

# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 26th October, 2011</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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**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**

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 - 4)**

To approve the minutes of the meeting held on 5 October 2011.

**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](mailto: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 individuals/groups:

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

5. **11/2164C Booseys Garden Centre, Newton Bank, Middlewich CW10 9EX: Redevelopment to provide a Class A1 Retail Building, Car Park and Service Yard for Radcliffe Developments (Cheshire) Ltd** (Pages 5 - 28)

To consider the above planning application.

6. **11/1550N 37, Crewe Road, Haslington, Cheshire CW1 5QR: Remodelling of Front of Property to Restore the Nature of Original Single Property and Veranda on Back of Property for Mr S Campbell** (Pages 29 - 36)

To consider the above planning application.

7. **11/2196N K M D Hire Services, London Road, Nantwich CW5 6LU: Extension and New Store for Mr Dan Mellor** (Pages 37 - 44)

To consider the above planning application.

8. **11/2681N Land Adj, Long Lane, Alpraham: Proposed Agricultural Workers Dwelling to Serve a Working Farm to be Relocated for Mr & Mrs Crank** (Pages 45 - 52)

To consider the above planning application.

9. **11/2886N Land off Hastings Road, Nantwich, Cheshire: Residential Development Comprising 21 Dwellings with Associated Access, Parking, Garages, Landscaping and Open Space for Mr D Hough, Arley Homes North West Limited** (Pages 53 - 66)

To consider the above planning application.

10. **11/2911N Basford Old Creamery, Weston Estate, Newcastle Road, Weston, Crewe, Cheshire: Extension to Time Limit of Application P08/0782 for Renewal of Previous Consent (P03/0367) for Conversion to Office/Light Industrial Use and General Storage/Distribution for Co-Operative Group (CWS) Limited** (Pages 67 - 72)

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 5th October, 2011 at Lecture Theatre, Crewe Library,  
Prince Albert Street, Crewe, Cheshire CW1 2DH

**PRESENT**

Councillor G Merry (Chairman)  
Councillor M J Weatherill (Vice-Chairman)

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, A Kolker, S McGrory,  
D Marren, M A Martin, D Newton, M Sherratt and A Thwaite

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillor M Simon

**OFFICERS PRESENT**

Sheila Dillon (Senior Solicitor)  
David Malcolm (Southern Area Manager – Development Management)  
Paul Moore (Principal Planning Officer)

**Apologies**

Councillors M Jones and G Morris

**81 DECLARATIONS OF INTEREST**

Councillor P Butterill declared a personal interest in respect of application number 11/2784N on the grounds that the applicant was a fellow member of Nantwich Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor D Marren declared a personal interest in respect of application number 11/2784N on the grounds that the applicant was a fellow member of Nantwich Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor S McGrory declared a personal interest in respect of application number 11/2164C on the grounds that he was a member of Middlewich Town Council, which had been consulted on the proposed development. Councillor McGrory also declared that, as one of the Ward Councillors, he had had discussions about planning applications relating to this site, but had not expressed an opinion. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

**82 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 14 September 2011 be approved as a correct record and signed by the Chairman.

**83 11/2164C BOOSEYS GARDEN CENTRE, NEWTON BANK, MIDDLEWICH CW10 9EX: REDEVELOPMENT TO PROVIDE A CLASS A1 RETAIL BUILDING, CAR PARK AND SERVICE YARD FOR RADCLIFFE DEVELOPMENTS (CHESHIRE) LTD**

Note: Mr M Baker (representing objectors), Mr A Wood (representing supporters) and Mr S Tibenham (agent representing the applicant) attended the meeting and addressed the Committee on this matter.

Note: As the supporters' representative was closely linked to the application, the Committee agreed to extend the speaking period for the objectors' representative to 5 minutes, in accordance with paragraph 2.8 of the Protocol on Public Speaking Rights at Strategic Planning Board and Planning Committees.

The Committee considered a report regarding the above planning application, an oral report of the site inspection and an oral update by the Principal Planning Officer.

RESOLVED – That the application be DEFERRED to the next meeting of the Committee, to enable officers to consider a late representation and undertake further retail assessments in the light of another application for a retail scheme which had recently been received.

**84 11/2784N 48, LONDON ROAD, STAPELEY CW5 7JL: FIRST FLOOR SIDE EXTENSION AND SINGLE-STOREY FRONT EXTENSION FOR COUNCILLOR ANDREW MARTIN**

Note: Councillors M Martin and D Newton left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application.

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

1. Standard (3 years)
2. Plans
3. Materials as per application

**85 11/3112N LAND AT CREWE ROAD, WISTASTON, CREWE, CHESHIRE  
CW2 6PR: 13M HIGH JOINT OPERATOR TELECOMMUNICATIONS  
STREET FURNITURE TOWER, 1NO EQUIPMENT CABINET AND 1NO  
METER PILLAR FOR O2 AND VODAFONE**

Note: Councillor M Simon (Ward Councillor) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral update by the Southern Area Manager - Development Management.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development by reasoning of its height, siting and design would create an alien and intrusive feature. This is a prominent location within the residential area and this proposal would represent a visually incongruous insertion that would harm the character and appearance of the area. The proposal is therefore contrary to Policies NE.18 (Telecommunications Development), and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

Councillor G Merry (Chairman)

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Application No: 11/2164C

Location: BOOSEYS GARDEN CENTRE, NEWTON BANK, MIDDLEWICH, CW10 9EX

Proposal: REDEVELOPMENT TO PROVIDE A CLASS A1 RETAIL BUILDING, CAR PARK AND SERVICE YARD

Applicant: RADCLIFFE DEVELOPMENTS (CHESHIRE) LTD

Expiry Date: 21-Sep-2011

**SUMMARY RECOMMENDATION - Grant Permission subject to conditions and the prior signing of a S106 Agreement**

**MAIN ISSUES**

Principle of Development  
Retail Impact and Town Centre Considerations  
Design, Character and Impact  
Residential Amenity  
Environmental Health Related Issues  
Highway Safety and Accessibility  
Trees and Landscape  
Flood Risk and Drainage  
Archaeology  
Ecology

**UPDATE SINCE LAST MEETING**

At the 5<sup>th</sup> October 2011 Southern Planning Committee, Members resolved to defer the planning application pending further consideration and assessment of the points raised within the GL Hearn objection letter, submitted on behalf of Tesco, dated 4<sup>th</sup> October 2011.

This update report therefore deals with the additional comments raised within the GL Hearn letter dated 4<sup>th</sup> October, and provides a number of other updates on matters including proposed hours of operations and HGV deliveries as well as updates on additional consultation responses.

The report should be read in conjunction with the original committee report from the 5<sup>th</sup> October committee.

**Comments Received**

**Middlewich Town Council:**

The Town Council wish for it to be clarified that they support the application subject to maximising the opportunities for connectivity to Middlewich Town Centre and not that they have no objection as stated in the officer's report to the Planning Committee.

### **Environmental Health**

Environmental Health has confirmed that they are willing to amend their original conditions in respect of hours of delivery and the scheme for noise mitigation.

### **Cheshire Police (Crime Reduction Officer)**

Has provided a formal response which recommends a range of measures to ensure the site is safe and secure. Measures include CCTV, gates, bollard and lighting.

### **GL Hearn (On behalf of Tesco)**

GL Hearn has submitted a further letter expressing concern on two counts.

Firstly that whilst their clients are pleased that the application was deferred, they do not consider that a 3-week deferment is sufficiently long-enough for proper consideration of the new scenario or for their clients to have meaningful input.

Secondly, now that Tesco's application has been submitted, a cumulative highways assessment will clearly be required for the Booseys application. Without such an assessment, it will not be possible to determine whether the Booseys scheme will prejudice Tesco's town centre scheme, in conflict with the Government's town centres first policy. They argue that the application should not therefore be assessed at the next planning committee until a legal and technically robust assessment of the outstanding issues has been completed.

### **Retail Assessment**

#### **Tesco 'Town Centre' Application and Proposed Larger Store**

Following deferral of the application, further advice was sought from the Council's retail experts on the specific issue of whether the proposed foodstore could be accommodated alongside a potentially enlarged store within Middlewich town centre.

For the sake of completeness, and for the benefit of Members, we have inserted below the conclusion from the White Young Green advice note:

*Based on the information set out [in the assessment], WYG advise that on balance, we believe that whilst there may be inevitably an impact on the retail trading of the enlarged or even the smaller Tesco scheme (LPA Ref 09/1686C) there needs to be balanced against the benefits of the proposed Morrisons.*

*We believe the introduction of Morrison's to Middlewich will bring enhanced competition and consumer choice through qualitative as well as quantitative benefits which will significantly outweigh this impact on an individual operator. We believe that on balance the introduction of either an enlarged Tesco store with a Morrison store, or the extant Tesco permission with a new Morrisons store will bring positive economic benefits to Middlewich.*

*It is evident that the Council is faced with a decision in relation to two potential foodstore developments within Middlewich. On the one hand, if the proposed Morrisons is approved*



*then Middlewich would have two consented schemes for two new foodstores (one edge-of-centre and one in-centre). If, on the other hand, the Council were to support Tesco's proposed larger store and refuse the Morrisons the outcome would simply reinforce Tesco's position in the town.*

*WYG believe that in seeking to address the need to claw back lost expenditure and provide greater competition and choice, then the combination of two new foodstores (including one enlarged Tesco) would have the greatest positive impact. Clearly, even with a larger Tesco store within Middlewich this would still only provide local residents with one operator and one brand. As evidenced people are leaving Middlewich due to preference for other brands, and therefore an enlarged Tesco store is unlikely to arrest this leakage of local expenditure.*

*Therefore, WYG believe that both schemes could exist without any significant harm being caused overall. As a result, WYG still conclude that the proposed Morrisons would not prejudice the planned investment by Tesco, and as envisaged with Morrisons entering the market has only helped to re-energise Tesco to progress their investment plans, which will also be to the benefit of the town.*

*If Tesco can secure a larger store within the town centre (despite the development of a new Morrisons on the edge of the centre) then this is clearly a positive step forward for the town centre and will help secure the future vitality and viability of the centre as a whole, as well as bring wider economic benefits that would not have been delivered.*

*Therefore, on balance, WYG believe that the proposed development at Boosey's Garden Centre satisfies the key retail tests set out in PPS4 as well as wider government objectives.*

Having considered this advice, Officer's concur with the assessment and recommendation that the proposed scheme would not adversely affect the potential for an enlarged Tesco scheme within the Town Centre.

G L Hearn (on behalf of the Tesco) comment that Transport Assessments need to consider both the Boosey's scheme and the proposed Tesco store. However, Highway Officers are already aware of the existing situation including the extant permission for the previously approved Tesco scheme and other developments around Middlewich. It is not considered that a decision on this proposal needs to be delayed any further.

### **Hours of Operation and Delivery**

Following the preparation of the original report, further discussions have taken place in respect of the proposed hours of operation and delivery at the site. In this respect, the applicant's agent expressed some concern over the proposed restriction on delivery hours (which they felt were overly restrictive) and that they were willing to consider a wider package of noise mitigation measures to address our concerns by, for example, including features such as rubberised floors within the delivery area and electric points for vehicle refrigeration units (in addition to the proposed acoustic screen to the HGV delivery day).

On that basis, Environmental Health have indicated that they are now happy to agree to a more flexible hours condition than suggested within the original report (see condition 27) to allow deliveries at the site between the hours of 0700 and 2100 Monday to Saturday,

0800 and 1700 on Sundays, Bank or Public Holidays. The proposed wording of condition 28 within the original report has also been amended to include the additional range of noise mitigation measures.

Furthermore, the original report did not include any suggestion in respect of the hours of operation for the proposed store. A further condition is therefore recommended to ensure that the store only operates between 07.00 – 22.00 Monday to Saturday and 10.00 – 17.00 on Sundays and Bank Holidays.

### **Recommendation**

**APPROVE** - as per the original report (below)

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### **REASON FOR REPORT**

The application proposes a small-scale major development in excess of 1000m<sup>2</sup> floorspace.

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

The application site extends to include three separate parcels of land comprising Booseys Garden Centre, Middlewich Auto's and a residential dwelling at no 65 Chester Road known as 'The Bungalow'. In total the site amounts to approximately 1ha comprising for the most part, previously developed land with the exception of curtilage associated with the Bungalow.

The site is located within the Settlement Zone Line and lies to the northwest of Middlewich Town Centre. In retailing terms, there are a number of different perspectives as to whether the site falls to be considered as 'edge of centre' or 'Out of Centre' site; however this is discussed in more detail later into the report. At present, both Booseys Garden Centre and Middlewich Auto's remain in active commercial use and the Bungalow in residential use.

In terms of built form, the site contains a broad mix of building types. In the case of Booseys, buildings principally comprise large commercial greenhouses and canvas awning structures but also extend to include a number of small brick built units as well as a large conservatory extension. Middlewich Autos meanwhile comprises a range of brick built commercial buildings that serve to provide a showroom area, vehicle service area and small valet bay; there is also a large outdoor display sales area. 65 Chester Road being a small post-war bungalow set within a sloping plot that contains a number of trees including a large TPO Beech.

In the wider context, the site frontage faces northeast adjoining both Chester Road and Newton Bank which in turn form part of the larger gyratory system controlling traffic entering the town from Winsford off the A54 and both Northwich and Crewe off the A530. Properties adjacent to site frontage comprise two storey terraced housing, two and three storey Victorian Villas and the three storey 'Golden Lion' public house.

The sites southeastern boundary directly adjoins the side garden boundary of 29 Newton Bank and the rear garden boundaries of residential properties within The Crescent; two-storey post-war semi detached properties that directly overlook the site.

The southwestern boundary of the directly adjoins the side garden boundary of 5 Buckfast Way and rear garden boundaries of properties within Lindisfarne Close (no's 4, 6, 8 & 10). Similarly, the sites northwestern boundary directly adjoins the side boundary of Acer House, 67a Chester Road and rear garden boundary of Culver House, 67 Chester Road.

Site levels vary significantly across the site manifested by a series of slopes and terraced platforms across the site. More generally, the site could be described as having a southwest to northeast slope but a with a prominent east to west slope to the site frontage along Newton Bank into Chester Road. As a result Booseys Garden Centre sits on a higher, but gently sloping platform above Middlewich Autos that is cut into a terraced platform approximately 1-3m below the Booseys site.

In terms of landscaping, the site currently has a high level of tree coverage with mature hedges around the site boundary. In the case of both 29 Newton and 11 The Crescent, these are screened by a substantial Leylandi hedge with Buckfast Way and Lindisfarne Close being screened by Beech and Holly Hedges respectively. In the northwestern section of the site is a large TPO Copper Beech that is particularly prominent within the wider area.

### **DETAILS OF PROPOSAL**

The application seeks permission for redevelopment of site to erect one A1 retail unit with mezzanine level and associated engineering works, car parking, landscaping and Service Yard Area.

In overall terms, the scheme would comprise a single, two-storey retail unit approximately 60m wide (across the site frontage), 42m deep with a roof height 12m in height on the corner features and 9.6m along the majority of the roof.

The design is such that the new building would comprise two glazed corner features interspersed with red terracotta rain screen cladding with the main body of the building in between comprising red brick walls, smooth, flat grey panels and aluminium framed windows. A simple glazed cantilever canopy is also attached to the building to create a covered walkway around ground floor level. The building would have a flat roof hidden behind raised eaves around the outer perimeter of the building.

Internally, the store would provide a Gross Internal Area (or GIA) of 2489m<sup>2</sup> comprising the sales floor, warehouse area, customer facilities along with element of ancillary staff accommodation on a first floor mezzanine level. In retail floorspace terms, the store would provide a Net Sales Area (or NSA) of 1390m<sup>2</sup> that would be split/disaggregated to provide 1110m<sup>2</sup> for the sale of convenience goods (food and drink etc) and 280m<sup>2</sup> for the sale of comparison goods (clothes and footwear etc).

Access to the store for both customers and delivery vehicles would be gained from Newton Bank utilising the existing garden centre access. This would lead into a 166-space car park area, which wraps around the northern and western elevations of the store, and the service yard road that runs along the eastern elevation and into the service yard area at the rear, or southeast, of the building. A further pedestrian access is also proposed via a staircase leading from the site down onto Chester Road

The redevelopment of the site would also see the existing site levels substantially altered in order to create a level development platform across the site. As a result, levels would be

reduced at the rear of the site, through the construction of a service yard area 1.8–2m below Buckfast Way and Lindisfarne Drive, but raised substantially along the Newton Bank and Chester Road site frontage (by 4m at the highest point) thereby necessitating erection of a large brick retaining structure with integral landscaping.

A detailed landscape plan has also been submitted including various details of new, replacement planting, boundary treatments and external works detailing.

### **RELEVANT HISTORY**

Whilst the site has an extensive history, the following planning applications are relevant to the determination of this application:-

29830/1 (1998) Booseys Garden Centre - Construction of Retail Foodstore - WITHDRAWN

08/0071/FUL – Booseys / Middlewich Autos / The Bungalow, Booseys Garden Centre, Newton Bank, Middlewich. Redevelopment to provide a terrace of class A1 retail units and a stand-alone unit suitable for A class uses. APPROVED 20<sup>th</sup> August 2010.

10/3951C – Booseys / Middlewich Autos / The Bungalow, Booseys Garden Centre, Newton Bank, Middlewich. Redevelopment of site to erect one A1 retail unit with mezzanine level and associated engineering works, car parking, landscaping and Service Yard Area. WITHDRAWN.

Also, for reference due to its retail nature: -

09/1686C PACE Centre, Wheelock Street, Middlewich. Proposed foodstore development with associated parking, servicing and landscaping, & additional A1, A2, A3 Units at Land adjacent to Wheelock Street and St Anns Road. Approved 21<sup>st</sup> August 2009.

### **POLICIES**

#### **National Policy**

PPS1 'Delivering Sustainable Development' and supporting documents  
PPS4 'Planning for Sustainable Economic Growth'  
PPS4 'Practice guidance on need, impact and the sequential approach'  
PPS5 'Planning for the Historic Environment'  
PPS9 'Bio-diversity and Geological Conservation'  
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'  
W5 'Retail Development'  
RT2 'Managing Travel Demand'  
RT9 'Walking and Cycling'  
EM1 'Integrated Enhancement & Protection of the Regions Environmental Assets'  
EM2 'Remediation Contaminated Land'  
EM5 'Integrated Water Management'  
EM11 'Waste Management Principles'  
EM16 'Energy Conservation and Efficiency'  
EM18 'Decentralised Energy Supply'  
MCR4 'South Cheshire'

### **Local Plan Policy**

PS4 'Towns'  
GR1 'New Development'  
GR2 'Design'  
GR4 'Landscaping'  
GR6 'Amenity and Health'  
GR7 'Amenity and Health'  
GR8 'Amenity and Health'  
GR9 'Accessibility, Servicing and Parking Provision'  
GR10 'Accessibility, Servicing and Parking Provision'  
GR14 'Cycling Measures'  
GR15 'Pedestrian Measures'  
GR17 'Car Parking'  
GR18 'Traffic Measures'  
GR19 'Infrastructure'  
GR20 'Public Utilities'  
GR21 'Flood Prevention'  
NR1 'Trees and Woodlands'  
NR4 'Non-statutory Sites'  
NR5 'Enhance Nature Conservation'  
S1 'Shopping Hierarchy'  
S2 'Shopping and Commercial Development Outside Town Centres'  
S11 'Shop Fronts'  
S12 'Security Shutters – Solid Lath'  
S13 'Security Shutters – Lattice/Mesh Grilles'  
S16 'Environmental Improvements and Traffic Management Measures'  
DP4 Retail Sites 'Middlewich M1 - Wheelock Street / Darlington Street'

### **Other Material Considerations**

- Cheshire Retail Study Update 2011
- The Cheshire Replacement Waste Local Plan March 2010
- Cheshire and Warrington Market Town Investment Prospectus
- English Partnerships Employment Densities Manual
- Circular 11/95 'Planning Conditions'
- Circular 05/05 'Planning Obligations'
- Chief Planning Officer Letters re the abolition of RSS.
- Advice Produced by the Planning Inspectorate for Use by its Inspectors. Regional Strategies – Forthcoming Abolition
- Planning for Growth – Ministerial Statement
- Draft National Planning Policy Framework

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

#### **Environment Agency:**

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

#### **United Utilities:**

No objection

#### **Brine Subsidence Board:**

Recommend strengthened foundations.

#### **Highways:**

No objection to the proposed development subject to conditions to secure off-site highway works for footpath improvements to, and part signalisation of, the Newton Bank gyratory and the signing of a S106 Agreement in order to secure a Travel Plan and contribution towards the improvement/addition of local bus services.

#### **Environmental Health:**

No objection subject to conditions relating to contaminated land, air quality and noise by way of acoustic mitigation and restrictions on the hours of operation.

### **VIEWS OF MIDDLEWICH TOWN COUNCIL**

No objection subject to maximising the opportunities for connectivity to Middlewich Town Centre.

### **OTHER REPRESENTATIONS**

A total of 17 representations (from 12-sources) were received. Of these representations, 9 local residents and Tesco object to the proposal whilst 2 local residents support of the proposal.

The main areas of objection can be summarised as follows: -

### **Retail Impacts**

- Concern over the impact of the proposed development on retailing within the town in particular Wheelock Street.
- That the town is well served by supermarkets already (Tesco & Lidl)

### **Highway Safety and Congestion**

- Concern over existing levels of congestion and that the area cannot accommodate the proposed traffic.
- Concerns over the nature and volume of construction traffic.
- Concern over accident risk to both pedestrians and vehicles

### **Impact on Residential Amenity and Character**

- Impact of the development in terms of loss of views, size and impact of the proposed structure and its relationship with existing dwellings.
- Concern over the impact of additional lorry movements and times of operation associated with the proposed development over and above those at which Booseys currently operates.
- Concern over operational and HGV noise.
- Concern over the impact of external lighting and security fencing.
- That the area is predominantly residential and any such development would not be in keeping with the area.
- Loss of landscaping

### **Impact on Trees and Landscaping**

- Concern over the impact of the scheme on trees and hedges

### **Other Matters**

A number of other comments were also made by the objectors in relation relating to loss of property value, concern over structural issues and concern over ownership of land within the application site boundary. However these are not planning matters and cannot therefore be taken into account in the determination of the application.

### **Tesco Objection (Submitted by GL Hearn)**

The objection from Tesco can be summarised as follows:

- That Tesco currently occupy a store on Southway in Middlewich Town Centre and have an extant permission from 2009 for a new supermarket on land off Wheelock Street;
- The application proposal is likely to undermine Tesco's future plans for a new supermarket on land off Wheelock Street
- Tesco have been considering their options in light of the outflow (32%). They consider that a much larger store, rather than another smaller supermarket, would be better in order to compete with Morrison's and Asda in Winsford;
- Tesco are therefore preparing an application for approximately 3500sq.m store which they consider will better retain levels of trade in the town than two smaller supermarkets;

- The Tesco site and proposal is within the town centre, the first choice location, and conforms with the Local Plan. Tesco consider this is not the case with the Booseys site which they consider to be an out of centre location and physically detached from the town centre;
- Given the significant levels of outflow to Winsford, there is an urgent need for a 'superstore' in the town to stem leakage;
- Surplus expenditure required to support a new Tesco superstore in Middlewich of a size that can compete with Winsford; If the Booseys proposal is approved, insufficient expenditure remains to support the Booseys proposal;
- There is clearly a quantitative need for a superstore only and the Tesco site is the sequentially preferable site.
- Booseys fails the sequential test identified at EC15 of PPS4.

### **Letters of Support**

- That they consider most residents shop out of town and that Tesco have a monopoly in the town and that this results in higher prices (which they consider will be exacerbated by the new permission for Tesco) and that a new operator in the town can only be beneficial;
- That encouraging residents to stay in the town for their main food shop would benefit existing residents and may well encourage further shops in the town with less people shopping out of town;
- Middlewich residents have asked for improvements for a long time and that the scheme should be approved.

### **APPLICANT'S SUPPORTING INFORMATION**

Plans, Elevations and Design & Access Statement

PPS4 Retail Impact Assessment

Transport Assessment

Land Contamination Report,

Air Quality Assessment

Noise Assessment and Update

Tree Survey Report and Update

Heritage Statement

Site Waste Management Plan

Ventilation and Extraction Statement

Flood Risk Assessment

PPS4 Addendum Note (12<sup>th</sup> August 2011)

Amended Elevations and Site Layout Plan (18<sup>th</sup> August 2011)

Supplementary Site Level Info (18<sup>th</sup> August 2011)

Pedestrian and Linkage Improvement Plans (22<sup>nd</sup> August 2011)

### **OFFICER APPRAISAL**

#### **Principle of Development**

Whilst the principle of retail development in the manner proposed has not been established, the presence of the extant 2008 permission does establish the fact that the Council has previously been prepared to allow some form of retail development on application site.



Similarly the application site is currently in use as a garden centre which, whilst a sui generis use, does comprise predominantly retail sales.

Whilst the applicant seeks to place significant weight on both the existing use and extant 2008 permission, officers do not share this view because the nature of the retail use now proposed is so markedly different to either of the existing use or extant permission in terms of both intensity and impact. Similarly, the extant permission was subject to numerous conditions which strictly controlled the type and nature retailing that could take place on the site which, whilst allowing up to 1380sq.m convenience retailing, would not allow a supermarket within any of the units.

Notwithstanding this however, in the time that has passed since the 2010 application was withdrawn (an application which Members will recall was recommended for refusal solely on retail policy grounds) there have been a number of major changes to matters to retail position in Middlewich and also in terms of the Governments approach to planning with the result that it is necessary for the Council to consider afresh whether the principle of retail development in the manner proposed is acceptable.

In terms of retail policy, the Council has published an updated Town Centre Report (TCR) which identified additional quantitative and qualitative need in respect of convenience goods within Middlewich in order to improve choice and competition for local residents and in order to address the high levels of convenience trade leakage to other towns, and in particular Winsford. The applicant's revised PPS4 assessment now factors in this additional need as well as providing new evidence (following further survey work) within a revised catchment area which identified additional need over and above that within the TCR.

Members' will also be aware of the Coalition Government Ministerial Statement re 'Planning for Growth Agenda' which states that where possible 'the default answer to economic growth should be yes'

Moving onto more general considerations, a number of other factors weigh in favour of the proposals, notably the sites previously developed classification and position within the settlement zone, although these are only general considerations and carry only less weight than the main policy requirements identified within policy S2 of the local plan and EC17 of PPS4.

In short however, notwithstanding the previous recommendation, it is clearly necessary for the Council to consider afresh the proposal for a food store on the site against the requirements of local plan policy S2 and policy EC17 of PPS4; something now covered in more detail.

### **PPS4 and Retail Impact**

Because the proposed development falls to be considered as main town centre use that is not in a centre and not in accordance with an up-to-date development plan, it is necessary to consider the application against the assessment criteria set out in policy EC17 of PPS4.

For the benefit of Members, policy EC17.1 advises that planning applications should be refused where the applicant has not demonstrated compliance with the requirements of the sequential test (policy EC15) and where there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of anyone of the impacts set out in policies EC10.2 and EC16.1.

Policy EC17.2 then states that if no significant adverse impacts are identified these tests that the planning application should be determined by:

- a) Taking into account the positive and negative impacts under EC10.2 and EC16.1 and any other material considerations; and*
- b) Having regard to the likely cumulative effect of any recent permissions, development under construction and completed developments.*

Further advice is then provided at EC17.3 in respect of information that can be considered when assessing impacts which includes recent local assessments; in this case, the findings of the Town Centre Update Report.

These policy tests are now considered in more detail below.

#### EC15 'Sequential Assessment'

In overall terms officers consider that the applicant has satisfied the requirements of EC15 and that the site represents the next best available option for delivering the additional food store necessary to meet the identified qualitative and quantitative need within the town.

There are a number of reasons for reaching this view. Firstly, with confirmation that Morrisons is the end occupier, we agree that the allocated town centre site is unlikely to be available to the developer in the short to medium term because of Tesco's current interest in the site. Whilst PPS4 is clear that this is not justification for dismissing the site in its own right, we consider that with the clear quantitative and qualitative need identified within Middlewich in the short term, the application site represents the next sequentially best option for delivering both the choice and competition required in order to benefit residents and consumers within the catchment area and in order to claw back lost trade.

Similarly, the fact that the existing Tesco site is unlikely to become available before 2019 (and is ultimately dependent upon whether the Briden site is implemented) rules out the possibility of this site becoming available to the applicant. In the case of the only other potential site, unallocated land off Mill Lane and to the rear of King Street, we consider that access arrangement to this site and its position within the town mean this site is unsuitable to accommodate the proposed development and does not therefore fall to be considered as sequentially preferable.

Clearly however Tesco object to the proposed development on the grounds that the application site fails against the sequential test and argue that the best option to meet and address qualitative and quantitative need within the town would be for a single larger 'superstore' within the town centre. They also point to the fact that they are currently preparing a new planning application for a 3500sq.m store combining the existing and approved sites. However, whilst it is possible that a single larger store would be more attractive to shoppers, it is not considered that it would bring about the same qualitative

benefits for residents that two, albeit smaller, stores would offer in terms of competition and choice; two of the main objectives for delivering prosperous economies as identified within PPS4.

In any case, and something discussed in more detail further into the report, the expert advice to the Council is that a new food store on the application site (if operated by Morrison's for example) delivered alongside the proposed new Tesco in the town centre would be likely to attract even more shoppers back from Winsford simply due to the fact that many shoppers already visit the Morrison's in Winsford.

Therefore, taking into account all these factors, we are satisfied that the applicants have satisfied the requirements of EC15.

#### EC10 'Impact Considerations'

Policy EC10.2 also sets out five criteria against which all planning applications for economic development must be assessed.

##### **EC10.2 (a) Impact on CO2 emissions**

In general terms it is accepted that the proposed building will be more energy efficient than those currently found on site. Its credentials could be further enhanced through imposition of a 10% energy condition (RSS policies EM17 & EM18) and through imposition of a condition requiring the building to achieve a BREEAM Very Good Standard.

The main concern however is the potential for the store, in this location, to encourage a modal shift from foot, cycle or bus (in the case of visitors to the town centre) to car use to visit this proposal which would clearly adversely affect emissions. In this respect however, it is considered reasonable to conclude that clawed back trade could potentially reduce car journeys out of the town because more residents choose to shop within Middlewich itself with the resultant decreases in carbon emissions. Furthermore, through a combination of measures proposed by the applicant and additional conditions that would be imposed on any permission (to improve links between the town centre and the site) it is likely that more linked trips can be encouraged with a view to further reducing carbon emissions.

##### **EC10.2 (b) Accessibility**

In general terms the Strategic Highways Manager (SHM) is satisfied that the site is accessible. The tests applied by the SHM however are different to those considered in terms of the retail impact and in this respect it is clear that the site lacks the accessibility of those within the town centre, is more difficult to access by bike or foot because it is located in the northwest of the town when the majority of the population reside to the south of Middlewich.

Whilst the site is not therefore as accessible as those within the town centre, the range of measures proposed by the applicant, in conjunction with measures proposed by officers in terms of enhancing pedestrian links with the town centre to improve accessibility and the physical attractiveness of the route, mean that the accessibility between the site and the town centre can be greatly enhanced. As a result, it is considered that the impact can be appropriately managed and mitigated.

### **EC10.2 (c) Design**

Whilst matters relating to design are covered in more detail within the next section, we are now satisfied that the design of the scheme has been enhanced over the previous 2010 proposal and constitutes an appropriate design solution which serves to improve the character of the area and the way it functions in accordance with the requirements of PPS1.

### **EC10.2 (d) Impact on Economic and Physical Regeneration**

The scheme will secure the removal of the existing, somewhat unsightly buildings associated with the garden centre site and bring about the beneficial re-use of the site thereby offering benefits in terms of the economic and physical regeneration of the area.

However the main issue for consideration here is the impact that the scheme would have on the planned investment and physical regeneration of the town centre through the delivery of the site allocation DP4 M1.

Dealing with this matter is far from straightforward however. On the one hand, the findings of the TCR coupled with evidence from the applicant in respect of greater expenditure, demonstrate that the proposed development could be delivered alongside the proposed town centre allocation without undermining it in any way and that this approach could actually benefit the town through much greater retention of leaked trade and resultant linked trips with the town centre. On the other, is the risk that the proposed occupier of the town centre site (Tesco) decides to move onto the application site prejudicing the ability to deliver the allocated town centre site for the foreseeable future; something which would have substantial, unacceptable consequences for planned economic and physical regeneration of the town centre.

Whilst this possibility is clearly a major concern, we consider the likelihood of it happening to be low in light of the evidence presented by the applicants to indicate that a contract has been entered into with Morrison's on the site (which Morrison's confirm). Nevertheless, Members need to be aware of this risk in reaching their decision because the Council would have no control over the future occupants of the proposed given that a personal permission restricting occupation to Morrison's would fail against Circular 11/95.

### **EC10 (e) Impact on Local Employment**

In overall terms the applicant's suggest that the scheme is likely to generate 100 full time equivalent (FTE) jobs where as the expert advice to the Council is that a figure of 70-80 FTE jobs is more realistic. Whatever the final figure however, should permission be granted, the creation of 70-80 or 100 jobs is clearly desirable, particularly as this proposal could sit alongside a further new store within the town centre.

In order to secure maximum benefits for the local labour market within Middlewich (particularly for the long-term unemployed), we recommend that a local labour condition be attached to any permission to ensure that local residents are encouraged to secure work at the proposed supermarket thereby maximising the impact on local employment.

#### EC16 'Impact Assessment'

In overall terms, and following the submission of a PPS4 Addendum Note with the applicant's, overall methodology and approach to assessing the impacts from the proposed development in terms of the requirements of EC16 of PPS4. The main findings and considerations are now discussed in more detail below.

#### EC16.1 (a) Impact on Investment and EC16.1(c) Impact on Allocated Sites

As explained in an earlier paragraph, there was some initial concern that the grant of permission for a supermarket on the application site could undermine town centre regeneration and the delivery of the proposed Tesco store on the site allocation DP4 M1. However, for reasons discussed in the sequential section, it is clear that there is both quantitative and qualitative need within Middlewich for the town to be able to accommodate both the approved town centre store and the proposed store on the application site. Whilst we have discussed the scenario of the town centre site being left undeveloped in favour of the application site, we consider that the likelihood of this scenario unfolding to be slim, albeit whilst identifying the risks associated with this particular scenario. The more likely and positive scenario is that a new food store on the application site, occupied by a rival supermarket, is likely to motivate Tesco to deliver the town centre scheme which would further enhance vitality and viability of the town centre. Nevertheless if Members were not prepared to accept this risk, and have substantial concerns that the scheme would adversely impact the ability to deliver the town centre scheme, this would amount to grounds for refusal of the application (although it must be recognised that this would be against Officer advice).

#### EC16.1 (b) Impact on Vitality and Viability.

It is clear that Middlewich is suffering from not being able to retain its main food shopping expenditure; a clear indicator being the level of vacancies within the town which has remained consistently above the national average. In recent years however the re-branding of Somerfield to Tesco has made a marked difference to the town with shoppers are now visiting the town centre which is considered to have a had a positive impact in recent years. This is likely to increase further with the implementation of the Tesco / Briden Investment planning permission and increase the level of retained expenditure in the town

Clearly, if the scenario existed whereby the application site undermined the planned investment in the town centre, the impact on vitality and viability would be significantly adverse. This would be because the main food shop would be in an edge or out of centre location (depending which view you take), significantly reducing the number of people visiting the primary shopping area through reduced linked trips. Furthermore, the quantitative and qualitative need of the town would not be met. However, in the previous section we outlined how this scenario is unlikely to happen and that in reality a new operator will be introduced into the town with the resultant trade benefits which would serve to enhance the vitality and viability of the town centre.

#### **EC16.1 (d) Impact on Trade / Turnover**

In terms of impact on trade and turnover, the evidence submitted and advice to the Council is that the largest impact would occur on the existing Tesco store. However, if the proposed store is constructed and the New Tesco store implemented then the convenience goods turnover of the town centre will remain at a similar level to that currently achieved.

Furthermore, people will be shopping at the new stores who previously did not shop in Middlewich at all and it is therefore reasonable to suggest that some of those new shoppers will undertake linked trips with other facilities in Middlewich (which reinforces the importance of ensuring improved pedestrian links and public realm treatment between the two sites). In summary therefore, whilst some trade would be diverted away from the town centre, we do not consider this would result in a significant adverse impact on the future vitality and viability of the centre as a whole.

#### **EC16.1 (e) Appropriate Scale**

Based on the advice of the Councils retail experts, who have considered the findings of the TCR and the applicants PPS4 Assessment, we are satisfied that the proposed development is both comparable and appropriate for Middlewich both in terms of its physical scale and the available expenditure within the local catchment area.

#### *Summarising the PPS4 and S2 considerations*

Whilst the circumstances and considerations surrounding this application are clearly complex, we consider that the proposed development is acceptable having particular regard to the fact that the scheme will help to claw back lost expenditure and provide greater choice and competition for residents in the town; two of PPS4's key objectives.

Whilst there is clearly a risk that the food store could undermine the planned investment in the town, which would significantly adversely affect vitality and viability of the town centre, we consider the likelihood of this scenario occurring to be limited. The more likely scenario being that two competing food stores are delivered within the town with resultant benefits in terms of retained expenditure, increased choice and competition and the likelihood of increased linked trips with the town centre to the benefit of vitality and viability.

In summary therefore, we are satisfied that the applicant has satisfied the sequential test (EC15) and appropriately addressed the impact considerations at EC10 & EC16 and therefore meets the requirements of policy EC17 and local plan policy S2.

#### **Design, Character and Impact**

The design of the scheme as originally submitted was considered to be poor and discussions have therefore taken place with a view to securing an enhanced design and layout. The scheme has now therefore been revised resulting in better symmetry, more visual interest to the facades (with two glazed corner features, additional glazing at ground floor and more sympathetic canopy) and a more attractive retaining wall with additional landscaping that now relates more appropriately to the street and wider area.

The opportunity to provide a more prominent and attractive pedestrian entrance onto the street has also been taken with the result that the scheme now has opportunity to create better links back into the town centre. This can be further enhanced by appropriate conditions in respect of public art, lighting and landscaping to ensure that the scheme can be further enhanced.

We are therefore satisfied that the design and layout represents an improvement over the scheme as originally submitted and that the requirements of PPS1 and local plan policies GR1 and GR2 have been addressed.

### **Residential Amenity**

In overall terms, we are now satisfied that the relationship between the proposed development and adjoining neighbouring properties is acceptable and meets the requirements of GR1 (iii), GR2 (I) (D), GR6 and GR7 subject to the imposition of appropriate conditions.

### **Visual Amenity, Light and Privacy**

In terms of visual impact, the scheme largely replicates the scale, mass and positioning of the extant 2008 permission but with a reduced width and loss of the building fronting Chester Road. The scheme is therefore acceptable from a visual amenity perspective and would in actual fact have a lesser impact than the approved scheme whilst also representing an improvement for residents in Lindisfarne Close and no67a Chester Road.

Whilst concerns were previously expressed in respect of the loss of existing hedges along the sites southern boundary, more particularly the attractive Beech hedge located adjacent to no5 Buckfast Way, the scheme has now been amended to ensure that this hedge can be retained to ensure an attractive boundary treatment between the two properties. This now allows for a degree of 'soft' screening between the application site and dwelling which will screen the proposed service yard area. Furthermore, the existing Holly Bushes adjacent to the rear gardens of properties on Lindisfarne Close is also now proposed for retention in line with residents' requests even though officers considered that its removal and replacement with more appropriate landscaping would have potentially improved light and amenity for residents. These hedges will therefore be covered by appropriate conditions to ensure their protection during any construction period.

Members will note that the biggest impact from the proposed development is likely to occur as a result of the service yard area. However this largely replicates the replicates the layout of the extant scheme albeit now with a greater degree of landscaping due to the retained hedgerow around the site.

### **Service Yard, Delivery and Car Park Noise and External Lighting**

The main concern in terms of impact on amenity however relates to the potential for noise from the service yard area and the impact this could have on the amenity of nearby residents, particularly dwellings at 5 Buckfast Way and 8 & 10 The Crescent.

In dealing with this mater, it is important to note that the extant 2008 permission related principally to the sale of comparison goods which would have been less intense and would require less deliveries than a solely convenience goods store. In addition, the service doors on the extant 2008 scheme were spread across the rear elevation at regular intervals thereby avoiding a concentration of activities in any one spot.

In the case of the scheme now proposed, it is considered the store will require more deliveries of fresh produce such as bread, milk and vegetables on a daily basis. Whilst this may not have been drawn out within the applicants Transport Assessment, or referred to by the highways engineer, this is based on experience of other food store schemes. In dealing with this issue, the applicant asserts that a restriction on delivery times (between 7am & 10pm), coupled with a 3m acoustic fence would protect amenity. Environmental Health are more

cautious however indicating that the hours restriction needs to be more tightly controlled if amenity is preserved having specific regard to intensification, the single delivery point (with scissor lift access) and potential for significant noise from the steel cage pallets more commonly used for the delivery of frozen and refrigerated foods.

Taking all the factors into consideration, Environmental Health would have no objection to the scheme providing that the delivery hours were controlled and restricted to 7am – 8pm and that a series of measures were put in place to control noise particularly from the service and delivery doors at the rear of the building and external lighting to the service yard and car park areas.

In terms of the car park area, we are satisfied that the scheme will have an acceptable relationship with adjoining properties, particularly in terms of its relationship with no67a. The car park will be separated from the curtilage of no67 by a band of retained trees with the car park area itself being set back on a higher level and, for the most part, screened by a decorative balustrade; the details of which are secured by condition to ensure an attractive design and appropriate mechanisms to screen car lights from the garden areas.

In overall terms therefore, it is considered that subject to a range of appropriate condition, the scheme can comply with the requirements of policies GR1 (iii), GR2 (I) (D), GR6 and GR7.

#### **Environmental Health Related Matters**

***In terms of remaining Environmental Health considerations, it is considered that the proposed development is acceptable. In the case of air quality, whilst it would be necessary to secure a number of measures to mitigate the potential impact of development traffic on an area close to being designated as an AQMA, these could be secured by way of condition on any permission.***

***In terms of contamination, whilst further investigations are needed, it is considered that a suitably worded condition could be attached to cover the requirements for assessment and remediation. Similarly, whilst the site is likely to require the installation of plant and equipment, Environmental Health is satisfied that a detailed scheme could be secured by way of condition prior to installation. The requirements of Local Plan policies GR6, GR7 and GR8 would therefore met subject to imposition of conditions.***

#### **Highway Safety and Accessibility**

Following detailed consideration of the proposed scheme and Transport Assessment, the Strategic Highways Manager is satisfied the proposed scheme is acceptable from a highway safety and accessibility perspective.

Whilst the proposed access leads directly onto the Newton Bank gyratory, which objectors consider cannot accommodate the development, the Strategic Highways Manager (SHM) is satisfied that the gyratory has capacity to accommodate development traffic albeit subject to the requirement for off-site highway that would be secured by way of Grampian condition. This would involve part signalisation of an arm of the gyratory, installation of pedestrian



crossing point adjacent to the site frontage with Chester Road and various improvements to pedestrian crossing points and pavements along Chester Road.

In terms of accessibility more generally, rather than the more detailed considerations associated with PPS4, the SHM is satisfied that the site is sufficiently accessible by a range of transport modes including pedestrian and cyclists. It would however be necessary for the applicants to enter into a S106 in order to secure the proposed Travel Plan along with a financial contribution towards the improvement of/or addition to local bus services to secure quality partnership standard bus-stops (totalling £25,000).

As explained in the retail impact section, officers will also be imposing a range of conditions to secure improvements to the route between the site and the town centre to ensure a greater likelihood of linked trips.

It is therefore considered that the proposed development would satisfy the requirements of Local Plan policies GR1, GR9 and GR18.

### **Trees and Landscaping**

Following the submission of additional information, the concerns in relation to the impact of the scheme on the protected trees within the curtilage of No67 Chester Road (Shown as 65 on maps and plans) have been addressed with the plans clearly demonstrating that the retaining wall can be delivered outside the root protection zones (RPZ) thereby avoiding harm to the trees.

Members will also have identified that the scheme results in removal of the majority of trees from within the site, in particular the large TPO Beech tree which is extremely prominent both from within the site and more immediate areas around the site. However, in this respect, the submitted scheme simply reflects what has already been approved under the extant 2008 permission and it is not therefore considered a reason for refusal could be sustained.

Existing hedgerows to Buckfast Way and Lindisfarne Close are however now proposed for retention which is a marked improvement over and above the previously withdrawn 2010 application.

It is considered that proposed development meets the requirements of Local Plan policies GR1 (II), GR2 (II) and NR1.

### **Flood Risk and Drainage**

The applicant's Flood Risk and Drainage Assessment has demonstrated that the proposed development would avoid adverse impact upon flood risk within the area and complies with the requirements of PPS25 'Development and Flood Risk'. The Environment Agency concur with this view and advise that they have no objection to the proposed development although a number of conditions would be required to secure precise details of the proposed surface water and foul drainage strategies. It is therefore considered that the proposed development would comply with the requirements of PPS25 as well as local plan policies GR1, GR20 and GR21.

### **Archaeology**

Similarly, following an assessment of the applicants statement by the Archaeological Unit, it is considered that a condition imposed on any permission would allow for the sites

archaeological remains (an ice house on the western boundary) to be fully investigated and recorded prior to its destruction. The scheme could therefore comply with the requirements of PPS5 'Planning for the Historic Environment'.

### **Ecology**

The applicant's ecological assessment serves to demonstrate that there are no ecological issues that would prevent the grant of permission with the scheme. The site has limited ecological value and no adverse impacts would arise through its redevelopment in terms of protected species. The scheme therefore complies with the requirements of PPS9 and Local Plan policies GR1 (ix), NR3, NR4 and NR5.

### **CONCLUSION AND REASON FOR THE DECISION**

The proposed development will meet the identified quantitative and qualitative need identified for Middlewich and its catchment area and will serve to increase competition and choice for residents of Middlewich, one of the main objectives within PPS4. The proposed development can be accommodated alongside the proposed town centre scheme on site allocation DP4 M1 and it is not therefore considered that the scheme would undermine the delivery of the planned private investment into the town centre or the vitality and viability of the town centre.

Whilst there is clearly risk associated with approving this scheme, in terms of the potential to jeopardise the delivery of the approved town centre site, this risk is considered to be minimal with the more likely outcome that the permission will act as a stimulus to drive forward the delivery of the allocated town centre site and deliver the increased choice and competition that the town needs.

The layout and design of the scheme has now been amended since the previously withdrawn 2010 application and is now considered to offer an acceptable design solution which is appropriate to the character of the area and which is likely to offer greater opportunity for access the town centre.

In terms of residential amenity, we are satisfied that potentially adverse impacts associated with the scheme in terms of noise and external lighting can be addressed by way of planning conditions. The revised scheme now also seeks retain existing hedgerows around the rear of the site which will address some of the concerns raised by residents in respect of visual screening and amenity.

Matters relating to highway safety / accessibility, archaeology and flood risk have been adequately addressed by the applicants and the scheme therefore satisfies the relevant policies of the adopted Local Plan, RSS and national planning policy.

### **Recommendation**

That planning permission is granted subject to the prior signing of S106 Legal Agreement and subject to the following conditions:

#### **S106 Agreement Heads of Terms**

- Secures a financial contribution of £25,000 (prior to the commencement of development) towards local bus services;
- Secures the submission and implementation of a travel plan and an associated financial contribution of £5000 towards a monitoring

## **Conditions**

### **Standard**

1. 3-year time limit.
2. Approved Plans and Site Levels.
3. Materials to be submitted.

### **Landscaping and Public Realm**

4. Landscape plan.
5. Landscape implementation.
6. Tree and Hedgerow Protection Measures.
7. Scheme for Public Art.
8. Scheme for External Lighting.
9. Boundary Treatment and Materials.
10. Town Centre Signage Scheme.

### **Retail Restrictions**

11. Restriction of net retail floorspace.
12. Restriction on convenience and comparison split.
13. No subdivision of units.
14. Local Labour Agreement.

### **Highways**

15. Detailed scheme and implementation of part signalisation of gyratory system (based on submitted scheme) including proposed pedestrian crossing.

16. Scheme for pedestrian improvements to Newton Bank Gyratory for dropped kerbs and tactile paving.

17. Detailed scheme for public realm enhancements between the application site and Middlewich Town Centre (along Newton Bank and Chester Road) extending to include pavement surfaces, new trees and street furniture, enhanced lighting and new directional signage. Details agreed prior to commencement of development and implemented prior to first occupation.

18. Site access fully constructed prior to first occupation.

19. Pedestrian access fully constructed prior to first occupation.

20. Car park surfaced, laid out and available for use prior to first occupation.

21. Cycle hoops to be fully installed and available for use prior to occupation.

22. Service yard to be surfaced and available for use prior to occupation.

### **Environmental Health**

23. Contaminated Land.

24. Air quality mitigation implemented during construction.
25. Restriction on hours of construction to  
08.00 – 18.00 Mon – Fri and  
09.00 – 14.00 Sat (no work Sundays or Bank Holidays).
26. No piling works outside the hours 9am – 5pm Monday to Friday.
27. Restriction on deliveries:  
0700 and 2100 Monday to Saturday, 0800 and 1700 on Sundays, Bank or Public Holidays.
28. Scheme for noise mitigation measures (including acoustic screening to loading/delivery bay area, rubberised floors within the delivery area and electric points for vehicle refrigeration units) to be submitted and agreed before development commences and fully implemented prior to first occupation.
29. Implementation of the acoustic screening around the site perimeter prior to first occupation.
30. Scheme for the acoustic enclosures of fans, compressors and air conditioning equipment.
31. Programme of archaeological investigations submitted and fully implemented.
32. Proposed Store Opening Hours  
07.00 – 22.00 Monday to Saturday  
10.00 – 17.00 on Sundays and Bank Holidays.
33. 10% Decentralised / Renewable Energy / Low Carbon Energy.
34. Scheme for security measures to be submitted and agreed inc gates and CCTV.

### SITE LOCATION PLAN

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Application No: 11/1550N

Location: 37, CREWE ROAD, HASLINGTON, CHESHIRE, CW1 5QR

Proposal: Remodelling of Front of Property to Restore the Nature of Original Single Property and Veranda on Back of Property

Applicant: Mr S Campbell

Expiry Date: 16-Jul-2011

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Procedural Matters;
- Principle of Development;
- Design;
- Amenity;
- Highway Safety;
- Impact on Trees; and
- Other Matters

**REFFERAL**

This application was to be dealt with under the Council's delegation scheme. However, Councillor Marren has requested that it be referred to Committee for the following reason 'concerns relating to restricted highway visibility following construction of the wall together with its impact on the character and appearance of the streetscene. Additionally there are concerns about the effect of the proposed veranda on the amenity and privacy of the neighbouring property'.

**DESCRIPTION OF SITE AND CONTEXT**

The application relates to a two storey detached property. The front of the property has contrasting timber frame masonry elements, but this is not apparent at the rear of the property. The applicant's property is well set back from the road by approximately 15m. At the rear of the property is a large rear garden, which is enclosed by a 1.8m high waney lap timber fence and a number of immature/mature shrubs of varying heights. The applicant's property is located wholly within the Haslington settlement boundary.

**DETAILS OF PROPOSAL**

This is a full application (part retrospective) for the erection of boundary wall including railings at the front of the property, which is approximately 2.2m high (at the highest point) and at the rear of the property for the erection of a veranda and screen at 37 Crewe Road, Haslington.

## **RELEVANT HISTORY**

P06/0222 – Single Storey Side and Rear Extension, First Floor Side Extension and First Floor rear Extension – Refused – 30<sup>th</sup> June 2006. APP/K0615/A/07/2033041/WF – Allowed – 17<sup>th</sup> May 2007

P05/1455 – Single Storey Side Garage and Single Storey Rear Extension – Withdrawn – 6<sup>th</sup> January 2006

P00/1061 – Conservatory – Approved – 31<sup>st</sup> January 2001

## **POLICIES**

### **National policy**

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

PPS1: Delivering Sustainable Development

### **Local Plan 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)
RES.11	(Improvements and Alterations to Existing Dwellings)
NE.5	(Nature Conservation and Habitats)

## **CONSIDERATIONS (External to Planning)**

**Highways:** No objections

## **VIEWS OF THE PARISH / TOWN COUNCIL**

The Parish Council have concerns relating to the access and visibility following construction of the wall together with its impact on the street scene, and the effect of the proposed veranda on the amenity of neighbouring property.

## **OTHER REPRESENTATIONS**

**Letters and Emails (various dates) from the occupier of no. 33 Crewe Road, Haslington raising the following issues:**



- The wall height has been increased from approx 1.18m to 1.43m. The pillar height has been increased from 1.50m to 2.20m;
- There is a small section of party wall. At the time of the building work I objected to this being modified, as a result our neighbour built an inner wall on his land which along with the pillars is causing a restricted view;
- I understand there are regulations regarding wall & pillar height on boundaries adjacent to main roads. I also believe this project contravenes these regulations;
- Since the wall was built last year we have had 2 near miss accidents with school children from Haslington Primary School. The name and address of the people involved can be supplied if required.
- Owing to the fall in the road from Haslington towards Crewe our neighbour has tried to maintain a consistent wall height along the front of his property which we understand. However the build started at the Haslington side of the property and the initial height was too high. The end result is that the wall and pillars adjacent to our property are 1.50m & 2.20m respectively. In our opinion they are too high and disproportionate to surrounding building, walls, fences & hedges.
- Due to cost constraints our neighbour informed me that the wall sections would be constructed of breeze block and not Cheshire brick. He would then cement render and paint. The majority of the wall is now painted. After a short period the wall has become very dirty and unsightly and not in keeping with the surrounding area.

**Letters received from Mr. Barry Davenport (Agent) acting on behalf of the occupiers of no. 33 Crewe Road, Haslington raising the following issues:**

- The submitted plans are not accurate or to scale;
- According to the submitted plans some of the land is not owned by the applicant and as such the ownership details are incorrect;
- The materials used to construct the boundary wall are out of keeping with the locality and will have a detrimental impact on the character and appearance of the streetscene;
- The access points fails to comply with visibility requirements and the height of the proposed boundary walls will all have a detrimental impact on highway safety;
- The proposed veranda will appear overbearing and result in a loss of privacy for the occupiers of no. 33 Crewe Road.

**APPLICANT'S SUPPORTING INFORMATION**

**Design and Access Statement**

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

**OFFICER APPRAISAL**

**Procedural Matters**

At the time of the case officers site visit work had already commenced on the erection of the new boundary wall. However, as confirmed in PPG 18: Enforcing Planning Control, it is not an

offence to carry out development without first obtaining planning permission required for it. Furthermore, Section 73A of the 1990 Town and Country Planning Act specifically provides that a grant of planning permission can be given for a development that has already taken place.

### **Principle of Development**

The dwellinghouse is located within the Haslington Settlement Zone Line. The principle issues surrounding the determination of this application are whether the development would adversely impact upon the residential amenity of neighbouring properties and would respect the pattern, character and form of the surroundings, in accordance with policies BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking)

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.

Development Control guidance advocated within PPS 1 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 host property and will not have a detrimental impact on the appearance of the area and is accordance with advice stated within PPS 1.

### **Design**

As previously stated this is a retrospective application for the erection of a new boundary wall. The boundary wall (including the pillars) had been erected but the railings located in between the pillars had not been installed. According to the submitted plans and application forms the boundary walls are constructed out of facing brick and block work and are partially rendered. The boundary wall ranges from 1.3m high to 2.2m at the highest point. The case officer noted that the properties which front onto Crewe Road have various types of boundary treatment of varying heights and as such it is considered that the proposal does not cause any demonstrable harm to the character and appearance of the streetscene. However, in order to help soften the development, the case officer considers it prudent to attach a landscaping condition. Additionally, a condition will be attached to the decision notice relating to the colour of railings. The applicant is utilising the existing access points. Overall, it is considered that the proposal complies with policy BE.2 (Design Standards).

The applicant is proposing on erecting a veranda at the rear of their property. According to the submitted plans the proposed veranda will measure approximately 11m long by 2.5m wide and is 2.2m high off the ground. The proposed veranda will span the majority of the rear elevation of the applicants property and is located approximately 1m ranging down to 500mm off the common boundary with no. 33 Crewe Road. The existing boundary treatment which separates the two properties comprises 1.8m high waney lap timber fence and also incorporate a number of shrubs (of varying heights). According to the submitted plans the applicant is proposing on installing a wicker screen at the side of the proposed veranda in order to prevent any over looking into the front garden of no. 33 Crewe Road. The case officer considers it prudent to attach a condition requesting details of the proposed wicker screen, if

planning permission is to be approved. The proposed veranda will be constructed out of timber and will be painted white to match the host property. Overall, it is considered that the proposal will not form an alien or intrusive feature within the streetscene which is contrary to advice advocated within PPS1 and policy BE.2 (Design Standards) of the Local Plan.

### **Amenity**

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

Overall, it is considered given the scale and nature of the proposed boundary treatment, separation distances and juxtaposition of the properties will help to alleviate any negative externalities caused by the proposed development and the proposal accords with policy BE.1 (Amenity).

It is considered that the proposed veranda will have a negligible impact on the residential amenities of the occupiers of no. 33 Crewe Road. The front elevation of this property (no. 33) is set back approximately 2.5m from the rear elevation of the applicants property. It is noted that due to the height of the proposal will permit occupiers of no. 37 to view directly into the front garden of no. 33 and it is also noted that views will be permissible into the kitchen window of this property. However, the proposed wicker screen as conditioned will prevent any loss of privacy. The proposal is set approximately 500mm (at the narrowest point) off the boundary and it considered given the nature and scale of the proposal will not have an overbearing effect. Furthermore, the front garden can be viewed directly from Crewe Road. Therefore, it is considered that the proposal will not have a significant detrimental effect on the residential amenities of the occupiers of this property and the proposal accords with policy BE.1 (Amenity)

It is considered that the proposal will have a negligible effect on other properties in the area

### **Highway Safety**

The objector has objected to the proposal on the grounds of highway safety. However, it is not considered that the proposal would pose a significant threat to highway safety. There are a number of similar accesses in close proximity to the application site and there is sufficient space within the applicants curtilage for vehicles to access/egress in a forward gear. Furthermore, it is considered that pedestrians would be likely to hear/see a car in the driveway of the applicants property and they would know that vehicles access/egress the property at this point due to the presence of a dropped kerb. Furthermore, due to the design of the boundary treatment incorporating railing between the brick pillars people will be able to see a vehicle leaving the applicants property. Overall, it is considered that pedestrians approaching along the footway would be able to see the existence of a driveway, either hear the engine of a car and/or see the car before it encroached onto the pavement, it is fair assume that they would exercise appropriate caution when passing. Similarly, drivers manoeuvring out of the driveway will generally be familiar with the arrangement, even in reverse gear, can also be reasonably expected to exercise due caution, by edging out slowly

and looking both ways for other road users as necessary. It is not considered that the proposal presents a safety hazard to passing pedestrians or vehicles and would not conflict with Policy BE.3 (Access and Parking) of the Local Plan. Furthermore, colleagues in Highways have been consulted and raised no objection to the proposal.

### **Impact on Trees**

Located at the front of the application site is a large mature tree which is protected by a TPO. The applicant has confirmed that the existing footings have been used to construct the new boundary wall and as such it is not considered that the proposal will have had a detrimental impact on the tree. The landscape officer has been consulted and raised no objection to the proposal.

### **Other Matters**

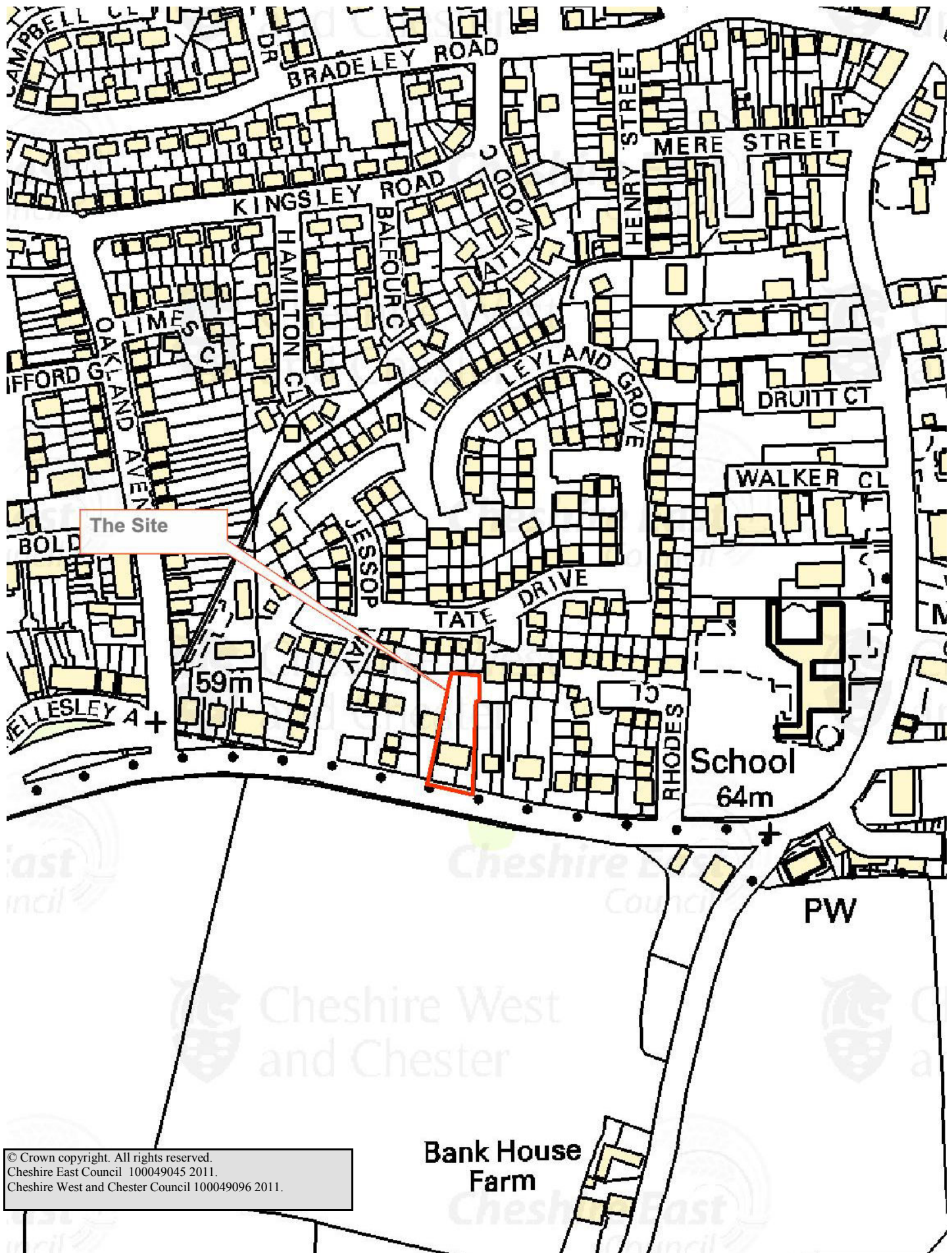
The objectors state that some of the land is not owned by the applicant. However, the applicant confirms that he does own all the land and has completed Certificate A. Matters relating to land ownership disputes are not a material planning reason for refusing an application

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed development would not significantly impact upon the surrounding neighbouring amenity and the design of the proposal is in keeping with the character of the host dwelling and the street scene and will not cause any demonstrable harm to highway safety. Therefore the proposal complies with Policies RES. 11 (Improvements and Alterations of Existing Dwelling), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained within PPS 1: Delivering Sustainable Development.

### **Approve subject to conditions**

- 1. Standard Time Limit**
- 2. Plans**
- 3. Landscaping Submitted**
- 4. Landscaping Implemented**
- 5. Colour of Railings**
- 6. Details of Veranda Screen**



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Application No: 11/2196N  
Location: K M D Hire Services, LONDON ROAD, NANTWICH, CW5 6LU  
Proposal: Extension and New Store  
Applicant: Mr Dan Mellor  
Expiry Date: 17-Aug-2011

**SUMMARY RECOMMENDATION**

Approve with conditions

**MAIN ISSUES**

- Principle of Development
- Impact on Character and Appearance of Streetscene
- Impact on Setting of Listed Building and Conservation Area
- Impact on the Amenity of Neighbouring properties
- Impact on Highway Safety
- Impact on Drainage

**REASON FOR REFERRAL**

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Cllr Martin to consider the design, impact of the development on a culvert, and flooding implications, suitability of the site for development, impact on residential amenity, impact on Grade I Listed Building and Conservation Area, and the impact on/loss of trees and hedges.

**DESCRIPTION OF SITE AND CONTEXT**

The application site forms a detached single storey flat roof tool hire building located within the settlement boundary for Nantwich. The site is located adjacent to the Grade I Listed Building, Churches Mansion and adjacent to the Nantwich Conservation Area. The site has customer and staff parking to the front of the property and external storage to the rear, there are also containers sited to the rear of the property. The area is predominantly residential but is on the edge of the town centre for Nantwich.

**DETAILS OF PROPOSAL**

This application proposes the construction of a pitched roof to replace the existing flat roof. The unit would also be extended to the side and rear. The resultant unit would have an eaves height of 3.3m and ridge height of 7.6m. The width of the unit would be 12m whilst the depth of the unit would be 14.8m.

The scheme also includes the creation of a store to the rear of the site. The store would be 15m in length and 5m in depth and would have a height of 3.3m to eaves and 5.3m to ridge.

## **RELEVANT HISTORY**

**P98/0783** – Planning permission approved for single storey extension and roof on 26<sup>th</sup> November 1998.

**P95/0523** – Advertisement Consent approved for Illuminated advertisement on 28<sup>th</sup> July 1995.

**P95/0274** – Split decision for Advertisement Consent on 1<sup>st</sup> June 1995.

**P92/0496** – Planning permission approved for car showroom on 23<sup>rd</sup> July 1992.

**P92/0293** – Planning permission refused for Motor vehicle showroom on 21<sup>st</sup> May 1992.

**7/19620** – Advertisement consent approved for Various illuminated and non illuminated signs on 7<sup>th</sup> May 1991.

**7/13109** – Planning permission approved for Extension to existing sales building to form office and Mess room, additional underground petrol storage tanks and additional pumps on 5<sup>th</sup> June 1986.

**7/13107** – Advertisement Consent withdrawn for illuminated canopy fascia signs on 27<sup>th</sup> April 1988.

**7/13106** – Advertisement Consent approved for illuminated shop fascia sign on 5<sup>th</sup> June 1986.

**7/12604** – Planning permission approved for Extension and alterations to tool hire centre on 28<sup>th</sup> November 1985.

**7/09418** – Advertisement Consent approved for Illuminated canopy fascia sign on 18<sup>th</sup> November 1982.

**7/08898** – Planning permission approved for Sale and repair of vehicles light industrial use of buildings on 8<sup>th</sup> April 1982.

**7/07077** – Planning permission approved for Extension to existing car compound on 21<sup>st</sup> August 1980.

**7/05698** – Advertisement Consent approved for illuminated pole sign on 23<sup>rd</sup> August 1979.

**7/05670** – Advertisement Consent approved for illuminated fascia signs on 23<sup>rd</sup> August 1979.



**7/03986** – Planning permission approved for Portal frame building to be used as paint spray workshop on 1<sup>st</sup> June 1978.

## **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.7 (Conservation Areas)
- BE.16 (Development and Archaeology)
- E.4 (Development on Existing Employment Areas)
- E.7 (Existing Employment Sites)

### **Other Considerations**

PPS1 – Delivering Sustainable Development

PPS5 – Planning and the Historic Environment

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

**English Heritage** – The development will, to a certain extent, impact on the setting of Churches Mansion. To minimise impact it is important that development is not drawn closer to the street. Height may be a problem and recommend whether the design can be amended. Possibility of more than one gable to break the bulk. Recommend that the application be determined in accordance with national and local policy and on the basis of specialist conservation advice.

**Environmental Health** – No objection subject to conditions relating to hours of operation, acoustic attenuation and external lighting.

**Strategic Highways Manager** - There won't be any significant impact on the surrounding highways infrastructure as a direct result of this proposal. No highways objections.

**United Utilities** – No objection subject to draining surface water on a separate system with only foul sewage connected and either amending the scheme so that it is not within a 5m easement of a water main, or diverting the water main.

## **VIEWS OF THE PARISH COUNCIL**

Proposal must be considered with great care and consideration.

## **OTHER REPRESENTATIONS**

One letter of comments received from 13 London Road stating that careful consideration should be given to drainage.

Two letters of objection received from Oligra Planning, the relevant planning arguments are:

- Significant over development and intensification of site
- Located adjacent to Churches Mansion (Grade 1 Listed Building) impact on its setting
- Intensification of commercial operations will jeopardise long term prospects of Churches Mansion
- Impact on trees and hedge outside the application site and within Conservation Area
- Insufficient parking to be provided
- Impact on residential amenity – proposals 7m away from first floor kitchen window
- They only have a right to access on access road, it is not in their ownership
- Design of storage building is not appropriate
- Impact on flooding
- Inconsistencies between indicative 3D visuals and submitted plans

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement

Indicative 3D drawings

## **OFFICER APPRAISAL**

### **Principle of development**

This application proposes an extension and new store building to an existing tool hire shop within the settlement boundary of Nantwich. Policy E.4 states that the intensification of the existing employment site would be permitted in accordance with other Policies within the Local Plan, relating to design, amenity, highway safety etc.

### **Impact on the character and appearance of the streetscene, Conservation Area and setting of Listed Building**

The existing structure is a flat roof building which is set back from London Road by 17m. The building is sited between a block of apartments in the recent Hastings Road development and a building attached to the Grade 1 Listed Churches Mansion. The building lies just outside the Nantwich Conservation Area which is to the west. The existing flat roof structure detracts from the character and appearance of the streetscene, and views from the Conservation Area and in the wider context of Churches Mansion. Views of the site when approaching the Conservation Area from the east are limited due to the building being set back from the edge of the public highway.

The application proposes an extension to the existing store to create a pitched roof to replace the existing flat roof, and extensions to the side and rear. The proposed pitched roof would increase the bulk of the unit. However, it is considered to be a significant improvement to that of the existing structure and the character and appearance of the streetscene. Whilst the width and depth of the building would increase, it is considered that it would still sit comfortably in the plot between the adjacent properties.

Concern has been raised with regard to the bulk of the structure and the impact which it would have on the setting of the adjacent Grade 1 Listed Building. The proposed building would be of lower height, in terms of both eaves and ridge height to adjacent properties and would be subordinate to these structures. The creation of a pitched roof, which fronts London Road, would be more appropriate than the existing flat roof. Furthermore, the building is set deep within the plot behind the building line of both adjacent buildings and it is therefore considered to cause little demonstrable harm to the setting of the Grade I Listed Building.

The scheme also proposes the erection of a store to the rear of the premises. The store would be 15m in length and 5m in depth and would have a height of 3.3m to eaves and 5.3m to ridge. The structure would be sited behind the unit to the front and would not be visible from the streetscene. The store includes floorspace within the roof and proposes dormer windows. These would reflect the dormer windows on the properties opposite and is considered to be of appropriate design.

It is considered that a condition for materials to be submitted is appropriate to ensure that those used, particularly for the extended store are appropriate in the setting adjacent to a Listed Building.

### **Impact on the Amenity of Nearby Properties**

The application site is located within an area which is predominantly residential in character, as such there are residential properties located to the north and east of the site. It is also understood that there is an apartment at first floor level within the adjacent building attached to Churches Mansion.

The properties fronting onto London Road are flats within a three storey block. There are only three small windows within the side elevation of that block which face over the car park of the application site. The proposed development would cause no additional harm to these windows. The proposed development would be, at its closest, 8m from windows to the rear of that block. Given this distance, the angle to which the two buildings would be sited and the modest height of the proposed development it is considered that there would be no harm on these properties through over bearing or loss of daylight.

Those properties on the opposite side of London Road would be sited over 30m from the extended unit and there would be no harm caused to these properties.

With regard to the first floor apartment within the building attached to Churches Mansion, the proposed development would decrease the eaves height of the existing structure, from 4.8m to 3.2m. The ridge height would however increase to 5.4m to the rear of the building, however this would be sited 3m further away from the kitchen window than the existing building. The front proportion of the site would not be directly in front of this window, whilst the rear section would be 11m away. As this is a first floor window and the roof slope of the proposed structure slopes away, at a point 11m from the window, it is considered that there would be no significantly detrimental impact on the amenities of this property/room through loss of daylight.

### **Impact on Highway Safety**

The application proposals increase the size of the footprint of the main building and provide a storage building to the rear of the property. Objections have been raised that the proposed development would provide an unsatisfactory level of parking which would not satisfy the maximum parking standards contained within the Local Plan. It is acknowledged that an increase in floorspace requires an increase in parking provision. However, the standards contained within the Local Plan are maximum standards. The site is located close to the town centre in a relatively sustainable location. Furthermore, there has been no objection on parking provision grounds from the Strategic Highways Manager

In the light of the above it is considered unreasonable to refuse the application on lack of parking.

### **Impact on Trees**

The development of the proposed store to the rear of the site would be sited immediately adjacent to three trees and a beech hedge. The proposed development would lead to increased pressure for their pruning and potential removal. The Council's Arboricultural Officer has stated that the two copper beech trees show signs of included fork unions, which is considered to be a structural instability, whilst the third tree is a poor specimen which shows signs of stress with dieback to the crown and cankerous to the main stem structure. It is therefore considered that, despite providing some amenity value, these trees are not worthy of protection.

An objection has incorrectly identified these trees as being within a Conservation Area.

### **Impact on drainage**

The application proposes a store to the rear of the site, a culvert runs very close to this structure. United Utilities have identified that the proposed development would be very close to a water main and a 5m easement would be required from any main. The proposed development would be within 5m of this main and as such the layout will require amending. Alternatively, there is scope for the water main to be diverted. As there is an option for the main to be diverted (at the cost of the applicant), it is considered that the development could be carried out and an Informative should be attached to any permission to reflect this.

With regard to flooding it is considered that the satisfactory drainage of the site, which can be secured by condition, it is considered that there would be no increased impact on flood risk.

### **Other matters**

Concern has been raised over land ownership. However the applicant has confirmed that, in their opinion the land contained within the red edge of the application site is entirely within their ownership.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed development within the settlement boundary for Nantwich is acceptable in principle. It is considered that the design of the proposed unit would not cause demonstrable harm to the character and appearance of the streetscene or the setting of the adjacent Listed

Building or Conservation Area. Furthermore, there would be no harm caused to highway safety, or the amenity of nearby properties. The proposal is therefore in compliance with Policies 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.9 (Listed Buildings – Alterations and Extensions), BE.16 (Development and Archaeology), E.4 (Development on Existing Employment Areas), and E.7 (Existing Employment Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **RECOMMENDATIONS**

**Approve subjection to the following conditions:**

- 1) Commencement of Development**
- 2) Approved Plans**
- 3) Materials to be submitted and approved**
- 4) Car park to be made available prior to first use**
- 5) Details of any areas of external storage to be submitted**
- 6) Details of Boundary treatment to be submitted and approved**
- 7) Construction Hours**





Application No: 11/2681N

Location: LAND ADJ, LONG LANE, ALPRAHAM

Proposal: Proposed Agricultural Workers Dwelling to Serve a Working Farm to be Relocated

Applicant: Mr & Mrs Crank

Expiry Date: 08-Sep-2011

**SUMMARY RECOMMENDATION**

Refuse

**MAIN ISSUES**

- Principle of Development - Whether there is a functional and financial need for an agricultural workers dwelling
- Impact on Character and Appearance of Open Countryside
- Impact on the Amenity of Neighbouring properties
- Impact on Highway Safety
- Impact on Protected Species

**REASON FOR REFERRAL**

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Cllr Jones to consider the credibility of the business case and to check design and siting.

**DESCRIPTION OF SITE AND CONTEXT**

The application site forms a newly established (re-located) agricultural unit located with the Open Countryside as defined by the Local Plan Proposals Map. The site includes three large agricultural buildings (all connected) with a large area of hardstanding to its east. The site is located on the northern side of Long Lane from which it is accessed. There are ponds within close proximity to the site.

**DETAILS OF PROPOSAL**

This is a full planning application for 1 detached agricultural workers dwelling which would serve a new agricultural holding at Long Lane, Alpraham. The proposed agricultural workers dwelling would be 2 storeys with a height to eaves to 5.5m and 8.5m to ridge. The dwelling

would have a width of 12.3m and maximum depth (including two storey out rigger) of 13.1m. Accommodation would comprise 4 bedrooms (two en-suite), a bathroom, living room, dining room/kitchen, snug, utility room, shower room and tack room. Floor space would comprise 250sqm (measured externally). The scheme also proposes the construction of a double garage, with office which would have a height to eaves of 2.7m, height to ridge 4.995m. The garage would have a maximum width of 6.5m and maximum depth of 8.7m.

The scheme will also include the creation of a residential curtilage which would have a length of 66.5m and width of 35m and would comprise an area of 2327sqm.

## **RELEVANT HISTORY**

**10/3403N** – Planning permission was approved for the Erection of a General Purpose Agricultural Storage Building on 26<sup>th</sup> October 2011.

**09/3284N** – Planning permission was approved for Erection of Agricultural Cattle Shed on 25<sup>th</sup> November 2009.

**P08/1254** – GDO Determined that Planning permission was not required for General Purpose Agricultural Storage Shed on 5<sup>th</sup> December 2008.

## **POLICIES**

### **National policy**

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS7: Sustainable Development in Rural Areas

### **Local Plan policy**

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

RES.5 (Housing in the Open Countryside)

RES.6 (Agricultural and Forestry Occupancy Conditions)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

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

**Strategic Highways Manager** - There won't be any significant impact on the surround highways infrastructure as a direct result of this proposal. No highways objections.

## **VIEWS OF THE PARISH COUNCIL**



No objection subject to agricultural tie restriction

## **OTHER REPRESENTATIONS**

None received

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement

Proposed Business Review – Agricultural Assessment

## **OFFICER APPRAISAL**

### **Principle of development**

The creation of a new dwelling within the Open Countryside is unacceptable in principle. However, Policy RES.5 states that Housing in the Open Countryside is acceptable where it is required for a person engaged full time in agriculture. The proposal therefore needs to be assessed against the functional and financial tests outlined in PPS7 with regard to the provision of an agricultural worker's dwelling on the site.

PPS7 states that new residential development may be justifiable in the open countryside on the basis that it would enable a full time agricultural worker to live at or in the immediate vicinity of their place of work. Agricultural workers will be expected to live in nearby defined settlements unless there is an essential need to have a worker readily available on site to secure the viability of the enterprise. Whether it is essential to have a worker available on site is based on the needs of the enterprise and not the preference of the individual.

The proposals contained in this scheme are for a new permanent agricultural dwelling to support a relocated farming enterprise. The farm has been relocated from its existing site at Grove Farm to the application site, and has received a series of consents for agricultural buildings since 2008. These buildings have been erected, however at the time of the officers site visit, did not appear to be operational as a dairy farm. The farming enterprise has 219 acres of land and is at the start of a 15 year Farm Business Tenancy. The applicants have been given notice that their existing house and buildings at Grove Farm, plus 26 acres of land, are to be returned to the land owner. It is considered that this is an established farming unit and a permanent dwelling could be considered to be acceptable.

For permanent agricultural dwellings in the open countryside PPS7 requires that 5 tests are met. The assessment of this application against these tests is shown below;

i) *'There is a clearly established **existing** functional need'*

The application proposals relate to the relocation of an existing, and established farming enterprise. The stocking of the farm consists of a dairy herd of 100 cows, 164 dairy heifers and 59 store beef cattle. The farm also has 60 acres of wheat and barley.

The agricultural justification states that there is a total labour requirement of 7,991 hours per year. The standard man year comprises 2,200 hours and as such this equates to a labour unit requirement of 3.63. These calculations have been taken from nationally accepted data (Nix 2011).

The nature of the enterprise which is predominantly dairy is one which would require the 24 hour supervision of livestock and it is therefore considered that there would be a need for a single skilled worker to reside within site and sound of the enterprise.

ii) *'The need relates to a **full-time** worker, or one who is primary employed in agriculture and does not relate to a part-time requirement'*

The labour unit requirement for the unit is for approximately 3.5 employees and therefore relates to a full time worker. As there is currently no employee residing within site and sound of the buildings this requirement is satisfied.

iii) *'The unit and agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so' –*

The application has been supported by two years of accounts, it is normally expected that any application for permanent dwellings is supported by three years worth of accounts and it is therefore considered that insufficient information has been submitted to consider the financial basis of the enterprise.

Furthermore, from the figures submitted it is considered that the enterprise could not support the construction of a dwelling and remain financially sound. Guidance issued by MAFF to Local Planning Authorities states that *"for a holding to be considered financially sound and to assess whether it can be sustained for a reasonable period of time it is necessary to ensure that it can be shown to provide a reasonable return on the land, labour and capital used in the business"*. This is a conventional economic assessment that a sound business should be able to provide a reasonable return on all the inputs used (land, labour and capital). The minimum agricultural wage would provide a reasonable return to labour (at 2008 this was £13,455), a reasonable return on capital employed would be 2.5%, and land would be a notional rent. For a business to be considered financially sound both now and in the future the net profit achieved would have to cover these deductions. No details have been submitted on the amount of land owned. However with a cost of £300,000 for existing capital (buildings), £200,000 for the cost of the dwelling (total of £500,000), 2.5% on this would be £12,500. Three and a half agricultural workers on the site would equate to £47,250 wages. Therefore based on the capital and labour alone the net profit of £16,908 would fail to provide a reasonable return on the inputs of £59,750. On this basis it is considered that the enterprise is not financially sound and does not have the prospect of remaining so.

iv) *'The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned'*

In terms of other existing accommodation in the area the supporting information provided by the applicant states that there is a functional need for a worker to live within sight and sound of the livestock. As the functional test has been met it is considered an exploration of alternative dwellings would not be a viable alternative to satisfy the functional need.

v) *'Other planning requirements, e.g. in relation to access or impact upon the countryside are satisfied'* – This issue will be addressed separately below.

It is important that agricultural workers dwellings are of a size that could be justified by the functional requirement to ensure the continued viability of maintaining a property for its intended use. In this instance it is considered that the proposed dwelling is of excessive size. The proposed dwelling has a total floorspace of 250sq.m (when measured externally) and consists of 4 bedrooms (two en-suite), a bathroom, living room, dining room/kitchen, snug, utility room, shower room and tack room. The scheme also includes a large double garage. The justification to Policy RES.5 states that the proposed dwelling should not be unusually large or expensive to construct, the maximum size for which permission would be granted would be 140sqm (measured externally). Such a dwelling would be expensive to construct. PPS7 states that *'Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted'*. Furthermore, such a large dwelling would prejudice any restrictive occupancy condition as the dwelling would be outside the range of property affordable to the local workforce should the dwelling be sold on in the future.

### **Impact on the character and appearance of the Open Countryside**

As detailed above the size of the dwelling and detached double garage is considered to be unduly large, therefore the proposed dwelling would cause demonstrable harm to the character and appearance of the Open Countryside.

The proposals include the creation of a large domestic curtilage which would comprise an area of 2327sqm. This is excessively large and such a change of use would also significant alter the character and appearance of the open countryside.

The siting of the proposed dwelling, which is adjacent to existing agricultural buildings, and set back from the edge of the public highway, is considered to be acceptable.

### **Impact on the Amenity of Nearby Properties**

There are no nearby properties which would be significantly affected by the proposed development.

### **Impact on Highway Safety**

The site would be accessed via the existing approved farm access. The increase in vehicular movements resulting from a single residential unit would be insignificant and would not cause

any demonstrable harm on highway safety. No objections have been received from the Strategic Highways Manager.

### **Impact on Protected Species**

The site is within very close proximity to a pond. As the proposed development would change the nature of land (i.e. developing on farm land) within such close proximity to this pond it is necessary to consider the impact of the proposals on Great Crested Newts. No Protected Species survey has been submitted with the application and it is therefore unclear of the impact that this proposed development would have on any GCN population or habitat.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Insufficient information has been submitted to demonstrate that the existing enterprise is financially sound and has a clear prospect of remaining so. The proposed dwelling and garage are of unacceptable size and scale which would cause significant harm to the character and appearance of the Open Countryside. In addition the size of the domestic curtilage is unduly large and would alter to character of the local landscape to the detriment of the character and appearance of the Open Countryside. Furthermore, insufficient information has been submitted to demonstrate that there would be no adverse harm caused to protected species. It is therefore recommended that the proposed development should be refused.

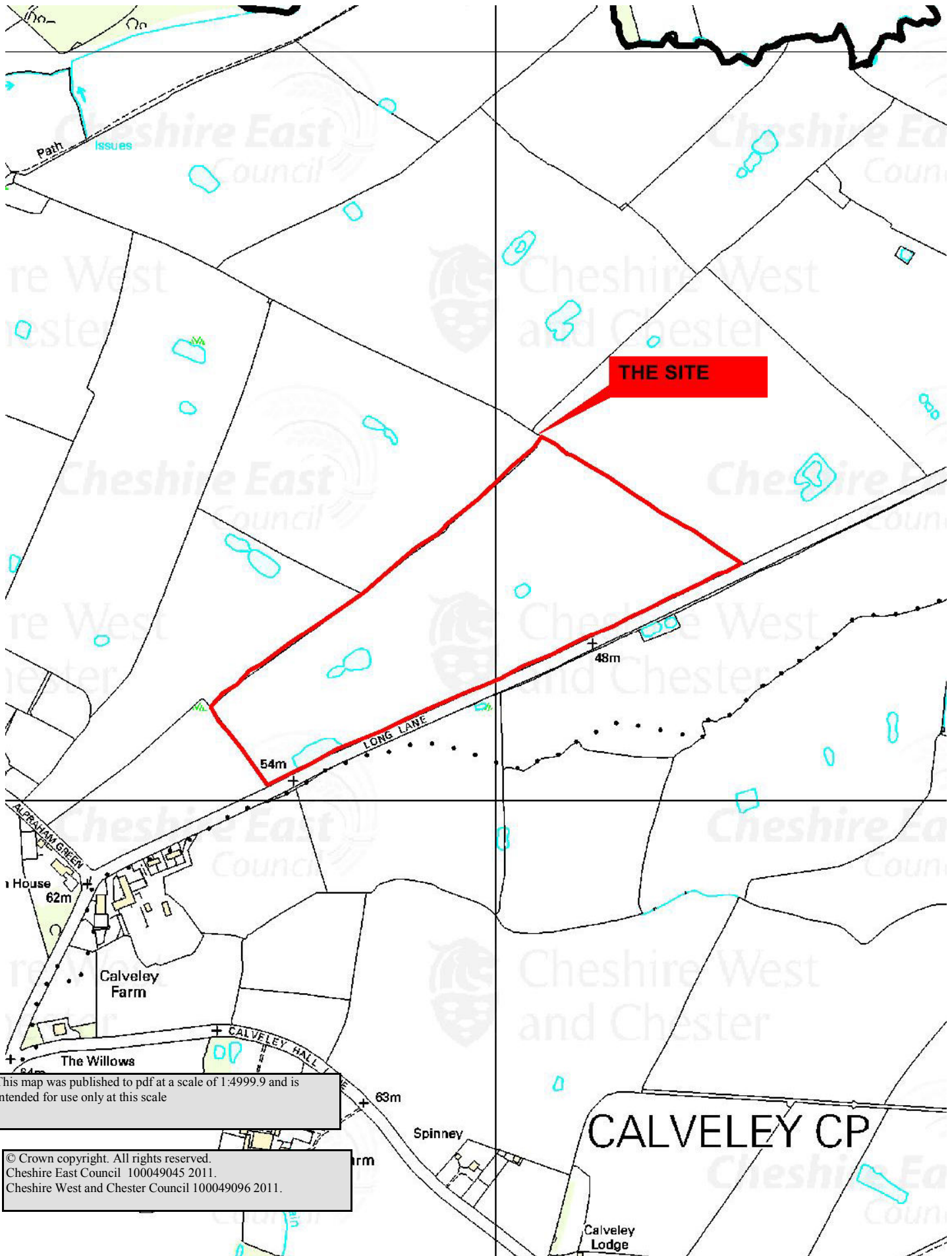
### **RECOMMENDATIONS**

**REFUSE** for the following reasons:

- 1) The submission fails to demonstrate that there is clear evidence that the proposed enterprise has a clear prospect of remaining financially sound as specified within Annex A of PPS7. As a result the special justification for allowing a new dwelling in the open countryside has not been met and the proposed development is contrary to the provisions of PPS 7 (Sustainable Development in Rural Areas) and Policies RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 2) In the opinion of the Local Planning Authority the proposed dwellinghouse is excessively large with a floor area of 250sq metres. A property of this size would be more expensive to construct and would prejudice the effectiveness of the agricultural workers occupancy condition, creating a dwelling which would not be affordable to the local agricultural workforce. Furthermore, the scale of the dwelling and detached garage is of such a scale that it would cause demonstrable harm on the character and appearance of the Open Countryside. The proposal is therefore contrary to Policies NE.2 (Open Countryside), RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and the provisions of Planning Policy Statement 7.**
- 3) The proposed development includes the creation of a domestic curtilage which would be approximately 2300sqm in area. Such an area for domestic curtilage is unduly large and would cause demonstrable harm to the character and appearance**

of the Open Countryside. As such the proposed development would be contrary to Policies NE.2 (Open Countryside), RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and the provisions of Planning Policy Statement 7.

- 4) The proposed development would be in close proximity to a pond. Insufficient information has been submitted to demonstrate that the proposed development would have no adverse effect on the population or habitat of Protected Species, particularly Great Crested Newts. In the absence of this information, to allow this development would be contrary to Policy NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan 2011 and PPS9.



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Cheshire East Council 100049045 2011.  
Cheshire West and Chester Council 100049096 2011.

Application No: 11/2886N

Location: LAND OFF HASTINGS ROAD, NANTWICH, CHESHIRE

Proposal: Residential Development Comprising 21 Dwellings with Associated Access, Parking, Garages, Landscaping and Open Space

Applicant: Mr D Hough, Arley Homes North West Limited

Expiry Date: 01-Nov-2011

### **SUMMARY RECOMMENDATION**

**Approve with Conditions and subject to the completion of a section 106 agreement for:**

- 1. Provision of on-site affordable housing of 6 dwellings, including 4 units (3 x 2 bed and 1 x 3 bed) for rent and 2 units (2 x 3 bed) for intermediate tenure**
- 2. Provision of a financial contribution of £15,000 towards off site equipped play space**
- 3. Details of a Management Company for the maintenance of areas of Public Open Space and Newt Mitigation Land**

### **MAIN ISSUES**

- Principle of Development**
- Design**
- Impact on the Character and Appearance of the Locality/Streetscene**
- Impact on Amenity of adjacent properties**
- Impact on Highway Safety**
- Impact on Protected Species**
- Provision of Affordable Housing**
- Provision of Open Space**
- Impact on Trees**
- Other Matters**

## **1. REASON FOR REFERRAL**

This application is to be determined by Southern Planning Committee as the proposal is for more than 10 dwellings.

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

The application site forms an area of open space located within the settlement boundary for Nantwich. The site forms the last part of land which is allocated for residential development within the Local Plan (RES1.16, London Road, Nantwich). The site forms a linear parcel of land. At present the site is used as informal and undesignated recreational land. There are numerous trees within the site are varying ages and species, some of these trees are subject to TPO protection. The site is surrounded by residential development to the north, east and west and to the south of the site is a railway line, beyond which is newt mitigation land and residential properties. The site is accessed from the previous phases of residential development at Hastings Road, which has access from London Road. There is a public right of way (No.25 Nantwich) along the eastern boundary and a brook along the western boundary.

### **3. DETAILS OF PROPOSAL**

This is a full planning application for the provision of 21 dwellings (including 6 affordable units). The scheme includes 11 detached dwellings, 4 semi-detached properties and 2 blocks of three properties. The size of the properties includes 8 5-bed units, 7 4-bed units, 3 3-bed units and 3 2-bed units. All properties would be two or two and half storey in character.

The dwellings would be accessed via a new road from Hastings Road at the north-western corner of the site. A provision of at least 200% off street parking will be provided for each dwelling. A public footpath will be provided to link to the existing public right of way network to the east of the site.

The scheme includes small areas to be designated as public open space and a larger area of land as newt habitat.

### **4. RELEVANT HISTORY**

**7/05500** – Planning permission refused for residential development on 23<sup>rd</sup> August 1979.

**7/07032** – Planning permission approved for residential development on 21<sup>st</sup> August 1980.

**P01/1087** – Planning application withdrawn for Demolition of Buildings and Erection of 82 Dwellings on 25<sup>th</sup> March 2002.

**P02/0350** – Outline planning application for 40 Apartments and Houses on 7<sup>th</sup> May 2002.

**P03/1400** – Planning permission approved subject to the completion of a legal agreement for 34 dwellings on 24<sup>th</sup> August 2004.

### **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).

#### **Local Plan Policy**

NE.5 (Nature Conservation and Habitats)



NE.9 (Protected Species)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
RES.1 (Housing Allocations)  
RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in RES.4)  
TRAN.3 (Pedestrians)  
TRAN.5 (Provision for Cyclists)  
TRAN.9 (Car Parking Standards)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

### **Supplementary Planning Documents**

Local Development Framework - Development on Backland and Gardens Supplementary Planning Document (2008)

Cheshire East – Interim Planning Statement on Affordable Housing (2011)

### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPS23: Development and Pollution Control  
PPG24: Planning and Noise

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

**Strategic Highways Manager** – Concerned about the design of narrower sections along the access road in relation to on-street parking. Suggest that developer looks at hitting 200% off street parking provision and addresses the requirement for on street visitor parking. Scheme relies on the end of the cul-de-sac being clear of vehicles to turn around.

**Environmental Health** – Recommend conditions relating to construction hours, hours for pile driving, hours for floor floating, scheme for mitigation for dwellings against noise from railway, details of external lighting to be submitted, and a

An Air Quality Impact Assessment is also required prior to determination.

**Environmental Health (Contaminated Land)** – Development is for a sensitive end use and could be affected by contamination. It is recommended that a phase II contaminated land study to be carried out.

**Countryside Access Development Officer** – support the potential footpath link which will encourage residents to travel on foot. Status and maintenance of any footpath would require agreement with the public right of way team.

**Network Rail** – Object to proposed development as the application boundary includes land within their ownership. Also recommend a number of conditions regarding encroachment onto Network Rail land, drainage details, scaffolding, cross sections, boundary treatment, proximity of development to boundary, noise/vibration mitigation, and landscaping.

**Public Right of Way** – No objection

**SUSTRANS** – Is opportunity to bridge the railway, part of the original Cronkinson Farm planning brief, would make more attractive to cycle/walk. Contribution required towards improving cycle/walking network. Including improvements to London Road/Churches Mansion Roundabout and contraflow cycling on Hospital Street. Should be convenient storage for buggies/cycles, and vehicle speeds in the site should be restricted to 20mph.

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

No comment

## **8. OTHER REPRESENTATIONS**

13 letters of objection received from 13, 84, 110 London Road, 14, 19, 41 Newhaven Court 62 Hawksey Drive, 96 Clonners Field, 47 The Beeches, 1 Smithers Close, 8 Birchall Close, 32 Hastings Road and 150 Hospital Street the salient points being:

- No one will rent next to a railway line
- Too many unsold properties in area
- Building should be during sociable hours, and temporary structures during construction could impact privacy
- Impact on privacy from proposed development
- Impact on protected trees, tall oak tree should be protected.
- Loss of trees and shrubs
- Trees habitat for birds
- Access road directly under this tree
- Impact on GCN's
- Existing visitor parking at end of Hastings Road will disappear
- Hastings Road/London Road are already congested – proposals will exacerbate
- Inadequate drainage in area – flooding problems
- Public Footpath at present is not adequate
- Dwelling will result in loss of morning light on 47 The Beeches
- Loss of privacy on properties to the south of the railway
- Impact on bats
- No space for refuge vehicles
- Overdevelopment of site

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

**Design and Access Statement** (prepared by Arley Homes)

**Arboricultural Report** (prepared by Pinnacle)

**Ecological Survey and Assessment** (prepared by ERAP Ltd)

**Sustainability Appraisal and Energy Statement** (prepared by Arley Homes)

**Railway Noise and Vibration Impact Assessment** (prepared by Hepworth Acoustics)

**Project Evaluation and Affordable Housing Review** (prepared by Janes Lang LaSalle)

**Geo- Environmental Desk Study – Preliminary Risk Assessment** (prepared by Shepherd Gilmour Environment Limited)

**Supporting Planning Statement** (prepared by HOW Planning)

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application site has been allocated within the Borough of Crewe and Nantwich Replacement Local Plan 2011 as part of a wider site for residential development. The proposed development of this site for residential development is therefore considered to be acceptable in principle. The main issues in this instance are therefore whether the proposed scheme is of an acceptable design, does not result in any demonstrable harm on the amenity of nearby properties or future occupants, whether the site can be satisfactorily access with an appropriate level of parking provision, whether there would be an adverse impact on Protected Species and Landscape features, and whether there are any other issues relating to affordable housing provision, open space provision, drainage, air quality and contaminated land.

Planning permission was approved, subject to the completion of a legal agreement, for the erection of 34 dwellings on this parcel of land.

### **Design - Impact on the Character and Appearance of the Locality and Streetscene**

The surrounding area comprises a mixture of house types and sizes, ranging from 3 storey terraced properties and apartments immediately to the north within a recent housing development, detached two storey dwellings and bungalows to the west, detached and semi-detached properties to the south and a variety of house types along London Road.

The application proposes a mixture of two storey dwellings (some with dormers in the roofspace) including detached, semi detached and terraced properties. The dwellings would be predominantly red brick, with slate grey tiles, there would also be elements of render finishing, mock Tudor features and tile hanging. It is considered that the proposed mixture of house types would not be at odds with the pattern and design of development in the surrounding area.

The nature of the site, which is a linear plot somewhat constrains the way in which the site can be developed. Notwithstanding this, units 1-8, at the western end of the site, have been design/sited

so that they reflect the pattern of development of those properties to the north. The street has been designed so that it bends and reduces in width to provide more interest in the streetscene. Those properties at the eastern end of the site have been turned so that they face down the street and provide an end stop and vista to the street.

The variety of designs proposed dwellings and variations in the building line provides interest in the streetscene. A feature dwelling is proposed at the entrance to the site which is an appropriate form of development at the head of the Hastings Road vista. Furthermore, the areas of open space also soften and provide interest.

The application site is largely backland development and views from public highways would be limited. The site does back onto a railway line and the proposals would be prominent from this view point. Notwithstanding this, it is considered that the proposed dwellings and layout is of acceptable design which would not cause any detrimental harm on the character and appearance of the streetscene or wider locality.

### **Impact on the Amenity of adjacent properties and future occupants**

#### Loss of Privacy/Overlooking/Overshadowing

Proposed units 1-8 are sited opposite the second phase of development to the north of the site. There is a minimum spacing distance of 23m between the proposed and existing properties which is considered to be an acceptable spacing standard which would not result in any detrimental harm to the amenities of those properties through loss of privacy or overlooking. The spacing distance between proposed units 9 and 13 to No.66a and the adjacent property would have a minimum spacing distance of 26m which again is considered to be acceptable and exceeds spacing standards.

Unit No.1 would be sited to the rear of No.47 The Beeches. There would be a distance of 16m between the rear wall of No.47 and the flank elevation of the proposed dwelling. It is noted that the occupants of No.47 have confirmed that they have a conservatory to the rear of their dwelling, not shown on the plans. Notwithstanding this, it is considered that there is still a satisfactory spacing distance between the two properties not to cause demonstrable harm to the amenities of that property through overshadowing and overbearing.

Between the rear elevation of the proposed properties 9-15 and the rear garden boundaries of those properties to the north would be a distance of 8-11m. Those properties benefit from large or long gardens and the spacing distance is considered to be adequate not to result in overlooking on those properties. It is not considered that proposed units 16-21 pose any amenity issues on surrounding properties.

There is a distance of over 40m between the proposed properties and those properties to the south of the railway line which far exceeds spacing standards.

#### Private Amenity Space

The SPD for Development on Backland and Gardens identifies that all new dwellings should have a minimum of 50sqm of private amenity space. In this scheme the proposed private amenity

spaces provided would exceed this level and as such would benefit from an appropriate level of garden space.

### Noise

The application site is sited immediately adjacent to a railway line and therefore there is the potential for there to be an amenity issue to future occupants of the proposed dwellings through noise disturbance. An acoustic report has been submitted to support the application. This impact assessment identifies a number of mitigation measures to reduce the impact on these properties through noise. Such measures include acoustic glazing, vents, and acoustic fencing. This can be secured by condition.

With regard to the impact of the proposed development on neighbouring properties during construction a series of conditions relating to construction hours, pile driving and floor floating are suggested.

### Vibration

Again the proximity of the proposed development to a railway line has the potential to cause a vibration impact on the proposed properties. The noise and vibration impact assessment identifies that the vibration levels were found to be very low in this location and as such no control measures are required. No objection has been received by Environmental Health on this basis.

### Air Quality

The application site is located near to the Hospital Street Air Quality Management Area (AQMA). Due to the scale of the proposed development there is a potential for the scheme to have an impact on the AQMA. Therefore, Environmental Health have requested that an Air Quality Impact Assessment be carried out and be provided prior to the determination of the application. This is being carried out by the applicants and an update on this issue will be provided at Committee

### **Impact on Highway Safety and Parking**

The site would be accessed from Hastings Road and would create a new road along the length of the site. The point of the new road connecting to the existing highway network is as previously approved and as such is considered to be acceptable.

The revised scheme proposes a minimum of 200% off street parking for each property. All of the larger properties to the west (up to plot 11) have at least 300% off street parking provision. It is therefore considered that the proposed level of parking is acceptable and would not result in significant harm to highway safety or lead to a disproportionate level of on street parking. The scheme proposes a mixture of road widths which is encouraged by Manual for Streets. The level of off street parking proposed would reduce the likelihood of on street parking.

Concern has been raised that the proposed scheme would contribute towards congestion in the surrounding road network. These concerns are noted, however it should be reiterated that this is a scheme for a number of dwellings which is less than that previously approved, where no concern was raised, and therefore would have less of an impact on congestion. Furthermore,

there has been no objection raised from the Strategic Highways Manager with regard to congestion issues.

### **Impact on Protected Species**

A Protected Species survey has been submitted to support the application. Within 250m of the site are 3 ponds. Pond 1 which is sited to the south of the railway lines is identified as having a good suitability as a Great Crested Newt habitat and is identified as supporting a small population of Great Crested Newts. The two other ponds are sited to the north of the application site and have a below average and poor suitability. No newts were recorded in these ponds

Part of the application site is located within 50m of pond 1 and is classed as being immediate or core habitat. The scheme submitted with the application proposes the retention of all of the core habitat. Revised mitigation measures have also been submitted which show the creation of 4 hibernaculas within the newt mitigation area. The scheme also includes the creation of a new pond adjacent to the existing pond on the southern side of the railway. The scheme also includes the retention of green corridors between pond 1 and ponds 2 and 3.

The Council's ecologist is satisfied with the creation of a new pond off site (on land within the ownership of CEC), and with the restriction of public access from the proposed core habitat. They have concluded that the proposals will make a considerable contribution towards maintaining a Great Crested Newt population in this area. Conditions are suggested for full details of the pond to be provided, for details of boundary treatment to the conservation area to be submitted and details of gaps under the fencing to be provided to facilitate GCN movements.

Additional conditions are also suggested with regard to carrying development out outside the bird breeding season, unless a survey has been carried, and details to be submitted of features to enhance opportunities for breeding birds and bats.

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 resting 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 implements the Directive in the Conservation of Habitats & Species Regulations 2010 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.

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. In this instance it is considered that the proposed scheme satisfactorily mitigates against any adverse harm towards the population of Great Crested Newts in this area through the retention and enhancement of core habitat.

### **Impact on Trees**

Concern has been raised with regard to the proximity of the proposed development to trees which are subject to a TPO, furthermore the crown spread of some of these trees would dominate the private amenity space of some properties leading to pressure for their future removal. This would be unacceptable. Amended plans are expected to overcome these concerns and a written update will be provided prior to committee or verbal update at committee.

### **Provision of Affordable Housing**

The scheme proposes 21 dwelling, 6 of which would be affordable housing units. The Interim Planning Statement on Affordable Housing states that there is a requirement for 30% of affordable housing to be provided in schemes of this scale. The provision of affordable housing on this scheme has been demonstrated to be 28.5% provision. This provision is considered to be acceptable and the Council's Housing Officer has raised no objection to the level of provision. The Interim Planning Statement also requires that 65% of the affordable housing units should be social rented whilst the remaining 35% should be intermediate housing. This would therefore be 4 dwellings for rent and 2 dwellings for intermediate housing. This mix has been offered by the applicants. The Council's Housing Officer has stated that there is a higher need for 2 and 3 bedroom properties and as such would prefer a mix of 3 x 2bedroom and 1 x 3 bedroom properties for the social rented units and 2 x 3 bedroom properties for the intermediate tenure.

The affordable housing provision and the mix and type of affordable housing units is considered to be acceptable and can be secured through the completion of a Legal Agreement.

### **Provision of Open Space**

As detailed above, the scheme includes the creation of a large area of open space to the south of the site as newt habitat. Notwithstanding this, the scheme also includes additional pockets of formal public open space throughout the site. The level of this open space is considered to be acceptable. The long term management and maintenance of this land can be secured through a Legal Agreement.

Policy RT.3 states that on schemes which are for more than 20 dwellings there is a requirement to provide an additional 20sqm of shared children's play space per dwelling. All the properties within this scheme are considered to be family properties, a large proportion of which are 4 or 5 bedroom properties. It is therefore considered that there is a demand for equipped childrens play space to be provided. Due to the newt mitigation land required there is limited opportunity within the site for this to be provided. However, a contribution in lieu of this, to provide improvements to a nearby playground adjacent to Pear Tree School could compensate for this. A contribution of £15,000 has been agreed with the applicant as being appropriate in this instance, given the nature of the dwellings involved. This contribution can be secured through a Legal Agreement.

### **Connectivity to the Public Right of Way Network**

A public right of way runs adjacent to the eastern boundary of the site. The submitted scheme shows a new public footpath linking the proposed development to the PROW network. The delivery of this link can be secured through condition and the management of which can be included in the detail of the legal agreement. It is not considered that there would be sufficient justification for wider improvements of the public right of way network from a scheme of this scale.

### **Contaminated Land**

A Phase I Contaminated Land Study has been submitted to support the application. Environmental Health have considered the supporting documentation and have identified that the site is within 250m of a known landfill or site that has the potential to create gas. As the proposals are for a sensitive end use a Phase II investigation would be required. Further intrusive investigations have been recommended in the supporting documentation. This can be secured by condition.

### **Drainage Infrastructure**

Concern has been raised with regard to the impact that the proposed development would have on the local drainage infrastructure. These comments are duly noted, however it is considered that appropriate conditions for foul and surface water details to be submitted can ensure that an appropriate scheme is provided to ensure that there would be minimal impact on infrastructure.

### **Other Matters**



An objection has been raised by Network Rail on the basis that the scheme includes two areas of land within their ownership and no notice has been given to them. The red edge has been amended to exclude one area of land. However, the larger parcel of land alleged to be in the ownership of Network Rail remains. A land registry plan has been provided by the applicants which identifies this land as being within their (the applicants) ownership. This is therefore a civil matter between those two parties.

## **11. CONCLUSIONS**

The application site is an allocated site for housing development as identified within the Local Plan and therefore the proposed development is acceptable in principle. It is considered that the design and layout of the proposed development would cause no significant harm on the character and appearance of the locality. It is considered that there are no amenity or highway safety issues arising. As conditioned the proposed development would not have a significantly adverse impact on Protected Species or trees covered by TPO. It is also considered that the proposed development, as conditioned, is acceptable in all other respects. The proposed development is therefore considered to be in compliance with Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), RES.1 (Housing Allocations), RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in RES.4), TRAN.3 (Pedestrians), TRAN.5 (Provision for Cyclists), TRAN.9 (Car Parking Standards) and RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **12. RECOMMENDATIONS**

**Subject to receipt of receiving a satisfactory amendments to the site layout in relation to proximity of dwellings/gardens to crown spread of protected trees, and satisfactory Air Quality Impact Assessment being received, APPROVE subject to the completion of a section 106 agreement for:**

- 1. Provision of on-site affordable housing of 6 dwellings, including 4 units (3 x 2 bed and 1 x 3 bed) for rent and 2 units (2 x 3 bed) for intermediate tenure;**
- 2. Provision of a financial contribution of £15,000 towards off site equipped play space; and,**
- 3. Maintenance of areas of Public Open Space and Newt Mitigation Land**

**The approved development shall be subject to the following conditions:**

- 1) Commencement of Development (3 years)**
- 2) Approved Plans**
- 3) Materials to be submitted**
- 4) Surfacing materials to be submitted**
- 5) Detailed Landscaping Scheme to be submitted**
- 6) Landscaping Scheme Implementation**

- 7) Tree protection measures to be submitted
- 8) Details of no dig technique and construction method to be submitted
- 9) Details of Boundary treatment to be submitted
- 10) Details of Pond to be provided on land to south of railway including construction methods
- 11) Details of boundary treatment to newt mitigation area to be submitted and retained
- 12) Details of newt holes in fence to be submitted and retained
- 13) Development to be carried out outside Bird Breeding Season (unless survey carried out)
- 14) Details of bird/bat enhancement measures
- 15) Parking to be available prior to occupation
- 16) Full detail of noise mitigation measures to be submitted including the position/design of any acoustic fencing
- 17) Hours of construction
- 18) Hours of pile driving
- 19) Hours of floor floating
- 20) Phase II Contaminated Land Survey
- 21) Removal of Permitted Development Rights for Extensions (Class A and B)
- 22) Details of foul and surface water drainage



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Application No: 11/2911N

Location: Basford Old Creamery, Weston Estate, NEWCASTLE ROAD, WESTON, CREWE, CHESHIRE

Proposal: Extension to Time Limit of Application P08/0782 for Renewal of Previous Consent (P03/0367) for Conversion to Office/Light Industrial Use and General Storage/Distribution

Applicant: Co-Operative Group (CWS) Limited

Expiry Date: 22-Sep-2011

**SUMMARY RECOMMENDATION**

Approve.

**MAIN ISSUES** The main issue is whether or not there have been any significant material changes in policy/circumstances since the application was previously approved.

**REFERAL**

The application has been referred to committee because it is over 1000sqm and therefore a major development

**DESCRIPTION OF SITE AND DETAILS OF PROPOSAL**

The site consists of a substantial range of vernacular traditional agricultural buildings that currently have consent for office / light industrial use and general storage / distribution.

The application seeks permission to renew planning permission P08/0782 (which was itself a renewal of planning permission P03/0367) for development of these rural buildings for office / light industrial uses with general storage and distribution. The submitted plans are the same as those considered in 2008 and 2003. However, there was no plan on the 2003 file to define the application area. Nevertheless that permission included a condition relating to the listed building (a dwelling) on the south of the site and plans showing the elevations and layout of the listed building were stamped approved. The location plan submitted in 2008 clearly excludes this dwelling located to the south of the site of the former dairy.

It was therefore debatable whether the 2008 application was strictly a renewal or not. This application, however, is clearly a renewal of the 2008 consent.

**RELEVANT HISTORY**



P03/0367	2003	Conversion to Office/Light Industrial Use and General Storage / Distribution
P08/0782	2008	Renewal of Previous Consent (P03/0367) for Conversion to Office / Light Industrial Use and General Storage / Distribution.

## **POLICIES**

### **Regional Spatial Strategy**

DP1 Spatial Principles

DP7 Promote Environmental Quality

RDF2 Rural Areas

### **Local Plan Policy**

GR1 – General criteria for development

GR9 – Highways and parking

H1, H2, & H6 – Housing

E10 - Employment

## **CONSULTATIONS**

None received at the time of report preparation

## **OFFICER APPRAISAL**

## **SCOPE OF THIS APPLICATION**

Extensions to the time limits 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.

## **MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION**

The application remains unchanged from the previous approval and there is considered to be no change in Local Plan policy that would warrant an objection to the proposal.

There have been no material changes in circumstances on site since the previous approval. An updated protected species survey has been provided which has been undertaken by an ecologist who is reliable and experienced in protected species work.

The survey has not identified any significant protected species issues at this site and there were no significant issues highlighted in connection with the original scheme. There was however some evidence of breeding birds recorded so the Council's ecologist has recommend that a condition is attached requiring a survey to be carried out prior to undertaking any works during nesting season.

A condition was imposed on the 2003 consent for the submission of a scheme for weather proofing and essential repairs to the listed building which is located outside but adjacent to the current application area. Since there was no action taken to implement the 2003 consent no details were submitted under that condition and the building continues to deteriorate. However, the scheme was clearly outside the application area on the 2008 submission. Whilst a Grampian condition could in principle be imposed, it would be necessary for the Council to demonstrate that the condition was directly related to the development to be permitted. It was considered at the time that application was determined that the listed building did not form part of the application site, or the proposals under consideration, the two matters were therefore not related and that the listed building should be dealt with as a separate issue.

Consequently the condition in question was omitted from the 2008 consent. There have been no material changes in circumstances in respect of this issue since 2008 and therefore it is not considered appropriate to re-impose the condition from the 2003 permission.

## **CONCLUSIONS**

It is considered that other than issues relating to protected species, there have not been any significant, material changes since application P08/0782 was permitted. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to the same conditions that were applied in 2008, including an additional condition relating to breeding birds.

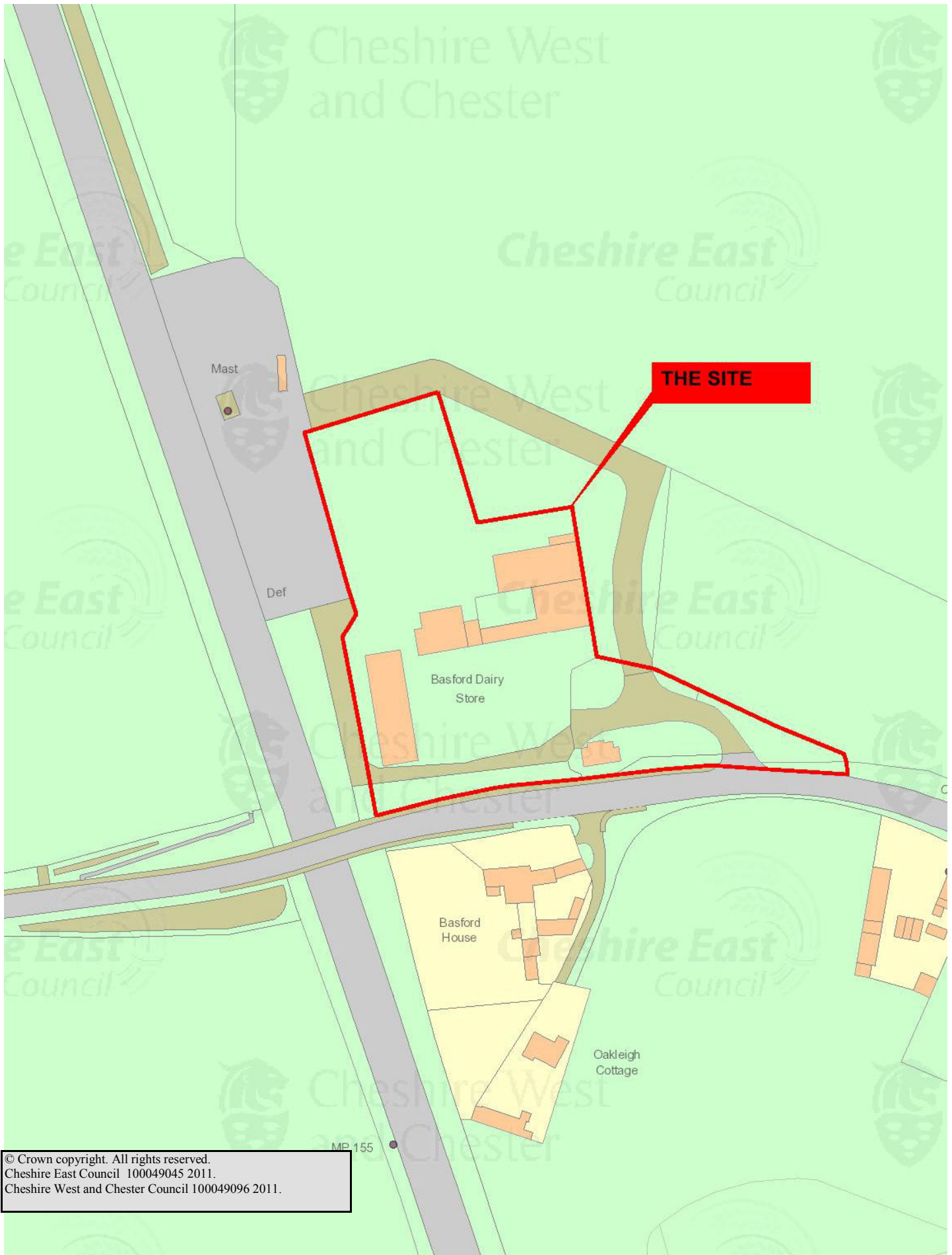
## **RECOMMENDATION**

**APPROVE** subject to the following conditions:-

- 1. Standard time limit**
- 2. Plans**
- 3. Submission of materials**
- 4. Submission of surfacing materials**
- 5. Submission of constructional details for doors and windows**
- 6. Submission of details of vehicular access**
- 7. Provision of Car parking**
- 8. Provision of cycle parking**
- 9. Submission of drainage details**
- 10. Submission of Scheme of landscaping**
- 11. Implementation of landscaping**
- 12. Only Building D to be used for Class B8 (storage and distribution)**

- 13. No external storage**
- 14. All buildings of other than Building D to be used for Class B1 Offices**
- 15. Restriction of hours of operations to 8am to 7pm on Monday to Saturday with no working on Sunday or Bank Holidays**
- 16. Submission of Structural survey of buildings**
- 17. Breeding Bird survey to be carried out prior to undertaking any works during nesting season.**





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