

<b>Planning Reference No:</b>	09/3256N
<b>Application Address:</b>	Cocoa Yard, Nantwich, Cheshire, CW5 5BL
<b>Proposal:</b>	Erect New (A1) Shop and (A2) Use - Two and Single Storey Building
<b>Applicant:</b>	Mr A. Butler
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	365192 352200
<b>Ward:</b>	Nantwich
<b>Earliest Determination Date:</b>	25 <sup>th</sup> November 2009
<b>Expiry Dated:</b>	10 <sup>th</sup> December 2009
<b>Date of Officer's Site Visit:</b>	27 <sup>th</sup> October 2009
<b>Date Report Prepared:</b>	18 <sup>th</sup> November 2009
<b>Constraints:</b>	Nantwich Conservation Area

## **SUMMARY RECOMMENDATION**

**Approve with Conditions**

## **MAIN ISSUES**

**Impact of the development on:-**

- The living conditions of neighbouring properties
- Design and Impact upon the Conservation Area and adjacent chimney
- The impact upon the adjacent tree

## **1. REASON FOR REFERRAL**

This application was to be dealt with under the Council's delegation scheme. However Cllr Moran has requested it is referred to Committee for the following reason;

Bulk and size of the proposed building, cramming in the space available, impact on the Cocoa Yard Conservation Area

## **2. DESCRIPTION OF SITE AND CONTEXT**

The Cocoa Yard is a pedestrian route between Pillory Street and Hospital Street within the Nantwich Settlement Boundary and Conservation Area. The Cocoa Yard is made up of a mix of retail units with residential units above and contains both modern and traditional buildings of varying heights. To the centre of the Cocoa Yard is a free-standing chimney which was part of the former smithy which stood on the application site. To the west of the application site is a small car-parking area with a large Sycamore tree located to the rear of the site. The application site comprises a paved open area with small areas of landscaping and includes a freestanding chimney.

## **3. DETAILS OF PROPOSAL**

This is a full planning application for a two-storey and single-storey building within the Cocoa Yard, Nantwich. The building would comprise a two-storey element which would be located between the free standing chimney and 21 Pillory Street with a single-storey sloping roofed element to the front and a single-storey building looping around the

chimney. The building would serve as an A1 or A2 use at ground floor with an office at first floor level.

#### **4. RELEVANT HISTORY**

P09/0146 - To Erect New (A1) Shop and (A2) Use - Two and Single Storey Building – Withdrawn 21<sup>st</sup> April 2009

P99/1060 - Nantwich Millennium clock – Approved 2<sup>nd</sup> March 2000

P93/0806 - Three shop units and 10 residential flats – Approved 11<sup>th</sup> November 1993

P93/0137 - Retail unit with flat above – Approved 15<sup>th</sup> April 1993

P92/0938 – Conservation Area Consent to demolish barn – Approved 18<sup>th</sup> December 1992

7/18229 - Retail and residential development (amended scheme) – Approved 19<sup>th</sup> April 1990

7/16801 - Conservation area consent for demolition of car workshop and barn – Approved 27<sup>th</sup> April 1989

7/16730 - Retail and residential development – Approved 7<sup>th</sup> November 1989

7/13930 - Retail and office development – No Decision

7/13928 - Listed building consent for demolition of non listed building lying within the conservation area – Withdrawn 14<sup>th</sup> April 1987

#### **5. POLICIES**

##### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP7 – Promote Environmental Quality

W5 – Retail Development

EM1 (C) – Historic Environment

##### **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.7 (Conservation Areas)

BE.16 (Development and Archaeology)

NE.5 (Nature Conservation and Habitats)

S.4 (Nantwich Town Centre)

##### **Other Material Considerations**

PPS1: Delivering Sustainable Development

PPS6: Planning for Town Centres

PPG15: Planning and the Historic Environment

Nantwich Conservation Area Character Appraisal and Review

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

**Highways:** No objection

**Civic Society:** No comments received at the time of writing this report

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

**Archaeology:** Advise that the relevant aspects of the development should be subject to a developer-funded watching brief in order to identify and record any archaeological deposits. The relevant activities are likely to involve the initial site strip and the excavation of the pile caps and any significant services. A report on the work will also need to be produced. This work may be secured by condition.

## **7. VIEWS OF THE TOWN COUNCIL**

The Town Council object to this application on the following grounds:-

- The proposed new building will take an undue amount of space in the Cocoa Yard, making it feel cramped and overdeveloped as a pedestrian space and access
- The size and bulk of the proposed development in a previously open space will dominate surrounding buildings and detract from, rather than complement the existing chimney. Its scale will have an adverse impact upon adjoining residential properties.

## **8. OTHER REPRESENTATIONS**

Letters of objection received from the occupiers of Flat 4 Cocoa Gardens, Chocolate Cottage, 2 Cocoa Court, 8 Cocoa Yard, 30 Cocoa Gardens, Nantwich and 4 Main Road, Wybunbury raising the following points;

- The Cocoa Yard is an award winning development which attracts a large number of visitors
- The development would leave the Cocoa yard looking cramped and over developed
- Loss of open space
- Loss of wheelchair access
- The proposal would turn the open Cocoa Yard into a street
- Loss of landscaping
- The chimney and Millennium Clock are tourist attractions
- Concentration of litter in the tight spaces to either side of the building
- Impact upon the tree which is of high amenity value and the only tree within the vicinity
- Impact upon Conservation Area
- Cramming
- Loss of outlook
- The site is often visited by school children
- The development would have no benefit for local residents
- The yard area is a valued open space
- Noise from the development
- The previous landlord stated that the previous permission would not be implemented and allowed to lapse
- The open area is the only outdoor space for the first floor apartments in the Cocoa Yard
- Lack of space to manoeuvre bins to the rear car park
- Loss of light to the adjacent retail unit
- Loss of light to the rear windows of the first floor apartments

## **9. APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement (*Produced by the agent Bower Edleston dated October 2009*)**

- The 1992 Development has enlivened and brought into use a neglected and important area of the town centre
- The former Wheelrights Smithy Chimney appears slightly incongruous as an isolated 9 metre tall free standing monument. The fire opening faces away from the pedestrian route into what was the original Smithy
- The original Smithy yard accessed off Queen Street is now visible from the Cocoa Yard pedestrian route which was never previously possible or intended
- The Smithy Yard contains car-parking, an electrical sub-station and a self sown Sycamore Tree. The applicants preferred option is to retain the tree and the building will be constructed on a piled foundation due to the poor ground conditions and to ensure the root system of the tree is not affected
- The initial proposals were altered to avoid conflict with the amenity of the adjoining residential properties. The height of the building was lowered and the building was cut back
- The resubmitted application has removed the timber framing which was considered to be out of context and distracting from this predominantly brick area
- To overcome the impact on residential amenity the proposals have been drastically reduced in scale and mass, the building is now predominantly single storey
- The proposal respects the building lines and street pattern that has been created by the new Cocoa Yard pedestrian public space
- The proposed building is on the footprint of previous buildings that occupied the site and is of a similar scale and height
- The design takes advantage of modern construction techniques to allow structural glazing to be used as a front wall and a roof that wraps around the retained chimney. Although providing usable floor area it allows the new building to be read as an addition to the original chimney
- The proposal reintroduces a hard edge to the pedestrian route and public space screening to the rear yard area
- The building will enhance the setting and its re-introduction of the original building mass respects the pattern and character of an enclosed yard. The building provides the missing section which defines the Smithy Yard from the Cocoa Yard
- There is no vehicular access or parking proposed as the Cocoa Yard provides an easy link to the existing car parks

### **Heritage Statement (*Produced by the agent Bower Edleston dated February 2009*)**

- The former barn buildings and the Wheelwrights Smithy that surrounded the chimney were demolished as part of the planning approval to develop and open up the area now known as the Cocoa Yard
- Planning permission had existed for a mixed commercial and residential use on this land of a similar scale but this has now lapsed
- Reintroducing a single storey building that wraps around the chimney will positively enhance the area

- The proposal is of a similar scale to the original Wheelrights Smithy but uses modern contemporary materials that will respect and compliment the retained chimney
- The proposed structural glass wall, door and roof are contained within an existing enveloping load bearing wall that screens the existing car parking and servicing yard
- The two storey element of the proposal sits on the footprint of the original barn of similar height and scale.
- To respect the adjoining buildings and pedestrian circulation areas the buildings allows views of shop fronts and avoids conflict with upper windows
- Each element of the building is distinctively expressed in high quality materials to enhance the setting
- The scale, height and proportions are subservient to the other existing adjacent structures
- The existing pedestrian public open space beyond the building footprint will be retained including the Millennium Clock

#### **Tree Survey (*Produced by Peter Jackson dated 10<sup>th</sup> October 2009*)**

- The Sycamore tree is of moderate quality and value with an estimated life span of 20 – 40 years
- This tree will not have to be removed to facilitate a proposed future development. However it is probably a self set tree which has developed over time along with the existing retail development.
- Whilst it remains possible to retain this tree and construct a new development around it following the guidelines of BS5837, it is suggested that the tree is removed for the following reasons;
- There is an uncertain history surrounding the tree in terms of changes in grade and soil level and other construction
- It has limited amenity value
- There is a high level of maintenance required to retain this tree
- Replacement planting will introduce new planting into the town centre and therefore ultimately vary the age of the treescape and increase longevity of tree cover

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the Settlement Boundary, Conservation Area and the defined Town Centre Boundary of Nantwich and the principal of retail/office development is considered to be acceptable in this location. However the development must also be in keeping with the requirements of policies BE.1 – BE.5, BE.7 and NE.5.

In the determination of this planning application the planning history is an important consideration in this instance. A two-storey brick barn and a Smithy originally stood on the site and these were to be retained and converted as part of the development of the Cocoa Yard when it was approved under planning application 7/16730 in 1989 and the subsequent application for an amended scheme which was approved under application 7/18229 in 1990.

The conversion of the smithy/barn into retail/residential was never implemented and the buildings were demolished following the approval of Conservation Area Consents

P92/0938 and 7/16801. A following application for a two-storey and single-storey residential/retail unit was then approved under application P93/0137. However this permission was never implemented and the permission expired in April 1998.

Although the previous planning permission has now lapsed, the principal of a building on this site was considered to be acceptable in the past and the proposed building would be located on a similar site.

## **Design**

PPG15 states that the design of new buildings intended to stand alongside historic buildings needs very careful consideration. New buildings need to be carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials. This does not mean that new buildings have to copy their older neighbours in detail: some of the most interesting streets in our towns and villages include a variety of building styles, materials, and forms of construction, of many different periods, but together forming a harmonious group.

Policy BE.7 in relation to Conservation Areas states that;

*'Development will not be permitted if it would harm the character, appearance or setting of a Conservation Area'*

And

*'A new building would not be permitted unless it would harmonise with its setting by being sympathetic on scale, form and materials to the characteristic built form of the area, particularly the adjacent buildings and spaces'*

The principle of development on this site was considered appropriate when a building of similar height, bulk and siting was approved under application P93/0137. Furthermore the proposed development would be located on a similar footprint of the original Smithy and two storey barn which stood on the site and were demolished in the early 1990's. As a result it is considered that the principal of a development on this site is considered to be acceptable.

The proposals will result in a two-storey and single storey building which is sympathetic in height to the surrounding buildings given its backland location whilst its siting on the footprint of the former Smithy and barn is also considered to be acceptable.

The existing Cocoa Yard is characterised by red brick buildings with grey slate and tiled roofs. The previous scheme was for an Oak framed building with render infill panels and it was considered that this would detract from the character and appearance of the Cocoa Yard and Conservation Area.

The existing chimney is a candidate for the List of Locally Important Buildings but has yet to be fully incorporated onto this list and as a result Policy BE.13 (Buildings of Local Interest) can not be applied. However it is accepted that the chimney is an important feature within this part of the Nantwich Conservation Area and its setting should be protected. The proposed buildings would not project beyond the front of

the chimney and their siting is considered to be acceptable. The single storey element which wraps around the chimney would be structural glazing only and would appear subordinate to the chimney and could be clearly read as a modern addition to the original chimney which is considered to be acceptable.

The previous building which stood on the site had a gable which faced onto the Cocoa Yard and this proposal includes gables orientated in the opposite direction in order to address the amenity concerns. However it is considered that this is acceptable as the pitched roof of the two-storey element would follow the orientation of the three storey building to the north. The proposal includes a sloping roofed element to the front elevation and amended plans now show a break in the cat slide roof to reduce its prominence. It is considered that this brick built element respects that character and appearance of the Cocoa Yard and Nantwich Conservation Area and is therefore acceptable.

Letters of objection have referred to the loss of the open space and landscaping, it is not considered that the loss of this area and its landscaping would warrant the refusal of this application as this area has no specific protection by policy under the local plan and the principal and design of the building is considered to be acceptable as discussed above.

## **Amenity**

The Cocoa Yard and surrounding properties contain a number of residential properties which have windows in close proximity to the application site. The properties most affected by the proposed development are the flats which are contained within 21 Pillory Street. The previous application would have resulted in one apartment within 21 Pillory Street having a bedroom window which would be 1.7 metres to the nearest point of the one and a half storey element and 2.1 metres at its nearest point from the two-storey element of the proposed building and this was considered to be unacceptable. Due to the redesign of the building and a change in the orientation of the roof, the two-storey element would now be stepped further to the north-west and although it would not cause such a significant impact upon the outlook of this window that would warrant the refusal of this planning application.

To the north of the site Chocolate Cottage has one first floor window facing the site which serves a landing. The ground floor window to the rear of the single storey element at No 19 Pillory Street serves a landing/hall. It is considered that the proposed development would have minimal impact upon these secondary windows.

To the first floor residential properties on the opposite side of the Cocoa Yard there would be separation distances varying from 10 metres to 16 metres to the first floor element of this proposal. Given the separation distances, the orientation of the windows to the first floor apartments, the scale of the development and the fact that the first floor element has a floor area of just 18.5sq.m it is considered that the proposal will not have such a detrimental impact upon neighbouring amenity to warrant the refusal of this planning application.

Due to the limited height of the proposed building, its orientation and the position of the surrounding principle windows it is not considered that the development would have a detrimental impact neighbouring amenity through loss of light or privacy.

## **Highways**

The Highways Engineer has raised no objection to the proposed development and given the location of the site within Nantwich Town Centre it is not considered that the proposal would raise any highway/parking implications.

## **Trees**

There is a large Sycamore tree to the rear of the site and although this is not protected by a TPO, it is located within the Conservation Area which does offer some protection to this tree.

The tree has moderate future growth potential, but is not considered to contribute significantly to the landscape character of the area. It is not of significant public amenity in that it is seen predominantly within the immediate surroundings with very limited distant views. The close proximity to existing buildings would mean repeated requests for pruning in the future, thereby further reducing the amenity value. The submitted Tree Survey lists the tree as category 'B' in accordance with BS5837: Trees in Relation to Construction 2005. This identifies the tree as of moderate quality and value, in such a condition as to make a significant contribution (a minimum of twenty years is suggested). However, the survey alludes to changes in ground levels and past development of the area which raises concerns regarding the structural stability and future longevity of the tree.

It is therefore considered that the tree would not be of sufficient quality or offer sufficient public amenity to be retained with a view to a Tree Preservation Order being placed upon it. The submitted tree survey/tree constraints plan identifies the tree for retention, in which case conditions may be placed in accordance with BS5837: Trees in Relation to Construction 2005 with regard to root protection areas.

## **Other Issues**

A number of issues such as the delivery of materials, problems during construction works and damage to the existing buildings during construction works are not material planning considerations which would warrant the refusal of this planning application.

One letter of objection refers to the impact upon the chimney and Millennium Clock. However both are to be retained as part of this application.

Concern has been raised over the lack of manoeuvrability to either side of the building. The agent has been contacted and has stated that the building has been designed to ensure that wheelchairs can manoeuvre either side of the building. A consultation has since been sent to the Disability Resource Exchange and if a response is received it will be reported to the Committee as part of the Update Report.

The applicant intends to utilise the existing bin storage area and this will be controlled by condition. The manoeuvrability of bins from the storage area between the existing and proposed buildings has been raised as part of the letters of objection. This has been checked with the agent who has confirmed that this would not be affected as part of the proposed development.



## **11. CONCLUSIONS**

The application site is located within the settlement boundary of Nantwich and the principle of development is acceptable under Policy S.4 of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposed development would not have a detrimental impact upon the amenities of surrounding residential properties through loss of outlook, overbearing impact, loss of light or loss of privacy. The design and external appearance of the building is also considered to be acceptable and would not have a detrimental impact upon the character and setting of the Conservation Area or the chimney.

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Standard**
- 2. Materials (including mortar) to be submitted and approved**
- 3. Tree retention and protection**
- 4. Drainage to be submitted and approved**
- 5. Landscaping to be submitted and approved**
- 6. Landscaping to be implemented**
- 7. No removal of trees/vegetation within the bird breeding season**
- 8. Plans**
- 9. Detailed drawings to the shop window to be submitted and approved**
- 10. Timber windows and doors to brick build element**
- 11. Metal rainwater goods painted black**
- 12. Bin Storage**

LOCATION PLAN: Cheshire East Council Licence no 100049045

