

Application No: 13/4194N

Location: 'The Limes', 425, Crewe Road, Winterley, Sandbach, Cheshire, CW11 4RP

Proposal: Conversion of existing detached dwelling into 4 apartments, erection of 2 two-storey detached dwellings & 4 two-storey semi-detached dwellings and associated works

Applicant: Mr Michael & Neil Ghosh

Expiry Date: 07-Jan-2014

### **SUMMARY RECOMMENDATION**

**APPROVE subject to conditions**

#### **MAIN ISSUES**

- Principle of development
- Impact upon the Locally Listed Building
- Impact upon amenity
- Impact of the design
- Impact on trees
- Impact on protected species and sites of nature conservation
- Impact upon highway safety
- Public Open Space
- Education.

### **REASON FOR REFERRAL**

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

### **DESCRIPTION OF SITE AND CONTEXT**

The application site is 0.26 hectares in size and is surrounded by residential properties to the west, south and east with open fields beyond the settlement boundary of Winterley to the north.

The site comprises of a detached, two-storey, locally listed dwelling called 'The Limes' which is currently derelict and has been left unused for a number of years. The proposed site is largely square in nature.

### **DETAILS OF PROPOSAL**

It is proposed to renovate the central locally listed building and erect 4 semi-detached dwellings to the rear of the site and 2 linked-detached units, adjacent to (south) and forward of the locally listed building.

A new access onto Crewe Road is sought to the north which would extend along the side of the locally listed building and extend around to the rear. The existing access to the site would be used by the 2 linked-detached units.

## **RELEVANT HISTORY**

- P08/0384** - Conversion of Existing House to Four Apartments and Erection of Ten Dwellings – Refused 3<sup>rd</sup> June 2008
- P07/1198** - Twelve Dwellings – Refused 20<sup>th</sup> November 2007
- P04/0572** - Certificate of Lawfulness - use of dwelling house and curtilage for residential purposes – Positive Certificate Issued 7<sup>th</sup> July 2004
- 7/10182** - Swimming pool – Approved 14<sup>th</sup> July 1983

## **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
- BE.6 - Development on Potentially Contaminated Land
- BE.13 - Buildings of Local Interest
- RES.2 - Unallocated Housing Sites
- RES.3 - Housing Densities
- RES.4 - Housing in Villages within Settlement Boundaries
- RES.7 - Affordable Housing within The Settlement Boundaries of Nantwich and the Villages Listed in Policy RES.4
- NE.5 - Nature Conservation and Habitats)
- NE.9 (Protected Species)

### **Other Considerations**

National Planning Policy Framework (NPPF)

### **CONSULTATIONS (External to Planning)**

#### **Strategic Highways Manager**

- No objections to the new access and the level of parking proposed.
- Advises that the applicant will need to enter into an agreement under Section 278 of the Highways Act for the creation of the new access and widening of the frontage.

## **Environmental Protection**

- No objections, subject to conditions relating to hours of piling and the prior submission of a piling method statement.
- In addition informatives relating to hours of operation, lighting and contaminated land are sought.

## **United Utilities**

No objections, subject to a number of informatives including;

- that the site should be drained on a separate system,
- that surface water should be discharged to the soakaway/watercourse/surface water sewer,
- if the water is discharged into the public sewer, the flow may be attenuated to a maximum discharge rate, each unit should have a separate metered supply.

## **VIEWS OF THE PARISH COUNCIL**

Haslington Parish Council has no objections, but has concerns about the requirement of an additional access, the potential for further development to the rear, the lack of bin storage information and refuse lorry access information. Concerns have also been raised in relation to some garden space falling outside of the settlement boundary.

## **OTHER REPRESENTATIONS**

7 (330, 334, 411, 419, 429 Crewe Road, 22 Fishermans, 17 The Brambles) letters of objection have been received in relation to the proposed development. The main areas of concern are;

- Amenity – Overlooking
- Design – Concerns about the re-development of the existing house
- Precedent for further development to the rear
- Insufficient local amenities – Schools, doctors
- The impact upon trees
- Too many dwellings in Cheshire East
- Highway safety – New access, traffic volume, impact upon traffic calming measures, pedestrian safety
- Impact upon nature conservations – Wildlife and trees
- The way the new access road stops at a field suggesting further development

1 letter of support has been received (421 Crewe Road)

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Bat Report  
Great Crested Newt Appraisal  
Tree survey

Tree Removal Plan  
Topographical Survey

## **OFFICER APPRAISAL**

### **Principle of development**

Policy RES.4 of the Local Plan advises that *'Within the settlement boundaries of the following villages [Including Winterley] defined on the proposals map, the development of land or re-use of buildings for housing on a scale commensurate with the character of that village will be permitted, (In accordance with Policies BE.1 – BE.5).'*

As the development proposal falls almost entirely within the settlement boundary for Winterley and refers to the erection of new housing, the principle of the development is partially in accordance with the Local Plan.

Although the garden plots for the dwellings proposed on plots 9 and 10 would fall outside of the settlement boundary, within the Open Countryside, as this land is already used as garden space for the application property, it is not considered that the continuing use of this space as a garden would have any greater impact upon the Open Countryside than the existing situation, as no change of use is involved. On this basis, the proposal is considered to be acceptable in principle.

### **Amenity**

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The neighbouring properties that would be closest to the proposed new dwellings would be the occupiers of 429 Crewe Road to the north, 421 Crewe Road to the South and No.332 and 334 Crewe Road on the opposite side of the road.

The closest of the proposals to No.429 Crewe Road would be the locally listed building which is/will be approximately 20 metres to the southwest. As this building is already in situ, it is not considered that the occupiers of No.421 Crewe Road would be impacted in terms of loss of light or visual intrusion.

With regards to loss of privacy, within the existing relevant side elevation of the Locally Listed Building that would lie parallel to the side boundary of this neighbour's rear garden are a number of openings over 3 floors. The proposed development would maximise the use of these existing openings. The only differences being at ground-floor level where it is proposed to convert a door to a window, remove another window, and inset a new window into a proposed rear outrigger. Given that these changes to openings would be at ground-floor level only, 20 metres from the side elevation of this neighbouring dwelling and offset, it is not considered that the renovation of the locally listed building would create any privacy issues to this side.

The only other development within close proximity of this neighbouring dwelling would be the new units proposed to the rear of the site. (Houses 9 and 10.) These units would be approximately 25 metres to the west of this neighbour's rear elevation. As a result of this large separation distance, it is not considered that this development would have a detrimental impact upon the amenities of the occupiers of this neighbouring unit.

House 1, proposed to the south of the development site would be positioned parallel to the side elevation of No.421 Crewe Road. There would be a gap of approximately 3.5 metres between the elevations if constructed.

On the relevant side elevation of House 1 (a two-storey dwelling), 2 ground floor windows are proposed. Both of these windows would serve as secondary windows to a lounge which would also benefit from a set of patio doors to the rear. On the relevant side elevation of No.421 Crewe Road (a bungalow), there are no openings, although there is a conservatory to the rear. As the conservatory is open in nature and single-storey, subject to sufficient boundary treatment being secured by condition to this side, it is not considered that this closest dwelling would create any loss of privacy to the occupiers of No.421 Crewe Road.

In addition to the above, as the closest aspect of House 1 would not extend significantly beyond the rear building lines of this neighbouring property, there are no impacted principal windows on its side elevation and the proposed dwelling would be to the north, it is not considered that the occupiers of this neighbouring property would be impacted in terms of loss of light or visual intrusion.

The properties on the opposite side of Crewe Road would be over 35 metres away from the closest of the proposed dwellings. As such, it is not considered that the occupiers of these neighbours would be impacted with regards to loss of privacy, light or visual intrusion.

In terms of the relationships between the proposed developments themselves, these all meet the recommended separation standards detailed within paragraph 3.9 of the Development on Backland and Gardens Supplementary Planning document.

The level of private amenity space provided would comfortably meet the recommended 50 square metre minimum standard.

Environmental Protection have advised that they would have no objections to the proposed development subject to the addition of conditions relating to; hours of piling and the prior submission of a piling method statement, restrictions relating to hours of construction and a contaminated land informative are also recommended.

As a result of the above reasons, subject to the above conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

## **Design Standards**

Policy BE.2 of the Local Plan advises that any new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used.

The proposed housetypes are as follows:

- House Types A (plots 8 and 10) – Semi-detached unit, 4.5 metres in width, 8 metres in depth, dual pitched roof approximately 8 metres tall.
- House Types B (plots 7 and 9) – Semi detached unit, 5.2 metres in width, 8.4 metres in depth, dual pitched roof approximately 8 metres tall.
- House Type C (plot 1) – Link detached unit, L-shaped, 8.6 metres in width, 12.7 metres in depth, dual pitched roof approximately 8 metres tall.
- House Type D (plot 2) - Link detached unit, L-shaped, 8.6 metres in width, 12.7 metres in depth, dual pitched roof approximately 8.4 metres tall.

Within the wider vicinity of the development site to the north is a detached two-storey dwelling, a detached Methodist church and then a further 2 detached, two-storey dwellings. To the south is a detached bungalow then a series of two-storey, semi-detached dwellings. These dwelling's consist of a mixture of roof styles from dual-pitched, hipped and cat-slide.

Given that the majority of the dwellings are two-storey and either detached or semi-detached, it is considered that the form of the proposed dwellings would be acceptable.

With regards to the proposed dwelling's scale, the footprints of the units would not appear incongruous due to the mixture of footprints in the area. In terms of height, the new dwellings proposed would range from between 8 and 8.4 metres. The central locally listed building that the development would revolve around measures approximately 9.7 metres in height.

There is no record of the height of the adjacent property to the north, No.429 Crewe Road. However, this property is two-storey's in nature but with a relatively low overall height as the first-floor occupies much of the space within the dual-pitched roof. The adjacent property to the south, No. 421 Crewe Road is a bungalow.

As such, the proposed dwellings would be taller than those on the adjacent plots but lower in height than the locally listed building in the centre. As such, with regard to the streetscene, there would be stepped increase in height from each side of the site ensuring that the scheme would not appear incongruous. On balance, therefore, the proposed development from a height perspective is considered to be acceptable.

In terms of the materials proposed in the construction of the dwellings, it is advised within the application that the materials shall be submitted to the approval of the Local Planning Authority. This can be secured by condition.

In summary, for the reasons set out above, subject to a materials condition, it is considered that the proposed design of the scheme is acceptable. As such, it is considered that the proposed design would adhere with Policy BE.2 of the Local Plan.

### **Buildings of Local Interest**

The locally listed description of this dwelling is as follows;

*'A fine detached Victoria Villa, constructed in 1871 of brick. Has white painted detailing and bay windows flanking its central open door portico. Built for Baptist Church adjacent. Good example of 19th century domestic architecture. Contributes positively to the frontage of Crewe Road.*

*Group value to Primitive Methodist Church adjacent.'*

As it is proposed to renovate a Building of Local Interest on site, the application is subject to Policy BE.13 of the Local Plan.

Policy BE.13 advises that:

*'Buildings or structures included in the non-statutory list of buildings and structures of local architectural or historic interest will be protected from inappropriate development proposals affecting the reason for their inclusion in the list; unless it can be clearly demonstrated that there are reasons for development which outweigh the need to safeguard the building or structure.'*

The proposed external changes to the locally listed building are as follows:

- Southern side elevation – Convert a single, first floor window to a bay window
- Northern side elevation – Convert a ground floor door to a window & split-up an elongated ground floor window to 2 windows.
- Rear elevation – Insert a roof light, erect a single-storey rear extension

The Council's Heritage Officer has advised that the proposed changes sought to the locally listed building largely reflect those sought for planning application P08/0384.

In response to this submission, the applicant was advised that the small first-floor bay window on the side elevation of the dwelling and the larger ground-floor bay should be retained as part of the conversion. It was originally proposed that these openings be removed. The applicant has subsequently amended the proposed elevations to re-introduce these exiting features as requested.

Although the Council's Heritage Officer has some concerns regarding the impact the additional dwellings proposed would have on the setting of the locally listed building, she is satisfied with the scheme in general terms now the design changes sought to the side elevation of the dwelling have been made.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.13 of the Local Plan.

## **Trees**

The application is supported by a Tree Survey by Creative Landscape, and a Tree Removals Plan supplied by the architects.

The Council's Forestry Officer has advised that the majority of the trees identified for removal in order to facilitate development (some of which are protected by Tree Preservation Orders),

present either a very poor social proximity to existing buildings/structure or are considered to be structurally unsound.

It is advised that structural break-up would be inevitable should some of the trees be retained. As such, removal and replacement planting is considered to be a net long term gain.

The Forestry Officer concludes that subject to the addition of conditions relating to tree protection and tree pruning/felling specification, she would have no objections.

As such, subject to these conditions, it is considered that the proposal would adhere with Policy NR1 of the Local Plan.

## **Ecology**

The application was originally supported by a bat report and a great crested newt appraisal. Additional information regarding the impacts upon bats was submitted during the application process.

In terms of Great Crested Newts, the Council's Nature Conservation Officer has advised that this species is not reasonably likely to be present or affected by the proposed development.

In relation to bats, bat activity was noted in the form of a relatively minor roost of a widespread species within the existing house which is scheduled for conversion. There was no evidence to suggest a significant maternity roost is present.

As the building utilised by bats is scheduled for conversion and not demolition, the potential impacts on bats relate more to disturbance and modification of the existing roost. The Council's Nature Conservation Officer has advised that:

*'The submitted mitigation method statement makes recommendations as to the timing of the works to reduce the risk of bats being disturbed and recommends the installation of features to allow bats to have access to the converted property.'*

It is advised that should planning consent be granted, the proposed mitigation/compensation is considered to be acceptable and is likely to maintain the favourable conservation status of the species concerned. This shall be conditioned accordingly.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

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

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is 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
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

#### *Overriding Public Interest*

The existing dwelling is in a poor state of repair and it has been advised that it would not be financially viable to retain alone without the offset of associated residential development. As such providing bat mitigation measures, such as bat boxes on nearby trees and the provision of a temporary bat roost during site works would provide a suitable habitat for the bats.

#### *Alternatives*

There is an alternative scenario that needs to be assessed, which is that of no development on the site.

The existing building on site is no longer suitable for residential use as it is in a poor state of repair. As such it is likely that it would fall into disrepair further and eventually collapse, which would result in the total loss of the habitat for bats.

#### *Favourable conservation status*

In line with guidance in Circular 6/2005, appropriate mitigation should be secured if planning permission is granted. The proposed replacement habitat will provide adequate provision for the bats.

The proposed changes would have no additional ecological impact subject to the addition of the proposed bat mitigation measures. As such, subject to these conditions, the development would adhere with Policy NE.9 of the Local Plan.

#### **Access and Parking**

The proposed development would involve the creation of a new access off the western side of Crewe Road, Winterley. This would lead to a new road which would be used to access the 4 flats proposed within the locally listed building and 4 dwellings. The existing to the site would be utilised to access 2 dwellings. The submitted plan shows 200% parking provision for the 6 new dwellings proposed and 1 space for each of the 4, 2-bedroomed apartments.

The Council's Strategic Highway's Manager has advised that:

*'The two accesses will be sited on a section of Crewe Road which has in effect been narrowed by buildouts. Visibility is satisfactory and as there are a number of existing accesses on this section of Crewe Road I have no objection to creation of an additional two. Proposed parking provision is acceptable.'*

As such, it is considered that the development would adhere with Policy BE.3 of the Local Plan.

### **Affordable Housing**

The applicant proposes that all of the proposed 4, 2-bedroomed apartments within the locally listed building would be used as affordable housing.

The Council's Housing Officer has advised that there is a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 in the Haslington and Englesea sub-area within which Winterley falls. Cheshire Homechoice has 126 active applicants who selected Haslington as their first choice.

As the proposal is for 4no. 2 bed apartments to be provided as social rented accommodation, it is deemed to be acceptable that more than 30% affordable housing is provided.

Subject to this provision being secured via condition, it is considered that the affordable housing provision would adhere with the requirements of the Interim Affordable Housing Statement.

### **Education**

No comments had been received from the education officer at the time of report preparation. However, a further update will be provided to Members prior to their meeting.

### **Public Open Space**

The proposal falls below the threshold of 20 dwellings, which under Policy RT3 of the local plan triggers the requirement for the on-site provision of public open space. However, the policy does state on small residential development likely to be occupied by less than 50 people, contributions will be required towards the provision of children's play equipment and recreational open space, in an easily accessible location and where it would directly benefit the occupiers of the development. Elsewhere within the Policy RT3, easily accessible is considered to be within 400m. However, given that there are no existing public open spaces within Winterley, it is not considered that there would be suitable opportunities for a commuted sum payment to be spent and therefore a contribution is not considered to be reasonable in this instance and would not meet the requirement of the CIL Regulations to be "directly related to the development".

### **CONCLUSIONS**

In conclusion, the proposal is predominantly located within the settlement boundary for Winterley. The only element which lies within open countryside is the garden areas, which is already in use as established domestic curtilage and so consequently no change of use of this area would occur. The proposal is therefore considered to be acceptable in principle.

The proposed changes to the disused, locally listed building would be done in a sympathetic manner that would not compromise its listing. The proposed 6 new dwellings would also be of an acceptable design that would respect the local character of the area.

The scheme would not create any significant issues in terms of neighbouring amenity, trees, protected species or highway safety and sufficient affordable housing shall be provided. As such the proposed development would adhere with the following policies within the Borough of Crewe and Nantwich Adopted 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), BE.6 (Development on Potentially Contaminated Land), BE.13 (Buildings of Local Interest), RES.2 (Unallocated Housing Sites), RES.3 (Housing Densities), RES.4 (Housing in Villages within Settlement Boundaries), RES.7 (Affordable Housing within The Settlement Boundaries of Nantwich and the Villages Listed in Policy RES.4), NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species). The proposal would also accord with the NPPF.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission of facing and roofing details**
- 4. Prior submission of hard or soft surfacing materials**
- 5. Hours of construction**
- 6. Hours of piling**
- 7. Prior submission of a piling method statement**
- 8. Prior submission of lighting details**
- 9. 30% Affordable Housing requirement**
- 10. Tree protection**
- 11. Tree pruning specification**
- 12. Landscaping – Details**
- 13. Landscaping – Implementation**
- 14. Boundary Treatment**
- 15. Bat mitigation - Implementation**
- 16. Prior submission of drainage**
- 17. Prior submission of bin storage details**
- 18. PD removal A-E of Locally Listed Building**
- 19. PD removal for retention of garage spaces on plots 1 & 2**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the**

**Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

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