is suggested that conditions in respect of arboricultural supervision throughout construction works for the fence and an amended Arboricultural Method Statement should be imposed.

Ecology:

Initially the Council's Ecologist did not anticipate there being any significant ecological issues associated with the proposed development, and recommended a condition to safeguard breeding birds. However since this time, information has been submitted which indicates that Great Crested Newts are present at the edge of the pond within the garden of no. 7 Rowan Close.

The confirmed presence of this species at the site does substantially alter the advice in connection with this application.

The proposed erection of a fence across the pond involving the insertion of fence posts into the pond bed may potentially result in an adverse impact upon Great Crested Newts through the disturbance, killing and injuring of any animals present in the pond when the works are undertaken. If the installation of the fence also requires the disturbance of any terrestrial features that could be used for shelter by Great Crested Newts during the terrestrial phase then there may potentially also be some risk posed to Great Crested Newts making use of such features.

No information has been received from the applicant regarding the potential adverse impact of the proposed development upon protected species and how any potential impacts will be mitigated and /or compensated for. In its current form the application therefore potentially poses a risk to a European protected species.

Cheshire Wildlife Trust:

- The erection of the fence may result in a degradation of aquatic habitat for the Great Crested Newt population considered likely to be associated with the pond. The installation of the fence potentially poses a risk to Great Crested Newts and other amphibians in a number of ways:

- Installation of the fence could result in direct disturbance to Great Crested Newt, their eggs and/or larvae if carried out during their aquatic phases.
(potentially a breach of current wildlife legislation).
- Treated fence timbers could leach chemicals into the water. All amphibian larvae are particularly sensitive to contaminants within water bodies and will quickly succumb if a pond is contaminated with noxious chemicals including many commonly used wood treatment products. (Potentially a breach of current wildlife legislation in respect of damage to a Great Crested Newt breeding site).
- As above any future maintenance works on the fence (repainting/retreating with preservatives) may also pose a direct threat to amphibians and other wildlife associated with the pond if they enter the pond.
- The fence may also result in excessive shading of areas of the pond potentially reducing water temperature, invertebrate diversity and reducing aquatic vegetation within the pond.
- Excessive shading of the pond could potentially impact on Great Crested Newt by reducing the availability of egg laying substrate (water plants) food (aquatic invertebrates) with any sustained/permanent drop in water temperature likely to significantly hinder successful Great Crested Newt/amphibian larval development to the detriment of the amphibian population/s associated with the site.

7. VIEWS OF THE PARISH COUNCIL Objects on the following grounds:

- Inaccuracies within submission
- The fence would be unsympathetic to the character, form and appearance of the site, and detrimental to the visual, physical and functional relationship of the proposal to neighbouring properties
- The fence would affect the balance of the existing open space, setting and overall design of the area between no 6 and the neighbouring property
- The fence would adversely affect the landscape and character of the area and would be a visual intrusion for the adjoining property
- The fence would result in environmental disturbance and pollution
- The application has not had regard to the wider environmental consequences arising from such a development.

8. OTHER REPRESENTATIONS:

Letters of objection from the occupants of 2, 4, 5, 8 Rowan Close, Oak Farm, The Heath, 5 Sandford Crescent Wychwood Park & Sandbach Golf Club. The letters of objection raised the same issues as those raised by the Town Council and these additional issues:

- Water table may appear 3.3m above water level
- Suggest post and wire fencing and condition overall height if approved
- Not required on privacy grounds due to changes in topographical levels
- Precedent for dwelling
- No details submitted in respect of piles or method statement
- Impact upon ecology and wildlife
- Pollution/ contamination concerns
- Concern regarding durability and longevity of the fence
- Appendix 1 in report not relevant to these proposals

- Impact on property values
- Annoyance to neighbours
- Amenity issues: loss of outlook, loss of light
- Objections from Sandbach Town Council
- Concerns regarding structural stability

Letter of representation from Clear Environmental Consultants indicating that 6 Great Crested Newts were found at the edge of the pond.

9. APPLICANT'S SUPPORTING INFORMATION

Tree Report; summary

- Survey identified and recorded 11 trees which could potentially be affected by the development of the site
- 4 trees recorded as category A those of high quality and value
- 4 trees recorded as category B those of moderate quality and value
- 2 trees recorded as category C those of low quality and value
- 1 tree recorded as category R due to the presence of white rot
- No trees would be removed or pruned
- Trees 945 and 949 require crown lifting
- Tree works have been recommended to benefit the trees and increase their safe useful life expectancy
- Recommends root protection area barrier
- Ground protection should be designed by an engineer

10. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement zone line of Sandbach where there is a presumption in favour of development.

There are no saved policies within the Local Plan which specifically relate to the erection of boundary fences within the curtilage of a residential property and therefore the general policies which relate to issues such as design, amenity, nature conservation and protected species are relevant. These issues have been considered below.

Protected Species

Ponds are suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the existing mature trees on the site are suitable habitats for Bats, Barn Owls and Breeding Birds. 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.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or nesting places,

- 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 and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NE.9 (Protected Species) seeks to prevent harm to protected species and their habitats.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The document Guidance on Local Requirements for the Validation of Planning Applications: Biodiversity and Geodiversity Conservation Statements March 2009 produced in association with Natural England and the Association of Local Government ecologists states that the impact of development on Great Crested Newts is highly variable and site specific. In this instance, there was not a requirement to submit a protected species survey with the application.

This application should be viewed in the context of the previous application which was withdrawn. Under the previous application (10/1865C), a Protected Species Survey was submitted, which was undertaken by a suitably qualified and experienced ecologist. As proposed tree work (felling or lopping) is proposed under this application and was proposed under the previous application, the protected species survey had surveyed Bats, Breeding Birds and Great Crested Newts. As this survey was undertaken less than 12 months ago, its findings remain valid. The results section of the survey indicated that the development (erection of a dwelling and infilling of the pond) would have no impact on these species.

The ecologist's report explained that following detailed survey work the existing garden pond divided between no. 6 and no. 7 Rowan Close was found to have a very low ecological value. The Council's Ecologist in his response to 10/1865C confirmed that the details of the survey and additional information were acceptable.

However, a letter has been received from Clear Environmental Consultants indicating that 6 Great Crested Newts were found at the site. Cheshire Wildlife Trust and the Council's Ecologist have confirmed that if Great Crested Newts are present, the development could have an adverse impact upon this population through the disturbance, killing and injuring of any animals present in the pond when the works are undertaken.

No information has been received from the applicant regarding the potential adverse impact of the proposed development upon protected species and how any potential impacts will be mitigated and /or compensated for.

As such further survey work is required to confirm the population size, and mitigate for the potential adverse impact of the proposed development upon protected species.

As a European Protected Species has been recorded on site and may possibly be adversely affected by the proposed development the Local Planning Authority is required to consider the tests prescribed by the Habitat Regulations when determining this application. In the absence of evidence to the contrary, the proposals are likely to have an adverse impact upon Great Crested Newts which would be contrary to policies NE3 and NR4 and guidance contained within PPS9.

Nature Conservation and Habitats

Under the previous application it was considered that the findings of the Protected Species Survey indicated that the pond had limited value as a nature conservation resource. This was because the pond was utilised as a garden pond with ornamental planting, aquatic fish and ducks being present. The likelihood of it representing a suitable habitat for protected species or other native wildlife was low.

That said, as Great Crested Newts were found on the banks of the pond, this pond represents a habitat for these species. Whilst the subdivision of the pond would not result in the loss of this resource, to allow the development in the absence of an up-to-date protected species survey, which identifies how the impact of the development would be mitigated, would be contrary to policy NR3 which seeks to protect against the loss of habitats.

Trees

The site contains a number of trees which are protected by area A4 of the Middlewich Road II Sandbach Tree Preservation Order which came into effect on 22 June 1988. The first schedule to the order describes the trees concerned as mixed deciduous and coniferous trees. A Maple and Silver Birch have been felled with the benefit of Tree Preservation Order Consents and a further application has been made to fell a Maple tree infected by honey fungus. Tree planting is proposed within the hedgerow along the north eastern boundary of the site using native species which are known to be more resistant to honey fungus. The tree survey also suggests some crown lifting to trees 945 and 949. However, this is not as a result of the proposal but due to the presence of crossing

branches and encroachment to adjacent trees. A further tree (952) contains white rot and potentially honey fungus but it is not proposed to remove it at this stage.

In terms of the works proposed to the trees, there is little difference between this scheme and the previous proposal for a new dwelling. There are concerns that the arboricultural report as submitted does not accurately reflect the development proposed, its likely impact or the appropriate mitigation measures. That said, this issue could be addressed by the submission of an amended arboricultural report and the requirement for an arborist to be present during the construction phase of the development.

Amenity

The orientation of the garden of no. 7 and the existing tree cover results in overshadowing at present. Whilst the fencing would overshadow part of the pond, it would not overshadow a significant proportion of the garden. The impact would therefore be limited rather than significant, and as such a reason for refusal on these grounds cannot be sustained. Whilst there may be a loss of view/ outlook across the pond, the properties at no. 6 and no. 7 Rowan Close would still retain an outlook across their respective gardens. Loss of view is not a material planning consideration.

The fence would provide some added privacy for both no. 6 and no. 7 however this fence would not completely prevent overlooking. In any event, it would not make the existing situation worse.

Design

The properties of Rowan Close, having been built by the same builder and being part of one development, have a consistency of architectural style and size. They are all executive detached houses of contemporary appearance having 4 bedrooms or more and are set in their own gardens. The boundaries to the front gardens are marked by low walls or hedges or remain open. There is existing closeboarded fencing extending into the pond however the pond and garden areas remain open along the shared boundary between no. 6 and no. 7 Rowan Close.

The proposed fencing would match the height and materials of this existing fencing which projects into the pond and as such would ensure that an appropriate continuity of the fence line would be maintained across the pond. The new fencing would not appear incongruously positioned in relation to the existing fence line, and visually it would form an appropriate subdivision to the pond.

There are a number of evergreen trees and a recently planted section of Leylandii hedge on the south western boundary of the site and this vegetation would restrict views of the proposed fence from the public domain.

The principal consideration in respect of design is therefore the visual impact in respect of the garden areas of no. 6 and no. 7 Rowan Close. Whilst the proposal would involve the enclosure of the gardens which currently remain open, it should be noted that a fence 2m high could be erected along this boundary. This is a material consideration and therefore the Local Planning Authority can only assess the visual impact of the additional 0.3m. As this would ensure a uniform height across the length of the pond in relation to the existing fencing, it is considered appropriate in this instance.

In respect of the relative height of the fence in relation to water levels, as the fence would be erected on timber posts, even if these posts are permanently visible rather than temporary, this would not make the overall appearance of the development appear incongruous.

Other Matters

The comments included within representations raised a number of further issues which are discussed below.

As there is a policy presumption in favour of development it is not considered that the applicant is required to provide a comprehensive justification for the development on privacy, or any other, grounds. Similarly, the applicant's motivations for submitting the application are not a material consideration. This application must be judged on its own merits and in accordance with the relevant development plan policies.

The discrepancies within the submitted information have been duly considered and the implications of this have been discussed in the relevant sections. The case officer is aware of the discrepancies however this has not affected the assessment of the application other than where it is expressly mentioned. A site visit is undertaken for all applications whereby the details submitted can be independently verified.

The applicant has not provided details in respect of construction of the proposed boundary fence through the pond or treating and maintaining the proposed boundary fence. That said, these details could have been required to be submitted via condition.

The durability and longevity of the fence is not a material consideration. Details of materials and finishes could be conditioned and therefore reasonable steps can be taken to ensure that the development would not have an unduly short lifespan.

The proposal would have no adverse impact upon highway safety.

11. CONCLUSIONS

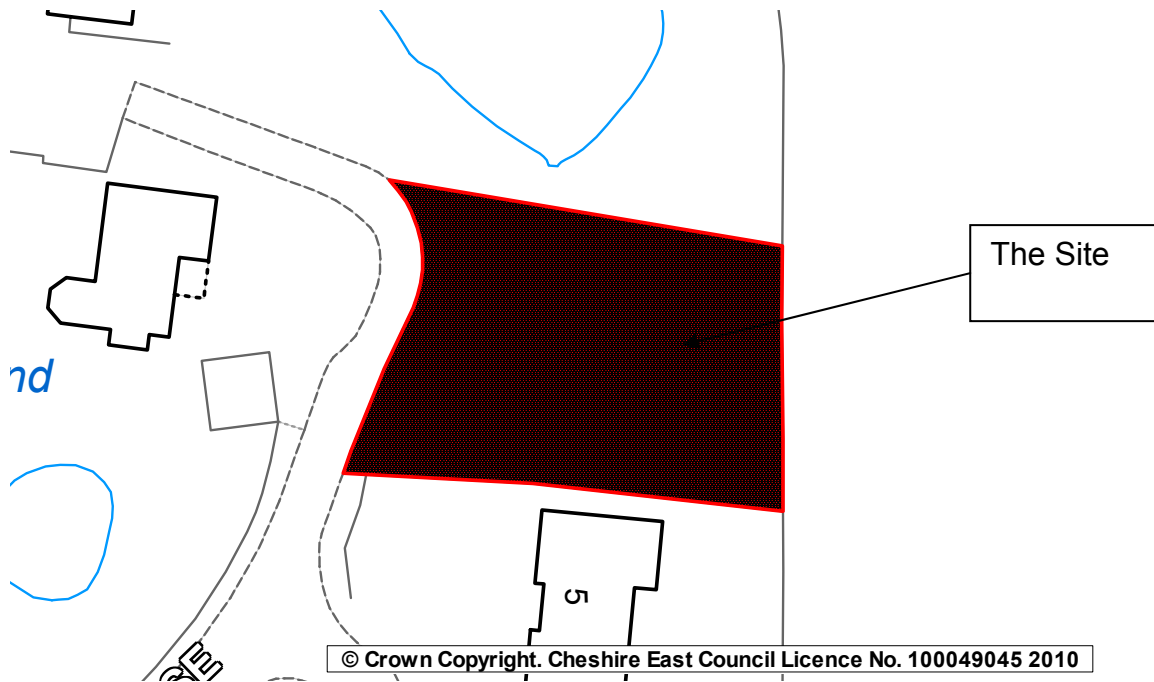
The proposal would have an adverse impact upon protected species and therefore would be contrary to policies NR3 and NR4 within the Local Plan and guidance contained within PPS9.

12. RECOMMENDATIONS

REFUSE Reason:-

1. The proposal fails to demonstrate that the proposed fence would not have an adverse impact upon Great Crested Newts and their habitat which are known to be present at the site. In so doing the proposals would potentially harm, injure or kill a protected species and/ or harm its habitat. As such, to allow the development would be contrary to policies NR3 Habitats and NR4 Non Statutory Sites within the Congleton Borough Local Plan First Review 2005 and guidance contained within PPS9 Biodiversity and Geological Conservation.

Location Plan :



Planning Reference No:	10/3554N
Application Address:	Land at Lockitt Street, Crewe, Cheshire
Proposal:	Erection of Temporary Foodstore (Class A1)
Applicant:	Tesco Stores Ltd.
Application Type:	Full Planning Permission
Grid Reference:	370816 355158
Ward:	Crewe South
Earliest Determination Date:	20 th October 2010
Expiry Dated:	17 th December 2010
Constraints:	Settlement Boundary Main River Air Quality Landfill Contaminated Land

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

- Principle of development
- Highways
- Design
- Layout and Landscaping
- Ecology
- Sustainability
- Impact on Neighbour Amenities
- Impact on the Water Environment
- Land Contamination
- Air Quality

1. REASON FOR REFERRAL

The application has been referred to Committee because the proposal is for a commercial building of over 1000 square metres in floor area.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to a 0.97 hectare site comprising an area of vacant land as well as a bus depot, warehouse and an expanse of hard surfacing. It is bounded to the north and east by railway lines filtering into Crewe railway station, to the south by commercial properties and to the west by Mill Street.

The site is allocated, under Policy S.12.2 of the Borough of Crewe and Nantwich Local Plan, as a mixed use regeneration area and also forms part of the Mill Street/Pedley Street sub area within the Crewe Rail Gateway Adopted Development Brief.

3. DETAILS OF PROPOSAL

Outline planning permission was granted earlier this year for the demolition of the existing 2,740sq.m Tesco store, a short distance from the application site, in Vernon Way, and the erection for a replacement 5,500 sq.m store, which will be constructed over two levels. A reserved matters application is currently under consideration.

This application seeks consent for the erection of a temporary foodstore to allow business continuity whilst the rebuilding works are underway. The temporary store will have a total floor area of 1244sq.m and will only trade during the closure of the existing store at Vernon Way, which will be less than 12 months.

4. RELEVANT HISTORY

P06/0876 – Outline application for Mixed Use Development Comprising Housing (Class C3), Employment (Class B1) and Retail (Class A1) uses, New Pedestrian/Cycle Link through the site and Associated Car Parking, Landscaping, Servicing and Access. - Withdrawn 26th October 2006.

P07/0639 - Outline application for Mixed Use Development Comprising Residential, Retail (Food and Non Food Uses), New Pedestrian/Cycle Link and Associated Car Parking, Landscaping, Servicing and Access. - Resolution to approve subject to signing of Section 106 Agreement 24th March 2010

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

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 Aggregates

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.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe
E.7 (Existing Employment Sites)

National policy

PPS 1: Delivering Sustainable Development
PPS 4: Planning for Sustainable Economic Growth
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)

Highways Authority

- A right turn lane will be required to accommodate this proposal. The developer and LPS/HA have agreed for a right turn lane to be provided along Mill Street. Therefore recommend the following conditions:

- No development shall take place until detailed drawings outlining the site's access; visibility splays, right turn lane, parking provision and road layout have been submitted to and approved by the LPA/HA, and no part of the development shall be occupied until the right turn lane off Mill Street has been constructed in accordance with approved drawings and to CEC specification.
- This permission will be subject to a section 278 agreement of the Highways Act 1990.

Network Rail

- Network Rail Town Planning have no objection in principle to the development, however due to its close proximity to the operational railway we would strongly recommend that the following points below are issued as conditions if granting the application.

- At no point will the Network Rail access point be blocked by cars parking at the temporary store or by vehicles loading and unloading at said same store and that no items such as refuse bins or containers block access to railway land. The access point and road

must be kept clear 24/7 as Network Rail will need to maintain the adjacent railway as well as tend to any emergencies.

- The developer/applicant must ensure that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land,
- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail.
- In view of the nature of this commercial development, it is essential that the developer provide and thereafter maintain a substantial, trespass proof fence along the boundary to a minimum height of 2 metres.
- Any of the temporary stores lighting schemes, within 10 metres of Network Rail's boundary, for illumination of new roads, parking and garage areas etc., must be submitted for prior approval.
- All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such
- The applicant should ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building shall be situated at least 5 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.
- Where new roads, turning spaces or parking areas are to be situated adjacent to the railway, which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.
- Network Rail is required to recover all reasonable costs associated with facilitating these works

Environment Agency

Based on the reviewed information, the site is associated with potentially contaminative historic land uses, such as a gas works and railway sidings. Valley Brook is culverted beneath the site and the condition of the culvert has not been provided. We therefore cannot rule out a pollutant linkage to Valley Brook and disagree with the recommendations given in the Desk Study that the site poses a low risk to controlled waters at this stage.

Based on the provided information, they recommend the following condition to ensure that any risks posed to Valley Brook are suitably addressed:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority.

The following informatives should be included on the decision notice.

1. Valley Brook is designated "main river", which includes the culverted section through the site.

2. For any proposals above the culvert, or within a distance of 8 metres of a line taken vertically from the outer edge of the culvert sidewalls, the prior written consent of the Environment Agency will be required, in accordance with the Water Resources Act 1991 and the Land Drainage Byelaws. Any proposals such as buildings, structures, etc. above or adjacent to the line of the culvert, are unlikely to receive such consent.

Environmental Health

- The lighting scheme submitted with the application form should be implemented before the use commences.
- That the building is a temporary structure (<12 months) with the foundations consisting of stacked paving slabs placed at existing ground level.
- This Section determines the risk from any contamination in the soil will be during the construction phase of the building, therefore any construction workers should ensure they are protected by wearing appropriate PPE and dust from the site should be suppressed to ensure that no risk emits from the site within wind blown soil dust. Vehicles travelling to and from the site should not carry soils from the site onto the highway which will then develop into wind blown dust. Any material moved from the site should be done so in a covered vehicle.
- Soil gas monitoring should be undertaken prior to and during entry to any below ground excavations and confined spaces within the building should be ventilated.

- The temporary store will be open for less than 12 months and should therefore not have an impact on annual mean nitrogen dioxide concentrations in the area. In addition, traffic figures are expected to be reduced. An air quality impact assessment is therefore not required at this stage. I would recommend however that if the store was to be insitu for more than 12 months, an air quality impact assessment be undertaken.

United Utilities

Object to the proposal as the proposed development crosses the existing right of way to Mill Street Wastewater Pumping Station. If this issue were resolved then no objection subject to the following: -

- The drainage details stated within the FRA are adhered to rigidly.
- There is a strategic 600mm trunk main crossing the footprint of the proposed development site which will require adequate easement/access or diversion at the Developer's expense.
- The applicant must comply with their standard conditions,
- Any necessary mains reinforcement is carried out at the Developer's expense.
- The site may be on contaminated land - protectaline mains material may be required.
- Any development of over 2 storeys in height should have a separate, pumped storage system installed.
- This site is encumbered by a deed of grant dated 1st October 1942, reference S641 that has not yet been extinguished. If planning permission is granted the developer should negotiate and appropriate surrender of this deed prior to commencement of work

7. VIEWS OF THE PARISH / TOWN COUNCIL:

N/A

8. OTHER REPRESENTATIONS:

One letter of objection has been received which concludes that the development, temporary though it is, is to be welcomed, and shows a commitment by Tesco to maintain its trading position in the town whilst the new "superstore" is built.

There are however a number of public safety issues which have been overlooked which are discussed in detail above. In addition access to the site is concentrated on the vehicular, whilst the requirements of pedestrians and the mobility impaired outside the site are ignored.

Access to and from adjacent Bus Stops is found wanting together with any real correct analysis of Public Transport in the area. Certain details are unclear, including details of the alterations necessary to street lighting, services, etc in particular at the new "ghost island" junction of Lockitt Street with Mill Street.

Cheshire East Council needs to satisfy itself that the risks to Public Safety occasioned by this temporary development are reduced as far as reasonably practical and that access arrangements do not disadvantage in particular pedestrians and the less able members of society.

The Transport Assessment Document provides the foundation for the production of the Transport Plan which has not been submitted for consultation.

9. APPLICANT'S SUPPORTING INFORMATION:

Transport Assessment

- Outline Planning Consent (Application No: 09/2329N) was granted by Cheshire East Council (CEC) in December 2009 to replace the existing Tesco store on Vernon Way Crewe with a larger, modern and energy efficient store.
- During construction of the new store Tesco will trade from a temporary store. The temporary store will be of 1,244 m² GFA and will only trade during the closure of the existing store at Vernon Way, which will be less than 12 months.
- A partly vacant site on Lockitt Street has been identified as a suitable location to provide the temporary store. This site is part of a larger site which currently benefits from Outline Planning Consent (Application No: P07/0639) for a Mixed Use Development comprising residential, employment and retail uses and associated car parking, landscaping and access.
- Figure 3 shows the proposed development consisting of a replacement foodstore of 1,244 m² GFA with associated car parking for 101 cars in addition to 8 spaces dedicated to drivers with disabilities and 4 parent and child spaces.
- The building will be of a temporary nature designed to be in place for less than 12 months during construction of the Tesco store on Vernon Way.
- Access to the store by customers and delivery vehicles will be from Lockitt Street, as shown in Figure 3, through a priority junction.
- Deliveries will take place in the service area located to the front of the store. This area will be separated by a wall and gates from the main parking area. CEC has highlighted an existing road safety concern on Mill Street. It was identified in the Transport Assessment carried out by WYG for the mixed use development that due to intensification of use a ghost island right turn from Mill Street to Lockitt Street would improve road safety in the area.
- In light of this, a ghost island right turn (as shown in Figure 3) will be a requirement of any planning permission. It is intended that these highway improvements will be secured through a Section 278 Agreement with the Local Planning Authority.
- The site is highly accessible for pedestrians, cyclists and those wishing to use public transport.
- It is considered that the site is satisfactory on highway safety and accessibility grounds.

Phase 1 Environmental Assessment.

- The site is impacted by the following services:
 - Culverted watercourse runs beneath the site.
 - Sewage Pumping station to the north of the site.
 - Private services will be present within the site and should be identified prior to any excavations.
- An Environmental Risk Assessment has indicated that the site represents;
 - A **LOW** risk to human health from the potential pollution linkages.
 - A **LOW** risk to construction workers.
 - A **LOW** risk to controlled waters.
 - A **MODERATE** risk with regard to construction phase operations.
- In view of the identified low level of risk associated with the proposed temporary development, the historical land use and potential for site contaminants will not preclude development.

- The site comprises a temporary development which is implemented with minimal change to existing levels. In this manner earthworks and the potential exposure of contaminants is minimised thus maintaining a low risk of contact with end users, construction workers and the wider environment.
- Remedial works in relation to the site ground conditions should not be required for the temporary structure. However, the following measures should be implemented to ensure that the level of risk is maintained to a low level:
 - Where made ground is exposed construction workers should adopt appropriate PPE in accordance with Ref.2.
 - Dust suppression measures should be adopted to reduce the levels of fugitive dusts that may migrate from the site.
 - An asbestos survey should be carried out to the existing warehouse which is to be partially demolished in accordance with current guidelines.
 - Surface water control methods should be adopted during construction to prevent the silting up of existing drainage systems.
 - Soil gas monitoring should be undertaken prior to and during main entry to any below ground excavations.

Flood Risk Assessment.

- The site lies within Environment Agency Flood Zone 1 which means that the chance of flooding each year from rivers or the sea is 0.1% (1 in 1000) or less.
- The site can be considered not to be at risk from coastal and high tide flooding as the site does not lie near or adjacent to the coast.
- Due to the level of hard cover present across the site flooding from groundwater sources is not considered to affect the temporary development.
- Overland flow is unlikely to occur at the site subject to the adoption of car park gradients sloping away from the temporary store and installation of a temporary surface water drainage system.
- As there is no net change to the extent of hard cover the overall surface water will be maintained at current rates on a like for like basis. This will ensure that the development of the temporary store will not result in any increase of offsite surface water flows

Design and Access Statement

- The proposed temporary store is required to enable Tesco to serve its existing customers and meet the shopping needs of the local community and wider catchment whilst the existing store on Vernon Way is demolished and replaced with a larger, modern and energy efficient store.
- The design and layout of the proposed store relates well to its surroundings and is considered to be entirely appropriate in the context of the temporary nature of the proposal.
- The site is within close proximity of the existing Tesco store and its location, set back from Mill Street, within a mixed use area creates minimal visual intrusion and accords with planning policy. Therefore, this site is considered to be the most appropriate location for Tesco to provide a temporary store whilst the replacement Vernon Way store is under construction.

10. OFFICER APPRAISAL

Principle of Development

The site is allocated in the Adopted Borough of Crewe and Nantwich Replacement Local Plan 2011 under Policy 12.2 as a mixed use regeneration area and also forms part of the area covered by the Crewe Rail Gateway Adopted Development Brief. The thrust of the Local Plan allocation is to encourage the regeneration of this site with a mixture of uses including employment (B1, B2 and B8), appropriate sui-generis uses and retail subject to the retailing complying with the requirements of Policy S.10 (Major Shopping Proposals). Major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m. As the proposed temporary foodstore falls below this threshold, there is no conflict with this policy.

Crewe and Nantwich Borough Council resolved in 2007 to grant outline planning permission for a mixed use development, originally comprising residential, retail (including a 1,300 sqm foodstore) and employment uses. However, this scheme proved to be unviable and as a result Strategic Planning Board resolved to approve a revised planning application on 24 March 2010, subject to the completion of a Section 106 Agreement, which included 5,975sqm of gross retail floorspace.

The additional retailing provision was considered to be justified as a way of delivering the key regenerative benefits identified in the adopted Development Brief and also the social benefits in the form of affordable housing and crucially delivering the majority of the pedestrian and cycle links between the town centre and the railway station which is a key objective of the Crewe Rail Gateway Development Brief. For this reason the development represented a departure from the Local Plan. However, it was considered that the benefits would outweigh any harm to the vitality and viability of the town centre which may result from the additional retail floorspace.

The principle of substantial retail development on this site is therefore firmly established by the previous resolutions. Whilst the temporary Tesco store would not deliver the regenerative benefits referred to above, the floor area of 1244sq.m is considerably less than that accepted in March, and is comparable to the amount put forward in the 2007 scheme, which accorded with the provisions of the Local Plan and the SPD. Therefore the development is considered to be acceptable in principle.

However, the part of the site on which the temporary Tesco store would be located is the area occupied by the residential element (phase 2) of the comprehensive redevelopment scheme which Members resolved to approve in March. It is therefore vital that the Tesco foodstore is subject to conditions to ensure that it is a temporary feature and that it is removed as soon as the new facility is completed. Retention of the store would result in the loss of the residential element of the comprehensive redevelopment and a further substantial increase in overall retail floor space across the site.

Highway Considerations

It is important to ensure that adequate parking and servicing facilities are available within the site and that a safe access can be achieved into and out of the site which does not result in an unacceptable level of congestion or queuing at any of the existing junctions. The impact of the additional traffic generated on the wider highway network must also be taken into account.

The existing vehicular access will be used from Mill Street and the existing line of Lockett Street will be maintained to provide access to the development. The existing access is to be improved to incorporate a ghost island right turn lane on Mill Street with central pedestrian refuges to assist crossing.

In respect of previous proposals on this site the Strategic Highways Manager has highlighted a high accident record along Mill Street which it is understood relates predominantly to rear end collisions. A right turn lane is therefore requested to be incorporated into the Mill Street access which will reduce queuing traffic waiting to enter the site. A detailed plan to show the right turn lane will need to be submitted and agreed and a Section 278 Agreement will be required to secure the right turn.

With regard to traffic generation, the developer has submitted a Traffic Impact Assessment which concludes that the site is in a highly accessible location and that the traffic impact of the proposed development would be no greater than that of the previously approved development. Given that the temporary store will only operate whilst the main Tesco site is out of commission, the traffic impact on the surrounding roads and junctions is unlikely to be significantly different than at present.

The maximum parking provision for A1 retail stores as set out in the Local Plan is 1 space per 9sq.m, which generates a maximum requirement of 138 spaces. The submitted plans show parking areas containing 101 spaces along with HGV turning and unloading facilities. In the absence of any objection from the Strategic Highways Manager, this level of provision is considered to be acceptable.

In summary, this is a temporary store, located a short distance from the existing Tesco site, in an accessible location midway between the railway station and the town centre. Any additional traffic generation will be off-set by a reduction resulting from the closure of the existing store. Improvements will be made to Mill Street to ensure that safe vehicular access can be achieved and adequate parking provision will be made available within the site boundary. Therefore whilst the comments of the third party objector are noted, in light of the above, and in the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on highways grounds could be sustained.

Design

The proposed store would be a single storey, flat roofed modular building, with an overall height of 4m and a brown plastisol finish. It would be sited adjacent to the north side of the existing bus depot. In this location it would be largely screened from Mill Street and other public vantage points by the depot building and the adjacent Wickes Store. As a result it would only be visible from within the site or from passing trains on the railway line to the east.

Consequently, whilst the proposed building would not be of any merit in design terms, due to its low overall height and its location to the rear of the site, it would not detract from the overall character and appearance of the area. Furthermore, given its temporary nature, any impact on the long term efforts to enhance the quality of the development in this area would be limited. It is therefore, subject to conditions to ensure that it is a temporary structure, considered to be acceptable in terms of design.

Layout and Landscaping

The site is largely brownfield, with trees being constrained to the north-western corner of the site. The development could be carried out without significant loss of vegetation on the site. Two small trees are to be removed as part of the access arrangements into the car park. In the context of the provision of the additional planting this is acceptable. It is not considered necessary for replacement trees to be planted that will themselves have to be removed at a later date if they are not to restrict future development of this site.

The proposed temporary store will be located on the northern part of the site. The existing access to the bus depot will be utilised to give access to a parking area to the front and side of the store. A compound will be formed at the northern end of the site using temporary fencing to serve as a service yard and delivery area to the store. A new access will be formed to an area of retained hardstanding to the south of the site which will serve as a yard area to the bus depot. This will enable users of the store and car park to be safely separated from the vehicle movements associated with the bus depot. The car park and surrounding pedestrian areas will be appropriately surfaced and some new landscaping, including trees and low growing shrubs, will be provided to the perimeter of the site.

Considering the temporary nature of the proposal, the quick establishment predominantly native landscape scheme is acceptable. Conditions are required to secure additional planting specification and actual numbers of plants on the planting schedule. This information can be provided in the form of notes on the drawing.

Details of surfacing are required to ensure that this is of a complimentary standard to the planting scheme. It needs to be appropriate to purpose. Due to the temporary nature of the store, consideration should be given to the sustainability of using expensive paving materials from unsustainable sources. It is strongly recommended that the developer uses recycled or reconstituted materials.

Whilst the layout and landscaping do not reflect the Council's future aspirations for the regeneration of the site, which should include high quality public realm, public art and a high quality pedestrian / cycle link through the site, these works are temporary, and will constitute an improvement over the derelict and vacant land which occupy the site at present.

Ecology

Given the brownfield nature of the site it is considered that there would be no adverse impact on protected species.

Sustainability

Policy EM18 of North West England Plan Regional Spatial Strategy (RSS) outlines that, in advance of the setting of local targets for decentralised/renewable/low-carbon source energy supply, at least 10% of predicted energy requirements should be from such sources unless it is demonstrated not to be viable.

Whilst the proposal has sufficient floor area to fall within the Policy EM18 requirement for renewable energy, given the temporary nature of the building, and the fact that the new

store to be constructed in Vernon Way will include many energy saving and sustainable features, it is not considered to be reasonable or viable to insist on the incorporation of sustainable features within this temporary development.

The proposal will be sited on an underused part of the site, and will not involve any demolition. As a result there is no requirement for a Waste Management Plan and no conflict with policies EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles), EM11 of the RSS which relate to waste management principles and Policy 11 (Development and Waste Recycling) of the Waste Local Plan

Impact on neighbour amenity

Given the town centre location and the nature of the surrounding land-uses, which are predominantly associated with commercial and retail activity, impact on neighbour amenity is not considered to be a significant issue in this case.

Impact upon Water Environment

The Valley Brook is culverted beneath a large part of the site. However, the Environment Agency has raised no objections subject to the imposition of appropriate conditions.

An objection has been raised by United Utilities as the development affects a right of way which they have across the site. However, this is considered to be a private legal matter between the developer and United Utilities and Tesco's agents have advised that they are in discussions with a view to resolving it. Notwithstanding this issue, United Utilities also have no objection subject to conditions and the proposal is therefore considered to be acceptable in terms of its impact on the water environment.

Land Contamination

The site has a history of use as a Gas Works and Railway Engine Sheds and has the potential for the land being contaminated. Both the Environment Agency and the Environmental Health Department, however, have raised no objection subject to the imposition of appropriate conditions.

Air Quality

Environmental Health is satisfied that the proposed development would have little or no impact on the air quality in the surrounding area or the Nantwich Road Air Quality Management Area given its temporary nature.

Other Matters

Network Rail has raised a number of issues, some of which are material planning considerations. Drainage, lighting and boundary treatment can be dealt with by way of condition and the issues raised in terms of maintaining the safety of the railway during construction works can be added to the decision notice as informative. However, matters relating to access and encroachment are private issues between Network Rail and the developer as neighbouring land owners.

11. CONCLUSION

The proposal seeks to create a temporary Tesco store of 1244sq.m and will only trade during the closure of the existing store at Vernon Way, which will be less than 12 months.

The site is allocated for a mixed use scheme, which includes an element of retail and previous Committee resolutions have established the acceptability in principle of retail development on the site. The amount of retail development proposed is less than the more recently accepted scheme and is comparable to the scheme which Committee resolved to approve in 2007. However, as the temporary store will be located on the part of the site shown for residential development in the outline scheme, in order to avoid an overall increase in retail development on the site, it is necessary to impose conditions to ensure that it is removed following completion of the permanent store.

It has also been adequately demonstrated that, the proposed development will not have an adverse effect on traffic levels or highway safety within the vicinity and that it will be acceptable in terms of design, layout and landscaping, ecology, sustainability, impact on neighbour amenity, impact on the water environment, land contamination and air quality, providing that it is retained only on a temporary basis.

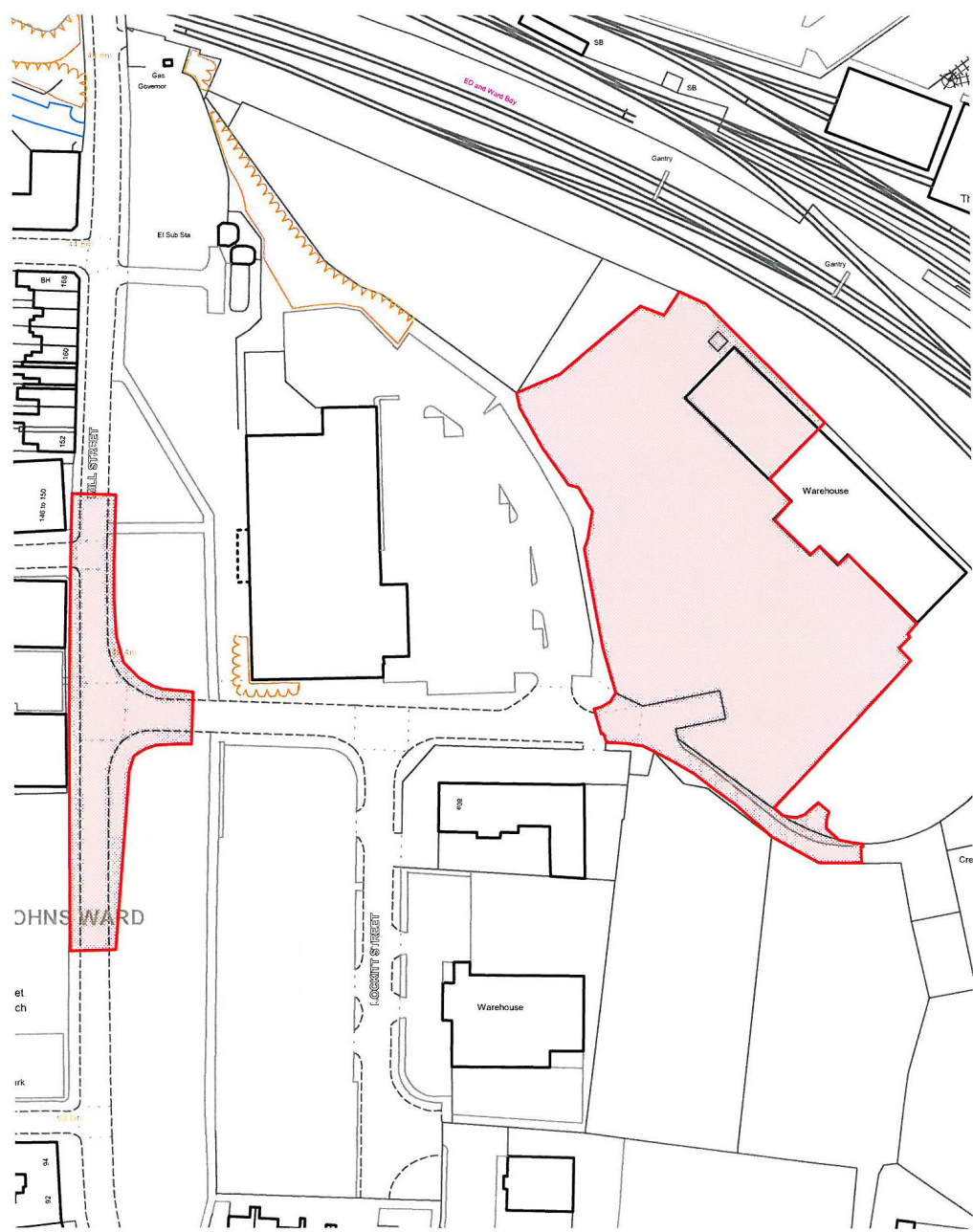
Having due regard to all other matters raised, it is considered that the proposal complies with the relevant Development Plan policies, as set out above and in the absence of any other material considerations, it is recommended for approval subject to conditions as set out below.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard**
- 2. Temporary for 12 months**
- 3. Approved Plans**
- 4. Materials to be in accordance with those shown in the application**
- 5. Submission, approval of Landscape Scheme**
- 6. Implementation of Landscaping**
- 7. Surfacing Materials**
- 8. Submission, approval and implementation of right turn lane**
- 9. Submission, approval and implementation of Lighting Scheme**
- 10. Submission, approval and implementation of Contaminated land report**
- 11. Foundations shall consist of stacked paving slabs placed at existing ground level.**
- 12. Submission, approval and implementation of method statement to ensure that no dust emits from the site**
- 13. Soil gas monitoring to be undertaken prior to and during entry to any below ground excavations and confined spaces within the building should be ventilated.**
- 14. No Development within 8m of side walls of culvert**
- 15. Submission, approval and implementation of scheme of drainage**

Location Plan : Licence No 100049045



Application No: 10/3602N

Location: LILY WORKS, VINCENT STREET, CREWE, CW1 4AA

Proposal: Conversion of Redundant Industrial Building to Form 12 no Self-Contained Flats

Applicant: Mr Andy Mines

Expiry Date: 18-Jan-2011

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of Development
- Existing Employment Sites
- Design
- Impact on Residential Amenity
- Highways
- Drainage
- Contaminated Land
- Protected Species
- Bin Storage

1. REFERRAL

This application has been referred to Southern Planning Committee because it involves the creation of more than 10 dwellings and is therefore a major development.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is currently occupied by a vacant factory unit which is located on a corner plot to the south-east of the junction between Vincent Street and Surrey Street within the Crewe Settlement Boundary. A small access road runs along the eastern side of the site, with an allotment and the Crewe to Manchester Railway line immediately beyond. The factory unit is a two-storey brick construction located to the north of the site, with a yard area located between the factory building and No 56 Vincent Street. The area is predominantly residential with the majority of the surrounding properties being traditional terraced dwellings. The properties to Vincent Street have small front garden areas enclosed by 1 metre high brick walls with the properties to the western side being of a simple design while the properties to the eastern side have features such as bay windows, canopies and projecting gables. The properties to Surrey Street are simple in their design and have been constructed onto the back of the pavement.

3. DETAILS OF PROPOSAL

The proposed development is for the conversion of the existing vacant industrial building into 12 self contained apartments. The ground floor of the building will contain 5 number 1 bedroom apartments and 1 number 2 bedroom apartment. The first floor and part of the roof space will comprise of 5 number 2 bedroom apartments and 1 number three bedroom apartment. The proposal involves relatively minor alterations to the external fabric of the building, parking space for 7 cars, landscaping, bin storage area and cycle shelter.

4. RELEVANT HISTORY

7/03924 – Change of Use from Derelict Land with Single Garage to Car Park – Approved – 1st June 1978

P07/1507 – Erection of 9 Apartments, Associated Car Parking and Landscaping and Alteration to Vehicular Access – Approved – 17th January 2008

5. POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS4: Planning for Economic Growth

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the 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)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

RES.9 (Houses in Multiple Occupation)

TRAN.5 (Provision for Cyclists)

TRAN.9 (Car Parking Standards)

E.7 (Existing Employment Sites)

NE.9 (Protected Species)

6. CONSIDERATIONS (External to Planning)

Network Rail: No objection subject to a number of conditions

The developer/applicant must ensure that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land, it must not affect the safety, operation or integrity of the railway and its infrastructure or undermine or damage or adversely affect any railway land and structures, nor over-sail or encroach upon the air-space of any Network Rail land or cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future to be undertaken on Network Rail land and infrastructure. The developer should take full asset protection measures to ensure that their development does not impact upon Network Rail land and infrastructure in any way.

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal, must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

The applicant must ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, shall be kept open at all times during and after the development. The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land.

Ecologist: I confirm that the bat assessment is acceptable and that protected species are not likely to be affected by this development. No objections.

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

Environmental Health: No objections subject to conditions relating to hours of construction and pile driving, details of any external lighting and the proposal to be constructed in accordance with the noise survey.

Environmental Health (Contaminated Land): No response received at the time of writing this report

7. VIEWS OF THE PARISH / TOWN COUNCIL

Not Applicable

8. OTHER REPRESENTATIONS

No representations received at the time of writing this report

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- Vincent Street runs in a north-easterly direction from Hungerford Road and the Manchester Bridge beneath which runs the main London to Glasgow railway link and branches to Manchester. Vincent Street is lined on both sides of the street with typical terraced houses with limited forecourts and alleyways serving the rear of all the properties;
- Interspaced between the houses are remnants of small industrial and commercial buildings, redundant infant and primary schools and church associated school rooms. Limited space is available for vehicular parking so most residents park along Vincent Street;
- The site of the proposed development comprises some 0.065 hectares. The redundant commercial building comprises some 596sq m of floor space over two floors, and sits at the junction of Vincent Street and Surrey Street;
- An area of open space was used for car parking, employee cycle store and commercial vehicles serving the former Airbase Limited, an airport supply and maintenance company of catering equipment for on board aircraft. The company vacated the building some two years ago and since then estate agents have endeavoured to secure letting or sale without success;
- The site is ideally located for convenience to localised social amenities and suggests the development is considered ideal for a variety of occupational needs such as students, young families, or elderly couples;
- A previous planning application for the demolition of the existing building and a scheme for the erection of nine apartments, associated car parking and landscaping was granted on 17th January 2008. The proposal was considered an appropriate form of housing development within the settlement boundary of Crewe;
- The proposed flats will be contained in the existing envelope but with 3 no. single storey entrance porches on the courtyard side to access the first floor flats (2 per porch). The total floor area of the building is 596sq. m. set over two floors;
- The design of the building will not change except for the pattern of the window fenestration which will endeavour to create a more domestic atmosphere within the streetscene;
- Landscaping will be restricted to small areas in front of each flat on the courtyard side, together with some low shrubbery screening the rear access way.

Phase 1 Environmental Assessment

- The site comprises a brick building and concrete hard standing area and is bounded by Vincent Street to the west, Surrey Street to the north, a footpath to the east and domestic property to the south;
- The site was Greenfield until sometime between 1876 and 1898 when it was developed. No evidence exists of the site being redeveloped up to the current day. The building would appear to be designed for light industrial/office use. The only known use of the site was textiles;

- The immediate environs of the site are domestic properties which were developed between 1876 and 1910 and have remained unaltered to the present day. there is no evidence of industrial or commercial activity in the surrounding area which is likely to impact the site;
- The site has been used for industrial purposes including textiles. The structure has a solid floor which would prevent any spillages etc from impacting the ground beneath the site. The parking area outside the building is currently covered with concrete which would appear to have been present for a large number of years. This will protect the ground beneath the site from any spillages etc.;
- It is understood that the proposal is to retain the existing structure and convert the space into domestic apartments. The existing hard standing is to be retained and used to provide car parking for the residents of the apartments. The proposal does not include the introduction of any soft landscaping onto the site;
- No potential pathways between any possible sources and potential receptors have been identified. No significant pollution linkage has been identified;
- The earliest historical maps of the site (1876) show a possible shallow working outside the site boundary to the north of the site, approximately where the houses on the north side of Surrey Street are currently located. As these houses were built between 1876 to 1898 it is not thought to pose any issues for the site;
- No SPLs have been identified for the site and no further site investigation is recommended.

Noise Assessment

- The potential impact of railway noise and vibration has been assessed for the proposed residential development on land off Vincent Street, Crewe;
- Ground vibration exposure levels were found to be very low, and well below the threshold for the onset of annoyance as defined in BS 6472 such that no special vibration mitigation measures are necessary for any of the proposed dwellings;
- The results of the railway noise measurements demonstrate that the site falls into Category A of PPG 24. This means that the site is suitable for residential development and that noise should not be a determining factor in granting planning permission. Nevertheless, we have recommended upgraded glazing and acoustic ventilation for some bedrooms; and
- The requirement to implement a scheme for noise mitigation measures can be controlled adequately by a suitably worded planning condition.

Protected Species Survey

- Staffordshire Ecological Services were commissioned in October 2010 to undertake a Bat Species Assessment of the Lily Works, Vincent Street, Crewe;
- The Bat Species Risk Assessment is required to inform the planning process with regard to the conversion of the building into 12 flats;
- The redevelopment will involve replacing the door and window closures, minor re-pointing of the external brickwork, localised repairs to the roof tiling and installation of Velux type skylights into the roof. The current wooden lining of the roof is to remain, and the roof insulated below it.
- No direct evidence of bat visitation was found during the survey;
- The habitat surrounding the building appears sub-optimal for most bat species, although the adjacent railway corridor does have some potential for foraging and commuting;
- The building does contain some features suitable for crevice roosting bats such as shifted/broken tiles that may give access to a potential roosting space between the tiling and

lining of the roof, gaps in brickwork and mortar under the eaves and expansion of gaps between the window frames and lintels;

- Taking into account the presence of potential roost spaces in the building and the sub optimal nature of the surrounding landscape, the building was judged to be of moderate potential for roosting bats;

- Due to the building's moderate potential to support roosting bats, it is recommended that the proposed works to the roof, eaves brickwork and window frames should be carried out under a method statement;

- The method statement must stipulate that these works are restricted to the time of the year when bats are least vulnerable. The method statement should include the inspection of the expansion gaps between the window frames and lintels with an endoscope prior to the replacement of the windows. The method statement should also include information on correct working practices and actions if bats are found; and

- No evidence of nesting birds was found during the survey. However, the roof of the building was found to have some potential as a nesting site.

10. OFFICER APPRAISAL

Principle of Development

The relevant policies are BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. In addition Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing) are also important material planning considerations.

The site lies wholly within the settlement boundary of Crewe where, in principle, residential development is considered to be acceptable. National Planning Policy (PPS 3: Housing) states that most additional housing development should be concentrated in urban areas and that the Planning Authority should facilitate for the efficient use of brownfield land to minimise the amount of greenfield land being taken for new development. The site is not regarded as greenfield and the principle of residential development is accepted. However, this statement does not presume that all such land is necessarily suitable or that the whole of a curtilage should be developed. It is considered in light of the above, 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. Furthermore, the principle of residential development on this site must be balanced against other considerations including the impact of the development on the character and visual amenity of the area, highway safety issues and any other material planning considerations.

Policy RES.9 states that proposals for the sub division of buildings to provide self-contained residential units will be permitted provided that:

- The building to be converted is large enough to provide satisfactory living accommodation for future residents without the need to construct extensions which would conflict with policies BE.1 and BE.2;
- The proposal would not result in an adverse change to the external appearance of the building which would be unacceptable in terms of design or materials used;

- The development does not detract significantly from the amenities of neighbouring residents, through noise transmission or overlooking; and
- Provision is made within the site for adequate and properly located car parking and safe access. Where sufficient off street parking provision is not possible due to the constraints of the site, kerbside facilities may be acceptable provided that their use does not create or worsen dangerous highway conditions, or significantly detract from the amenity of local residents.

The main thrust of the Local Plan policies is to achieve a high standard of design, respect the pattern, character and form of the surrounding area, not adversely affect the street scene by reason of scale, height, proportions or materials used.

The general thrust of the local plan policies is advocated within PPS 1, which places a greater emphasis upon Local Planning Authorities to deliver good designs and not to accept proposals that fail to provide opportunities to improve the character and quality of an area. It is the opinion of the case officer that this proposal does not detract from the character of the area and appearance of the property and is in accordance with advice stated within PPS 1.

It should be noted that the Cheshire East Strategic Housing Market Assessment 2010 identifies a need for apartments, one-bedroom, two bedroom and three bedroom accommodation which is not currently being met. The proposal therefore contributes towards meeting the housing needs of the borough.

The conversion of the building which is within the settlement boundary of Crewe will contribute to housing provision in the Borough. The creation of modest sized residential units can provide an important source of additional living space, particularly in and around town centres. The national guidance on housing (PPS 3) promotes such conversions, giving them priority and also encourages a more flexible approach to development plan standards with regard to densities, car parking, amenity space, and overlooking. It is therefore acceptable that the Authority considers lower standards of parking provision and amenity space within locations that are within close proximity to local facilities and main transport routes in order to promote more sustainable methods of transport.

Existing Employment Sites

The proposed development would result in the loss of a small scale employment site within the Borough. The building was last used by Airbase Limited, an airport supply and maintenance company of catering equipment for on board aircraft, and policy E.7 states that development which causes the loss of an existing employment site will be permitted provided that:

- it can be demonstrated that the present use harms the character or amenities of the surrounding environment or
- the site is not capable of satisfactory use for employment and overriding local benefits would come from the proposed development or
- it can be demonstrated that there would be no detrimental impact on the supply of employment land.

In the supporting information submitted with the proposal the applicant states that site has been marketed for commercial use, since the building was vacated approximately two years ago. During this time the building has been prone to vandalism which detracts from the character of the area. It is acknowledged that the building is unsuitable for commercial use to meet modern day standards, while the current use in this residential location would raise a number of conflicts with surrounding residents. Furthermore, the principle of residential development at this site has already been accepted under the previous application (P07/1507) which was for the erection of 9 apartments, associated car parking, landscaping and alteration to vehicular access and at the time of writing this report was still a live permission. Overall, the Council accepts this conclusion and given that the site is located within a sustainable location for residential development and would constitute an efficient use of land, the loss of this small employment site is considered to be acceptable and in line with the requirements of policy.

Design

The external appearance of the building will remain largely unaltered as a result of the submitted proposal. The building lends itself quite readily to conversion into twelve self contained apartments and the majority of the proposed works are internal.

According to the submitted plans on the side elevation of the building facing Surrey Street four of the existing window openings will be replaced with door openings and a new door opening will be formed towards the rear of the building. The four newly formed door openings will be located on either side of the buttress and will incorporate a simple lean to canopy. The new door opening will front directly onto the Surrey Street and will incorporate a simple dual pitch roof canopy. The remaining window opening will remain unaltered but the windows will be replaced with white uPVC double glazed units. Located on this roof plane there will be six rooflights which will serve the attic bedrooms. There will be a small courtyard located to the front of Unit four and this will be formed by a brick wall measuring approximately 1.5m high. The remaining units one, two and three will have new permeable paving to the rear of the existing pavement.

On the elevation of the building fronting Vincent Street, the roller shutter door will be removed and replaced with a window opening, which is similar in design and proportions to a number of other openings on the building and as such will not appear incongruous. Furthermore, the window will be centralised in this gable element and will be located directly below a large arched window. It is considered that the new fenestration will not appear as an intrusive or obtrusive element within the streetscene.

There will be a number of new window openings at ground floor level on the rear elevation of the building facing the railway line. The proposed window openings will be similar in design with exposed lintel and eaves details and the proportions of the apertures will be similar in size to other windows on the host property. The windows will be located directly facing the railway line and as such will not have a detrimental impact on the character and appearance of the streetscene. Overall it is considered that the glazing bar pattern on all the replacement windows is more domestic in style and is in keeping with the neighbouring terraced properties.

The majority of the alterations will occur on the side elevation of the building facing number 56 Vincent Street. The existing external staircase will be removed and the door opening at first floor level will be replaced with a window. It is considered that the proposal will replicate the terrace fenestration as the existing building has predominant buttress piers breaking the long fenestration into six equal bays. At ground floor level there will be three linked porches which will be constructed out of facing brick under a tile roof, to match the host property and this will be secured by condition, if planning permission is to be approved. The porches will measure approximately 1.3m deep by 3.7m wide and will 3.5m high to the highest part of the mono pitch roof. It is considered that due to the scale and nature of the porches, which are fairly diminutive, they will not detract from the character and appearance of the streetscene.

According to the submitted plans each of the flats will be accessed via its own separate entrance. The ground floor flats will be accessed off the elevation fronting Surrey Street, whereas, the first floor flats will be accessed off the elevation facing number 56 Vincent Street. Internally the ground floor accommodation will comprise of five one bedroom flats and one two bedroom flat. Each flat will have a kitchen, living room, bedroom and bathroom. The first floor accommodation will comprise five two bedroom apartments and one three bedroom apartment. All of the second bedrooms (and the third bedroom for unit number twelve) will be located in the roofspace. All of the first floor flats will incorporate a kitchen, living room, bathroom and bedrooms.

Impact on Residential Amenity

The impact of the development upon the amenities of adjacent properties and the future occupiers of the proposed dwelling by reason of overshadowing, overlooking, visual intrusion, odour or in any other way is a key consideration.

The nearest properties which may be affected by the proposal are numbers 61 to 73 Vincent Street, number 56 Vincent Street and numbers 17 to 29 Surrey Street.

No 56 Vincent Street is a two storey end terrace property constructed out of facing brick under a tile roof and erected in the Victorian era. This property is located to the south of the application site with a blank elevation facing the site. Separating the side elevation of the applicant's property from the gable of number of 56 Vincent Street is an area of hardstanding, which according to the plans will be utilised for resident car parking, landscaping and bin/cycle storage. The Council's SPD – Development on Backland and Gardens states *'as a general indication, there should ideally be a distance of 13.5m between a principal elevation with windows to habitable rooms and a blank elevation'* (paragraph 3.9). According to GIS there is a distance of approximately 13m separating the two buildings. It is noted that the proposal does not strictly accord with the above guidance, but given that the prevailing nature of built development is one of short distances between elevations it is not considered that the proposal will result in a significant loss of amenity by overlooking, over domination or overshadowing for the occupiers of number 56 Vincent Street and the proposal is in accordance with policy BE.1 (Amenity).

The neighbouring properties which are located directly opposite the application site comprise a row of Victorian era 2 storey terraced properties (numbers 61 to 73 Vincent Street). These properties front directly onto Vincent Street. There is a separation distance which varies from 12.5m to 13.3m separating the front elevations of the applicant's

property from the residential dwellinghouses directly opposite the application site. It is noted that the applicant's property is a 2 storey high building and is in situ and as such the proposal will not result in any further overshadowing or over domination. The case officer noted that the majority of the windows on this elevation will serve a kitchen/living room. Therefore, in order to prevent any loss of amenity by loss of privacy the case officer considers it prudent to attach a condition stipulating that the bottom 2/3 of the windows shall be obscurely glazed. It should be noted that when the building was being used as a commercial enterprise people working in the factory could have looked out of the windows, and by obscuring the bottom 2/3 of the windows is a compromise.

In terms of the properties on the opposite side of Vincent Street there would be separation distances varying from 12.3m at its closest to 13.2m at the furthest. It is considered that providing the bottom 2/3 of the windows at both ground floor and first floor on this elevation of the applicant's property are obscurely glazed will help to mitigate any overlooking. In terms of residential amenity it is considered that the area is characterised by terraced properties with short distances between front elevations and as a result the impact on neighbouring privacy is acceptable.

Although minimal amenity space is provided for the proposed apartments the development is considered to be acceptable in that this is an apartment scheme where there is no requirement for a communal amenity area. Additionally an area of public recreational space is located approximately 70 metres from the application site.

Highways

No response has been received from the Highways Engineers at the time of writing this report. The response from the Highway Engineer will be included in the Members' updates.

Drainage

The application forms state that foul sewerage will be disposed of via the mains sewer, and that it is proposed that the development will be connected to the mains sewer which will be via the existing conditions. The case officer considers it prudent to attach a drainage condition to the decision notice, if planning permission is to be approved.

Contaminated Land

No response has been received from Environmental Health (Contaminated Land) at the time of writing this report. The response from the Contaminated Land section will be included in the Members' updates.

Protected Species

The applicant has submitted a protected species survey with this application with respect to bats and nesting birds. These species 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 the species being present and affected by the development.'

The author of the ecological report concludes the building contains features suitable for crevice roosting bat species. However, due to a relative lack of suitable habitat in the wider area, the building is only judged to have a moderate potential for roosting bats. The current proposal proposes minor alterations to existing external fabric of the building and this low risk can be effectively managed by carrying out works that affect the roof, brickwork and windows of the building under a method statement, which will be conditioned accordingly. The Council's Ecologist has been consulted and he states 'I do not anticipate there being any significant protected species issues associated with the proposed development'. Therefore, it is considered that the proposed development complies with policy NE.9 (Protected Species).

Bin Storage

According to the plans, there will be a small landscaped area to the part of the site frontage and located directly behind this landscaped area will be a bin storage area and secure cycle store. The bin storage area will measure approximately 3.8m deep by 2.1m wide, which equates to an area of approximately 7.98m sq. The bin storage area will be screened by a 2.5m high close boarded timber fence (on three sides), which will be secured by condition if planning permission is to be approved. It is considered that the boundary treatment (which will be conditioned) will help to mitigate any negative externalities caused by the proposed development.

11. CONCLUSION AND REASON FOR THE DECISION

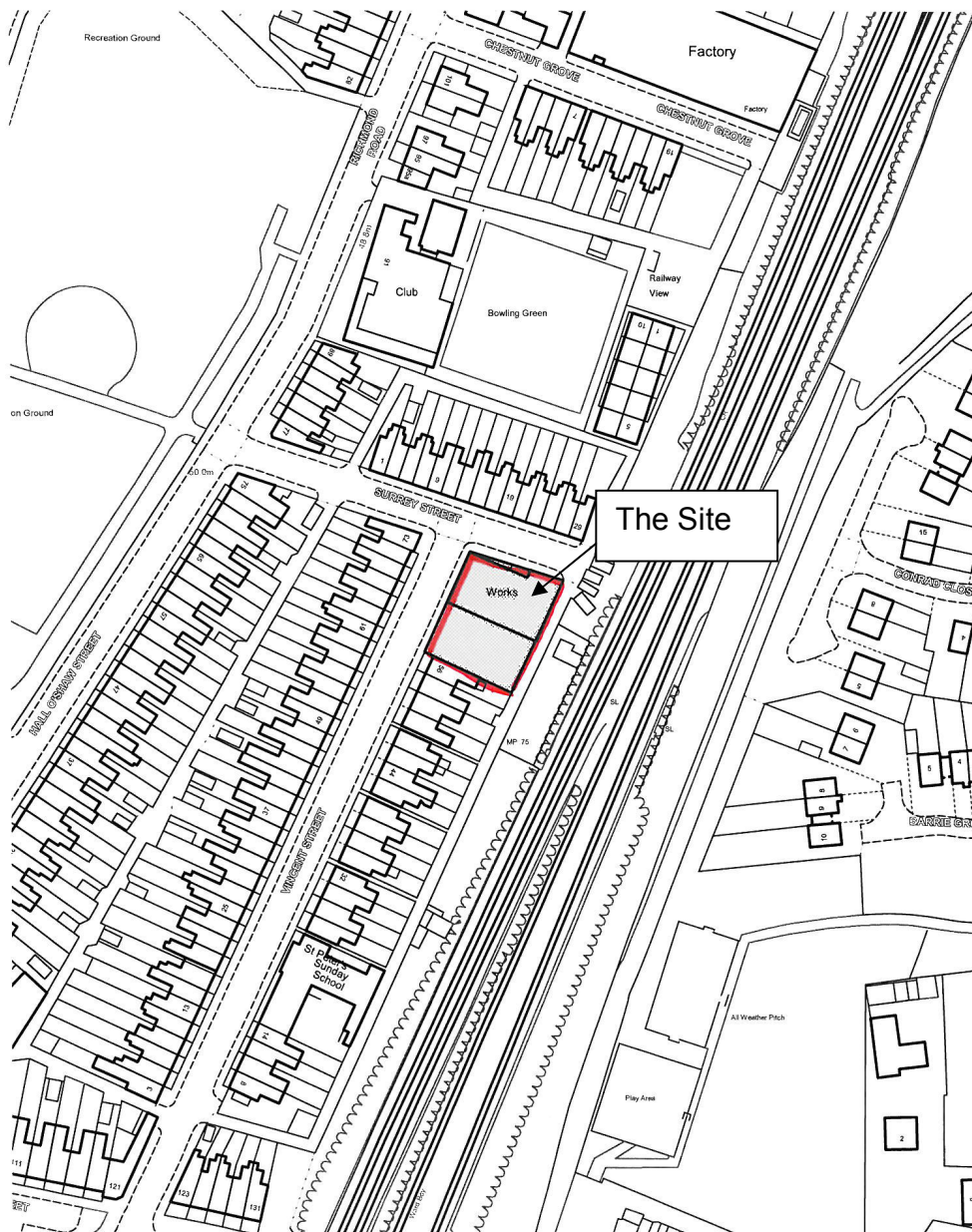
It is considered that the loss of the employment site on this occasion is acceptable as is the principle of residential development on this site. It is considered that the proposed development would have minimal impact upon surrounding residential properties while the parking provision should be acceptable providing the Highway Authority raise no objection to the proposed development. It is considered that the proposal complies with policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), TRAN.9 (Provision for Cyclists), E.7 (Existing Employment Sites), RES.2 (Unallocated Housing Sites), NE.9 (Protected Species), and RES.9 (Houses in Multiple Occupation) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within PPS 1: Delivering Sustainable Development and PPS 3: Housing.

12. Approve subject to the following conditions:

- 1. Standard Time Limit**
- 2. Plans**

3. Details of Materials to be submitted, approved and implemented
4. Details of landscaping to be submitted including site frontage
5. Landscaping to be Implemented and Maintained for 5 year period
6. Obscure Glazing in the side elevation facing Surrey Street and front elevation facing Vincent Street
7. Details of drainage system including septic tanks, soakaways, permeable surfaces to be submitted, approved and implemented
8. The Bin Storage Area to be constructed in accordance with the submitted details
9. The Cycle storage area to be constructed in accordance with the submitted details
10. Car parking to be demarcated and retained at all times prior to first occupation of the flats
11. Details of any external lighting to be submitted, approved and implemented
12. To be constructed in accordance with the noise survey
13. The hours of construction and associated deliveries to the site shall be restricted to 0800 to 1800 hours on Mondays to Fridays, 0900 to 1400 hours on Saturdays, with no work at any time including Sundays and Public Holidays
14. Where piling of foundations is necessary this is to be undertaken between 0900 to 1700 Mondays to Fridays and no works of this nature to be undertaken on Saturdays, Sundays and Bank Holidays.
15. The submission of a method statement to ascertain whether bats are present to be submitted and approved. The method statement shall include the timings of works, inspection of the expansion gaps and the correct working practices and actions if bats are found
16. Works to be carried out to the roof to be outside the main bird nesting season (March through August).

Location Plan : License no 100049045



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Planning Reference No:	10/3689N
Application Address:	Land South East of Crewe Road Roundabout, University Way, Crewe.
Proposal:	Extension of Time Limit on Approved Application P07/1431 Outline Application for Proposed Office Development.
Applicant:	Duchy of Lancaster c/o Smiths Gore
Application Type:	Application to extend the time limit for implementation of permission.
Ward:	Doddington, Crewe East.
Registration Date:	15 th September 2010
Earliest Determination Date:	27 th October 2010
Expiry Date:	15 th December 2010
Date report Prepared	2 nd December 2010
Constraints:	Main River Conservation Area Flood Zones 2 & 3 Wind Turbine Development Consultation

SUMMARY RECOMMENDATION

Approve the extension of the time limit for implementation subject to conditions.

MAIN ISSUES

Principle of Development
Material Changes in Circumstances since previous permission issued
National Planning Policy
Ecology
Trees
Review of Conditions

1. REASON FOR REPORT

The scheme proposed seeks permission for the renewal of planning permission for a small-scale major development in excess of 1000m².

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to an area of land at the northern end of University Way. The site measures approximately 2.2ha and comprises land between University Way and Crewe Green. The site directly adjoins, but does not encroach into, the Crewe Green Conservation Area and is bound directly to the north and east by land within the 'Green Gap'. The site forms part of a much wider employment land allocation within the adopted Local Plan under policy E.1.1 which identifies the area for B1 office and university uses.

In topographical terms, the site comprises an area of Greenfield land on higher ground that gradually slopes north to south but which drops away steeply at its southern edge into Valley Brook. The site benefits from an existing landscaping scheme and site access, both of which were implemented at the time the Crewe relief road was constructed.

3. DETAILS OF PROPOSAL

The application seeks to extend the time limit for implementation of outline planning permission P07/1431 for a proposed office development with means of access off University Way.

The applicant's supporting statements, submitted as part of the 2007 application, included a Design & Access Statement (DAS) and illustrative layout indicating that the site could be developed with up to 6363m² B1 office space comprising 3no two storey office blocks and 1no three- storey office block. However, whilst permission was granted, it was subject to a condition restricting building heights and the overall amount of development which could be brought forward at reserved matters below those sought by the applicant.

4. RELEVANT HISTORY

P07/1431 Duchy Area B, University Way, Crewe.
Outline Application for Proposed Office Development

P04/0489 Land adjoining Crewe Green Link Road, Crewe.
Outline Application for B1 Development on Area B, for B2/B8 Development on Plots B C F G H and I on Area C, for Car Showroom/Dealership and Related Activities on Area E1 and Open Space/Landscaping on Areas E2 and E3 Full Application for B2/B8 Development (Including Roads, Parking and Landscaping) on Plots A D and E of Area C

5. POLICIES

PPS1 'Delivering Sustainable Development'
PPS5 'Planning for the Historic Environment'
PPS9 'Planning and Biodiversity'
PPG13 'Transport'
PPS23 'Planning and Pollution Control'
PPG24 'Planning and Noise'
PPS25 'Development and Flood Risk'

Regional Spatial Strategy

DP1 'Spatial Principles'
DP2 'Promote Sustainable Communities'
DP3 'Promote Sustainable Economic Development'
DP4 'Make the Best Use of Existing Resources and Infrastructure'
DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'
DP6 'Marry Opportunity and Need'
DP7 'Promote Environmental Quality'
DP9 'Reduce Emissions and Adapt to Climate Change'
RDF1 'Spatial Priorities'
W1 'Strengthening the Regional Economy'
RT2 'Managing Travel Demand'
RT9 'Walking and Cycling'
EM1 'Integrated Enhancement and Protection of the Regions Environmental Assets'
EM5 'Integrated Water Management'
MCR4 South Cheshire'

Local Plan Policy

E1.1 Existing Employment Allocations

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.7 Conservation Areas

NE.5 Nature Conservation and Habitats

NE.9 Protected Species

NE.11 River and Canal Corridors

Other Material Considerations

The Communities and Local Government Guidance 'Greater flexibility for planning permissions' is a relevant material consideration.

6. CONSIDERATIONS (External to Planning)

Highways:

No objection

Environmental Health:

No comments received at the time of the report being prepared.

Ecology:

No comments received at the time of the report being prepared. However, confirmed by telephone that he has no objection to the extension of time on the basis of the applicant's updated protected species assessment.

Heritage and Design – Landscape and Forestry Section:

No objection. Requested that the previous forestry and landscape planning conditions be transferred onto this application and make reference to the revised drawing numbers to reflect the current Tree Protection Plan and associated drawings.

7. VIEWS OF CREWE GREEN PARISH COUNCIL

No objection subject to the retention of the original conditions

VIEWS OF HASLINGTON AND WINTERLEY PARISH COUNCIL

No comments received at the time of the report being prepared.

8. OTHER REPRESENTATIONS

No other representations received.

9. APLLICANT'S SUPPORTING INFORMATION

Covering Letter

Habitat and Protected Species Assessment

Arboricultural Survey August 2010 with associated plans

10. OFFICER APPRAISAL

The ability to apply for extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

In this regard, there has been no material change to the adopted Local Plan and the site remains allocated for employment use under allocation E1.1. It remains only therefore to consider the material circumstances which have changed since the time of the last decision and these are now discussed in more detail below.

MATERIAL CHANGES IN CIRCUMSTANCES SINCE THE PREVIOUS PLANNING APPLICATION

National Policy Changes

Since the grant of the previous permission, a number of changes have been made to national planning policy. PPS6 has been replaced with PPS4 'Delivering Sustainable Economic Growth' whilst PPG15 has been replaced with PPS5 'Planning for the Historic Environment'. However, it is not considered that the revised policy approach outlined within these documents would lead to a different decision being made on the application.

This is due to the fact that PPS4 EC10.1 advises Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development and treat favourably those applications which secure sustainable economic growth and because the scheme performs well against four of the five impact considerations of EC10.2 (a) resilience to climate change, (b) accessibility, (d) impact on economic regeneration of the area and (e) impact on local employment; the tests under EC10 (c) relating principally to high quality design which is a reserved matter for consideration at a later date.

Similarly whilst PPS5 continues the emphasis on protecting heritage assets, which in this case would include Crewe Green Conservation Area, this would not affect the previous assessment that the impact of the development can be suitably mitigated and controlled

through the imposition of conditions to restrict the scale and amount of development which comes forward at reserved matters stage.

Ecology

Due to the Greenfield nature of the site and its location directly adjacent to Valley Brook, it was necessary for the applicant to submit an updated ecological survey. The survey concluded there was no evidence of any change in the protected species status of the site since the original Biota (dated 2007) and no protected species would be adversely affected by the scheme. It also concluded that the site has limited biological diversity and is of low conservation value.

On that basis, subject to the retention of the various conditions relating to ecology, tree protection and scale parameters the scheme would satisfy the requirements of PPS9, associated Circulars and Local Plan policy NE.5 and NE.9 and NE.10.

Trees

An updated tree survey was also submitted with the application supported by new tree constraints and root protection zone plans. These documents demonstrate that the characteristics of the trees on site have not changed to any great degree that would materially affect the decision to grant planning permission. Therefore subject to the tree protection conditions being revised and updated to reflect the new survey plans the scheme would comply with Local Plan policy NE.5.

Review of Conditions

A review of the original conditions has taken place as part of the assessment of this application and number of the original conditions will be revised.

In addition to revised tree protection conditions, the original conditions relating to the scale parameters for any reserved matters applications will also be amended in order to provide greater clarity for the developer and certainty for the Council in terms of the scale and amount of development brought forward at the reserved matters stage having particular regard to managing the impact of the scheme on the adjacent conservation area.

Finally in order to provide the applicant with greater flexibility in terms of building the site out, having regard to the difficult market conditions which currently prevail, it is also proposed to extend the time limit for implementing the outline permission from three to four years.

11. CONCLUSION AND REASON FOR THE DECISION

No material changes have occurred to indicate that an extension to the time limit for implementation should not be granted.

The application is therefore recommended for approval subject to the following conditions: -

Reserved Matters and Time Limits

1. Reserved Matters (Layout, Scale, Appearance and Landscaping).
2. Four Year Outline Permission.
3. 2 Year Reserved Matters Time Limit.

Parameters and Restrictions

4. Approved Plans.
5. B1(a) Office Development Only.
6. Site Levels.
7. Reserved Matters Scale Parameters (maximum building heights and maximum floorspace).
8. Restriction of development area to exclude Valley Brook, University Way embankment and root protection zones.
9. No works within Valley Brook and no tree works between 1st March and 31st August.

Highways, Accessibility and Drainage

10. Site access to base course before development commences.
11. Surface Water Regulation
12. Detailed scheme to manage flood risk from surcharging of surface water drains.
13. Implementation of permeable surfaces.
14. Details of cycle parking.
- 15 Details of bin stores.
16. Oil interceptors.

Landscaping

17. Strategic Landscaping Scheme.
18. Implementation/Maintenance of Strategic Landscaping Scheme.

19. Scheme for Tree Protection.

20. Valley Brook Bank Protection.

Other Matters

21. Detailed Travel Plan.

22. Detailed Scheme for Lighting

Location Plan : Licence No 100049045



Planning Reference No:	10/4018N
Application Address:	56 Crewe Road Nantwich, CW5 6JD
Proposal:	Conversion and Extension of Former Public House and Managers Flat to 2 Dwellings and Erection of 9 Residential Apartments with Car Park
Applicant:	Alexandra Countryside Investments Ltd
Application Type:	Full Planning
Grid Reference:	365830 352232
Ward:	Nantwich
Earliest Determination Date:	1 st December 2010
Expiry Dated:	9 th December 2010
Date of Officer's Site Visit:	10 th November 2010
Date Report Prepared:	19 th November 2010
Constraints:	N/A

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Loss of community facility
- Impact on adjoining residential amenities
- Impact on character and appearance of area
- Impact on highways

1. REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located in a mainly residential area on the south side of Crewe Road. It is within the settlement boundary for Nantwich. The site comprises the Cheshire Cheese public house and land to the rear extending for approximately 95m in depth.

3. DETAILS OF PROPOSAL

Planning permission is sought for a change of use from public house and manager's flat to two 3 bedroom dwellings and the provision of a building for nine apartments on land to the rear. This includes 6 two-bedroom units and 3 one-bedroom units. The apartments will be provided in a single three-storey building which will align with the end terraced house known as 60 Crewe Road. The building will be constructed in brick and plain tiles. Parking and private garden space will be provided to the rear of the public house to serve the two dwellings. A total of 19 car parking spaces are proposed two of which are disabled driver spaces and an area of open space will be provided to serve the apartments. Cycle parking is proposed for the apartments. The existing access to the car park at the public house will be used to serve all the new development. A bin store will be positioned between the

apartments and the rear of the Cheshire Cheese so that the refuse vehicle does not have to access the narrow space alongside the flats.

The works to convert the public house to a residential accommodation include the removal of a single storey extension on the rear of the main building and the erection of a two-storey extension.

4. RELEVANT HISTORY

P08/0865 - Change of Use from Public House to A3 Indian Restaurant – Refused 3rd July 2009

P08/0498 - Conversion of Former Public House and Managers Flat to One Dwelling and Erection of 9 Residential Apartments with Car Park – Approved 29th July 2008

P07/0079 - Four dwellings - Refused 9th March 2007.

5. POLICIES

Development Plan policies

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

CF.3 (Retention of Community Facilities)

NE.9 (Protected Species)

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets

EM18 – Decentralised Energy Supply

MCR4 – South Cheshire

National policy

PPS 1: (Delivering Sustainable Development)

PPS 3: (Housing)

Supplementary Planning Document on Development on Backland and Gardens

6. CONSULTATIONS (External to Planning)

The Strategic Highways and Transportation Manager: No representations received at the time of writing this report

Environmental Health: Request conditions regarding contaminated land and construction hours

Hospital Street Association: No representations received at the time of writing this report

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

7. NANTWICH TOWN COUNCIL

The Town Council welcomes this application.

8. OTHER REPRESENTATIONS

Two letters of representation received from the occupants of 10 Whitewell Close and 15 Jackson Avenue raising the following points;

- Parking is a problem in the area
- Additional parking should be provided for the residential properties along Crewe Road
- Concern over the boundary treatment proposed to the southern boundary of the site

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (*Produced by Rex Brockway*)

- Planning permission (P08/0498) was granted on 29th July 2008 for a similar development including an identical block of 9 residential apartments but with the conversion of the former public house and manager's flat to one dwelling rather than the two dwellings now proposed
- Closure of the Cheshire Cheese does not leave the local community without alternative public houses or other opportunities for social gatherings. The nearest public house (the Leopard) is 300 metres away. Within 800 metres of the Cheshire Cheese there are 13 alternative public houses
- Conversion of the public house to 2 dwellings is appropriate having regard to the desirability of retaining the existing building taking into account its contribution to the street scene, the existing residential use of the first floor, the suitability of the ground floor for residential use and the residential character of the area
- The proposed small dwellings will help to achieve a mix of housing in the area in accordance with PPS3 paragraph 24. The scheme achieves a density equivalent to 61 dwellings per hectare. This is appropriate taking into account the highly sustainable location of the site but also the need for the new building to respect the scale and proximity of nearby residential properties and avoid problems of overlooking and overbearing
- The layout reflects the need to retain the public house building on the front of the site, the site's long and narrow shape and the need to position the apartment building to avoid amenity problems
- The proposed apartment block is three storeys in height. This is appropriate having regard to the ridgeline of the adjacent tall Victorian houses which are built on higher ground than the proposed apartments
- The external appearance of the public house will be unaffected. To the rear the outbuildings will be replaced by a rear extension in keeping with the appearance of the former public house. The appearance of the apartment building reflects features typical of the area and includes chimneys and decorative bargeboards as previously approved

- The site is in a highly sustainable location within a short walking distance of a wide range of facilities, services and jobs within and close to Nantwich town centre
- Vehicular access is from Crewe Road. A Transport Statement prepared by David Walpole Associates and submitted as part of the first planning application concludes that the site will generate less traffic if it is redeveloped for residential purposes than it will if it continues as a public house.

Bat Survey (Compiled by Val Cooper and dated October 2010)

- Bats are active across the site. As there are identified potential access points and (limited) roosting opportunities in the building it is recommended best practice measures are taken to ensure that no bats are killed, injured or trapped in works and that contractors are aware of responsibilities if bats are found. The installation of boxes and other site enhancements will mitigate for the loss of potential roosting places in the building
- A number of other mitigation measures such as timing of works and the methods used in carrying out the works are also suggested.

10. OFFICER APPRAISAL

Principle of Development

Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Nantwich. Whilst the proposed density of development is slightly above that required by RES.3 of the Local Plan it should be noted that the site is in a sustainable location in close proximity to Nantwich Town Centre. Furthermore the site has approval for a similar development which included the conversion of the public house into one unit instead of the two units which are proposed as part of this application.

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. 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 Nantwich with other public houses within walking distance. The loss of the public house was accepted following the receipt of marketing information as part of the previous approval (P08/0498).

Design

The three storeys apartment building would be constructed in brick and tiles with a traditional appearance which would respect its setting in this older part of Nantwich. The building itself would be split into two sections with the eastern section set slightly forward of the western part. This would help to break up the mass of the building. Overall, however, it would align with the terraced houses which terminate at 60 Crewe Road and therefore the proposed location respects this group of dwellings. Whilst the heights of buildings generally fall from east to west along Crewe Road, the ridge of the roof to the terraced houses is at the same level across all this group of dwellings. The ridge to the roof of the proposed apartments would stand above the ridge to the roof at the terraced houses and therefore would be contrary to the existing pattern of roofscape. However, the eaves lines would be at the same level and the apartments would be set well back from

the highway, and consequently the increase in height is not considered to be sufficient to justify a reason for refusal.

In detail, the brick plinth, front porch on the north elevation, the presence of string courses, cills and lintels and timber detailing in the main gable on the front elevation, spar feet and ornate barge boards would all present an appropriate appearance for the proposed development.

Appropriate amenity space would be provided for the two dwellings and also for the apartments.

Amenity

The proposal to convert the public house into two dwellings includes a two storeys rear extension, which would have a projection of 5.3 metres, a width of 6 metres and a ridge height of 7.2 metres. The principal windows in the extension would be at the rear (south elevation) and face into the site. At ground floor there would be two glazed doors to a dining area and a kitchen window. At first floor there would be two bedroom windows. The side (east) elevation would include at ground floor an entrance door and a window to a cloakroom and at first floor it would include a window to a bathroom. The majority of this proposed extension would be screened to No. 54 by the existing outrigger at the public house, whilst there would be a separation distance to No. 60 of 28 metres. It is therefore considered that the proposed rear extension would not have a detrimental impact upon residential amenity.

The former manager's flat included a first floor lounge which adjoins No. 54. This would be used as a bedroom for one of the dwellings. Furthermore, there would be benefits to nearby residents due to the loss of the public house opening late at night.

The proposed apartment building would be aligned with the terraced houses which terminate in 60 Crewe Road. There are obscure glazed ground floor windows in the end elevation of 60 Crewe Road which provide additional light to the lounge. These are screened from the development site by a mature boundary hedgerow. At the apex of the gable (side elevation) is a secondary window to a bedroom which is also lit by a dormer window in the rear elevation. There are a number of small and/or secondary windows in the rear projection at 60 Crewe Road and also a kitchen window at ground floor level, all of which face the development site. The kitchen window is also screened by the mature hedgerow. It is not therefore considered that the proposed apartment building would adversely impact on light to windows at 60 Crewe Road.

The apartment building would have small secondary windows to the lounge/ kitchen area in the ground, first and second floor apartments in the west elevation and windows to stairwells and bathrooms in the east elevation. Overlooking from ground floor windows could be prevented by boundary treatment. Overlooking from first and second floor bathroom and stairwell windows in the east elevation could be avoided by the use of obscure glass. This would prevent residents on the stairs looking into the rear yard/ garden of 60 Crewe Road. In the west elevation there would be two windows both of which would serve the kitchen end of the kitchen/ lounge. These could also be fitted with obscure glass to prevent residents looking directly down into the detached garden areas to 1 and 2 Brick Bank.

In terms of impact of the apartment building on residential amenities at adjacent dwellings, the building would stand 7.4m to the eaves and 11.5m to the ridge of the roof. The building would be sited 1.3m below the level of 60 Crewe Road so that the eaves of the two dwellings would be at a similar level when viewed in the street scene. The ridge of the roof of the apartment building would stand about one metre above the level of the adjacent dwelling but separated by a distance of 5.5m at the closest point. The proposed position of the apartment building is considered to be well away from the converted public house and dwellings in Brick Bank so as not to unreasonably overshadow these dwellings. Whilst the apartment building would cast shade in the morning across the detached gardens to 1 Brick Bank (and to a lesser extent 2 Brick Bank) this would be for a limited time in the day. The detached garden areas to dwellings 1 and 2 Brick Bank are 19m in depth and it is not considered that the presence of this three storeys high building one metre off the common boundary would unreasonably detract from the enjoyment of these garden areas. The site layout shows that the dwellings themselves are 25.8m away from the western elevation of the proposed apartment building.

The apartment building would be separated from the proposed dwellings at the public house by a minimum distance of 25m at the closest point. However, the windows in the rear elevation of the converted public house would be at first floor 3 bedroom windows and a bathroom window, and at ground floor a kitchen window, a small window to provide light to a staircase and glazed doors to two dining areas. Overlooking to the ground floor would be largely screened by boundary treatment. The first floor bedroom windows in the converted public house would be 26m from the first and second floor lounge windows in the apartments and in such circumstances it is not considered that the windows in the apartment building would result in unreasonable overlooking. There are no objections regarding potential overlooking from bedroom windows in the apartments to first floor windows in the converted public house. There would be a degree of overlooking from the lounge windows at one first floor and one second floor apartment to the private garden areas at the former public house. These windows would be 10m away from the boundary to the private garden areas. However to reposition the apartment block to avoid this would have a detrimental impact on the design aspects of the scheme. At these distances the proposed apartment building would not over dominate the new dwellings in the public house.

It is not considered that the proposed apartment building would adversely impact on dwellings which are further away such as the terraced houses at 46-54 Crewe Road or 62 Crewe Road.

Highways

Although the comments of the Strategic Highways Engineer have not been received at the time of writing this report the proposed development would result in the addition of one residential dwelling from the previous approval. It is therefore considered that the proposed development would not have a detrimental impact upon highways safety whilst sufficient car-parking (163% provision) is proposed in this sustainable location.

Ecology

No evidence of roosting bats was recorded at the application site. The submitted Bat Survey states that a small part of the building was not accessible for internal survey, however, considering the condition of the building, its location and the survey effort

undertaken, the Council's Ecologist has advised that roosting bats are not reasonably likely to be present or affected by the proposed development.

As there was some bat activity recorded during the survey the Council's Ecologist recommends that as much existing vegetation as possible is retained and that native species or ornamental species of value for wildlife are included in the landscaping scheme for the site to ensure there is no loss of bat foraging habitat. In addition there should be no illumination of trees or boundary features that could be used by foraging commuting bats. Proposed lighting should therefore be low level and directional.

If planning consent is granted the Council's Ecologist also recommends that a condition is attached to ensure that bat roosting opportunities are provided as part of the proposed development.

11. CONCLUSIONS

The proposed conversion of the public house into two dwellings would not result in the loss of a community facility with special value or significance to the local community.

The principle of conversion of the public house into two dwellings and the provision of an apartment building for nine units corresponds with policies for residential development in the locality. The proposed apartment building would not adversely impact on residential amenities at nearby properties nor would it adversely impact on the character and appearance of the area. The Transport Statement indicates that development of the site for residential purposes would generate less vehicle movements than the use of the former public house. The development is therefore considered to comply with policies in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time limit 3 years**
- 2. Materials to be agreed in writing by the Local Planning Authority**
- 3. Condition to specify the approved plans**
- 4. Obscure glazing to secondary windows in east and west elevations of apartments at first and second floor levels**
- 5. Provision of parking spaces for converted dwellings before first occupation**
- 6. Provision of parking spaces for the apartments before first occupation**
- 7. Landscaping scheme including open space for apartments, the landscaping scheme shall include native species or ornamental species of value for wildlife only**
- 8. Implementation and maintenance of landscaping and open space**
- 9. Provision of garden spaces for the two dwellings**
- 10. Withdraw all Permitted Development rights for the two dwellings**
- 11. Boundary treatment to be agreed in writing by the Local Planning Authority**
- 12. Reveals to windows and doors to be a minimum of 100mm**
- 13. Drainage to be agreed in writing with the Local Planning Authority**
- 14. Bin storage details to be agreed in writing by the Local Planning Authority**
- 15. Cycle storage details to be agreed in writing by the Local Planning Authority**
- 16. Details of bat roosting areas to be agreed in writing by the Local Planning Authority**

17. Details of how the proposed development will secure at least 10% of its predicted energy requirements from decentralised and renewable or low-carbon sources shall be submitted to the Local Planning Authority and approved in writing.

Location Plan : Licence No. 100049045



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Planning Reference No:	10/4124N
Application Address:	Former Factory, Chestnut Grove, Crewe
Proposal:	14 Two Storey Dwellings at Former Factory Site Chestnut Grove Crewe
Applicant:	Mr D. Beecroft
Application Type:	Full Planning
Grid Reference:	371303 356012
Ward:	Crewe East
Earliest Determination Date:	15 th November 2010
Expiry Dated:	10 th January 2011
Date of Officer's Site Visit:	29 th October 2010
Date Report Prepared:	24 th November 2010
Constraints:	N/A

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Loss of employment site
- Design/Impact on character and appearance of area
- Impact on adjoining residential amenities
- Impact on highways

1. REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located on the northern side of Chestnut Grove within the Crewe Settlement Boundary. The factory unit which once stood on the site has now been demolished. The area is predominantly residential with the majority of the surrounding properties including those opposite being traditional terraced dwellings. The properties to the rear of the application site fronting Beech Grove are semi-detached dwellings while a railway line runs to the east of the application site. A separate parcel of land to the east of No 19 Chestnut Grove also forms part of this planning application and is currently used as an informal car park (previously it was used as a car park for employees of the now demolished factory).

3. DETAILS OF PROPOSAL

The proposed development is for the erection of a single terrace of 14, two-bedroom dwellings. The proposed dwellings would be of a traditional appearance with bay windows at ground floor alternated between pairs of dwellings. The proposed dwellings would be set back from the pavement by 2 metres with a 1 metre high wall enclosing a front garden area. To the opposite side of Chestnut Grove is a separate parcel of land which also forms part of the application site, this would be developed to form a 15 space car park which

would serve the proposed dwellings. An alleyway would be provided to the rear of the dwellings with all of the proposed dwellings having access to this alleyway. An application for the same development was approved under planning application P07/0431; however this permission has now expired.

4. RELEVANT HISTORY

P07/0431 – Fourteen two storey dwellings – Approved 1st June 2007

P02/0899 - Change of Use to Store, Offices and Car Park for Roofing Contractors – Withdrawn 4th November 2002

P02/0404 - Removal of Condition 3 on Planning Permission P01/0980 – Approved 25th August 2002

P01/0980- Change of use to Assembly, Storage and Distribution of Agricultural Equipment and Products – Approved 4th December 2001

P00/0926 - Outline Application for Residential Development – Approved 6th December 2000

7/12709 - Manufacture of glass units aluminium and UPVC window frames – Approved 19th December 1985

7/06909 - Change of use to office and warehouse – Approved 29th May 1980

5. POLICIES

Development Plan policies

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

CF.3 (Retention of Community Facilities)

NE.9 (Protected Species)

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets

EM18 – Decentralised Energy Supply

MCR4 – South Cheshire

National policy

PPS 1: (Delivering Sustainable Development)

PPS 3: (Housing)

Supplementary Planning Document on Development on Backland and Gardens

6. CONSULTATIONS (External to Planning)

The Strategic Highways and Transportation Manager: No objection. A condition should be attached to ensure that the parking provision shown on the plans is provided.

Environmental Health: Request conditions regarding contaminated land, construction hours, pile driving, external lighting and a noise assessment

Network Rail: The developer should ensure that the works do not encroach onto Network Rail land. The developer must ensure that storm water/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. The Developer must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. The applicant must ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24 and the local planning authority should use conditions as necessary.

United Utilities: No objection. The site must be drained on a separate system with only foul drainage connected into the foul sewer, deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems, the level of cover to the sewers must not be compromised either during or after construction and a separate metered supply to each unit will be required

7. OTHER REPRESENTATIONS

Three letters of representation have been received from the occupants of 15 & 19 Chestnut Grove and 101 Richmond Road raising the following points;

- The proposed parking area is dangerous with visibility limited when vehicles are reversing onto the road
- Cars parked so close to the boundary fence would impact upon privacy
- Noise caused by vehicles using the proposed car park
- The number of parking spaces should be reduced to 15 with a landscape buffer between the car park and 19 Chestnut Grove
- Car parking problems in the area
- Increase in anti-social behaviour
- Car parking should be provided to the front of the dwellings
- Concern over health and safety due to the building works
- Bin storage

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- The site is in an established residential area
- The design is of a typical period housing development
- The site is arranged with the front of the houses facing Chestnut Grove and running along the length of the site with a small front garden with pedestrian access to the front doors
- A garden area to the rear of each dwelling is accessed via a rear alleyway
- Off road parking for 21 cars on the opposite side of Chestnut Grove
- There is provision for four refuse/recycle bins to each property with wheelchair access
- Each house has a storage shed to the rear garden with room for secure storage of two cycles and tools etc
- The scale of the houses is commensurate with houses in the vicinity

Pre-development Ecology Report (Compiled by CES Ecology and dated October 2009)

- Subject to any other constraints being satisfactorily addressed, any site clearance work should take place outside the birds nesting season. If this is not possible, a nesting bird survey should be undertaken immediately prior to any planned clearance works taking place. Should a nesting bird be discovered, an appropriate strategy to avoid damage or disturbance must be formulated and implemented. Management of the site should be undertaken to ensure that the site does not become suitable for nesting birds, i.e. vegetation should be kept below 15 centimetres
- Care should be undertaken during the proposed development not to kill or injure any grass snakes, slow worms or adders on the site. Careful checks of each area should be made before any site clearance works take place. However it is worth noting that reptiles might use as cover items such as tarpaulins and sheet metal. Leaving such items on a site could encourage reptiles to remain within the development area which could potentially cause them to be injured or killed
- Should protected species be found, it is possible that an appropriate licence would have to be obtained from Natural England before any development works can take place.

An Environmental Assessment Report & Outline Remedial Action Plan has also been produced in terms of the possible land contamination at the site.

- This report is available to view on the planning file

9. OFFICER APPRAISAL

Principle of Development

Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Crewe. Whilst the density of development is above that required by RES.3 of the Local Plan it should be noted that the site is in a sustainable location in close proximity to Crewe Town Centre and the density of the site is consistent with the surrounding terraced residential properties. Furthermore approval for the same development has been given in the past.

Although the factory which stood on the site has now been demolished the site was last in an employment use. The proposed development would result in the loss of a small scale employment site within the Borough and Policy E.7 states that development that would result in the loss of an employment site will only be permitted where: (i) it can be

demonstrated that the present use harms the character or amenities of surrounding properties (ii) the site is not capable of satisfactory use for employment and overriding local benefit would come from the proposed development; OR (iii) it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises within the Borough.

In this case the Council has previously accepted the loss of this employment site following the approval of application P07/0431. This was because of historic on-going complaints over the activities and operations on this site and its compatibility with the surrounding residential properties. As a result it is considered that the loss of the employment site is acceptable in this instance.

Design

The surrounding area is mainly characterised by traditional red brick terraced dwellings. It is considered that the design of this terrace which includes alternate pairs of dwellings with ground floor bay windows respects the character and appearance of the area. The proposed windows are lined through at ground and first floor levels with stone headers and cills, while other details such as brick corbelling at eaves level and contrasting plinth and string courses all add visual interest to the proposed terrace.

The rear elevation is of a more simple design but still contains stone headers and cills to the windows, brick corbelling at eaves level, and contrasting plinth and string courses, while single storey out-riggers help to break up the rear elevation all of which is considered to be acceptable design.

To ensure the design is acceptable conditions will be added to ensure that adequate boundary treatment, materials and landscaping details are provided while a further condition will be added to ensure that an adequate reveal to the windows is provided.

Amenity

The main properties affected by this proposal are those on the opposite side of Chestnut Grove. The proposed development would result in a separation distance of just 13 metres between the front elevations of the existing and proposed dwellings, compared to the separation distance with the former factory unit of 11.2 metres. The development is in an area characterised by terraced properties with short distances between front elevations, and it is considered that the proposed development is acceptable in terms of its impact upon other residential properties on Chestnut Grove. The intimate residential relationship should be judged against the numerous complaints received by the Council over the previous use of the site. On this basis the proposed development will bring benefits to the amenities of properties fronting Chestnut Grove.

The proposed car park layout has been amended to take into account the concerns of the occupiers of 19 Chestnut Grove. A buffer will be created between this property and the parking spaces resulting in a reduction in the number of spaces to 15. The car park layout as amended will not have a detrimental impact on the amenities of the occupiers of 19 Chestnut Grove through loss of privacy or noise and disturbance. This site was used as a car park to serve the former factory, and the proposed car parking would also be overlooked by 5 of the proposed dwellings increasing the surveillance of this area of land. It is considered that laying out this parcel of land as a formal car park would provide amenity improvements.

In terms of the distance to properties fronting Richmond Road, there would be a distance of over 18 metres with a blank side elevation of the proposed end dwelling facing the properties fronting Richmond Road. The proposal is not considered to raise any amenity issues to the properties fronting Richmond Road.

To the rear there would be a distance of over 25 metres between the two-storey rear elevations of the proposed dwellings and the rear elevations of properties fronting Beech Grove. This distance is considered to be acceptable as it is consistent with existing development in the area with the development having no impact upon the amenities of dwellings fronting Beech Grove.

As part of the previous application the railway line was not considered by the Council's Environmental Health Department to raise any amenity issues for the future occupiers of the dwellings. An updated noise assessment will form a condition as part of any approval.

Highways

As part of this application an amended plan has been provided which reduces the amount of parking from 21 spaces to 15 spaces. This is to provide a buffer between the proposed car park and 19 Chestnut Grove.

Although the Strategic Highways Engineer's comments contained within this report are based on the original plan it is not considered that the reduction in car parking to just over 100% would raise any significant issues. The application site is within a highly sustainable location and is within walking distance of Crewe Town Centre. As a result the proposed parking provision is acceptable.

It is not considered that the proposed development would have a detrimental impact upon highway/pedestrian safety and these issues have not been raised by the Strategic Highways Engineer.

Ecology

As part of this application a pre-development ecology report has been provided. This indicates that it is unlikely that protected species would be affected by the proposed development and this is accepted by the Council's Ecologist. Conditions will be attached to the permission in relation to the timing of construction works outside the bird breeding season and the provision of bird nesting features.

10. CONCLUSIONS

The application site is a brownfield site within the Crewe Settlement Boundary and the proposal corresponds with policies for residential development in the locality. The proposed development will not adversely impact on residential amenities at nearby properties, raise any highway safety/parking implications or adversely impact on the character and appearance of the area. The development is therefore considered to comply with policies in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time limit 3 years**
- 2. Materials to be agreed in writing by the Local Planning Authority**
- 3. Condition to specify the approved plans**
- 4. Remove PD Rights for additional windows to the western gable**
- 5. Provision of parking spaces for the dwellings before first occupation**
- 6. Landscaping scheme to be agreed in writing by the Local Planning Authority**
- 7. Implementation and maintenance of landscaping**
- 8. Rear alleyway to be a minimum of 1 metre in width with gated access to all the proposed dwellings**
- 9. Boundary treatment to be agreed in writing by the Local Planning Authority**
- 10. Reveals to windows and doors to be a minimum of 55mm**
- 11. Drainage to be agreed in writing by the Local Planning Authority**
- 12. Bin storage details to be agreed in writing by the Local Planning Authority**
- 13. Details of how the proposed development will secure at least 10% of its predicted energy requirements from decentralised and renewable or low-carbon sources shall be submitted to the Local Planning Authority and approved in writing**
- 14. Surfacing materials to be agreed in writing by the Local Planning Authority**
- 15. Details of the external lighting to be agreed in writing by the Local Planning Authority**
- 16. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds**
- 17. Details of the bird nesting measures to be agreed in writing by the Local Planning Authority**
- 18. Details of any pile driving to be agreed in writing by the Local Planning Authority**
- 19. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Mondays to Fridays, 09:00 to 14:00 hours Saturdays, with no working Sundays or Bank Holidays to safeguard the amenity of local residents**
- 20. Prior to the commencement of development a Noise and Vibration Survey together with any mitigation measures which may be required shall be produced with reference to the adjacent railway line. The survey shall be submitted to the Local Planning Authority for approval in writing**
- 21. Prior to the commencement of development a Contaminated Land Assessment shall be submitted to the Local Planning Authority and approved in writing and any remediation measures that are required shall be implemented**

Location Plan : Licence No 100049045



Application No: 10/4236N

Location: LAND TO THE NORTH OF 50, WHITCHURCH ROAD, AUDLEM

Proposal: Erection of Two Stables and Hay Store/Barn and Change of Use of Agricultural Land to Land Used for Keeping Horses

Applicant: Mr Matthew Barnett

Expiry Date: 20-Dec-2010

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Principle of Development
- Highways
- Change of Use from Agriculture to the Keeping of Horses
- Design
- Amenity
- TPO

The application has been referred to the Southern Planning Committee in line with the Council's call in procedure.

1. DESCRIPTION OF SITE AND CONTEXT

The application relates to an existing paddock which is situated to the north of the applicant's property 50 Whitchurch Road, Audlem. The site is accessed via a shared private driveway off Whitchurch Road with Springfield Cottage located behind number 48 and the paddock being located to the rear of the residential properties along Whitchurch Road. The site falls within the Open Countryside, as defined by the Borough of Crewe and Nantwich Local Plan.

2. DETAILS OF PROPOSAL

Since its submission the application has been amended with the stable element of the proposal being omitted. The application now seeks planning permission for the erection of a hay store / barn and change of use of the land from agriculture to the keeping of horses. The building would be 6 metres by 3.6 metres with a height of 2.4 metres to eaves level and 3.3 metres to ridge; and would be in the same location as the hay store / barn in the original proposal.

The provision of any stables in the future would be subject to a separate planning application.

3. POLICIES

Regional Spatial Strategy (NW)

Policy DP7 Promote Environmental Quality

Borough of Crewe and Nantwich Local Plan Policy

BE1 (Amenity)

BE2 (Design)

BE3 (Access and Parking)

NE2 (Open Countryside)

RT6 (Recreational Uses in the Open Countryside)

Other Material Considerations

PPS1 Delivering Sustainable Development

PPS4 Planning for Sustainable Economic Growth

PPS7 Sustainable Development in Rural Areas

4. CONSIDERATIONS (External to Planning)

Highways:

No objection.

Environmental Health:

No objection but requests that any manure generated from the activity being stored / stock piled away from the boundaries of any neighbouring properties.

5. VIEWS OF THE PARISH / TOWN COUNCIL

No comments received at time of report preparation as Parish Council have requested an extension of the consultation period. Consultation response will be provided by update.

6. OTHER REPRESENTATIONS

Five letters of objection have been received from neighbouring properties in relation to initial proposed development which proposed a stable block with 2 No. stables and 1No. hay store / barn and also change of use of the land from agriculture to the keeping of horses. The application has now been amended to omit the 2No. stables from the proposal.

In summary the original objections relate to the following:

- - The siting of the stable block in proximity to property number 46 Whitchurch Road
- - Amenities issues associated with manure and the attraction of vermin and flies; noise.
- - Increased traffic onto Whitchurch Road and highway safety

- - Shared access is for private use and not suitable for horse boxes and such traffic. Increased wear and tear of access
- - Timber construction of stable block being a fire risk
- - Presence of a TPO
- - Intention to develop the land for commercial purposes i.e. a livery or acquiring residential planning permission.
- - Reduction of light and enjoyment of garden to property number 46 Whitchurch Road.
- - Obstruction of views over open fields

Other Issues

Failure of the Council to notify property known as Great Western Whitchurch Road.

7. OFFICER APPRAISAL

Principle of Development

Policy NE2 (Open Countryside) restricts development within the open countryside to that which is essential to agriculture or other appropriate activities including outdoor recreation. It is accepted that equestrian use is an appropriate form of development within the open countryside. Policy RT6 (Recreational Uses in the Open Countryside) provides, amongst other things, that proposals will be permitted provided that they do not harm the character and appearance of the countryside; and that any new structures should be sited close to existing buildings and should blend into the surrounding landscape in design, siting, materials and landscape.

Highways

The Strategic Highways Manager has raised no objection to the proposal which is considered to be acceptable in highway safety terms. The proposal is small-scale and would be for domestic purposes in connection with the applicant's property to which the site relates. The development would not be for commercial purposes and as such any traffic associated with the development would be infrequent. Issues of maintenance of the private driveway are a separate legal matter between the landowners which cannot be considered as part of this application.

Change of Use from Agriculture to the Keeping of Horses

The application proposes a change of use of the existing paddock from agriculture to the keeping of horses. The field to which the change of use relates was formerly used for agriculture where the proposed equestrian use for the keeping of horses is not dissimilar and would be compatible with its countryside location and surrounds. It is considered that this element of the proposal would accord with Local Plan policies NE2 (Open Countryside) RT6 (Recreational Uses in the Open Countryside)

Design

The proposal as amended includes the provision of a hay store / barn which would be sited in the field to which the change of use relates, which is located to the north of the applicant's

property. The hay store / barn would be a timber construction and would measure 6 metres by 3.6 metres with a height of 2.4 metres to eaves level and 3.3 metres to ridge. This would be sited in the south east corner of the field which shares a garden boundary with property number 46 Whitchurch Road, and would be close to the access to the site. The siting of the building in the corner of the field would mean that the proposal would be sufficiently screened by the existing site arrangements and would avoid unnecessary encroachment into the open countryside. The building would be relatively small-scale with the timber construction reducing the visual 'permanency' of the structure. It would therefore be appropriate in its setting. Having regard to the above it is considered that the proposal is in accordance with Local Plan policies BE2 (Design) and RT6 (Recreational Uses in the Open Countryside).

Amenity

The hay store / barn would be located in the south east corner of the field close to the site access. The paddock shares its eastern boundary with the rear gardens of properties 46 – 38 Whitchurch Road, with the proposal being sited near to the boundary of number 46. The building would be 3 metres from this boundary and would be around 21 metres from the property (number 46). There are existing outbuildings and other domestic paraphernalia present in the rear garden of number 46 which would screen the development from this property. The separation distance from the boundary and also the single storey height would mean that the development would not be visually intrusive to this property nor would it give rise to issues associated with loss of light. The equestrian use of the site would be compatible with its countryside location and its surroundings, and it is not considered that the keeping of horses would be harmful to neighbouring residential amenity.

Whilst residents concerns about vermin and flies are noted, Environmental Health have raised no objection to the original application. Therefore it is not considered that a refusal on these grounds could be sustained. They have requested that any manure generated from the activity should be stored / stock piled away from the boundaries of any neighbouring properties. However since the stable accommodation element of the proposal has been omitted it is no longer considered reasonable for this to be conditioned as part of the amended application.

In summary, the equestrian development is small-scale and for domestic purposes associated with the applicant's property 50 Whitchurch Road, Audlem and in this regard it is considered that the proposals would have an acceptable impact on neighbouring residential amenity, in accordance with Local Plan policy BE1 (Amenity).

Trees

There is a tree within the curtilage of number 46 Whitchurch Road which is subject to a Tree Preservation Order. The tree plan illustrates the root protection zone of this tree which has a radius of 15 metres. The proposed building would be clear of this protection zone and as such there would be no impact on this tree as a result of the development. In order to ensure the protection of this tree during construction a standard tree protection condition would be attached to any permission.

Other Matters

Fire risk due to timber construction

Equine related developments are commonly constructed from timber, which is an appropriate material for its purpose. There are a number of timber out buildings / sheds within the vicinity with the proposed development posing no additional fire risk. Furthermore timber is considered to be an appropriate material for this type of development in its rural setting.

Publicity

Concern has been raised over the failure to notify in writing the occupants of the property known as 'Great Western' Whitchurch Road. Under the Neighbour Notification protocol this property does not share a common boundary with the application site (edged red) and as such is not required to be notified in writing. Where neighbour notification is undertaken for minor development there is no additional requirement for a site notice.

8. CONCLUSIONS AND REASON(S) FOR THE DECISION

The application proposes an acceptable form of development within the open countryside having regard to the small-scale nature of the proposal which is for domestic purposes associated with 50 Whitchurch Road, Audlem. The proposal would have an acceptable impact on neighbouring residential amenity and would not be detrimental to the character and appearance of the open countryside. The proposed development is therefore in accordance with the Development Plan and is recommended for approval accordingly, subject to the following conditions:

- 1. Standard Time**
- 2. Approved Plans**
- 3. Materials**
- 4. Domestic Use only**

Location Plan



LIST OF APPEALS DETERMINED

Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
10/1920 C	7, THE MOORINGS, CONGLETON, CW12 3RF	Two Storey Side Extension	Delegated	n/a	Refused	Dismissed 9/11/2010
10/0235 N	1 RIVER BANK BARN, OAK TREE BARNS, POOLE HILL ROAD, POOLE, NANTWICH, CW5 6AH	Erection of Porch and Window Canopy	Delegated	n/a	Refused	Dismissed 9/11/2010
10/0390 C	MISTAL LOFT, VICARAGE LANE, BETCHTON, CW11 4TB	RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL CURTILAGE, INCLUDING THE ERECTION OF SHED AND WENDY HOUSE, CREATION OF PARKING AREA AND ENTRANCE AND ASSOCIATED LANDSCAPE WORKS.	Delegated	n/a	Refused	Dismissed 15/11/2010
10/2808 N	14, MARSH LANE, NANTWICH, CW5 5HH	Render to Side of Property Within the Nantwich Conservation Area	Delegated	n/a	Refused	Dismissed 16/11/2010
10/1421 M	1-3 Brook Sreet, Macclesfield	VARY THE HOURS OF OPENING OF AN A5 HOT FOOD TAKEAWAY	Delegated	n/a	Refused	Dismissed 15/11/2010
09/0695 M	(land off CoppiceWay, Handforth	DEVELOPMENT OF A CARE VILLAGE (SUI-GENERIS USE) COMPRISING 58-BEDROOM CARE HOME; 47 CLOSE CARE COTTAGES; 15 SHARED OWNERSHIP	SPB	y	Approve Refuse	Dismissed 28-Oct-2010

		AFFORDABLE DWELLINGS; AND ASSOCIATED ACCESS ROADS, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY DEVELOPMENT.				
09/0708 M	(LAND OFF COPPICEWAY , HANDFORTH	FORMATION OF NEW VEHICULAR ACCESS FROM COPPICE WAY & ENGINEERING WORKS	SPB	y	Approve Refuse	Dismissed 28-Oct-2010
09/3023 M	(land off CoppiceWay, Handforth	OUTLINE PLANNING APPLICATION WITH MEANS OF ACCESS, LAYOUT, SCALE AND APPEARANCE FOR CONSIDERATION AND LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL FOR THE DEVELOPMENT OF A CARE VILLAGE COMPRISING 55 BEDROOM CARE HOME, 36 CLOSE CARE COTTAGES; 6 SHARED OWNERSHIP AFFORDABLE DWELLINGS - ALL FOR THE OVER 55'S; AND ASSOCIATED ACCESS ROADS, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY DEVELOPMENT.	SPB	y	Approve Refuse	Dismissed 28-Oct-2010
09/3050 M	(land off CoppiceWay, Handforth	FORMATION OF NEW VEHICULAR ACCESS FROM	SPB	y	Approve	Dismissed

		COPPICE WAY AND ASSOCIATED ENGINEERING WORKS			Refuse	28-Oct- 2010
09/3983 M	75 Macclesfield Road, Prestbury	ERECTION OF ONE FIVE- BEDROOM DETACHED DWELLING	delegated	n/a	Refuse	Dismissed 27 October 2010
09/4335 M	land off Cumberland Drive, Bollington	erection of 4 dwellings	Committee	y	Approve Refuse	Allowed Costs awarded against Council 25 Oct 2010

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