

# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 16th November, 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 - 6)**

To approve the minutes of the meeting held on 26 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. **11/2886N 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 7 - 20)

To consider the above planning application.

6. **11/2196N K M D Hire Services, London Road, Nantwich CW5 6LU: Extension and New Store for Mr Dan Mellor** (Pages 21 - 30)

To consider the above planning application.

7. **11/1536N Residence (Nantwich) Ltd, Mill Street, Nantwich CW5 5ST: Hotel Reception and Function Room, 18 Bedrooms, Garden, Car Park and Access for Alexandra Countryside Investments Ltd** (Pages 31 - 52)

To consider the above planning application.

8. **11/1537N Residence (Nantwich) Ltd, Mill Street, Nantwich CW5 5ST: Hotel Reception and Function Room, 18 Bedrooms, Garden, Car Park and Access (Listed Building Application) for Alexandra Countryside Investments Ltd** (Pages 53 - 62)

To consider the above planning application.

9. **11/2394C Paces Garage and Fairfields, Newcastle Road, Arclid, Cheshire CW11 2UE: Redevelopment of Industrial/Commercial Premises and Two Detached Garages and Erection of 18 Dwellings (13 Market/5 Affordable), Provision of Public Open Space and Formation of Replacement Access for The Dwelling Fairfield for Rowland Homes Ltd and Messrs Pace** (Pages 63 - 92)

To consider the above planning application.

10. **11/2999C Land South of Portland Drive, Scholar Green, Stoke On Trent: Variation of Conditions 2,3,5,10 & 11 of Planning Permission 08/0712/FUL for Ben Bailey Homes (Part of Gladedale Group)** (Pages 93 - 100)

To consider the above planning application.

11. **11/3076N Long Lane Farm, Long Lane, Brindley, Nantwich, Cheshire CW5 8NE: Change of Use of Agricultural Building to Joinery Workshop. Resubmission of 11/1184N for Mr N Bulkeley** (Pages 101 - 108)  
  
To consider the above planning application.
12. **11/3264N 198 - 200, Edleston Road, Crewe CW2 7EP: Extension of Time for Demolition of Redundant Snooker Club and Carpet Warehouse and Redevelopment of Site to Provide Thirteen Apartments and Parking, Retail Units and Office Accommodation for The Gainsborough Trust** (Pages 109 - 114)  
  
To consider the above planning application.
13. **11/3330C 20, Bladon Crescent, Alsager ST7 2BG: 1 1/2 or 2 Storey Dwelling, Access, Turning, Parking and Single Garage Within Curtilage for Mr/Mrs De Coninck** (Pages 115 - 122)  
  
To consider the above planning application.
14. **11/3613C Oaklands Medical Centre, St Anns Walk, Newtonia, Middlewich, Middlewich, Cheshire CW10 9FG: Variation of Conditions 2, 4, 6, 8, 9, 10, 26 and 27 to Planning Approval 09/0481C for Relocation of existing floodlit all weather sports facility, demolition of Oaklands Medical Centre and construction of 2 separate buildings comprising a 2 storey dental facility and 3 storey Medical Centre with associated Access and Parking for Oakappale Primary Care Developments Ltd** (Pages 123 - 130)  
  
To consider the above planning application.
15. **11/3619C 66 & 68, Leek Road, Congleton, Cheshire CW12 3HU: Two Detached Dwellings including Access from Boundary Lane for VWB Architects - Mr P Bentley** (Pages 131 - 138)  
  
To consider the above planning application.
16. **Section 106 Agreement for Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure on land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown, Crewe** (Pages 139 - 142)  
  
To consider proposed alterations to the terms of the Section 106 Agreement for the above development.
17. **Planning Approval P03/0494 - 24 No. Dwellings at Hastings Road - Variation to Section 106 Agreement relating to No.21 The Gatehouse** (Pages 143 - 146)  
  
To consider proposed amendments to the wording of the Section 106 Agreement for the above development.

**THERE ARE NO PART 2 ITEMS**

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 26th October, 2011 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

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

**OFFICERS PRESENT**

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

**Apologies**

There were no apologies for absence.

**86 DECLARATIONS OF INTEREST**

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.

Councillor L Gilbert declared a personal and prejudicial interest in respect of application number 11/2196N on the grounds that he had assisted with the acquisition of the site and the owner was a personal friend. In accordance with the code of conduct, he withdrew from the meeting during consideration of this item.

Councillor P Butterill declared a personal interest in respect of application numbers 11/2196N and 11/2886N on the grounds that she was a member of Nantwich Town Council, which had been consulted on the proposed developments, and a member of Nantwich Civic Society. In accordance with the code of conduct, she remained in the meeting during consideration of these items.

**87 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 5 October 2011 be approved as a correct record and signed by the Chairman.

**88 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) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Baker to speak.

Note: Mr J Radcliffe (applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr S Tibenham (agent representing the applicant) had registered his intention to address the Committee on this matter but did not speak.

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

RESOLVED – That the application be APPROVED subject to:

- (a) the prior signing of a Section 106 agreement to secure
  - a financial contribution of £25,000 (prior to the commencement of development) towards local bus services;
  - the submission and implementation of a travel plan and an associated financial contribution of £5000 towards monitoring
  - two hours free parking on the site
- (b) the following conditions:
  - 1 3-year time limit.
  - 2 Approved Plans and Site Levels.
  - 3 Materials to be submitted.
  - 4 Landscape plan.
  - 5 Landscape implementation.
  - 6 Tree and Hedgerow Protection Measures.
  - 7 Scheme for Public Art to be submitted prior to development and implemented and constructed before occupation.
  - 8 Scheme for External Lighting.
  - 9 Boundary Treatment and Materials.
  - 10 Town Centre Signage Scheme to be submitted prior to development and implemented and constructed before occupation.
  - 11 Restriction of net retail floorspace.
  - 12 Restriction on convenience and comparison split.

- 13 No subdivision of units.
- 14 Local Labour Agreement.
- 15 Detailed scheme and implementation of part signalisation of gyratory system (based on submitted scheme) including proposed pedestrian crossing to be submitted prior to development and implemented and constructed before occupation.
- 16 Scheme for pedestrian improvements to Newton Bank Gyratory for dropped kerbs and tactile paving, including footpath widening as appropriate and reference to plan to be submitted prior to development and implemented and constructed before occupation.
- 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.
- 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 Public 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 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 Public Holidays.
- 33 10% Decentralised / Renewable Energy / Low Carbon Energy.
- 34 Scheme for security measures to be submitted and agreed inc gates and CCTV.
- 35 Construction Management Plan for construction site access.

**89 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**

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection 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 rear verandah would be contrary to Policy BE1 of the Crewe & Nantwich Local Plan by virtue of being an overbearing and unneighbourly form of development which would impact on the amenity of adjacent property and its occupiers.

**90 11/2196N K M D HIRE SERVICES, LONDON ROAD, NANTWICH CW5  
6LU: EXTENSION AND NEW STORE FOR MR DAN MELLOR**

Note: Having declared a personal and prejudicial interest in this application, Councillor L Gilbert withdrew from the meeting during consideration of this item.

Note: Mr A Palin and Mr M Proudfoot (objectors) attended the meeting and addressed the Committee on this matter.

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

Members' attention was drawn to the fact that the second sentence of the fourth paragraph under 'Impact on the Amenity of Nearby Properties' should read: 'The ridge height would however increase to 7.4m to the rear of the building, however this would be sited 3m further away from the kitchen window than the existing building.'

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development on neighbouring residential amenity and the adjacent Grade 1 listed building.

**91 11/2681N LAND ADJ, LONG LANE, ALPRAHAM: PROPOSED  
AGRICULTURAL WORKERS DWELLING TO SERVE A WORKING  
FARM TO BE RELOCATED FOR MR & MRS CRANK**

The Committee considered a report regarding the above planning application.



RESOLVED – That the application be DEFERRED to enable officers to consider revised plans which had recently been received.

**92 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**

Note: Councillor D Newton left the meeting at this point in the proceedings and returned during the committee's debate on the application but did not take part in the debate or vote.

Note: Mr A Palin and Mr B Moore (objectors) and Mr J Suckley (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr M Proudfoot (objector) had registered his intention to address the Committee on this matter but did not speak.

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

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development on neighbouring residential amenity, and to enable officers to provide further information regarding drainage and flooding issues.

**93 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**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED 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.

The meeting commenced at 2.00 pm and concluded at 4.25 pm

Councillor G Merry (Chairman)

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**
- Impact on Drainage and Flooding**
- Other Matters**

### **1. REASON FOR REFERRAL**

This application has been deferred from Southern Planning Committee on 26<sup>th</sup> October 2011 to further consider the flooding and drainage impact of the proposed development and for a site visit to be carried out.

### **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. An Air Quality Assessment has been carried out, this report is being assessed by Environmental Health and an update will be provided prior to 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**

Discussions have been ongoing between the applicant and the Local Planning Authority (at pre application stage and during the application) over the proposed layout and the impact that the proposed scheme would have on Protected Trees. There are a significant number of trees present and the mature trees in particular make a valuable contribution to the tree cover in the area.

The current proposed development would require the removal of a number of trees, including several healthy early mature Oak trees which are not subject to protection and two groups of TPO protected Apple trees. The loss of the early mature Oak trees would be regrettable. It is noted, however, that the previously approved layout would have impacted on these trees. The apple trees are mature specimens and their retention would not be practical in redevelopment of the site.

Following concerns raised by the Council's Forestry and Landscape response the scheme has been amended in an attempt minimise the impact that the development would have on individual specimens. Most notably the proximity of the new access road to T7, and the proximity of the proposed dwellings to G5, T1 and T2.

The scheme has been amended (through revision of road and dwelling layout) to overcome the strong concerns raised with regard to the impact on T7, G5 and T2, with the suggested conditions relating to tree preservation measures and no dig techniques.

However, there is still concern over the proximity of unit 16 to tree T1 which is identified as being a Mature Oak Tree which of Good condition and a B1 category (second highest). The proximity of the dwelling would be clear of the crown spread but within part of the Root Protection Area, furthermore the canopy spread of the tree would overshadow much of the rear garden for unit 16.

The scheme does not propose the removal of this tree and the tree would be retained, whilst the tree is within the root protection area for this tree it would impact less than 10% of this area. Notwithstanding this, due to the proximity of the development to the canopy spread and the overshadowing which would be caused, there would be pressure for the pruning of this tree, which *could* affect the long time health of the specimen.

The tree clearly has an amenity value for the immediate area, due to the proximity of the site its wider amenity value is not as significant. The public footpath adjacent to the tree is very close and the ability to appreciate the tree from that vantage point is less apparent. There are opportunities for additional landscaping throughout the scheme.

The uncertainty over whether the proposed development would have a adverse impact on the health of T1, the lesser wider amenity value of the tree and the opportunity for additional landscaping proposed would mean that the proposed development is, on balance, acceptable in this location.

### **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 palyspace 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.

### **Impact on Drainage and Flooding**

Consultation responses from the Environment Agency and United Utilities were outstanding at the time of writing this report. An update on their comments will be provided prior to Committee. It should be noted that planning permission has been approved for a greater number of dwellings on this site, no issues with regard to drainage and flooding were identified in that approval. However, it is appreciated that this is an issue where the impact can change due to other developments in the area and the impact that they have on drainage capacity etc.

### **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:**

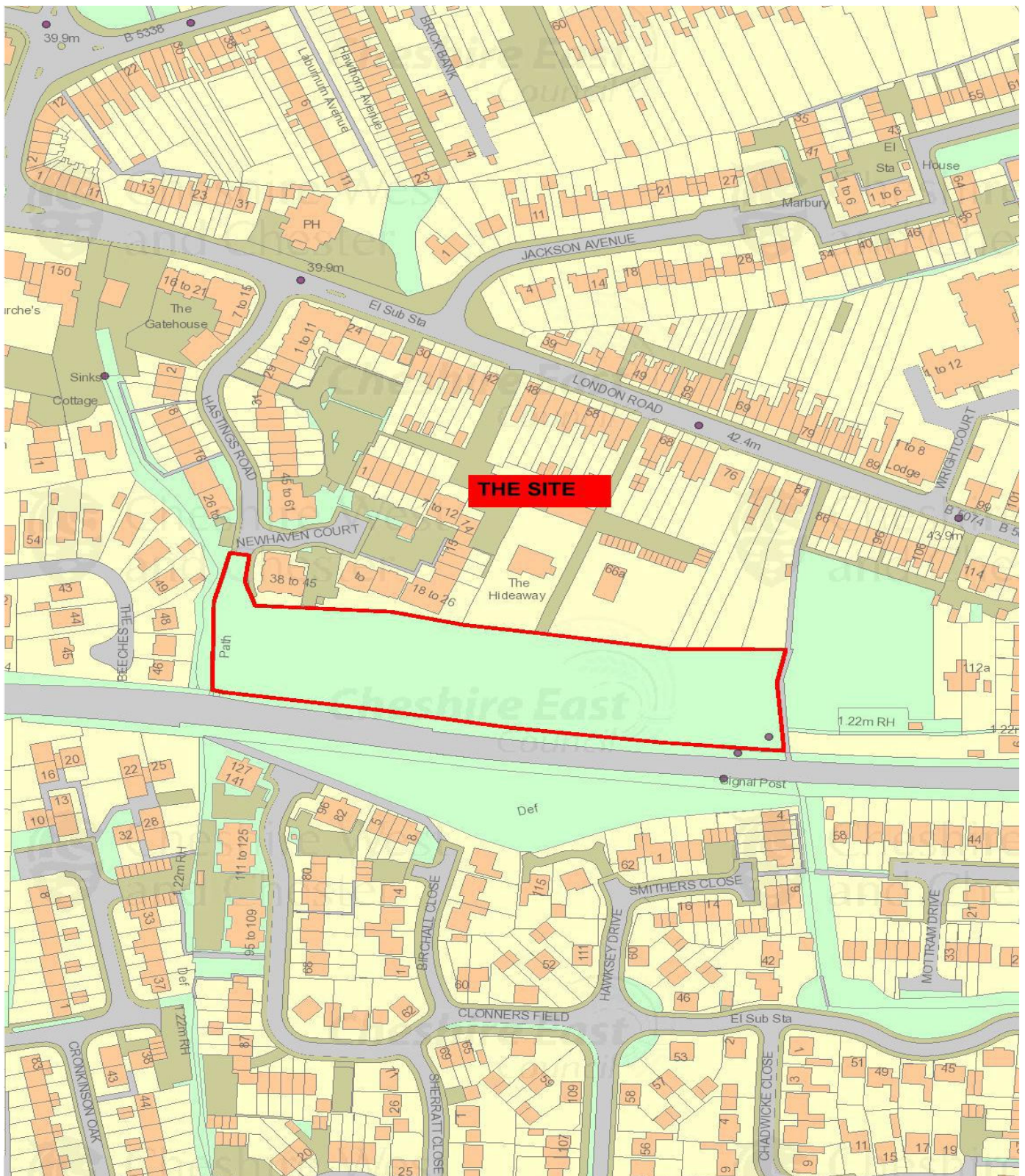
- 1. Provision of on-site affordable housing of 6 dwellings, including 4 units (3 x 2 bed and 1 x 3 bed) for rent and 2 units (2 x 3 bed) for intermediate tenure;**
- 2. Provision of a financial contribution of £15,000 towards off site equipped play space; and,**
- 3. Maintenance of areas of Public Open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







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 has been deferred from Southern Planning Committee on 26<sup>th</sup> October 2011 to allow members to carry out a site visit.

**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.

Numerous letters of objection received from Oligra Planning/Churches Mansion, 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 and would impact residential amenity
- 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. Middle kitchen window would be directly in front of this 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 – culvert running under the site
- Inconsistencies between indicative 3D visuals and submitted plans
- Land to side which falls outside the red edge of the application site, without which they cannot obtain access to the store to the back of the site.
- Ridge height is significantly higher than the adjacent apartment attached to Church's Mansion – that has a ridge height of 6.3m
- Trees and hedge are a wildlife habitat

## **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. The intensification of an existing employment site is therefore acceptable in principle.

### **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 flat roofed structure which adds little to 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 by the Councils Conservation Officer and English Heritage 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 development would increase the height of the building to 7.4m whilst the eaves of the structure would be 3.2m. The design of the proposal introduces a roadside facing gable. The Council has been informed that the height of the adjacent two storey structure (which is attached to the Listed Churches Mansion) is 6.3m. The ridge height of the proposal would therefore be taller than this adjacent structure but would be lower than the adjacent 3 storey dwellings. Due to the low eaves and height and the front facing gable it is considered that the building would not appear as a bulky structure which would cause demonstrable harm on the streetscene or Listed Building. In the opinion of the Local Planning Authority is considered that the creation of a pitched roof, which fronts London Road, would be more appropriate than the existing flat roof. Furthermore, the building is set deeper within the plot from the edge of the public highway, behind the building line of both adjacent buildings and it is considered that this would not be as prominent as those 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 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 eaves 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. Whilst the proposed development would be visible from windows within the kitchen on the adjacent apartment at first floor level the distance between the window and the development and the sloping nature of the roof away from the window(s), it is considered that there would be no significantly detrimental impact on the amenities of this property/room through loss of daylight.

Whilst the proposal could potentially increase the activity on the site, the use of the building as a tool hire shop, with storage, it is considered that the increased impact on neighbouring properties through noise and disturbance would be limited. The proposed scheme would provide for additional storage space which would remove much of the demand for the existing storage. Furthermore the site is immediately adjacent to London Road which is one of the primary vehicular routes into Nantwich. The proposal would result in the increase of one additional employee according to the application forms. Furthermore, it is suggested that a condition for acoustic attenuation for the proposed buildings would mitigate any increased amenity issues through noise and disturbance as suggested by the Councils Environmental Health department.

### **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, although an expensive approach, there is scope for the water main to be diverted to ensure that it would not be within 5m of the proposed development. As there is an option for the main to be diverted (at the cost of the applicant), it is considered that the development, if approved, 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.

The ownership to the side of the existing building is disputed. The applicants are currently using this access road for the purposes to access the rear of the site and this arrangement would not change. Any dispute over the use or ownership over this land outside of the application site is a civil matter and outside the remit of this planning application. Whilst the owner of this access road may not be aware of the proposed development this is outside of the red edge and there is no requirement for a Certificate B to be issued.

## **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**
- 8) Acoustic attenuation for proposed buildings.**





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Application No: 11/1536N

Location: Residence (Nantwich) Ltd, MILL STREET, NANTWICH, CW5 5ST

Proposal: Hotel Reception and Function Room, 18 Bedrooms, Garden, Car Park and Access

Applicant: Alexandra Countryside Investments Ltd

Expiry Date: 13-Jul-2011

**SUMMARY RECOMMENDATION:** Approve subject to Section 106 Agreement and Conditions

**MAIN ISSUES:**

- **Procedural Matters;**
- **Principal of Development;**
- **Tourism;**
- **Strategic Impact of the Development;**
- **Assessment Against Policy RT.1;**
- **Design and Impact upon the Setting of Residence Hotel (Grade II\*) Listed Building and the Nantwich Conservation Area;**
- **Amenity;**
- **Archaeology;**
- **Drainage;**
- **Highways;**
- **Public Sewer; and**
- **Other Matters**

**REFERRAL**

The application has been referred to planning committee because it is a major development.

**DESCRIPTION OF SITE AND CONTEXT**

Residence is a large imposing two storey detached property, which is constructed out of facing brick under a tile roof. The building is Grade II\* listed Building. Located towards the rear of the building is a bowling green, which is no longer in use and the boundary is demarcated by a 2m high wall. The site is enclosed by Mill Street to the north which has a number of terraced residential properties, to the east are a number of industrial buildings, to the west is Water Lode and to the south are gardens. The application site is located wholly within the Nantwich Conservation Area.

## **DETAILS OF PROPOSAL**

This application has been subject to extensive pre-application negotiations and is a full application for a part single storey part three storey extension comprising a function suite, roof terrace, 18 no. bedrooms, lift and stair wells, toilets, reception areas, cleaning cupboards. In addition to the above, there will be a new car parking area abutting Water Lode with 22 car parking spaces, landscaped gardens and bin storage area. The access to the new car park will be directly off Water Lode. The proposed extension will not be attached to the Grade II\* listed building and will be erected on a bowling green at Residence Restaurant, 9 Mill Street, Nantwich.

## **RELEVANT HISTORY**

P07/0632 – Window Alterations on West Wing – Approved – 22<sup>nd</sup> June 2007  
P06/0020 – Change of Use of 2<sup>nd</sup> Floor Apartment and Construction of External Staircase – Approved – 25<sup>th</sup> September 2006  
P07/1251 – New Entrance Gates and Railings – Approved – 31<sup>st</sup> October 2007  
P07/0631 – Listed Building Consent for Installation of New Windows in the West Wing and Various Internal Alterations – Approved – 26<sup>th</sup> June 2007  
P07/1061 – Listed Building Consent for New Entrance Gates and Alterations to Entrance Steps – Approved – 27<sup>th</sup> September 2007  
P06/0023 – Listed Building Consent for Internal Alterations to First and Second Floors to Form Apartment and Construction of External Staircase – Approved – 27<sup>th</sup> September 2007

## **POLICIES**

### **National Policy**

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

PPS1 (Delivering Sustainable Development)  
PPS4 (Planning for Sustainable Growth)  
PPS5 (Planning for the Historic Environment)  
PPG13 (Transport)  
PPG17 (Planning for Open Space, Sport and Recreation)  
PPS25 (Development and Flood Risk)  
Good Practice Guide on Planning for Tourism  
Planning for Growth

### **Local Policy**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1	(Amenity)
BE.2	(Design Standards)
BE.3	(Access and Parking)
BE.4	(Drainage, Utilities and Resources)



BE.5	(Infrastructure)
BE.7	(Conservation Areas)
BE.9	(Listed Building: Alterations and Extensions)
BE.16	(Development and Archaeology)
RT.1	(Protection of Open Spaces with Recreational or Amenity Value)
RT.7	(Visitor Accommodation)
TRAN.3	(Pedestrians)
TRAN.9	(Car Parking Standards)
S.11	(Leisure and Entertainment)

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

**Leisure Services:** No objections subject to the provision of the commuted sum payment

**Archaeology:** No objections subject to the following condition

No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

**Environmental Health:** No objections subject to the following comments:-

1. To minimise disturbance to local residents, deliveries and/or service vehicles to the site shall be restricted to between the following hours 7am – 8pm Monday to Friday and between 9am – 6pm on Saturdays and at no time on Sundays or Bank Holidays.
2. A scheme for the acoustic attenuation of the function room, including any fans, compressors or other equipment with the potential to create noise, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. Details of the parapet wall shall also be included in the scheme.
3. Due to the proximity of local residents, the proposed operating times of the function room and roof terrace are to be no later than those permitted in the premise licence for the existing facilities.
4. There should be no windows, vents or extracts (with the exception of the extract ductwork serving the air handling unit) on the north elevation onto Mill Street or the west elevation onto Waterlode of the function room. The double doors opening towards Waterlode are to be for emergency use only and shall be kept closed. This is to prevent any potential noise from the function room affecting the neighbouring properties.
5. All odours and fumes from the building shall be extracted to prevent causing a nuisance to local residents and in accordance with a scheme submitted to in writing and approved by the borough council.

6. Any external lighting of the proposed development shall be submitted to, and approved in writing by the Borough Council before it is installed, in order to safeguard the amenity of local residents.
7. There shall be no music to be played on the roof terrace.
8. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.
9. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to:

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

**Contaminated Land Comments:**

No objections subject to a contaminated land condition.

**United Utilities:** No objections subject to the following

- Several public sewers cross the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly to soakaway and or watercourse and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

**Sport England:** No objection subject to the commuted sum referred to in the submitted application is paid to the Council prior to the commencement of any development at the application site.

**Nantwich Civic Society:**

- This new access from Waterlode is close to the junction with Mill Street. It seems to have been accepted as safe and practical by the Highways section, so we accept that professional opinion. Sight lines must be kept free at all times with no temporary signs, boards, banners etc. to hinder drivers/pedestrians' views;
- The car parking provided might have been higher, despite the site being in the town centre, which, at peak times, does not have many empty spaces close by.;
- Although there is an apparent policy requirement for replacement provision of bowls facilities, the study by the agent shows that the club was accommodated quite

acceptably on The Barony. We are not convinced that this will be a wise use of money - for the wider community. It will benefit a small number of people only;

- The apparent requirement by the council during pre-application discussions for money towards improving the current pavilion and facilities, seems to be an unfortunate blinkered view of improvements to recreational facilities in town, which should be community-led;
- This large sum of cash could be better used by the wider community if it was kept in an account to spend on facilities that the wider community actually needed. These will be identified in the ongoing LDF Review and the Town Plan being prepared by Nantwich Town Council. Other towns have a S106 pot of funds that the council is reviewing to use for sports, recreation or regeneration of each locality. Using £65k for just bowling green improvements (which the council should be doing anyway) is a waste of precious private and public resources.
- The outdoor patio/roof terrace will be a lovely facility for customers of the Residence, without doubt. However, there will be an inevitable rise in noise and disturbance to nearby residents especially at night times.
- Similarly, the internal noise levels from the new conference/function room must be designed into being acceptable to residents outside;
- We are pleased to see the proposed use of good materials - Cheshire brick, stone, slate. The proximity to this Listed Building and within the Conservation Area of this historic town makes these high standards imperative.
- The plans submitted with the application are confusing and are not clear;
- The central, gabled full-height glazed feature breaks up the mass of the frontage in a "grand" manner. The 4 full-height window features also add to the vertical emphasis but the horizontal elements separating floors look to be a little weak, causing the elevation to be characterised by the 5 tall arches. We are not sure whether this will work, particularly in relation to the Residence as a Listed Building. It runs the risk of presenting too much glazing - unlike Georgian buildings where window to masonry ratios are quite low. The correct sections and sizes of glazing bars and details will be very sensitive features too. Fortunately, this new elevation will not be seen together with the front elevation of the main building, so perhaps this comparison is not critical;
- The large length of ballustrading to the roof terrace points to the need for natural stone to be used because they are key design features to the main elevation;
- This leads to a consideration of whether the elevations are acceptable in the Conservation Area, viewed from a well used road (Waterlode) and the Nantwich riverside. It will be an undoubted noticeable new building of significant size. We welcome the fact that the design tries to reflect the historic character of the parent building and of the Georgian character of the some buildings in the locality. This approach is so much better than the poor, characterless new building of Castle Court further along Waterlode (and some other recent new buildings in or adjacent to the Conservation Area; and
- Great care will be needed in the new building and its design, with the use of good natural materials.

**English Heritage:** No objections subject to the following comments

- We do have some concerns regarding the blank rear elevation which will detract from the character of the conservation area;

- There will have to be conditions on all materials as the choice of these will be critical to the success or failure of the scheme;
- Further excavations in the past have shown that the historic town of Nantwich is an area with good survival of medieval and earlier waterlogged remains. We therefore advise that evaluation excavation, to establish the presence or absence of significant below ground remains to be carried out before the application is determined.

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

Broadly speaking, the Town Council welcomes the application as additional good quality accommodation in the town is desirable. Having said that, the Council would ask that particular attention is paid to the following matters:-

- An offer of improvements to the Barony facilities to make up for loss of green space at the Residence has been made. The Council considers that a figure of around £60,000 is a relatively small sum for the loss of what is a potentially valuable recreational amenity in a very convenient position and would ask that the figure is critically examined. It is also important that close tracking of the contribution takes place, so that local stakeholders, including the Town Council, may have a say in expenditure and be assured that it clearly benefits the residents and recreational facilities in the town;
- 22 car parking spaces for an 18 bed hotel and 120 capacity function room close to a night club and other restaurants seems fairly low; and
- It goes without saying that this is a sensitive and important location in the conservation area and the design and setting of the proposed hotel and ancillary facilities must be treated with great care, bearing in mind especially the loss of attractive green space and the location next to a handsome and valued historic building.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from the occupiers of 44 Marsh Lane, 11A, 15, 17 Mill Street and 12 Barker Street. The salient points raised in the objection letters are:

- The proposed development would need to have a Building over Agreement with United Utilities (invert/cover levels permitting), or the sewer will need to be diverted. No adjustment of the proposed design should be allowed to facilitate this. This is a major Public Sewer, serving a large area of central Nantwich;
- The submitted plans are confusing;
- Water Lode is a very busy road with tailbacks during the morning/evening rush hours. The proposal will exacerbate this problem;
- The proposed access does not have the required visibility splays and given its location will cause highway safety problems;
- The function room will be at the bottom of our garden and the noise which will be generated by the patrons of the proposal will have a significant detrimental impact on our residential amenity;
- The proposal will result in a loss of value of our cottage;
- The proposal will restrict our views;
- The application forms and Design and Access Statement have been completed incorrectly;



- The separate access/driveway signals that the hotel will potentially be used separately. A legal agreement should be set in place not to sub divide Residence from the new hotel;
- The proposed boundary wall would be ugly and over powering and not in keeping with the conservation area;
- The proposal will appear out of place within the conservation and restrict views to Residence (Grade II\*) listed building and other buildings;
- The proposed roof of the function room, has a high wall facing our property, however the return section does not, which will allow potentially 'intoxicated revellers' over looking down on to our Garden from that high level;
- The recent conversion of the former Lamb Hotel proved that there was not a need for Hotel Accommodation, the proposed development will have a major impact on the Crown Hotel, an much liked and 'major' historic building of Nantwich, leaving its fate in jeopardy. It is debatable whether the site will generate addition employment to the local community, due to the potential loss of employment of existing hotels; The proposed access is to be off a very busy main road through Nantwich, too close to the junction of Mill Street, which will create a hazard to the residents/pedestrians adjacent or walking to the site;
- It is usual for access onto such a busy road for that number of cars to have a much larger radius on the bends as seen further along Water-Lode leading to The Blankney. Will a refuse vehicle be able to turn in the site without reversing on to or from Water-Lode;
- The proposed pavement will invite people who are coming and going across the park from Queens Drive etc, to avoid the pedestrian lights, and accidents will be inevitable;
- The proposal due to its height will result in the loss of a television signal;
- The Bowling Green ceased to be used as such since 2007, it has since been used for an extended restaurant seating area, entertainment such as a jazz band at Easter, New Year firework display and recreational use for "The Residence" customers and football games. I argue this piece of land is now used as a garden area to "The Residence" and this planning application should be seen as such;
- The governments green paper No 10 "Nurturing Responsibility" about housing states on page 7, under the heading;

*"A planning system that delivers"*

*"Reverse the classification of gardens as brownfield land and allow councils to prevent over development of neighbour hoods and stop "garden grabbing".*

- The site is in a conservation area, the tasteful listed restaurant building and the Barker Street houses, built in the Georgian era will be hidden from view by this modern building;
- There will be considerable noise intrusion with guests and vehicles leaving the site at the end of our garden, worse still during the early hours of the morning;
- We already have to suffer anti social behaviour from town revelers in the form of shouting swearing, fighting etc. The installation of the footpath will mean more revelers near our property. The proposal is contrary to the Human Rights Act as we have a right to sleep as do our children;
- There is no kitchen near the function room which according to the Design and Access Statement will cater for parties, so how will food to it be delivered;

- The licensing hours are to be until 12 midnight for non-residents and presumably longer for residents of the hotel. The noise will continue and invade our bedrooms from the function room and roof terrace until after midnight, there is no other facility in the hotel for guests to move to after midnight;
- The planning application states there are no trees or hedges on the proposed site, this is not the case, there are a number of established shrubs and four mature horse chestnut trees where the proposed pedestrian pathway will be. This greenery dresses the border of Waterlode road;
- The allocation of 21 parking spaces is inadequate, there are to be 18 bedrooms and potentially 120 people visiting the function room. Estimated employees are 2 full time and 12 part time. Based on a third of the guests parking their cars, an allocation of one car per hotel room and ½ of the employees this accounts to the requirement of a minimum of 65 parking spaces required. This gross underestimate of parking allocation; 21 spaces would lead to a further strain on the nearby public parking spaces in the town, which is already in short supply. It will block car parking spaces during the day to the local shops;
- Extending the pedestrian walkway will lead to people crossing this busy road at the junction of Mill Street and Waterlode and not use the established pelican crossing. The main entrance to the park is opposite the aforementioned junction, this is the main walking route for Queens drive estate, human nature as it is, will lead people/children to take the direct route to the park entrance avoiding the extra walk to use the pelican crossing. The proposed pavement will invite people to avoid the pedestrian lights, and accidents will be inevitable as they cross at the busy Mill Street and Waterlode junction; and
- The location of the refuse directly behind our wall is likely to create foul odours. There will also be noise when emptying the glass bottles; customarily emptying of glass recycling bins is carried out very early in the mornings, before 8am.

#### **Various Emails from Mr. Harrison and others from the Barony Bowling Club**

- The Bowling Green at the Residence was well supported and had a large number of users;
- On moving to the Barony Park we have had the responsibility financially and practically for all the improvements made to date and all maintenance undertaken. We raised approximately £32,000 thro' grants for floodlighting. The current facilities are not appropriate and as such we are losing lots of members;
- The proposal does not comply with policy RT.1 as a replacement bowling green should be constructed;

#### **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.

**Archaeological Evaluation Report** (produced by Oxford Archaeology North received on 1<sup>st</sup> September 2011).

**Noise Impact Assessment** (produced by ACIA dated 9<sup>th</sup> September 2011).

**Highways statement** (produced by Bryan G Hall dated 30<sup>th</sup> August 2011)

**Emails from Rex Brockway** (agent acting on behalf of the applicant various dates)

## **OFFICER APPRAISAL**

### **Procedural Matters**

An objector states that the planning application forms and Design and Access statement have been completed inaccurately and are misleading. It is acknowledged that this may be the case but is not considered that the application is fundamentally flawed and the information as submitted is sufficient for it to be determined on its merits, and if necessary the issues raised could be controlled by the imposition of conditions.

### **Principal of Development**

The principle issues surrounding the determination of this application is whether the development is in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.7 (Conservation Areas), BE.9 (Listed Buildings: Alterations and Extensions) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. These seek to ensure proposals respect the scale, form and design of the surrounding built environment and the original building and are compatible with the surrounding units and to ensure they have no adverse effect upon neighbouring amenity and the proposal will not have a detrimental impact on highway safety. Furthermore, Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) states that development will not be permitted which would result in the loss of open space which has recreational or amenity value. Policy RT.7 (Visitor Accommodation) in relation to visitor accommodation allows hotel or guest house accommodation within settlement boundaries or for the change of use of existing residential accommodation in the open countryside to guest houses.

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

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

Policy EC10.1 requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Paragraph 4 of the document states that 'economic development' includes not only Class B employment uses but all uses which provide employment and generate wealth. Planning applications that

encourage sustainable economic development should be treated favourably. Furthermore, recent Government guidance states that there should be a presumption in favour of sustainable development and LPA's should take a positive approach to development.

## **Tourism**

It is noted in the Good Practice Guide on Planning for Tourism that the re-use of buildings that have become redundant further improves the overall sustainability of new developments. This also often has the advantage of maintaining important and historic buildings and providing continuity in the landscape and townscape. These sustainable attributes, which may be substantial, may offset certain planning objections to a proposal such as poor location or access.

## **Strategic Impact of the Development**

The proposal will provide additional hotel accommodation in the Nantwich area where such accommodation is currently lacking. The proposal will help to safeguard a listed building (Grade II\*) and will help the local economy and will safeguard and provide additional jobs, which is also another important material consideration. It is concluded there will be no strategic impact from this development.

## **Assessment against Policy RT.1**

As previously stated, the proposal is to redevelop a former bowling green adjacent to The Residence, Mill Street, Nantwich as a hotel. The bowling green closed in 2007 and as a result, the bowling club relocated to a municipal bowling green at The Barony, Nantwich.

The former bowling green, adjacent to The Residence, is identified as RT.1 protected open space on the Proposals Map of the Replacement Borough of Crewe and Nantwich Local Plan 2011. Policy RT.1 of the Replacement Borough of Crewe and Nantwich Local Plan 2011 protects open space from development unless a 'carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance'. It also states that an exception may be made where 'the playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of the development.'

The applicant states that there is no up to date assessment of open space in Nantwich and as such quotes statistics from a study that was produced by Crewe and Nantwich Borough Council, sometime before 1996 which showed that there was a slight surplus of formal open space in Nantwich. The applicant has carried out his own study of bowling green provision within the Nantwich area. This study shows that the bowling club that was originally located on the bowling green adjacent to the Residence, is now located at a municipal bowling green on the Barony Park, Nantwich which is now leased to the club. The study also shows that although crown green bowling continues to be popular in the area, there do not appear to be any plans to introduce new teams. The applicant also states that use of the green at The Barony, by the public, is very low, with on average 4 casual users per week. Colleagues in Leisure Services have also stated that this green is currently underused.

As part of the applicants Design and Access states that the former bowling green site is not suitable for any other form of formal open space and states that there is abundant informal open space, nearby, at the Riverside Park.

The applicant states that a search for alternative sites for a replacement bowling green has taken place and that a suitable site was identified at The Barony Park in 2010. Discussions have also taken place, with regard to a number of potential improvements that are required at the existing bowling green, at The Barony Park, with the bowling club. To this end, the applicant is offering a Commuted Sum payment of £62,550 which it is stated could provide either a new bowling green or it would finance the improvements that have been discussed with the club. It does not include any allowance for on-going maintenance of the bowling green.

Since pre-application discussions have taken place on this site, open space study work has taken place in Nantwich, as part of the evidence gathering process for the Local Development Framework. The emerging results of that study show that, in Nantwich, there are shortfalls in provision of open space for outdoor sports and children's play. This contradicts the pre-1996 figures that the applicant has quoted.

To adhere to Policy RT.1 therefore a replacement bowling green, with a Commuted Sum payment, for its on-going maintenance, would be required. This would need to be provided, in advance of the development of the former bowling green site, as a hotel.

The applicant argues that the Commuted Sum payment of £62,550 could provide either a new bowling green or it would finance the improvements that have been discussed with the club. The proposed improvements to the existing bowling green at The Barony have been the result of considerable pre-application discussions with Council officers over several years. The amount of the commuted payment is exactly what has been requested by the Council's Leisure Service after agreeing a list of improvements with the bowling club and estimating their cost, which are

Bowling green remodelling	£3300
Guttering / soft fill (completion of)	£3000
Lighting to shelters	£900
Pathways around green for access (completion of )	£6400
Floodlighting improvements (upgrades to existing)	£5500
Water sprinkler system	£3300
Pavillion / facilities	£38500
Bowling green surface improvements (completion of)	£1650
<b>Total</b>	<b>£62550</b>

The Leisure Service has confirmed that it is happy with the proposed commuted payment. Sport England does not object to the planning application in light of the compensatory provision that is being put forward by the applicant and the length of time which has elapsed since the bowling green was last in active use.

With regards to maintenance costs, this is usually required when public open space is provided by a developer to ensure that landscaping schemes become established and plants

that die are replaced. That is not the case here and Leisure Services has not requested a payment for maintenance. Furthermore, Circular 05/2005 Planning Obligations specifically states that *'the costs of subsequent maintenance and other recurrent expenditure associated with the developer's contributions should normally be borne by the body or authority in which the asset is to be invested'*. The bowling green is clearly already well maintained under existing arrangements with the bowling club and as such in accordance with the above policy there is no justification for additional monies for the ongoing maintenance of the bowling green.

Whilst it is acknowledged according to the Open Space Study as part of the ongoing LDF process there is currently a shortfall in provision of open space for outdoor sports and children's play. The proposal is broadly in accord with criterion iv of policy RT.1, which states that *'The playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of development'*. Colleagues in Leisure Services have vehemently stated that they cannot maintain an additional bowling green and there is no requirement for an additional green, as the current green is underused. Therefore, it is considered in light of the compensatory provision that is being put forward by the applicant in respect to the commuted sum payment referred to above and the length of time which has passed since the bowling green was last in active use as the bowling club is now established on the existing bowling green, at The Barony Park, the most logical course of action should be utilise the commuted sum payment to make improvements to that existing green. Furthermore, colleagues in Sport England have been consulted regarding the application and have not raised any objections to the proposal.

### **Design and Impact upon the Setting of Residence Hotel (Grade II\*) Listed Building and the Nantwich Conservation Area.**

This property lies wholly within the Nantwich Conservation Area where Policy BE.7 (Conservation Area) stipulates that conservation areas will be preserved or enhanced and development will not be permitted if it would harm the character, appearance or setting of a conservation area. Furthermore, the application site is within the curtilage of a Listed Building where Policy BE.9 (Listed Building: Alterations and Extensions) requires development to respect the scale, materials, colour, detailing and other significant features of the listed building and not detract from the character or setting of the listed building, especially with regard to its surrounding gardens, landscape, streetscene or relationship with adjoining buildings and significant views. Policy BE.2 is fairly flexible on what constitutes acceptable design. However, it vehemently states that the proposals should not adversely affect the streetscene, and where possible, should enhance the environment.

The application site is located on the edge of the town centre, being encapsulated to the west by Water Lode, the north by Mill Street, the east Barker Street and the southern boundary is adjacent to a number of adjoining houses and is located on the periphery of the conservation area. The proposed extensions and car park will be located on the bowling green, which is located directly to the west of the listed building. It was noted at the time of the site visit, there is a significant difference in levels. The bowling green is located at a much lower level than the adjoining listed building. Furthermore, the bowling green is currently screened from Water Lode by an existing 2m high (approx) wall and as such adds little to the Conservation Area.

According to the applicants Design and Access Statement 'The function room will be constructed so that its roof is at existing terrace level. The bedrooms at ground floor level will be at the same level as the function (this is achievable due to the difference in levels) with the two upper floors and roof'. The footprint of the proposed building is approximately 655sqm, with an overall floor area of 1359sqm over the three levels of the building.

As previously stated this application has been subject to extensive pre application negotiations. The bedroom block measures approximately 43m wide by 22m deep (at the widest points) and is 9m high to the eaves and 11.5m high to the apex of the pitched roof. The proposed extension will be constructed out of facing brick under a concrete tile/slate roof, which will be conditioned, if planning permission is approved. It is considered that the simple mass and form of the building is in keeping with the local built form. The building is lower than originally proposed, which assists its bulk to read more comfortably against the back drop of the conservation area and allows for views of the listed building. This is assisted further due to the fact that there is a fall in the level of the land on this site. Both these factors also serve to make the ridge height of the proposed building lower than and more subservient to the adjacent Grade II\* listed building.

The footprint of the bedroom block is roughly in the form of a letter 'U' and the main range fronts directly on Water Lode, with two projecting gable elements. The main reception is located on the front of this building with windows located at ground floor level. Additional windows and Juliet balconies are proposed at first and second floor levels. The windows are vertically aligned. Additional apertures are located to the south and north elevations, it is considered that the design and proportions of these apertures are not incongruous and will not appear as alien features. Located on the east facing elevation are a number of dummy windows at first and second floor levels. Due the orientation of the proposal this elevation will not be visible from the public realm and it is considered that these windows help to break up an otherwise stolid elevation. In addition to the above, three chimneys are proposed which give the building a vertical emphasis.

The function room will be located immediately to the north of the proposed bedroom block. The function room will be accessed via the new reception area and is rectangular in form. The extension measures approximately 14.5m deep by 22m wide (at the widest points) and is 3m high. The roof of the function room will be utilised as a room terrace and will also incorporate a roof lantern. In order to prevent any loss of amenity a 2.1m high brick boundary wall will be constructed along the northern and western boundaries. The wall will be constructed out of facing brick and will incorporate a moulded stone string course 900mm below a stone coping, similar to that on the Listed Building.

It is considered that the overall design and materials of the building now proposed is sympathetic to the character and appearance of the conservation area and visually sits more comfortably on the periphery of this site when viewed from Waterlode or the banks of the River Weaver and it integrates with and does not compete with the adjacent Grade II\* listed building. Furthermore, the proposed extension stands alone, detached from the listed building, allowing for existing views of this building to be generally retained. Overall, it is considered that the proposal helps to preserve and enhance the conservation area and will not have a detrimental impact on the setting of the listed building and as such the proposal

complies with policies BE.2 (Design Standards), BE.7 (Conservation Areas) and BE.9 (Listed Buildings: Alterations and Extensions) and advice advocated within PPS 5.

## **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.

The nearest residential properties which may be affected by the proposed development are located on Mill Street. These properties share a common boundary with the application site. The properties on Mill Street front directly on to it and are primarily two storey terraced dwellinghouses some of which incorporate single storey outriggers. Located at the rear of these properties are gardens (of varying lengths). A number of these residents are concerned about impact on amenity by virtue of overlooking, over bearing impact of the roof terrace wall and noise.

Whilst the concerns of the objectors are noted regarding potential over looking from the proposed extension into their private amenity space. The case officer notes that there are two windows (one at first floor and one at second floor) and a personnel door at ground floor level on the southern elevation of the proposed bedroom block. According to the submitted floor plans both of these windows will serve a staircase and the personnel door is a fire escape. It is not considered that there will be any loss of privacy attributable to these windows and there is no requirement for them to be obscurely glazed as suggested by one of the objectors.

Located on the northern elevation of the proposed bedroom block are two windows and a door at first floor level, with two dummy windows located above (second floor level). The windows in this elevation face the rear elevation of the houses in Mill Street. According to the plans there is a distance of approximately 14m from the northern elevation of the bedroom block from the site boundary, where a wall of approximately 2.1m above the height of the roof terrace is proposed. In addition the gardens to the rear of the properties on Mill Street are in excess of 8m in length. Therefore, it is considered given the separation distances, boundary wall and design of the proposed bedroom block will all help to mitigate any negative externalities caused by the proposed development and the proposal is in accord with policy BE.1 (Amenity).

It is noted that the windows on the eastern elevation of the bedroom block are all dummy windows. The properties located to the east of the application site are predominately commercial in nature and as such the proposal will not result in any of privacy or over looking.

One of the objectors was concerned that patrons of the hotel would be able to directly over look the private amenity space of no. 17 Mill Street from the proposed roof terrace. Therefore, the agent has submitted amended plans which show the proposed boundary wall to be extended around the northern and western elevations of the roof terrace; this boundary wall will be approximately 2.1m high and will help to prevent any loss of privacy due to overlooking.



A number of local residents residing on Mill Street have objected to the appearance and height of the proposed boundary wall when viewed from the rear of their properties. The case officer was concerned that the proposed boundary wall will cause an unacceptable level of overshadowing and have overbearing impact on the adjoining neighbours. It is noted that the proposed boundary wall will be located to the south of the properties on Mill Street. An existing brick wall separating the properties on Mill Street from the application site is approximately 2m in height to the rear of No.17 Mill Street, increasing to 3.5m (approx) partly along the rear boundary of No. 15 Mill Street and continuing at this height along the rear boundary of No.13 Mill Street. The proposed function room and boundary wall will be 5.3m in height and will be a distance of 15m from the rear of No.17 Mill Street, 9m from a single storey extension at the rear of No.15 Mill Street, and 14m from the rear of No. 13 Mill Street. The wall is required to prevent overlooking from the roof terrace. According to the case officers' site visit and a photograph submitted by one of the objectors the gardens at the rear of the properties on Mill Street are at higher level than the adjacent bowling green and this is illustrated in the cross sections. It is noted that the proposed boundary wall will be erected towards the south of the properties on Mill Street. Therefore, given the orientation, juxtaposition and difference in levels the proposal will not result in significant overshadowing. Furthermore, it is noted that prevailing nature of built development within the Nantwich Conservation Area is one of short distances between elevations. It is considered that the proposal will not result in a significant loss of amenity by over domination or over shadowing.

A number of objections have received from local residents expressing concerns relating to noise being generated from the proposed function room and roof terrace. Whilst the concerns of the objectors are noted, colleagues in Environmental Health have been consulted and have no objection to the proposal subject to a number of conditions, which will be attached to the decision notice, if planning permission is approved.

## **Archaeology**

The site of the proposed development is within Nantwich's Area of Archaeological Potential, as defined in the Local Plan of the former Crewe and Nantwich Borough Council. Therefore, the proposed development will be assessed against Policy BE.16 (Development and Archaeology) which stipulates proposals will only be permitted where:

- The proposal is supported by the submission by the applicant of an appropriate archaeological assessment of the extent, character and condition of the archaeological resource;
- The applicant demonstrates that there would be no damage to the known or presumed archaeological interest of the site; and that the archaeological interest can be accommodated through either preservation in situ or excavation and recording;
- The design of the development avoids unnecessary damage to the archaeological remains that are considered to be worthy of preservation in situ.

According to the fieldwork has demonstrated that archaeological deposits are present on the site and that these date primarily to the post-medieval period. Features present include walls which are probably associated with property divisions and drainage features leading down to the river. Artefacts were also recovered and particular interest attaches to a collection of material dating to the later 17<sup>th</sup> century. These remains demonstrate that further archaeological mitigation will be required on the site if planning permission is granted but they

are not of significant importance to justify a requirement for the preparation of a preservation *in situ* strategy or a formal programme of excavation. Colleagues in archaeology advise that relevant aspects of the development (ground reduction in advance of piling, excavation of pile caps, excavation of significant service trenches (including any sewer diversion work), and any other major ground works) should be subject to a programme of archaeological observation and recording. A report on the work will also need to be produced. It is considered that the proposal is in accordance with policy BE.16 subject to a condition relating to a detailed written scheme of investigation.

## **Drainage**

According to the submitted planning application forms the proposed method for drainage would be via mains sewer. Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that any surface water runoff generated by the development is appropriately discharged.

## **Highways**

The proposal is seeking to create a new access directly onto Water Lode, which is a 30mph road. The highways officer was concerned about the proposed visibility splays and requested that a vehicle speed survey be undertaken. Subsequently, the agent has submitted a vehicle speed survey which was undertaken on 13<sup>th</sup> August 2011 between the hours of 1800 to 2030. It shows that the measured 85<sup>th</sup> percentile wet weather journey speed of vehicles in free flow approaching the proposed access from either direction was

Southbound 28.9 mph (46.6 kph)

Northbound 30.1 mph (48.4 kph)

According to the highways statement these speed levels are attributable to the presence of the bend to the south of the site and the signal junction to the north of it, both of which act as a traffic calming influence.

The author of this report goes on to state that a proposed 18 bed hotel would typically generate less than some 10 trips two way during the morning and evening peak traffic hours. The traffic generated by a development of the scale proposed would have no material impact upon the operation of the adjacent highway network and there will be no access capacity issues. It is considered given the limited amount of vehicular movements associated with the proposal will not significantly increase congestion in the locality. The boundary wall of the bowling green site is set back some 2.55m behind the nearside kerbline. Therefore, the visibility splays are wholly within the control of the highway authority. Colleagues in Highways have been consulted and stated that 'I am happy with the visibility splays you have demonstrated in relation to the speed readings'. A condition will be attached to the decision notice in relation to visibility splays.

The applicant is also proposing a footway link between the site access and Mill Street. At the moment there is a verge located between the carriageway and the boundary wall, this will be replaced with a pedestrian footway, which will allow safe access/egress into the hotel. The applicant has stated that all of this land is highways land and there are no third party land issues. If planning permission is approved for the proposed development a condition regarding the installation of this footpath will be attached to the decision notice.

The Highways officer initially requested that a central pedestrian refuge be created on Waterlode adjacent to the proposed access. However, the applicants highway consultant states that 'Water Lode is of insufficient width to accommodate a central refuge without the widening of the main carriageway. In addition, there is no need for a central island refuge at this location as there is a pedestrian crossing approximately 50m away, the speed limit is being adhered to at this location (note the results of the vehicle speed survey) and the proposal may create road safety issues for cyclists if drivers of vehicles try to squeeze through as they pass the refuge'. It is considered in light of the factors cited above and given that Highways have not objected to the proposed development, there is insufficient justification to warrant a refusal on highway safety grounds and sustain it at any future appeal.

According to PPG13 states that 'developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street car parking when there is no need, particularly in urban areas where public transport is available'. It is considered that the application site represents a sustainable edge of centre location where services are readily accessible by walking, cycling or public transport. The property is situated close to Nantwich town centre and close to both bus and train links. The development proposed is in a sustainable 'edge of centre' location. The proposal provides for 22 car parking spaces. However according to the Councils car parking standards this type of development maximum parking standard would have required 43 spaces. However, given the factors cited above and given that there are a number of public car parks in the locality which could be used by patrons of the hotel/function room. It is considered that the proposal is in accord with policy BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards). Furthermore, colleagues in highways have been consulted and raise no objection to the proposal.

### **Public Sewer**

A number of objections have been raised by local residents with regards to the public sewers. Colleagues in United Utilities have been consulted regarding the application and they confirm that several sewers do traverse the site and they suggest that a modification is made to the site layout or the affected sewers are diverted at the applicants expense. The applicant is aware of these sewers and has stated that they are willing to divert these sewers if necessary. Therefore, a condition will be attached to the decision notice stipulating a plan showing the sewers to be diverted to be completed prior to any work commencing on the hotel development. It is considered that the proposal is in accordance with policy BE.4 (Drainage, Utilities and Resources).

### **Other Matters**

Whilst the concerns of the Nantwich Civic Society are noted in relation to design, these concerns mainly relate to the drawings submitted with the Design and Access Statement, which show the evolution of the design and not the final submitted drawings.

A number of local residents are concerned that if the footpath is constructed outside of their property it may result in late night revellers congregating outside their property behaving in an anti social manner. Whilst the concerns of the objector are noted, issues to do with anti social behaviour are not a planning matter and can be dealt with by the Police under their legislation.

Issues to do with the loss of a view, property values or television reception are not material planning considerations and as such are not sufficient justification to warrant a refusal of the application.

Concerns have been raised that the proposal will result in the loss of a number of trees which are located around the periphery of the site. The case officer can confirm that whilst these trees are located within the Conservation Area they are not protected by a TPO. Furthermore, the proposed car park will be landscaped and additional planting can be used in way of mitigation. It is considered that the proposal complies with policy NE.5 (Nature Conservation and Habitats).

A local resident is concerned about the location of the proposed bin store, which is adjacent to their boundary. According to the submitted plans and accompanying statements there will be a 2m high wall (approx) separating the two properties, which will help to alleviate any problems. Furthermore, a condition will be attached to the decision notice requesting details of the screening of the bin store area.

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

In summary, the proposal involves the redevelopment and expansion of an existing tourist leisure and recreational facility within Nantwich, which is supported, in principle by the provisions of policies BE.2 (Design Standards), RT.7 (Visitor Accommodation) and S.11 (Leisure and Entertainment of the adopted Local Plan and PPS 4. The proposal will result in the loss of a bowling green which is protected under policy RT.1 and as there is no requirement for an additional green due to potential users and lack of funding for maintenance it is considered that the commuted sum payment for improvements to existing facilities at the Barony are acceptable. Furthermore, the proposal will not have a detrimental impact on any archaeological remains. It has been demonstrated that that the proposal is acceptable in terms of its impact on Residential Amenity, Conservation Area, the setting of a Listed Building and Highway Safety and it therefore complies with Local Plan Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.7 (Conservation Areas), BE.9 (Listed Buildings: Alterations and Extensions), BE16 (Development and Archaeology), TRAN.3 (Pedestrians), TRAN.9 (Car Parking Standards), RT.1 (Protection of Open Spaces with Recreational or Amenity Value) and RT.7 (Visitor Accommodation). In addition the proposal complies with advice advocated within PPS 5: Planning for the Historic Environment and PPG 17: Planning for Open Space, Sport and Recreation. Therefore, in the absence of any other material planning considerations and having due regard to all the matters raised, the proposal is considered to be acceptable and accordingly recommended for approval.

**Approve subject to completion of Section 106 Legal Agreement to secure the following:-**

**Provision of Commuted Sum Payment of £62550 to be used for following:**

<b>Bowling green remodelling</b>	<b>£3300</b>
<b>Guttering / soft fill (completion of)</b>	<b>£3000</b>
<b>Lighting to shelters</b>	<b>£900</b>
<b>Pathways around green for access (completion of )</b>	<b>£6400</b>
<b>Floodlighting improvements (upgrades to existing)</b>	<b>£5500</b>
<b>Water sprinkler system</b>	<b>£3300</b>
<b>Pavillion / facilities</b>	<b>£38500</b>
<b>Bowling green surface improvements (completion of)</b>	<b>£1650</b>

**And the following conditions:**

Application for Full Planning

**RECOMMENDATION:**

1. Standard Time Limit
2. Plan References
3. Materials
4. Surfacing Materials
5. Landscaping Submitted
6. Landscaping Implemented
7. Drainage
8. Archaeology
9. No External Lighting
10. Hours of Delivery
11. Acoustic Attenuation
12. No Additional Windows
13. Double Doors
14. Odours/Fumes
15. Pile Driving
16. No Music
17. Window/Door Details
18. Railings

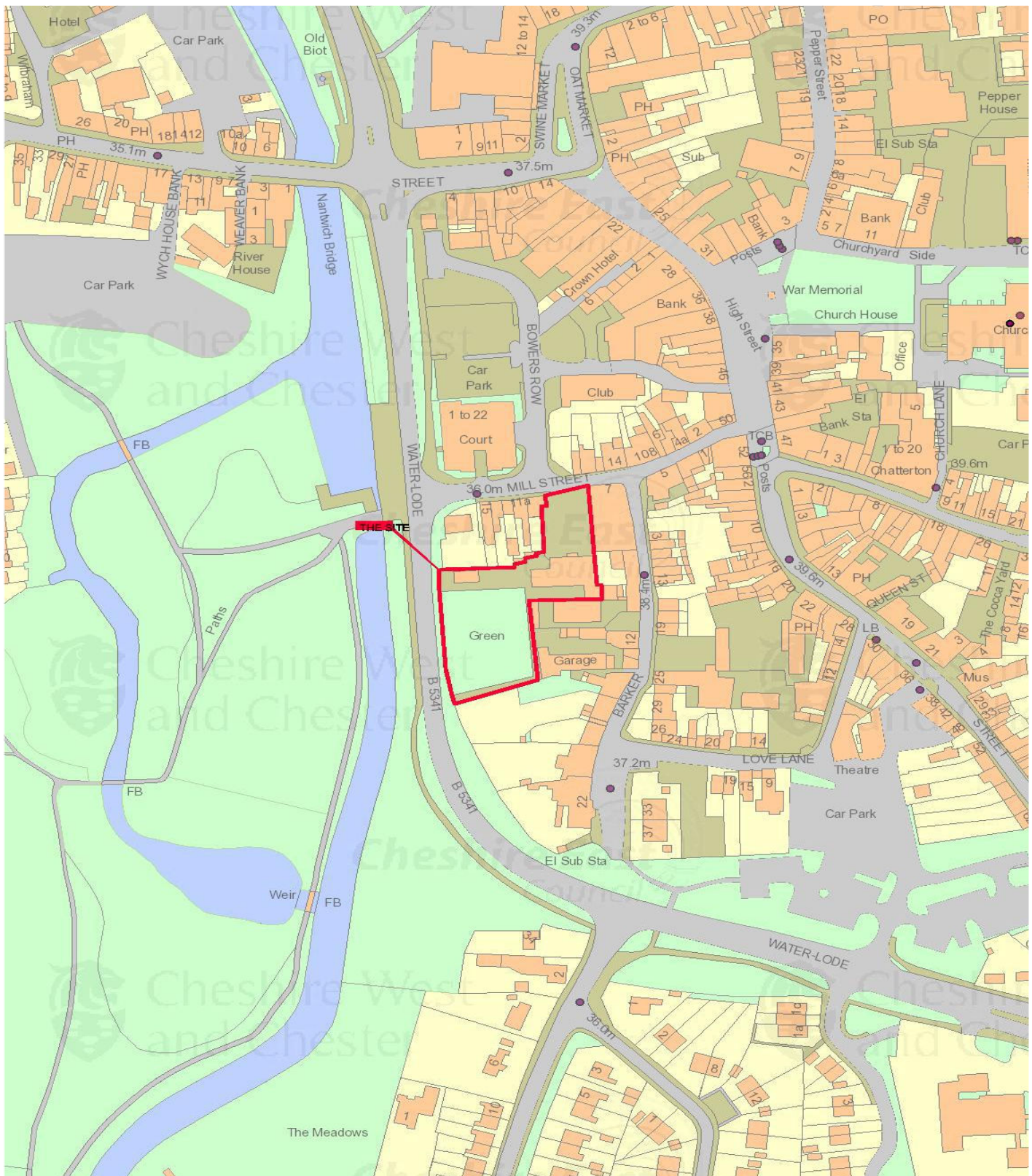
19. Dummy Windows
20. Details of Boundary Wall
21. Reveal Details
22. Sewer Diversion
23. Visibility Splays
24. Car Parking
25. Bin Storage Area
26. Contaminated Land Report
27. Access Details
28. Details of Footpath
29. Rainwater Goods

**Informatives:**

Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.





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Application No: 11/1537N

Location: Residence (Nantwich) Ltd, MILL STREET, NANTWICH, CW5 5ST

Proposal: Hotel Reception and Function Room, 18 Bedrooms, Garden, Car Park and Access

Applicant: Alexandra Countryside Investments Ltd

Expiry Date: 07-Jun-2011

**SUMMARY RECOMMENDATION:****MAIN ISSUES:**

- Impact on the setting of a Listed Building; and
- Impact on the setting of the Conservation Area

**REFERRAL**

The application has been referred to planning committee because it is a major development.

**DESCRIPTION OF SITE AND CONTEXT**

Residence is a large imposing two storey detached property, which is constructed out of facing brick under a tile roof. The building is Grade a II\* Listed Building. Located towards the rear of the building is a bowling green, which is no longer in use and the boundary is demarcated by a 2m high wall. The site is enclosed by Mill Street to the north which has a number of terraced residential properties, to the east are a number of industrial buildings, to the west is Water Lode and to the south are gardens. The application site is located wholly within the Nantwich Conservation Area.

Planning Application 11/1536N accompanies this listed building application.

**DETAILS OF PROPOSAL**

This application has been subject to extensive pre-application negotiations and is a full application for a part single storey part three storey extension comprising a function suite, roof terrace, 18 no. bedrooms, lift and stair wells, toilets, reception areas, cleaning cupboards. In addition to the above, there will be a new car parking area abutting Water Lode with 22 car parking spaces, landscaped gardens and bin storage area. The access to the new car park will be directly off Water Lode. The proposed extension will not be attached to the Grade II\* listed building and will be erected on a bowling green at Residence Restaurant, 9 Mill Street, Nantwich.

## **RELEVANT HISTORY**

P07/0632 – Window Alterations on West Wing – Approved – 22<sup>nd</sup> June 2007

P06/0020 – Change of Use of 2<sup>nd</sup> Floor Apartment and Construction of External Staircase – Approved – 25<sup>th</sup> September 2006

P07/1251 – New Entrance Gates and Railings – Approved – 31<sup>st</sup> October 2007

P07/0631 – Listed Building Consent for Installation of New Windows in the West Wing and Various Internal Alterations – Approved – 26<sup>th</sup> June 2007

P07/1061 – Listed Building Consent for New Entrance Gates and Alterations to Entrance Steps – Approved – 27<sup>th</sup> September 2007

P06/0023 – Listed Building Consent for Internal Alterations to First and Second Floors to Form Apartment and Construction of External Staircase – Approved – 27<sup>th</sup> September 2007

## **POLICIES**

### **National Policy**

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

PPS1: Delivering Sustainable Development

PPS5: Planning for the Historic Environment

### **Local Policy**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.2 (Design Standards)

BE.7 (Conservation Areas)

BE.9 (Listed Buildings: Alterations and Extensions)

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

**English Heritage:** No objections subject to the following comments

- We do have some concerns regarding the blank rear elevation which will detract from the character of the conservation area;
- There will have to be conditions on all materials as the choice of these will be critical to the success or failure of the scheme;
- Further excavations in the past have shown that the historic town of Nantwich is an area with good survival of medieval and earlier waterlogged remains. We therefore advise that evaluation excavation, to establish the presence or absence of significant below ground remains to be carried out before the application is determined.

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

No objections subject to the following comments:

- An offer of improvements to the Barony facilities to make up for loss of green space at the Residence has been made. The Council considers that a figure of around £60,000 is a relatively small sum for the loss of what is a potentially valuable recreational amenity in a very convenient position and would ask that the figure is critically examined. It is also important that close tracking of the contribution takes place, so that local stakeholders, including the Town Council, may have a say in expenditure and be assured that it clearly benefits the residents and recreational facilities in the town;
- 22 car parking spaces for an 18 bed hotel and 120 capacity function room close to a night club and other restaurants seems fairly low; and
- It goes without saying that this is a sensitive and important location in the conservation area and the design and setting of the proposed hotel and ancillary facilities must be treated with great care, bearing in mind especially the loss of attractive green space and the location next to a handsome and valued historic building.

## OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of 44 Marsh Lane, 11A, 15, 17 Mill Street and 12 Barker Street. The salient points raised in the objection letters are:

- The proposed development would need to have a Building over Agreement with United Utilities (invert/cover levels permitting), or the sewer will need to be diverted. No adjustment of the proposed design should be allowed to facilitate this. This is a major Public Sewer, serving a large area of central Nantwich;
- The submitted plans are confusing;
- Water Lode is a very busy road with tailbacks during the morning/evening rush hours. The proposal will exacerbate this problem;
- The proposed access does not have the required visibility splays and given its location will cause highway safety problems;
- The function room will be at the bottom of our garden and the noise which will be generated by the patrons of the proposal will have a significant detrimental impact on our residential amenity;
- The proposal will result in a loss of value of our cottage;
- The proposal will restrict our views;
- The application forms and Design and Access Statement have been completed incorrectly;
- The separate access/driveway signals that the hotel will potentially be used separately. A legal agreement should be set in place not to sub divide Residence from the new hotel;
- The proposed boundary wall would be ugly and over powering and not in keeping with the conservation area;
- The proposal will appear out of place within the conservation and restrict views to Residence (Grade II\*) listed building and other buildings;
- The proposed roof of the function room, has a high wall facing our property, however the return section does not, which will allow potentially 'intoxicated revellers' over looking down on to our Garden from that high level;
- The recent conversion of the former Lamb Hotel proved that there was not a need for Hotel Accommodation, the proposed development will have a major impact on the Crown Hotel, an much liked and 'major' historic building of Nantwich, leaving its fate in

jeopardy. It is debatable whether the site will generate addition employment to the local community, due to the potential loss of employment of existing hotels; The proposed access is to be off a very busy main road through Nantwich, too close to the junction of Mill Street, which will create a hazard to the residents/pedestrians adjacent or walking to the site;

- It is usual for access onto such a busy road for that number of cars to have a much larger radius on the bends as seen further along Water-Lode leading to The Blankney. Will a refuse vehicle be able to turn in the site without reversing on to or from Water-Lode;
- The proposed pavement will invite people who are coming and going across the park from Queens Drive etc, to avoid the pedestrian lights, and accidents will be inevitable;
- The proposal due to its height will result in the loss of a television signal;
- The Bowling Green ceased to be used as such since 2007, it has since been used for an extended restaurant seating area, entertainment such as a jazz band at Easter, New Year firework display and recreational use for "The Residence" customers and football games. I argue this piece of land is now used as a garden area to "The Residence" and this planning application should be seen as such;
- The governments green paper No 10 "Nurturing Responsibility" about housing states on page 7, under the heading;

"A planning system that delivers"

"Reverse the classification of gardens as brownfield land and allow councils to prevent over development of neighbour hoods and stop "garden grabbing".

- The site is in a conservation area, the tasteful listed restaurant building and the Barker Street houses, built in the Georgian era will be hidden from view by this modern building;
- There will be considerable noise intrusion with guests and vehicles leaving the site at the end of our garden, worse still during the early hours of the morning;
- We already have to suffer anti social behaviour from town revelers in the form of shouting swearing, fighting etc. The installation of the footpath will mean more revelers near our property. The proposal is contrary to the Human Rights Act as we have a right to sleep as do our children;
- There is no kitchen near the function room which according to the Design and Access Statement will cater for parties, so how will food to it be delivered;
- The licensing hours are to be until 12 midnight for non-residents and presumably longer for residents of the hotel. The noise will continue and invade our bedrooms from the function room and roof terrace until after midnight, there is no other facility in the hotel for guests to move to after midnight;
- The planning application states there are no trees or hedges on the proposed site, this is not the case, there are a number of established shrubs and four mature horse chestnut trees where the proposed pedestrian pathway will be. This greenery dresses the border of Waterlode road;
- The allocation of 21 parking spaces is inadequate, there are to be 18 bedrooms and potentially 120 people visiting the function room. Estimated employees are 2 full time and 12 part time. Based on a third of the guests parking their cars, an allocation of one car per hotel room and ½ of the employees this accounts to the requirement of a minimum of 65 parking spaces required. This gross underestimate of parking

allocation; 21 spaces would lead to a further strain on the nearby public parking spaces in the town, which is already in short supply. It will block car parking spaces during the day to the local shops;

- Extending the pedestrian walkway will lead to people crossing this busy road at the junction of Mill Street and Waterlode and not use the established pelican crossing. The main entrance to the park is opposite the aforementioned junction, this is the main walking route for Queens drive estate, human nature as it is, will lead people/children to take the direct route to the park entrance avoiding the extra walk to use the pelican crossing. The proposed pavement will invite people to avoid the pedestrian lights, and accidents will be inevitable as they cross at the busy Mill Street and Waterlode junction; and
- The location of the refuse directly behind our wall is likely to create foul odours. There will also be noise when emptying the glass bottles; customarily emptying of glass recycling bins is carried out very early in the mornings, before 8am.

### **Various Emails from Mr. Harrison and others from the Barony Bowling Club**

- The Bowling Green at the Residence was well supported and had a large number of users;
- On moving to the Barony Park we have had the responsibility financially and practically for all the improvements made to date and all maintenance undertaken. We raised approximately £32,000 thro' grants for floodlighting. The current facilities are not appropriate and as such we are losing lots of members;
- The proposal does not comply with policy RT.1 as a replacement bowling green should be constructed;

## **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.

**Various Emails/Correspondence from Rex Brockway** (agent acting on behalf of the applicant various dates)

## **OFFICER APPRAISAL**

### **Principal of Development**

Listed Building Consent is required for the demolition of a listed building, or for its alteration or extension, which is likely to affect its character as a building of special architectural or historical interest. When considering whether to grant or to refuse an application for Listed Building Consent the Local Planning Authority must have special regard to the desirability of preserving the building, its setting and those features which make it special.

### **Impact upon the Listed Building**

The list description for this property states:

*Town House, later used as a bank, and subsequently as a political club c.1736, altered 1852 and further altered and extended in 1897. Red brick, laid to Flemish bond, with ashlar stone dressings, 2 brick ridge stacks and plain tile roof covering.*

*2 storeys with attics and basement. Symmetrical 5 bay front with single storey addition. Central entrance bay slightly advanced, flanked by shallow brick pilasters, and with pediment above first floor window which penetrates blind brick parapet above moulded cornice. Line of pilasters expressed in piers within parapet, and surmounted by urns. Doorway with moulded door case and scrolled brackets supporting a segmental pediment. Panelled door, formerly with 10 panels, now partially glazed. Flanking bays with glazing bar sash windows (retaining heavy section C18 glazing bars) to ground and first floors, 9 over 6 panes, with segmentally-arched heads, set within advanced ashlar surrounds. Storey band above ground floor openings, and moulded coping to parapet.*

The application site is within the curtilage of a Listed Building where Policy BE.9 (Listed Building: Alterations and Extensions) requires development to respect the scale, materials, colour, detailing and other significant features of the listed building and not detract from the character or setting of the listed building, especially with regard to its surrounding gardens, landscape, streetscene or relationship with adjoining buildings and significant views. Policy BE.2 is fairly flexible on what constitutes acceptable design. However, it vehemently states that the proposals should not adversely affect the streetscene, and where possible, should enhance the environment.

The application site is located on the edge of the town centre, being encapsulated to the west by Water Lode, the north by Mill Street, the east Barker Street and the southern boundary is adjacent to a number of adjoining houses and is located on the periphery of the conservation area. The proposed extensions and car park will be located on the bowling green, which is located directly to the west of the listed building. It was noted at the time of the site visit, there is a significant difference in levels. The bowling green is located at a much lower level than the adjoining listed building. Furthermore, the bowling green is currently screened from Water Lode by an existing 2m high (approx) wall and as such adds little to the Conservation Area.

The proposed extensions will be physically detached from the Listed Building. The bedroom block measures approximately 43m wide by 22m deep (at the widest points) and is 9m high to the eaves and 11.5m high to the apex of the pitched roof. The proposed extension will be constructed out of facing brick under a concrete tile/slate roof, which will be conditioned, if listed building consent is approved. It is considered that the simple mass and form of the building is in keeping with the local built form. The building is lower than originally proposed, which assists its bulk to read more comfortably against the back drop of the conservation area and allows for views of the listed building. This is assisted further due to the fact that there is a fall in the level of the land on this site. Both these factors also serve to make the ridge height of the proposed building lower than and more subservient to the adjacent Grade II\* listed building.

The footprint of the bedroom block is roughly in the form of a letter 'U' and the main range fronts directly on Water Lode, with two projecting gable elements. The main reception is located on the front of this building with windows located at ground floor level. Additional

windows and Juliet balconies are proposed at first and second floor levels. The windows are vertically aligned and incorporate sill and lintel details. Additional apertures are located to the south and north elevations, it is considered that the design and proportions of these apertures are not incongruous and will not appear as alien features. Located on the east facing elevation are a number of dummy windows at first and second floor levels. Due to the orientation of the proposal this elevation will not be visible from the public realm and it is considered that these windows help to break up an otherwise stolid elevation. In addition to the above, three chimneys are proposed which give the building a vertical emphasis.

The function room will be located immediately to the north of the proposed bedroom block. The function room will be accessed via the new reception area and is rectangular in form. The extension measures approximately 14.5m deep by 22m wide (at the widest points) and is 3m high. The roof of the function room will be utilised as a room terrace and will also incorporate a roof lantern and a brick boundary wall around the north and west elevations. The wall will be constructed out of facing brick and will incorporate a moulded stone string course 900mm below a stone coping, similar to that on the adjacent Listed Building.

Overall, it is considered that the proposed extension would not dominate or overwhelm the existing Listed Building, or be read as a particularly prominent or obtrusive feature. The size of the proposed extension sits comfortably with Listed Building allowing for views of it and it will not appear as over dominant. Therefore the proposal does not detract from the character or setting of the building concerned and the proposal is in accord with policies BE.2 (Design Standards), BE.9 (Listed Buildings: Alterations and Extensions). The Conservation Officer has been consulted and does not have objections to the proposal.

### **Assessment against Policy BE.7 (Conservation Areas)**

This property lies wholly within the Nantwich Conservation Area where Policy BE.7 (Conservation Area) stipulates that conservation areas will be preserved or enhanced and development will not be permitted if it would harm the character, appearance or setting of a conservation area. The policies goes on to state an alteration or extension of a building will not be permitted unless it would harmonise with the building and the conservation area by:

- *Retaining, and where necessary, restoring traditional features such as shop fronts, boundary walls, paved surfaces and street furniture;*
- *Reflecting the scale, form and character of the building;*
- *Using materials traditionally characteristic of the area*

The aim of the conservation area is to conserve and enhance the special character of these areas by preserving existing buildings and features and promoting their appropriate enhancement.

Policy BE.7 states that development including the alteration or extension of a building will not be permitted unless it harmonises with the building and the conservation area.

It is considered that the overall design and materials of the building now proposed is sympathetic to the character and appearance of the conservation area and visually sits more comfortably on the periphery of this site when viewed from Water Lode or the banks of the River Weaver and it integrates with and does not compete with the adjacent Grade II\* listed

building. Furthermore, the proposed extension stands alone, detached from the listed building, allowing for existing views of this building to be generally retained and helps to screen the more modern developments located to the east of the application site. Overall, it is considered that the proposal helps to preserve and enhance the conservation area and will not have a detrimental impact on the setting of the listed building and as such the proposal complies with policies BE.2 (Design Standards), BE.7 (Conservation Areas) and BE.9 (Listed Buildings: Alterations and Extensions) and advice advocated within PPS 5.

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

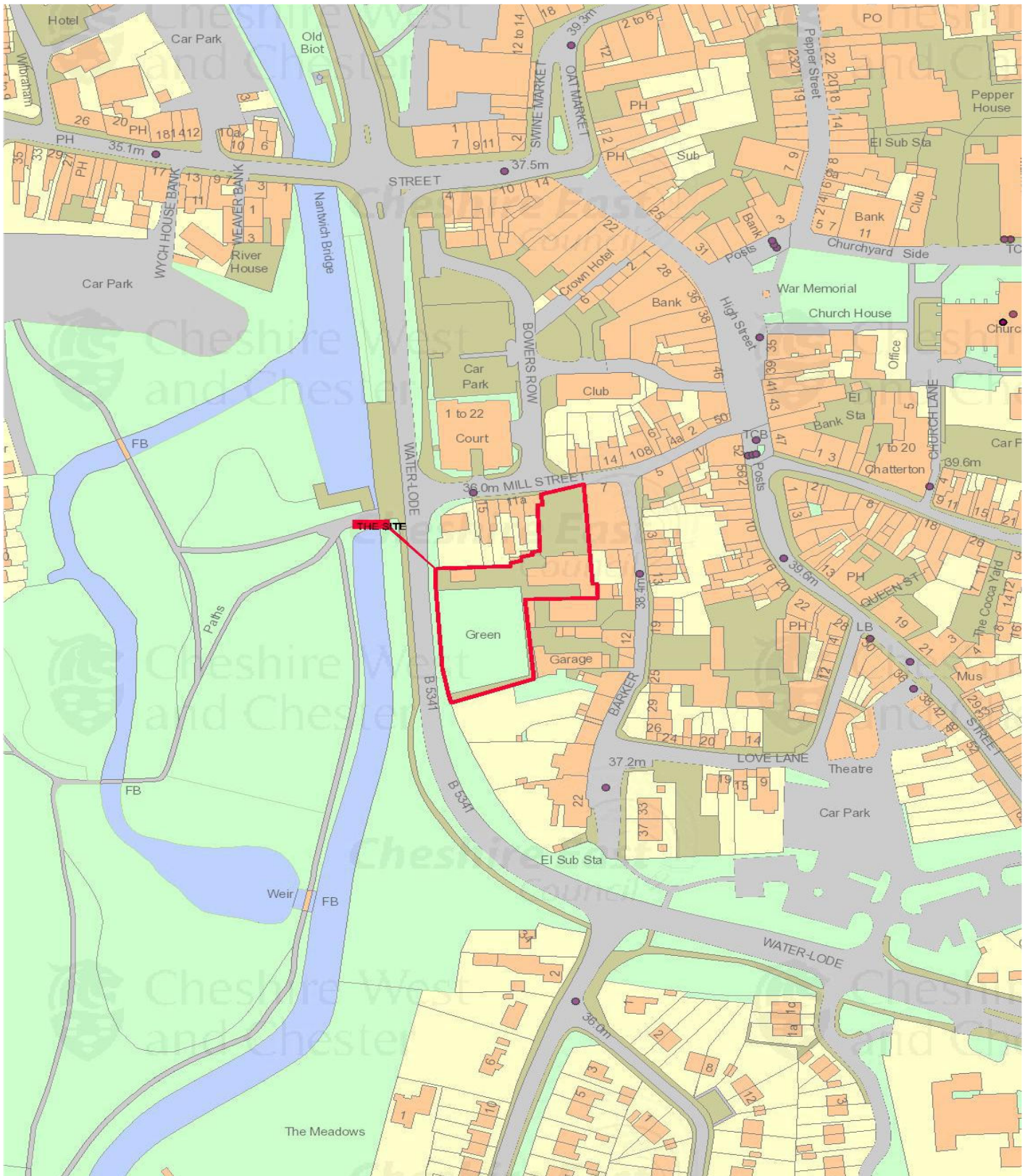
The proposed development is of an acceptable scale and design and would not harm the setting of this Grade II\* Listed Building or the Conservation Area. The proposal is in accordance with Policies BE.2 (Design Standards), BE.7 (Conservation Areas) and BE.9 (Listed Buildings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and PPS 5 (Planning and the Historic Environment).

Application for Listed Building Consent

### **RECOMMENDATION:**

1. Standard Time Limit
2. Plan References
3. Materials
4. Surfacing Materials
5. Window/Door to be Constructed out of Timber
6. Railings to be Painted Black
7. Details of Dummy Windows
8. Details of Boundary Wall
9. Reveal Details
10. Details of Bin Storage Area
11. Rainwater Goods





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Application No: 11/2394C

Location: PACES GARAGE AND FAIRFIELDS, NEWCASTLE ROAD, ARCLID, CHESHIRE, CW11 2UE

Proposal: REDEVELOPMENT OF INDUSTRIAL/COMMERCIAL PREMISES AND TWO DETACHED GARAGES AND ERECTION OF 18 DWELLINGS (13 MARKET/5 AFFORDABLE), PROVISION OF PUBLIC OPEN SPACE AND FORMATION OF REPLACEMENT ACCESS FOR THE DWELLING FAIRFIELD.

Applicant: ROWLAND HOMES LTD AND MESSRS PACE

Expiry Date: 03-Oct-2011

**SUMMARY RECOMMENDATION**

**Approve subject to no objection from Greenspaces officer, Environmental Health officer, Section 106 agreement and conditions**

**MAIN ISSUES**

**Principle of Development  
Employment Site  
Impact on Arclid Quarry  
Jodrell Bank  
Residential Amenity  
Ecology  
Design and Layout  
Trees and Landscape.  
Access and Highway Safety.  
Open Space  
Affordable Housing  
Drainage and Flooding  
Contaminated Land  
Noise and Vibration  
Public Right of Way  
Other Matters**

**REFERRAL**

The application has been referred to planning committee because it is for more than 10 dwellings and is therefore a major development.

## 1. SITE DESCRIPTION

The total site occupies an area of 0.845 Ha and is located in Arclid, Cheshire. The site sits between Newcastle Road to the East, Congleton Road to the North and the M6 to the West. Newcastle Road joins the A534, which provides direct access to the M6. The site frontage abuts Newcastle Road to the East. On the opposite side of the road lies a relatively new residential development called Villa Farm. To the West lies open countryside. To the South stands a new residential dwelling, and to the North is a small row of existing residential dwellings and Sharrock FR Ltd, an agricultural plant retailer. The site presently accommodates a crane hire and transport depot business, with a diesel fuel station and garage workshop. A car valeting and snack bar business also occupy the site.

## 2. DETAILS OF PROPOSAL

This application seeks approval for 13 detached, 2 semi detached and 3 mews dwellings. A replacement access will be formed into the site from Newcastle Road, with 2.4 x 120m visibility splays. The development comprises a row of terraced and semi-detached dwellings facing towards Newcastle Road at the northern end of the site frontage, and an area of public open space at the south end of the frontage. The remainder of the dwellings are arranged around this central open space.

## 3. RELEVANT PLANNING HISTORY

1114/6	1975	Car repair Workshop - Refused
22554/3	1990	Conversion into Flats – Withdrawn
22956/3	1991	Change of use to office - Approved
34977/3	2004	Erection of 25 dwellings – Refused

## 4. PLANNING POLICIES

### National Policy

PPS 1 Delivering Sustainable Development  
 PPS 3 Housing  
 PPS7 Sustainable Development in Rural Areas  
 PPG13 Transport  
 PPS23 Planning and Pollution Control

### Regional Spatial Strategy

DP1 – Spatial Principles  
 DP4 – Make best use of resources and infrastructure  
 DP5 – Managing travel demand  
 DP7 – Promote environmental quality  
 DP9 – Reduce emissions and adapt to climate change  
 RDF1 – Spatial Priorities  
 L4 – Regional Housing Provision  
 EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets

MCR4 – South Cheshire

### **Local Plan Policy**

PS8 Open Countryside  
NR4 Non-statutory sites  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
NR1 Trees and Woodland  
NR3 habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 affordable Housing and low cost housing  
E10 Re-use and redevelopment of existing employment sites

### **Other Material Considerations**

Cheshire East Interim Housing Policy  
Cheshire East Interim Affordable Housing Policy

## **4. OBSERVATIONS OF CONSULTEES**

### **United Utilities**

No objection to the proposal subject to the following comments.

- A separate metered supply to each unit will be required at the applicant's expense
- United Utilities encourages the use of water efficient designs

### **Highways**

- Pre-application negotiations have secured a viable internal layout for this site and a junction design with the A50 which is of an acceptable standard to the Strategic Highways Manager.
- The internal layout offers a low traffic speed design with a legible adoptable boundary.
- In traffic generation terms, when the existing generation is deducted from the proposed, the impact on the highway network will be negligible.
- The Strategic Highways Manager recommends that the following conditions and informatives are attached to any permission which may be granted for this development proposal.

- Condition:- Prior to the commencement of development the developer will provide a suite of detailed design and construction specification plans for the internal highway infrastructure and the proposed access junction, to the satisfaction of the LPA.
- Condition:- Prior to first occupation the developer will complete the proposed junction and the frontage footpaths as indicated on Rowland Dwg No. R056/1 to the satisfaction of the LPA. This will form part of the offsite highway works.
- Informative:- The developer will enter into and sign a Section 278 Agreement under the Highways Act 1980 with regard to the offsite highway works.
- Informative:- The developer will enter into and sign a Section 38 Agreement under the Highways Act 1980 with regards to the adoption of the internal highway infrastructure.

### **Environment Agency**

- The EA are now satisfied that foul drainage could be conditioned.
- The proposed development will only be acceptable if the following measures are implemented and secured by way of a planning condition on any planning permission.
  - a scheme to dispose of foul drainage,
  - If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been approved.
- The proposed development site is not considered to be located in a sensitive location with regards to controlled waters.
- The ground investigation report has identified some elevated TPH levels within soil samples, particularly in WS2, WS3, WS5B and WS6, which appears to be mainly due to heavier end TPH fractions. In addition, the investigation did not identify any significantly elevated contaminant concentrations in groundwater samples
- The package treatment plant associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies.
- Infiltration drainage should not be used on land which is known to be contaminated as this may lead to the mobilisation of pollutants.
- Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems.

### **Environmental Health**

- Considering the scale of the proposed development the Environmental Health Division will be contacting the developer with regard to the potential for noise and dust nuisance.
- This section recommends that the following conditions are attached to any planning permission granted:
  - Details of the method, timing and duration of any pile driving operations to be submitted and approved.

- Mitigation measures to minimise any impact on air quality and ensure dust related complaints are kept to a minimum.
  - The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- The application area has a history of garage and smithy use and therefore the land may be contaminated.
- This site is currently a garage therefore there is the potential for contamination of the site and the wider environment to have occurred.
- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The ground investigation report submitted with the application recommends further intrusive investigation in order to investigate pollutant linkages further.
- As such, and in accordance with PPS23, this section recommends the following conditions,
  - The underground tanks and associated infrastructure should be removed by a specialist contractor and any voids left unfilled to ease visual inspection for contamination, but made safe and covered
  - A supplementary Phase II investigation strategy shall be designed, and approved in writing by, the Local Planning Authority (LPA).
  - A supplementary Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA
  - If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA.
  - If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, to be submitted to, the LPA
- The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

### **Greenspaces Officer**

No comments received at the time of report preparation

### **Jodrell Bank**

No objection subject to incorporation of electromagnetic screening measures.

### **Public Rights of Way Unit**



- The development affects Public Footpath Arclid No. 2, as recorded on the Definitive Map of Public Rights of Way.
- Arclid FP2 is obstructed by a large building and has been unavailable for several decades. The rights of way unit are currently in contact with the landowners agent to discuss a suitable diversion proposal for the footpath.
- If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application.
- If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.
- No objection subject to various informatives being attached to the decision notice.

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

The Parish Council have considered the above application and in general are in favour of the development on this site. However, there are some genuine concerns that they have in relation to this application and all relevant to it.

### **1. The Building Line**

The existing building line with Fairfields, The Bungalow, Wayside and No.1 Newcastle Road is not being maintained.

- a. Plots 14 to 18 open directly on to the A50. This will not encourage pedestrians to enter or egress from within the boundary of the site and may even encourage them or their visitors to park on the road (A50). Everything that can be done during the development must encourage no parking on the A50
- b. Children will be out of their front door within feet from the busy A50
- c. Plot 1 is again very close to the roadside. Some years ago there was a major fatal accident on this part of Newcastle Road and should a similar accident occur this and plots 14 -18 would be in danger from a similar incident.

The building line at the rear of the development will be further back than existing properties. Does this affect the planned developments of the local silica sand quarry?

### **2. Road – footpath access to the site**

- a. On the east side of the A50 at Villa Farm the footpath extends half way to the crossroads and should be extended to the whole length of the A50 to the crossroads. This would improve the safety of the A50 and increase pedestrian movement to the bus stop and garage.
- b. The A50 as well as being a very fast and busy road, is also the preferred diversionary route when the M6 is closed. It would be good if there could be some road improvements gained for the parishioners as a result of this development

### **3. Accessibility to the site**

There must be clear accessibility to the site by delivery vehicles, refuse collector and the school bus. It will be necessary for the school bus to pick up and drop off pupils from both the Villa Farm and proposed Paces Garage sites. The A50 is not suitable for



children crossing. The sewage treatment tank is also on the far side of the site. This will also have to be accessible for emptying.

#### **4. Waste Disposal**

According to the plans the waste off the site will be treated by a treatment plant and then two soakaway units for the foul water. Villa Farm has a similar treatment system that is still not adopted because it is not efficient. We should learn our lesson from this and ensure that the installation is efficient. The proposal also suggests that emergency overflow will be linked to the existing drainage system to discharge into Arclid Brook – implying that an emergency situation with the treatment plant will pollute the watercourse. The Parish Council do not believe that this is acceptable. Emergencies must be catered for within the site – if necessary by sufficient further soakaways. Whilst taking into consideration this point, the Parish Council would like to refer to the Silica Sand present and still on the area mineral plan next to the site. As a national resource they would not like to this that contaminated by effluent from this site.

#### **5. Pathway number 2**

There are two conflicting ideas for this pathway at the moment. The first is the proposed new pathway as in the plans for the site but also the Public Rights of Way Team based at Crewe have issued a notice of a diversion order not in line with these at all. A possible solution would be to reinstate it to where it was originally thus not requiring a diversion but aligning plot boundaries etc. around the footpath. A further possibility is to consider a diversion affecting the whole footpath such that it could become a scenic pathway through the development and around the field behind rather than straight across the development and field.

#### **6. The level of the site**

The level of the development site must be monitored and maintained. There are lessons to be learnt from John Ford Way which was built up significantly higher than it should have been which has resulted in the new properties being higher than they should have been (in relation to existing properties) and has also resulted increased flooding of existing gardens.

#### **7. Traffic Lights A50/A534**

There is a lot of pressure on these traffic lights as already discussed with highway engineers. There is a requirement for existing residents to cross the A50 and A534 at the lights to access the garage shop. The bus stop and the post box are at the other end of the village by Villa Farm. Anything to make it easier for residents to move about within the village would be a big bonus from this development for them. The suggested installation of a pathway from Villa Farm to the crossroads would make a considerable difference for them and definitely make the village safer. This would be a planning gain for them.

#### **8. The Green Communal Area**

The plan is to install Cheshire Railings. Referring back to the danger of a rogue car hitting the corner too fast as previously referred to, would it not be prudent to protect any children playing there with at least a brick wall from the road? Before long children will easily make their way out of the development to play with children across the road and planting will not stop them.

## **9. Brick Walls**

The Villa Farm Development is proving to work as regards the safety of children. The brick wall encases the whole site and everyone enters and egresses through the main entry. If such a brick wall should envelope this new development the same safety aspects would apply. The provision of such a wall at the new development would address the safety aspects raised in point 1 and would also hope reduce the traffic noise for the properties adjacent to the road. It would be aesthetically pleasing to the eye for everyone and safe.

## **10. Electricity supply**

As part of providing electricity to the new site could the transformer currently situated between the two poles behind no.1 Newcastle Road, on the A50 be repositioned to a less intrusive position? The installation of the transformer caused a serious amount of upset to the owner of the property who had been unaware of the planned installation.

## **6. OTHER REPRESENTATIONS**

Letters of representation have been received from 1, 2, 7, 10 11, 15, 18 Villa Farm Farriers Cottage, Arclid Hall Farm, making the following objections:

### **Principle of Development**

- The site is not allocated for housing in the Congleton Borough Local Plan
- Previously the Borough Council issued report dealing with preferred options for future housing and employment development. The Council's comments in respect of the application site were "although a Brownfield site, the settlement of Arclid is considered unsuitable for further housing due to the lack of local facilities and services." Consequently the site was not included as a preferred option for housing or employment development.
- The situation has not changed and the site is still unsuitable.
- Why was Arclid hospital land not considered for this Planning Application as it is much better suited for this kind of development? The length of time it has stood with no usage is a waste when it was once a very busy hospital.

### **Noise and Vibration**

- The proposed houses next to the A50 will suffer from both noise, and significant vibration. This is regardless of building specification. Existing residents have experienced similar problems.
- The External Noise Assessment Consultant states that the noise levels are NEC band C which should result in refusal of the application due to there being other available land for development (e.g. the old hospital site).
- There are strong concerns over the positioning of the proposed house identified as No.1 on the layout plan. This house is shown located on the front of the site and will be very close to the footpath and highway (A50 Newcastle Road). This house should be excluded from the development. The developers propose using enhanced double glazing and thickened ceilings but this will in no way stop the severe vibration that will

be experienced within this house because of the heavy traffic on the road. The problem could also make the said property less saleable.

- If this property were not built the area could instead be used as a roadway/private access to Fairfield. The outcome would be that Fairfield would still retain its privacy and it would not necessitate a new additional entrance onto the very busy highway.

### **Highway Safety**

- Due to the increased pedestrian activity that this development would bring, pedestrian crossing facilities are required - in particular for safe pedestrian access to the bus stops close to the A50/A534 crossroads. Note that these bus stops are/will be used by children going to/from schools in both Sandbach and Congleton.
- Due to the access road for the proposed new estate road, and the new access for Fairfields being in close proximity to the Villa Farm access road, suitable measures are required to ensure that there is no increase in road traffic hazards. These measures, for example could include filter lanes for turning traffic, reduced speed limit along with greater visibility of traffic on the A50, which may take the form of widening the A50.
- In conjunction with the existing Villa Farm development, the proposed new builds will create a denser residential / pedestrian area, on a main 'A' road with a high speed limit.
- With the proximity of more dwellings to the A50 Newcastle Road and the introduction of more access points to this main road, the speed limit from the Legs of Man PH to the Zest restaurant traffic lights should be reduced from 50mph to 40mph. This speed limit is regularly flouted and these will become very dangerous junctions with even more families in cars using them.
- As well as residents' cars, traffic on the estate would include delivery vans, oil tankers, school buses and sewage plant desludging tanker. Thus the roads need to be wider and include substantial turning facilities. Additional off-street parking places should be required.
- The main entrances to the affordable dwellings are proposed to open directly onto the A50. There would be extreme danger in respect of children, pets and A50 traffic. This orientation for these dwellings is inappropriate.
- There would be a high risk of accidents occurring, potentially fatal ones, as the road is used by a range of vehicles (from motorbikes to HGV's) and is located on a bend. If more houses were to be built in this location there is a higher chance that someone could be seriously injured or die - even if the limit was lowered people can still be killed, especially a child
- The current speed limit on this particular stretch of the A50 is too high at 50 MPH and there should be a reduction if the proposed residential development were to be approved. Children living on the new development would want to cross over into Villa Farm and visa versa to play with friends and there is no provision for a pedestrian crossing on the submitted plans.
- The pavements on both sides of the A50 between the Legs of Mann pub and the A50/A534 cross roads are too narrow and they are dangerously so for any increase in use by pedestrians and school children using the A38 bus service.

### **Infrastructure**

- The village of Arclid does not have suitable facilities for more people to reside in the area, there is only one small shop which is actually an independent service station, and there are no other facilities.
- The only regular public transport is a single bus service (38) which operates hourly in a east/west direction (Congleton/Sandbach). There are no other regular transport services serving the area to other towns. In order for residents to go to work, do a weekly household shop, or go to the Doctors or Dentist, they would have to use a car which in turn increases road traffic in the area
- Sandbach and Congleton both suffer from major traffic problems why add to it by building more homes in an area with only one bus service? Cheshire East Council should be looking to only approve developments on currently unused brownfield sites such as the old Arclid Hospital site, which has a lot more potential to become a community hub and has lain bare for a number of years now, instead of developing a currently occupied commercial site and condemning the businesses that currently operate from the site to closure, and staff to lose their jobs.

### **Loss of privacy / amenity**

- The location and outlook of the five affordable houses will invade the privacy of numbers 7 & 9 Villa Farm who are located directly across the road.
- Concern about the height of units 13 and 14, which would be next to a bungalow. There is concern about overlooking of this bungalow, particularly given that the ground level of the application site is approximately 1m higher.
- The general noise of neighbours, dogs, children cars, alarms, fumes, fire etc. Is not acceptable.
- Existing residents are still suffering impacts from the 25 houses built across the road, viewed from their front windows, which was Paces Spares.
- With this plan existing residents will be surrounded by the very things that they moved to Arclid to get away from.

### **Drainage / utilities**

- An on-site HIPAF package sewage plant is proposed. Experience at Villa Farm and John Ford Way shows that such a solution has been extremely problematic. Planning approval should be conditional on the developer gaining definite acceptance in advance from the appropriate authority (United Utilities) that they will adopt the plant and be responsible for performance and maintenance
- The proposal does not describe heating arrangements for the dwellings. As there is no gas supply in the area, this is likely to mean oil central heating, and external storage tank locations should be added to the plans.
- The existing small electricity supply transformer (located near the ex-Chapel) is unlikely to suffice, so provision for a new substation should be included
- The Application proposes to deal with surface water and foul water drainage by the use of series of soakaways. This is considered to be totally inadequate in an area of ecological importance. The application site lies close to Arclid Brook and its immediate surrounds, which are extremely sensitive ecologically containing rare and protected species of flora and fauna and this scheme could potentially damage important habitat and directly affect these species. The application has not adequately considered

surface and foul drainage and the implications of any pollution of Arclid Brook and its soundings.

### **Public Footpath**

- There is a public right of way through the site. How is this to be dealt with in the new scheme?
- The Public Footpath (Arclid FP2) should be restored to a line much closer to its intended route (presently it is diverted around the industrial premises). A route adjacent to the proposed open space, along the estate road and out to the rear would be easily achievable and much preferable to the hidden route around the perimeter that is presently described. This would encourage the footpath to return to proper usage, e.g. for dog walking and other recreational purposes.

### **Impact on Existing Businesses**

- Although the Paces Garage/Crane Yard business has been mentioned a couple of times, Arclid Car Wash & Valeting Services has only been mentioned barely once as an afterthought.
- According to the report made by Louis Taylor LLP, the building they currently occupy "is currently in use as a part time car wash/valeting business on a temporary basis" and that the "current owners of the site confirm that both businesses have struggled in recent years" - both of these statements are completely incorrect and entirely misleading
- This thriving small business has been ignored in the report as if it doesn't even exist. Although the report claims "that it is the owners' intention to relocate both businesses to a more appropriate location(s) within the borough" there is no agreement or proposal to do this.
- The car wash/valeting business is in no way struggling, and is in no way part time.
- Sometimes customers have to wait a week to have their car valeted
- Almost every day, and the site is almost always bustling with vehicles waiting to be washed and other vehicles being valeted.
- The application would result in the loss of this business and a service to the community.
- There is also concern about loss of jobs at Crane Hire Direct. They would be unlikely to relocate to another site. The people who run it are retirement age and likely to finish working and will not start again. Left alone it will tick along and is very busy
- We should all be supporting our local small businesses

### **Affordable Housing Provision**

- Recently in the news there was a feature about lack of housing across the country, specifically affordable housing
- This proposal only shows the intention to build a mere 5 "affordable" houses (of which only two are 2-bedroom and three are 3-bedroom). The other 13 houses are 4/5 bedroom houses that would be out of the reach of people who, want to stay in the area when they come to buy their own property.

- As it stands in the current climate, if young people wish to purchase their own home they would be forced out of the area due to the lack of rural housing that is affordable to young adults.
- There are far too many (in the last ten years) recent builds/conversions that are far too expensive for local young adults - for example, the properties at Villa Farm (Arclid), John Ford Way (Arclid), Smallwood Forge (Newcastle Road), The Courtyard (Brookhouse Green) and in the future, the site at Smallwood Storage, Moss End Lane. All of those builds are of the three to five bedroom variety attracting prices circa £250,000 (John Ford Way, 4 bedroom), £350,000 (Villa Farm, 5 bedroom). Even what could be considered by Cheshire East Council as an affordable home is out of reach, for example, £165,000 (Sunnyside, Arclid, 3 bedroom).
- Even 2 bedroom recent builds would be far out of reach for many local young adults.
- There needs to be far more affordable housing for young local adults and this proposal does not account for this at all. Why are there not more smaller homes?
- The housing market is over saturated with 3/4/5 bedroom houses that people cannot afford to buy, why do we need more of those?

### **Impact on Arclid Quarry**

- The quarry is of national significance supplying a significant proportion of the UK's total production of silica sand.
- Any development that adversely affects the Quarry would have an adverse affect on the local economy
- The Cheshire Replacement Minerals Local Plan sets out a Preferred Areas for Silica sand extraction and inset plan no.7 illustrates an area of preferred extension to the existing quarry.
- This area lies adjacent to and contiguous to the application site
- It is not therefore appropriate to develop the Paces garage site for housing
- Furthermore the minerals plan provides planning advice on where mineral development can take place. Policy 7 within the plan states that the Council will actively seek to safeguard mineral resources through the Mineral Consultation Areas process. The land to which the application relates lies within a mineral consultation area and should not therefore be developed for housing

### **Landscape / Trees**

- The occupant of The Bungalow has planted trees on the boundary and has a mature willow tree on the boundary. The roots and lifespan of which may be adversely affected by the development
- All kinds of wild life come into the adjoining garden, hedgehogs, foxes, rabbits jays magpies, robins, blackbirds thrushes blue tits woodpeckers, nuthatch and occasionally a squirrel.

A letter supporting the proposal has been received from 28 Villa Farm making the following points:

- It will enhance the area and the addition of the public open space area with the trees and plantation does considerably improve the attraction and tidiness of the village.

- The existing structure is an eyesore and poorly maintained and it can be noisy especially early morning when cranes are manoeuvring.
- Fairly regularly, lorries use the frontage as an overnight stopping area. Which can be particularly disturbing in the colder months when lorries run their engines to heat their cabs late at night and very early in the mornings. It is not uncommon to have up to four lorries parked overnight at any one time.
- The plan seems to show the houses are well spaced and not over crowded.
- Pleased that they are only 2 story dwellings as the large 3 story built off Davenport Lane are out of character for the area and too tall for a rural location.
- Also planning consent for the construction of these houses would provide additional security that the 38 bus service that has been essential for people in this neighbourhood would be maintained. There would be greater urgency attached to the upgrading of the exchange to enable faster broadband

A letter has been received from Land & Property Development (Consultancy) who have been instructed to act on behalf of the freeholders of the agricultural land abutting the western boundary of the proposed development site making the following points:

- They have concerns regarding this proposal in respect of their client's interests and future interests in their property and rights.
- The development as proposed is not suitable for the location and its proximity to the proposed mining extractions which could give rise to future problems with settlement if the necessary precautions are not implemented at the planning stage.
- It is clear from the existing reports that the ground is unstable and that there are already recommendations for further ground tests carried out.
- The reports do not take into account the close proximity of the future sand extraction nor the need for a retaining barrier for ground support which could lead to an effective blight on the properties should this not be completed.
- In the event of the above precautions not being enforced it would undoubtedly lead to a substantial limitation of the extraction boundary and therefore the volume of the registered resource.
- They would therefore urge that the planning application be refused or withdrawn for further reports to be completed and for the possibility of agreements being completed prior a revised application being submitted.
- In reaching this conclusion they have also referred to the Congleton Plan First Review Inquiry dates 11<sup>th</sup> June 2002 – 21<sup>st</sup> February 2003 given by Neil A C Holt TD Barch(Hons) Dip TP DipCons RIBA MRTPI, in which he makes reference to the importance of this land in the Cheshire Replacement Minerals Local Plan as an Area of Preferred Extension to the existing Arclid Hall Farm Quarry.
- This relates to a prior application No 34977/3 dated 25<sup>th</sup> November 2002 at the previous Congleton Borough Council. In paragraph 6 of this report it states: *"In addition to the scale of the development in relation to the size of the settlement it also lies within the 250m buffer zone around Arclid Hall Farm Quarry. Whilst in view of the number of residential properties within the vicinity of the allocation any extension of the quarry would have to be accompanied by mitigation measures, the introduction of the new houses could impact on potential extraction. Whilst this in itself would not have caused me to recommend the deletion of the allocation, like the presence of the Jodrell*

*Bank Consultation Zone, it is a factor which weighs against the residential development of the site in the overall balance."*

A letter has been received from Sloane Mead Minerals Development Consultants working on behalf of the operator of Arclid Quarry.

- Arclid quarry has been worked for 60 years and is a main producer of silica sand
- The Quarry is of national significance supplying between 8-10% of the UK's total production of silica sand and one fifth of foundry sand.
- A range of other uses include insulation, ceramics, fillers and plastics
- It makes a significant contribution to the local economy and employees around 65 people and makes use of local services and contractors as well as through business rates
- Congleton Borough Council issued a consultation document in September 2006 setting out its preferred options for future housing and employment development in the Borough. The Council then issued a report setting out all of the responses that it received on the preferred options document. The report provided the Council's comments on each response and proposed some changes to the allocated sites. The Council's comment in respect of the Application Site was "*Although a brownfield site, the settlement of Arclid is considered unsuitable for further housing due to the lack of local facilities and services.*" Consequently the site was not included as preferred option for housing or employment development.
- Extensive and detailed drilling surveys have taken place in recent years across both the preferred area in the minerals local plan and the adjoining land. This survey proved that a high quality resource of silica sand exists. Consequently the quarry operator has made representations to Cheshire County Council to extend the preferred area (within the Cheshire Minerals Development Framework) to include additional land lying to the North West and south east.
- Allowing 18 new households much closer to the current and future silica sand extraction and processing operations could result in complaints due to potential minor environmental impacts. Furthermore, the proven silica sand resources in the adjoining land would be substantially reduced or sterilised if a Buffer Zone were required to be left between the houses and the workings in the future.

A letter has been received from the operator of the existing valeting business on the site stating that they do not object to the development but would make the following points:

- The business has been running for 5 years and it is not struggling, neither is it a part time business nor a temporary one.
- There are 5 staff at the car wash and 2 at the snack bar. The team work 6 days a week and often 7 days
- The for sale sign board is misleading as the site is a brownfield site for commercial and business use and not for housing. It is misleading also in saying that business will not be affected due to relocation.
- The valeting business has not been asked or have said that they have a new location to go to
- The Council seems to ignore the valeting business. There is no mention made in the report. It gives the impression that that the business and staff numbers are too small to be of any significance



- The team have worked hard over the past 5 years and have built up a good reputation with customers for the very high standard of work on both commercial and private vehicles
- The developers were advised that a public consultation would not be required prior to the submission of the application. Why was this so?
- The business is not struggling nor is not run on a part time basis as stated in the Louis Taylor Report
- The business has grown and continues to grow so obviously relocation would be an inconvenience.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- **Ground Investigation**
- **Planning Statement**
- **Noise Assessment**
- **Energy Statement**
- **Drainage Appraisal**
- **Ecological Appraisal**
- **Demand and Marketing Statement**
- **Tree and Hedge Survey**
- **Design and Access Statement**

## **8. OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the Infill Boundary Line for the settlement of Arclid, where, according to Policies PS6 and H6, limited development will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

### **Employment Site**

The site is currently in employment use and therefore Policy E10 of the Local Plan will apply. Policy E10 states that proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In order to address Policy E10, the applicant has commissioned a report from Louis Taylor LLP and DLDC Ltd to comment on the current likely demand for and marketability of the freehold interest of the above site on the basis of its principal existing use for crane hire/garage operations and/or other commercial/employment uses likely to receive planning permission.

The report notes that the site currently accommodates a crane hire/garage business and a small mobile food retail unit and a car cleaning and valeting business. According to the

report the latter operates on a part time basis. However, third party representations indicate that this is not the case and the valeting business operates up to 7 days a week. The report also claims that both businesses have struggled in recent years to maintain their viability/profitability, especially since the sharp downturn in the general economy and in the house building/construction industry in particular in 2007. Increasing competition from more modern/purpose built and better located operations, as well as the increasing maintenance and other running costs associated with the existing site have significantly contributed to this situation.

Whilst this may be the case in respect of the crane hire / garage, the valeting operation owner has reported that their business is thriving and continuing to grow. However, the report states that it is the owners' intention to relocate both businesses to a more appropriate location(s) within the Borough, subject to a satisfactory disposal of the site being agreed to fund this objective.

Notwithstanding the viability of the existing businesses on site, with regard to potential for disposal, the report confirms that, for both the present and for the foreseeable future, it is not considered that there is any realistic possibility of the subject site attracting any serious, viable demand on the basis of its existing or likely alternative commercial use(s) at any reasonable Market Value.

The site's re-development for either C2/Care Home or similar use(s) or for housing represents the only likely re-development approaches which can be realistically envisaged for the site in economic terms, within the foreseeable future. As it is considered that there is no likelihood of a commercial demand being attracted for C2/Care Home or similar use(s) in the foreseeable future, the report states that the site's re-development for an appropriate housing scheme represents its only realistic and currently viable development potential.

The report concludes that in accordance with Policy E10 of the current Cheshire East Local Plan, substantial planning benefits would arise with the extinguishment of the site's existing use and its re-development for housing. The authors have demonstrated that there is an ample supply (and probably an oversupply) of similar or superior commercial sites of this nature already available in the area, so demonstrating that the loss of the subject site for employment purposes would have a minimal if any adverse impact on the general supply of commercial sites and employment opportunities in the area.

On the basis of the above the report considers that it would be pointless and therefore unreasonable for the Council to require the owner to undertake a period of formal marketing of the site for sale reflecting its existing or likely alternative commercial uses, given the general sales evidence provided and other relevant circumstances referenced in the report.

Given that the site remains in active employment use, it is not considered that it is entirely unsuitable for such uses. However, it is noted that in the event of the existing businesses vacating the site, it would be difficult to secure employment redevelopment. It is also noted that, although the valeting and snack bar businesses appear to be flourishing, the crane hire company is suffering as a result of old and inadequate premises. Furthermore, it is considered that there would be planning benefits that would arise from the redevelopment of the site for residential use. Firstly, the proposal would assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the

Borough. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing.

Secondly, the proposed residential development would have significantly less impact on the character and appearance of the surrounding area, traffic generation and the amenity of neighbouring occupiers than the existing business use. Third party representations have made reference to the fact that the existing garage is an eyesore and poorly maintained and it can be noisy especially early morning when cranes are manoeuvring. In addition comments have been received stating that regularly, lorries use the frontage as an overnight stopping area. Which can be particularly disturbing in the colder months when lorries run their engines to heat their cabs late at night and very early in the mornings. It is not uncommon to have up to four lorries parked overnight at any one time.

The removal of the HGV traffic and rationalisation of the existing points of access will be of benefit to highway safety and the proposals will enhance the appearance of the area through the addition of the public open space area with the trees and planting.

Thirdly the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) states that *"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."* It goes on to say that *"when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore, inter alia,*

- *consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*
- *take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- *consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- *ensure that they do not impose unnecessary burdens on development"*

The proposal at the Paces Garage site will enable an existing local crane hire business to relocate to new premises and to expand, generating jobs and economic benefits. However, it is necessary to achieve residential land values from the site to enable this to happen. Furthermore, the proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a "key sector". The proposal will also create jobs and economic growth in the construction industry and all the associated supply networks. In addition it will help to support and sustain local businesses and facilities within the village of Arclid which include a petrol station and shop, restaurant and bus service. The Secretary of State for Communities and Local Government has made it clear that he will

take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment. It is therefore considered that these issues are important material considerations which add to the material planning benefits of the proposal.

However, to ensure that the benefits are realised it is recommended that a condition is imposed requiring the existing crane hire business to relocate to an alternative premises within the Borough prior to the commencement of development. In addition the representations regarding the existing car valeting and snack bar business are noted and it is therefore suggested that the terms of the condition be extended to include relocation of these businesses as well.

Consequently, the proposal will result in significant planning benefits in terms of housing land supply, character and appearance of the area, amenity and economic growth and on this basis it is considered that the proposal complies with the requirements of Policy E10 of the Local Plan.

### **Impact on Arclid Quarry**

Objections have been received from both the owners and operators of the nearby Arclid Sand Quarry which lies to the west of the site. The site lies directly adjacent to a preferred area for minerals (silica sand) shown in the Minerals Local Plan. The preferred areas were created in order to maintain the 10 year landbank required for this silica site, which is a national mineral resource. The preferred areas are established to ensure that the mineral is not sterilised, and also to ensure that new development is not adversely affected by mineral operations. The preferred areas were established based on the fact that they are not within 250m of a significant number of dwellings (250m being the general limit over and above which the impact of operations is seen to reduce).

A south eastern extension to Arclid Quarry was granted in 2010 which means that extraction has moved closer into the 250m zone. The remainder of the preferred area holds about 2million tonnes of mineral reserve. The operator considered extending up to the boundary with the Paces Garage site in the 2010 application but decided against it as the reserves were limited and mainly because of the environmental and economic costs of diverting Arclid Brook. Arclid Quarry has used up a large proportion of their preferred areas by extending their site and have a landbank of reserve until 2035. There is one other area where they could potentially expand to the east but that has similar problems with ecology. It is difficult to predict if this small section of the preferred area adjacent to Paces Garage would come forward, due to the size of reserve remaining. This would be reduced further by the buffers, overburden stockpiles and the gradient of the excavation slopes required which would further reduce the availability of mineral to extract. However, this is a national mineral reserve and should be protected.

The inspector who handled the Congleton Borough Local plan inquiry commented in his report on a proposal to put forward the Paces Garage site as a housing allocation. He stated that *'whilst in view of the number of residential properties within the vicinity of the allocation any extension of the quarry would have to be accompanied by mitigation measures, the introduction of the new houses could impact on potential extraction.'* This could still be the case. However, in view of the fact that the site does not lie within the preferred area and that

the previous application in 2010, which post dates the Local Plan inspectors comments, established that development of the area immediately adjacent to the application site would be economically and environmentally unviable, it is not considered that a refusal on these grounds alone could be sustained.

It should also be noted that the Inspectors primary reason for not allocating this site for housing was because he considered that there was an adequate supply of housing sites elsewhere in the Borough and that those sites did not have any constraints, such as the proximity to the mineral preferred area. Therefore, the logical conclusion was to allocate those alternative sites instead of the Paces Garage site. However, the situation has now changed in that there is a severe shortage of housing sites within the Borough and therefore, sites such as Paces Garage need to be reconsidered.

With regard to stability issues, the site sits on moderately permeable geology and has a very high water table, although this is likely to be de-watered as a result of mineral extraction (lowered by about 3m). The stability of land in the mineral area and adjacent properties will be assessed as part of any extension to the quarry. The dewatering is likely to reduce the pore pressures in excavated slopes so improve stability by creating drawdown. Problems may occur if softer clay, silt and peat are encountered. However, the assessment of the 2010 extension did show that the nearest properties (adjacent to Paces garage) are on glacial till and sand which is unlikely to be susceptible to stability issues but they would need a proper assessment to have any degree of certainty. This would be undertaken as part of any application to extend the quarry. Fully saturated ground and a high velocity of groundwater can cause ground movement. However, if the quarry operator were to extract on the land adjacent to the Paces Garage site they could look to modify the rate of excavation and slope profiles to ensure excessive groundwater flows did not result in slope failure. Notwithstanding this, dewatering will draw groundwater down by pumping which can also be controlled.

Stability issues are covered in MPG5 and the onus is on the mineral operator to demonstrate stability of the surface mineral working. It states that where instability may threaten land outside of the boundary of the quarry area, the planning authority has a duty to consider the potential effects and if necessary, attention should be given to the possible need for standoffs to protect neighbouring land. Therefore, as part of any future extension application at the quarry the developer would be expected assess the impact and propose standoffs, minimum excavation slopes and groundwater management systems.

Whilst the operator and land owners concern that this residential application could sterilise a large proportion of mineral reserve due to a need for larger standoff is understood, as stated above, given that the site does not lie within the preferred area, the previous application in 2010, and the economic and environmental viability issues with extending towards the Paces Garage site, this is not considered to be sufficient to warrant refusal.

Comments have been made in respect of the use of soakways for drainage and the way in which this may affect the mineral reserve. The suitability of soakaways will depend on the geology in the area and location of aquifers etc. The developers are proposing soakaways for surface water and foul water which will drain straight to the groundwater. As stated above there is a high groundwater table in the area which could make use of soakaways difficult and geology in area is moderately permeable as a result of the till boulder clay and

Gawsworth sand. There is a chance there would be rapid dissipation of surface water through to the groundwater so the infiltration rate would need to be considered. The developer would need to be confident that contamination isn't dislodged and allowed to find a pathway to the brook through the groundwater. The Environment Agency have examined the application and raised no objection on these grounds and therefore, they are not considered to present sustainable grounds for refusal.

### **Jodrell Bank**

The University of Manchester has examined the current proposals and raised no objection subject to the incorporation of electromagnetic screening measures which can be secured by condition. Therefore it is not considered that a refusal on the grounds of impact on Jodrell Bank could be sustained.

### **Residential Amenity**

The surrounding development comprises Villa Farm, a modern residential cul-de-sac development on the opposite side of Newcastle Road, and open countryside to the rear. To the south side of the site stands the bungalow known as Fairfield and a combination of 1 and 2 storey detached dwellings stand to the north side in a ribbon development. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

Whilst the concerns of Villa Farm residents are noted, distances in excess of 21.3m will be achieved between plots 14 to 18 on the site frontage and the principal elevations of the dwellings on the opposite side of the road. Similarly a distance of 21.3m will be achieved between the proposed dwelling on plot 13 and the rear of the dwelling known as "The Bungalow". Furthermore, the principal elevations of these dwellings are not directly facing and this measurement is taken from the closest point at the corner of the dwelling. Therefore no privacy or amenity issues are raised in respect of the relationship between these two properties.

The proposed dwelling on plot 14 contains 2 landing windows in the side elevation facing towards "The Bungalow". It is therefore recommended that a condition is imposed requiring these to be fitted with obscured glazing. Subject to compliance with this condition it is not considered that there would be any overlooking of "The Bungalow" from this property. Plot 14 stands significantly further forward towards Newcastle Road than "The Bungalow" and consequently there will be no loss of light to the porch / conservatory on the south elevation of this property. Despite the fact that the dwelling on plot 14 would project beyond the front building line of "The Bungalow", given that a distance of approximately 10m would be maintained between the two dwellings, it is also considered that there would be no overshadowing of the principal windows in its front elevation.

The recommended minimum distance of 13.7m will be achieved between the rear elevations of the proposed dwellings on the southern site boundary and the flank elevation of "Fairfield."

To turn to the levels of residential amenity to be provided within the development, the recommended minimum distances of 21.3m and 13.7m will be achieved in all cases with the exception of the distance between the front elevation of plot 10 and the flank elevation of plot 8, where the distance will be reduced to 10m. However, these two elevations do face each other directly, and this measurement is taken at the closest point. Therefore this is not considered to be sufficient in itself to sustain a refusal.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m with the exception of one of the terraced houses on the frontage, which will benefit from a rear garden area of approximately 45sqm. However, this is excluding the off-road parking provision. They will also have small gardens to the front, although it is acknowledged that these will be of limited amenity value. Notwithstanding this point, however, it is considered that a smaller area of amenity space can be justified for these dwellings, as they are much smaller properties, and are therefore less likely to be occupied by families with children.

In summary therefore, the proposal is considered to be acceptable in amenity terms and in accordance with Policy GR1 of the adopted Local Plan.

## **Ecology**

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

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

Local Plan Policy [insert policy number and summary of content as appropriate]

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 case, a survey has been submitted which concludes that the area contains a range of common habitats, which are of small size compared with the scale of hard development. Most of the site has no floristic interest, being composed of hard surfaced yards and buildings with some coarse habitats of tall ruderal herb and scrub. Many of the hedges are conifers and exotic species. The buildings and the hedges have the potential to support nesting birds and the buildings could support roosting bats. As the result of this assessment a specialist surveyor was appointed to carry out a survey of the buildings in May 2011. He concludes that there was no evidence of bats on his daytime inspection and that due to the lack of potential a nocturnal survey was unnecessary. As a precautionary principle he has recommended that the crevices within the concrete block wall of the garage building should be inspected by a licensed bat surveyor prior to demolition and the ridge tiles of the car wash building should be removed under the supervision of a licensed bat surveyor.

The trees and hedgerows and scrub on the site have the potential for nesting bird habitat. If the development takes place outside of the nesting bird season (generally September to February), then no checks for nesting birds are necessary. It should be noted that barn owl is a late brooding species and may have nests occupied during October and a check for the species should be made regardless of the development timing.

The Council's ecologist has examined the survey and commented that it is acceptable. No evidence of protected species was recorded during the surveys undertaken to inform the assessment. There is some limited potential for roosting bats within the buildings on site however he is satisfied that roosting bats are not reasonable likely to be present, consequently no additional surveys are required.

To compensate for any loss of any existing hedgerows (a Biodiversity Action Plan Habitat and hence a material consideration) or other vegetation from the site, native species hedgerows and tree planting should be included in any landscaping scheme formulated for the site.



If planning consent is granted the following conditions are required to safeguard breeding birds and to ensure some provision is made for both breeding birds and roosting bats.

### **Design and Layout**

The dwellings on plots 14 to 18 provide an active frontage to Newcastle Road, with pedestrian access out on the pavement. However, car parking will be to the rear of these properties which will avoid creating a car dominated frontage. The corner property on plot 18 also includes an entrance on the side elevation facing on to the new access road, to create a dual aspect to break up the mass of the gable and “turn the corner” into the proposed development.

With the exception of plot 13, which stands to the rear of plots 14 to 18 the remainder of the dwellings are laid out around a central public open space, which will form a new “village green” alongside the main road. This feature is reminiscent of similar traditional village greens within the Borough such as those at Astbury or Hankelow. This layout helps to create a focal point for the community as well as natural surveillance of the open space and an active frontage for passers-by. The open frontage makes the development welcoming and helps to knit into the existing built fabric of the settlement.

The Parish Council have expressed the view that the development should be surrounded by a wall similar to that which has been constructed around the Villa Farm development on the opposite side of the road, due to concerns about children running out on to the road and to protect dwellings from noise and vibration.

The properties on the Villa Farm estate are all either backing on to the road or gable end on to the road, and 2m boundary walls run along the site frontage. This type of layout is typical of the late 1990's when this development was constructed. However, current urban design thinking is that such developments which turn their back on the public domain create dead frontages, which detract from the street scene, discourage natural surveillance, create insular communities which do not integrate with existing areas and create defensive and unwelcoming developments. The proposed design on the other hand, as stated above, will create an open and welcoming active frontage, which integrates with the existing fabric and creates a sense of overlooking and natural surveillance to the benefit of public safety. The public open space will be surrounded by a native hedge and low garden walls and gates can be provided to the frontages of the properties which face onto the main road. These can be secured by condition and should overcome concerns about child safety.

The proposed dwellings are 2 stories in height which reflects the surrounding developments in the surrounding area. It is therefore considered to be acceptable in street scene terms. Furthermore, it will help to knit together the two recent developments at Villa Farm, on the opposite side of the road, and older ribbon development to either side, to create a continuous frontage to Newcastle Road and to help to consolidate the nucleus of the settlement of Arclid which has grown significantly over recent years.

The Parish Council have expressed concerns regarding ground levels, following difficulties which occurred during the development of the Foxes Covert site on Davenport Lane. It is therefore recommended that a condition be attached requiring details of site levels and finished floor levels to be submitted and approved prior to commencement of development.

To turn to the elevational detail of the scheme, the properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches and window head details that are typical of many farmhouses and traditional cottages in the vicinity. Similar designs have been employed on the neighbouring developments at Villa Farm and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

### **Trees and Landscape.**

The Senior Landscape Officer has examined the proposals and commented that there are a number of trees and bushes on the boundaries and a section of Copper Beech hedge fronting Newcastle Road.

There are no insurmountable landscape or forestry concerns. However, in order to provide property security, until established the proposed hedge planting to the western boundary should be supplemented by a temporary post and sheep netting fencing. This can be secured by condition.

According to the supporting documentation submitted with the application, the proposed boundary treatment for the open space to the front of the site is hedge and Cheshire Railings. The landscape officer has commented that it should not be necessary to have both hedge and Cheshire railing on the Newcastle Road frontage. Cheshire railing would traditionally have been used where an open aspect was desirable. If screening is desirable then hedging and temporary protective fencing should suffice until the hedge has established. If an open aspect is desirable then the Cheshire railing alone should suffice. If both treatments were provided they are likely to be difficult to maintain. Given the concerns of the Parish Council regarding the potential for children to run out into the road from the proposed open space, it is considered that a native hedgerow would be more appropriate. This detail can also be secured through the landscaping conditions.

The landscape officer has also commented that the proposed location of private soakaways may need review in order to avoid damage to retained trees. However, conditions will need to be imposed relating to submission and approval of drainage details. These can stipulate that soakaways should be located outside tree crownspreads, and the landscape officer can be consulted on the submitted details prior to discharge of the relevant conditions.

The occupier of one of the neighbouring properties has expressed concerns about potential damage to trees and hedgerows on the boundary. However, it is considered that these can be adequately addressed through the imposition of the standard tree and hedge protection condition.

### **Access and Highway Safety.**

According to the developer's Planning Statement, at present site has an open frontage to Newcastle Road with three points of access. The site is a generator of a wide range of vehicles and is used by crane lorries and other slow moving heavy goods vehicles on an unrestricted, 24 X 7 basis. The proposal involves the closure and removal of the industrial businesses and therefore, heavy goods traffic. Its redevelopment for housing, which would in the main generate only cars and light goods vehicles, represents a highway gain.

The developer's highway consultants have had discussions and correspondence with the council's highway engineers and agreement has been reached on the point of access to Newcastle, the radii at the bell-mouth and visibility splays and the internal access arrangement which is in accord with the general requirement of the Manual for Streets.

The proposal also involves the closure of the vehicular access to Fairfields through Paces Garage site and the formation of a new access incorporating a turning head within the front garden onto Newcastle Road. This replaces one of the existing access points from the garage site, which is to be extinguished. It is considered that the proposed access including radii, visibility and turning head arrangement would ensure a safe means of access and egress.

The Strategic Highways Manager has examined the application and commented that pre-application negotiations have secured a viable internal layout for this site and a junction design with the A50 which is of an acceptable standard. The proposed internal layout has been negotiated in detail and provides an acceptable design which provides well for this small development. The layout offers a low traffic speed design with a legible adoptable boundary.

In traffic generation terms, when the existing generation is deducted from the proposed, the impact on the highway network will be negligible.

To further improve highway safety, in the area, the developer has offered a reduced speed limit to 40 m.p.h., in the current 50 m.p.h. area on the A50 fronting the site. This speed limit reduction proposal has been highlighted in the Council's Speed Limit Review report and the Strategic Highways Manager would welcome the proposal for the developer to fund this speed limit change.

In detail, the current 50 m.p.h. speed limit is part of a scheme which also covers the section of the A534 which crosses the traffic signals at Arclid. It would be appropriate to change this speed limit too and it is considered to be a consistent and sensible approach to seek developer funding for both speed limits to be changed. Given the administrative legal costs would be the same for one or both speed limits to be changed, the overall cost to the developer would not be increased greatly for the additional work as it will simply require a change of signage. The cost of this work is estimated at £10,000, which could be secured through a Section 106 Agreement, which could also include a claw-back on unspent monies in the event that the actual cost was lower.

Therefore, whilst the concerns of local residents and the Parish Council are noted, in the absence of any objection from the Strategic Highways Manager and subject to the completion of the Section 106 agreement to secure funding for the speed limit change as

well as imposition of conditions relating to detailed highway design and construction of the proposed junction and the frontage footpaths it is not considered that a refusal on highway safety grounds could be sustained.

### **Open Space**

The Planning Statement prepared by the applicant states that the proposed open space *"would be the third open space in Arclid. It is considered that its provision is in accord with the relevant policies in the local plan, and in particular GR1 regarding open space provision, GR2 regarding the visual, physical and functional relationship with the street scene, GR3 regarding an adequate provision of open space and GR22 regarding the provision of public open space and also the Council's supplementary planning document on open space provision."* Comments were awaited from the Greenspaces Officer at the time of report preparation, and a further update will be provided to Members at their meeting.

### **Affordable Housing**

The Strategic Housing Market Assessment (SHMA) 2010 shows that for Sandbach Rural area there is a net requirement for 5 new affordable units between 2009/10 and 2013/14. In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there is currently 1 applicant who has Arclid as their first choice.

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with a tenure split of 65% social rent, 35% intermediate tenure. The IPS also states at paragraph 3.7 that for all sites in rural areas which have a population of less than 3,000 the Council will negotiate for the provision of an element of affordable housing on all sites of 3 dwellings or more, and the general minimum proportion of affordable housing required will be 30%. This application is for 18 dwellings and therefore the affordable housing requirement of 30% would equate to 5 units.

The application indicates provision of 5 affordable units which would meet the required affordable housing provision of 30%. However the tenure mix indicates 2 x social rent and 3 x intermediate tenure. This split is 40% social rent and 60% intermediate tenure which does not match the requirement of 65% social rent and 35% intermediate tenure. No explanation is offered for this in the planning statement. It is therefore recommended that a Section 106 agreement should be entered into to make provision for 3 x social rent units, 2 x intermediate tenure units.

The Affordable Housing Interim Planning Statement states that "the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)" It also goes on to state that "in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996." The Section 106 agreement should therefore also ensure that the

developer undertakes to provide the social rented affordable units through a Registered Provider who are registered with the Tenant Services Authority to provide social housing.

Local residents have suggested that, given the relatively high house prices in the area, a greater percentage of affordable housing should be provided. However, both local plan policy and the Interim Planning Statement set a percentage of 30% for affordable housing provision and consequently, there would be no policy justification to insist on additional affordable housing.

Therefore subject to the signing of an appropriate Section 106 Agreement to secure the above it is considered that the proposal will comply with the requirements of both the Local Plan Policy in respect of affordable housing and the Affordable Housing Interim Planning Statement.

### **Drainage and Flooding**

Local residents and the Parish Council have expressed concerns about the proposed foul and surface water disposal arrangements. The application has been examined by both the Environment Agency and United Utilities and no objections have been raised. Therefore it is not considered that a refusal on drainage grounds could be sustained.

### **Contaminated Land**

The supporting documentation submitted with the application suggests that there is potential for ground contamination on the site. The Council's Contaminated Land Officer has examined the proposals and raised no objection subject to an appropriate condition to secure a full ground investigation and any necessary mitigation measures. Subject to compliance with this condition it is considered that the proposal will accord with the requirements of PPS.23 Planning and Pollution control and Policy GR.8 of the local plan. On this basis it is not considered that a refusal on contaminated land grounds could be sustained.

### **Noise and Vibration**

Local residents have expressed concerns about the impact of noise and vibration from passing traffic on the residential amenity of future occupiers. These concerns have been passed on to the Environmental Health Officers for comment and a response was awaited at the time of report preparation. A further update will be provided to members in due course.

### **Public Right of Way**

Public Footpath Arclid No. 2, as recorded on the Definitive Map of Public Rights of Way map runs across the site from Newcastle Road to the fields at the rear of the site. It is currently obstructed by a large building and has been unavailable for several decades. An informal, permissive diversionary route has been in place for many years which skirted the garage site in order to avoid any interference with the operations of the garage and provide a safe route for pedestrians. The landowner recently submitted an application to the Public Rights of Way Unit to formalise this diversion.

The plans for the housing redevelopment as originally submitted showed the footpath shown running between plots 7 and 8 along its definitive route. The original layout plan was then withdrawn, specifically so that the application would regularise the permissive route which has been in use for many years. This was agreed at a site meeting between the Council's area engineer, the public rights of way officer and Bill Booker of Singleton Clamp, highway consultants. It was seen as the best way forward because the route already exists and could be improved by the Rowland Homes application which would allow the route to be widened within the site to provide a minimum of a 2 metre width where it runs alongside the boundary at the rear of the site.

However, Arclid Parish Council objects to the route shown on the revised plan. In the circumstances and because of the potential delays and costs that would result from the objection being heard at a local public inquiry the applicants now wish to revert to the proposal shown on the original withdrawn layout showing the right of way running through the site between plots 7 and 8.

The public rights of way team have confirmed that they have no objection to this proposal subject to informatives being attached to the decision notice reminding the developer of their responsibility to protect the right of way and its users during and after development.

### **Other Matters**

The Parish Council have asked whether, as part of the electricity supply installation the existing transformer close to the site could be removed. However, given that this work would not be directly relevant to the development to be permitted, not necessary to make the development acceptable in planning terms, or directly relevant to planning, is not considered to be reasonable to impose it as a condition, as it would not comply with the 6 tests for a planning condition as set out in Circular 11/95.

## **9. CONCLUSION**

In summary, the proposal is considered to be acceptable in principle, as it lies within the infill boundary line as designated in the local plan. It will assist the Council in meeting its requirement for a 5 year housing land supply and will promote economic growth. The proposal is acceptable in terms of its impact on Jodrell Bank and Residential Amenity. The Contaminated Land issue can be adequately addressed through conditions and the affordable housing requirement is being met on site. The design and layout is also considered to be acceptable and will enhance the character and appearance of the surrounding area.

There are a number of issues outstanding, but it is not expected that any of these would threaten the principles identified within the scheme, and therefore subject to the following the development complies with the relevant local plan policies and accordingly is recommended for approval.

## **10. RECOMMENDATION**

**APPROVE subject to**

- **No objection from the Greenspaces Officer, or Environmental Health Officer.**

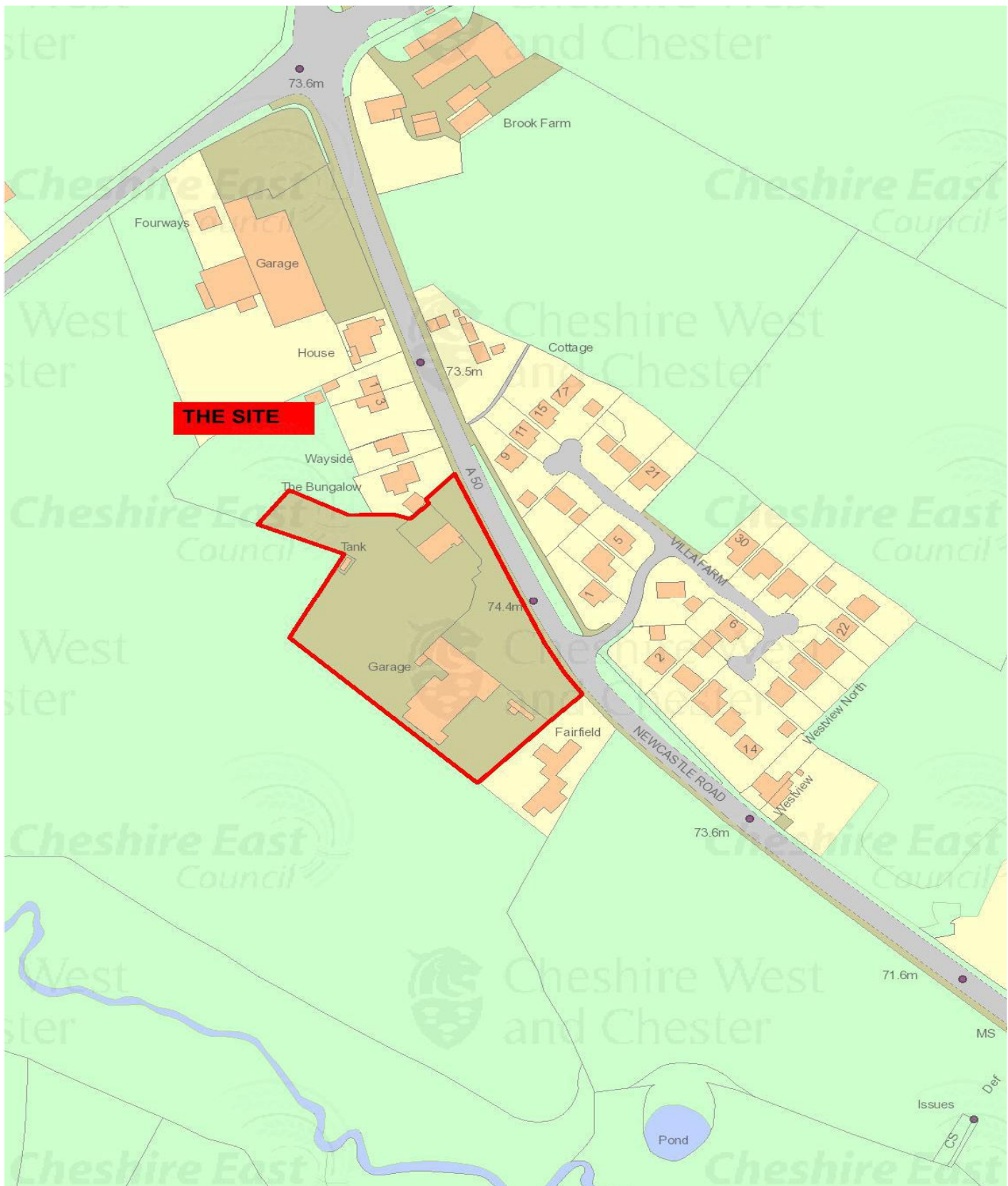
**Signing of a Section 106 agreement making provision for:**

- **Affordable Housing comprising 3 social rented units and 2 intermediate tenure units.**
- **Social rented units to be provide through an RSL**
- **financial contribution of £10,000 towards speed limit reduction from 50mph to 40mph around Arclid traffic lights.**

**And the following conditions:**

- 1. Standard**
- 2. Plans**
- 3. Submission of detailed construction plans for access**
- 4. Provision of footpaths to site frontage**
- 5. Scheme of foul drainage**
- 6. Contaminated land investigation**
- 7. Details of Sustainable Urban Drainage System**
- 8. Timing and method of pile driving**
- 9. Air Quality mitigation measures#**
- 10. Construction hours to be 0800 – 1800 Monday to Friday and 0800 to 1300 Saturday with no working on Sunday / bank holidays**
- 11. Removal of Petrol tanks**
- 12. Method of dealing with unforeseen contamination**
- 13. Electromagnetic screening measures**
- 14. Relocation of existing businesses elsewhere within the Borough**
- 15. Tree Protection**
- 16. No works within protected area**
- 17. Boundary Treatment**
- 18. Landscaping**
- 19. Landscaping implementation**
- 20. Materials**
- 21. Obscured glazing to gable of Plot 14**
- 22. Protection of breeding birds**
- 23. Incorporation of features suitable for use by breeding birds**
- 24. Removal of Permitted Development rights for plots 14 - 18**

**In the event of any changes being needed to the working of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issues, the Head of Development is delegated authority to do so , provided that she does not exceed the substantive nature of the Committee's Decision.**





Application No: 11/2999C

Location: LAND SOUTH OF, PORTLAND DRIVE, SCHOLAR GREEN, STOKE ON TRENT

Proposal: Variation of Conditions 2,3,5,10 & 11 of Planning Permission 08/0712/FUL

Applicant: Ben Bailey Homes(Part of Gladedale Group

Expiry Date: 04-Oct-2011

**SUMMARY RECOMMENDATION:**

APPROVE

**MAIN ISSUES:**

- Principle of Development
- S106 Agreement
- Conditions
- Other Issues Raised by Representation

**1. REASON FOR REFERRAL**

Cllr Rhoda Bailey has called this application in for determination by the Southern Planning Committee for the following reasons:

"The permission originally granted was ".to provide a much needed healthcare centre as well as affordable and low cost housing. The proposal would accord with the policies of the adopted Congleton Borough Local Plan First Review and with PPS1 and PPS3," to quote from the decision notice dated 30th July, 2009.

The basic premise of the grant of permission was for the provision of the surgery before that of the houses. The present proposal turns that basis on its head; it is not in the interests of the community for the application to be dealt with under delegated powers and the arguments should be placed before the planning committee."

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

The application site comprises a vacant farmhouse and its associated farm buildings that include a barn and single storey outbuildings and open fields. The outbuildings have a very low level of use and the fields are used for grazing and the buildings generally present a poor appearance of neglect and decay. The site covers an area of approximately 1.85 hectares and is bounded to the north by Portland Drive and a row of terraced properties in the North West corner, to the east by open fields beyond which lies the Macclesfield Canal which, in this location lies within a deep cutting. To the south and west the site is bounded by residential development. The site generally slopes up towards the Canal which lies in a deep cutting in this location. Current access to the site is from Congleton Road North. Boundary treatment is generally made up of hedging.

## **3. DETAILS OF PROPOSAL**

Planning permission was granted in October 2008 for the erection of a new health care centre and residential development comprising of 56 residential units with a dedicated access off Portland Drive. This application seeks to vary condition numbers 2, 3, 5, 10 & 11 of this approval under Section 73 of the Town and Country Planning Act 1990 and also seeks to vary the terms of the section 106 legal agreement.

The applicant wishes to vary these conditions and the legal agreement so that work can proceed on commencing development on the residential element of the approved scheme before commencing the approved health care centre.

## **4. RELEVANT HISTORY**

08/0712/FUL – Demolition of dwelling & erection of new health care centre & residential development comprising 39no. open market units & 17no. affordable housing units with associated means of access, landscaping & alterations to Portland Drive, including parking bay & dedicated residents' car park (resubmission of 06/1146/FUL) - Amended Plans – Approved 07.10.2011

06/1146/FUL - Demolition of dwelling and erection of new Health Care Centre and enabling residential development comprising 39 No. open market units and 17 No. affordable units with associated means of access, landscaping and alterations to Portland Drive, including parking bay and dedicated residents' car park. Amended Plans - re-plan of south end of site; additional financial and legal info; tree survey; habitat survey. – Withdrawn - 17.04.2011

## **5. POLICIES**

### **Local Plan Policy**

PS5	Villages in the Open Countryside and Inset in the Green Belt
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health

GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

### **Other Material Considerations**

Interim Policy on the Release of Housing Land  
Interim Planning Statement on Affordable Housing  
Planning for Growth' Ministerial Statement

Circulars of most relevance include: ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

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

### **Environmental Health:**

No objection

## **7. VIEWS OF ODD RODE PARISH COUNCIL**

No objections provided that the new wording of the conditions does not prejudice the proper commencement and completion of the Heath Centre.

## **8. OTHER REPRESENTATIONS**

Letters from 27 properties have been received objecting to this application on the following grounds:

- The new Doctor's surgery should be built and occupied before the new homes are built
- This flies in the face of the council's initial decision
- This is not a minor change
- If the Health Centre isn't delivered, will more houses be built on the site
- Scholar Green needs a new health centre not houses.
- There is no demand for houses in Scholar Green
- If extra houses included in this development on the village edge against the Macclesfield Canal will ruin the area's rural character.

- Portland Drive is unsuitable to accommodate any increase in traffic resulting from this scheme.
- The area is a commuter area.
- Local Amenities and public transport are lacking and any further house will make this worse
- Lack of publicity
- If funding is an issue, why is this not being sought elsewhere

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

The applicant has submitted a letter in response to concerns expressed during the consultation period.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The previous approval established the acceptability in principle of the proposed new health care centre as well as the construction of 56 residential units on the site. As a result, this application does not present an opportunity to re-examine those matters. The main issues in the consideration of this application are the acceptability of building the approved dwellings before commencing work on the approved health care centre and the variation of the relevant conditions to enable information for the health care centre to be submitted at a later date without preventing development from commencing on the dwellings.

### **S106 Agreement**

When the application was originally considered, local residents were concerned about the release of this green field site for housing and also the delivery of the proposed health care centre. To give local residents some comfort, the applicant decided to include within the s106 a requirement for the new health care centre to be complete and ready for use prior to the commencement of development of the housing scheme. Whilst it would be beneficial to deliver the health care centre as soon as possible, there is no policy requirement to do so and as such it is considered that it would be unreasonable to require the developer/applicant to commit to such.

Due to the current economic climate, the applicant has experienced delays in securing the funding to build out the health care centre which has in turn prevented the delivery of the housing element of the scheme. Given that there is no policy justification for delivering the health care centre part of the scheme before the residential element it is recommended that the terms of the s106 be varied to this requirement by way of a formal deed of variation. Taking this into account, condition numbers 2, 3, 5, 10 and 11 would need to be varied to reflect this.

### **Conditions**

Condition number 2 requires details of the materials to be submitted and approved prior to the commencement of development. The applicant wishes to vary this condition to allow details of the health care centre and the housing to be submitted separately to reflect the phasing of development. The same request is made for condition number 3, which relates to landscaping. The variation of these conditions would still meet with the tests of the conditions circular 11/95.

Condition number 5 deals with drainage. The health care centre and the housing development will be drained on separate systems and therefore the application also seeks to vary this condition in order to differentiate between the two systems. Such variation is considered to be acceptable and in accordance with the conditions circular.

Condition number 10 and 11 require the submission of a Crime Prevention Plan and a scheme for the acoustic enclosure of fans and compressors prior to the commencement of development. These conditions are aimed specifically at the health care centre and are not required for the housing element. As such, it is proposed that this condition be reworded to make specific reference to the commencement of development on the health care centre so that it does not preclude the development from commencing on the housing scheme. Such variation would accord with the tests of the conditions circular.

### **Other Issues Raised by Representation**

With respect to other issues raised by representation, these deal with the principle of the development, which has already been accepted by the original approval. With respect to funding, this is not a material planning consideration.

## **11. CONCLUSIONS AND REASONS FOR THE DECISION**

The principle of the development has already been accepted. The terms of the existing S106 legal agreement will need to be varied, as currently there is a clause which prevents the new dwellings from being occupied until the new health care centre has been delivered. This and the wording of condition numbers 2, 3, 5, 10 and 11 is precluding the delivery of much needed housing in the borough. The variation of such conditions would continue to meet the tests outlined within Circular 11/95 and as such the proposal is deemed to be acceptable and is recommended for approval.

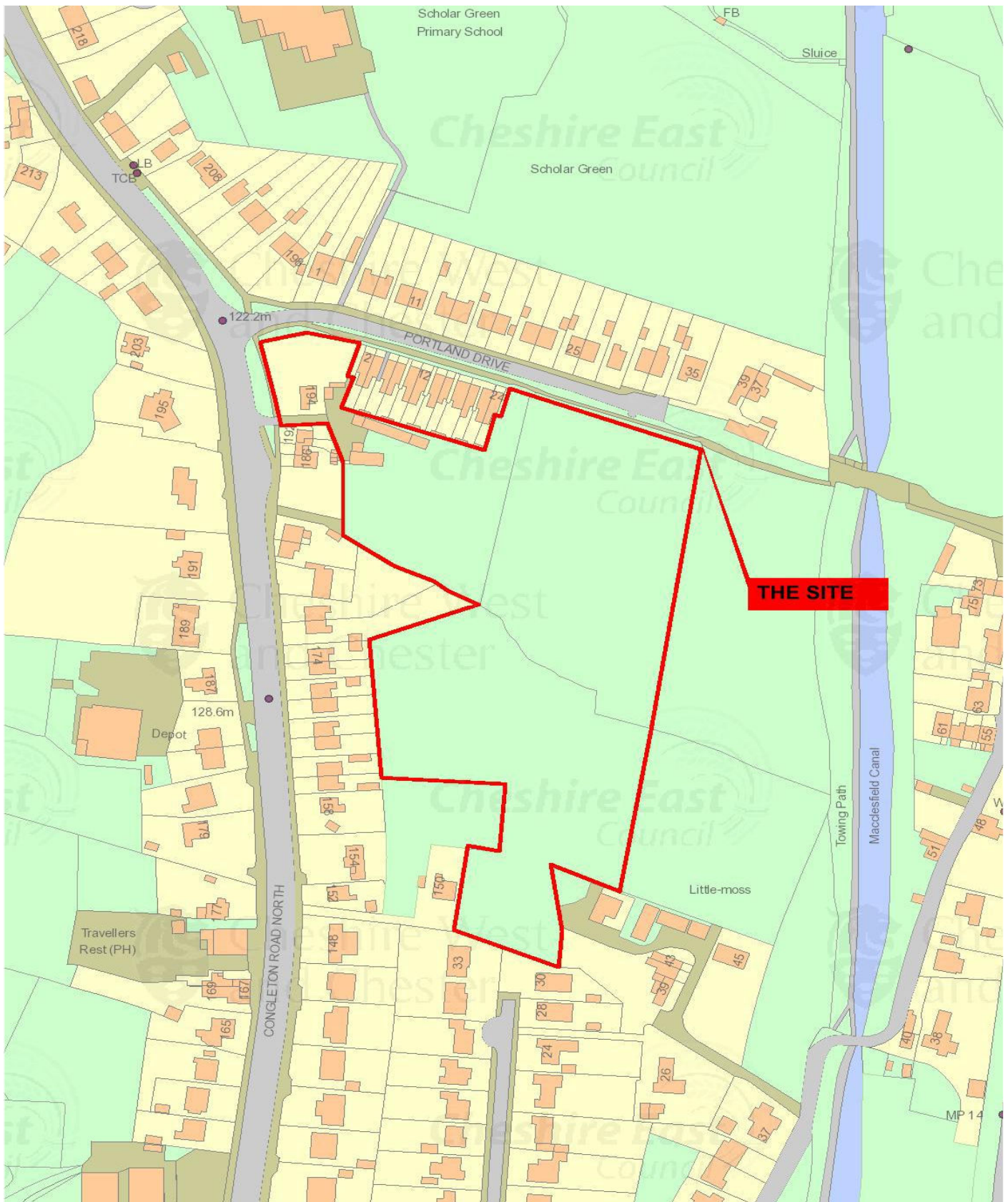
### **RECOMMENDATION:**

**APPROVE the formal deed of variation on the S106 Legal Agreement and permit the variation of condition numbers 2, 3, 5, 10 and 11 to allow the development to commence on the housing scheme prior to the delivery of the health care centre subject to the following conditions:**

- 1. Development to commence within 3 years**
- 2. Details of materials to be submitted and approved in 2 phases**
- 3. Details of landscaping to be submitted in 2 phases**
- 4. Submission of Tree protection measures for retained trees**
- 5. Details of foul and surface water drainage to be submitted in 2 phases**
- 6. Hours of construction limited**
- 7. Further gas monitoring shall be carried out**
- 8. Protected species – details of bat boxes to be submitted**
- 9. No work to be carried out with the bird breeding season**
- 10. Details of CCTV to be submitted prior to commencement on the new health care centre**
- 11. Scheme for acoustic enclosure of fans/compressors etc. to be submitted prior to commencement on the new health care centre**
- 12. No burning of materials associated with demolition**
- 13. Management regime for hedgerows to be submitted and approved prior to commencement**
- 14. Hours of operation limited**

**15. Submission of details of levels for rear gardens**

**16. Submission of details of levels for rear gardens**



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Application No: 11/3076N

Location: LONG LANE FARM, LONG LANE, BRINDLEY, NANTWICH, CHESHIRE, CW5 8NE

Proposal: Change of Use of Agricultural Building to Joinery Workshop.  
Resubmission of 11/1184N

Applicant: Mr N Bulkeley

Expiry Date: 03-Oct-2011

**SUMMARY RECOMMENDATION:**

Refuse

**MAIN ISSUES:**

- Principle of development
- Design, character and appearance
- Impact on residential amenity
- Highways and parking
- Public rights of way

**1. REASON FOR REFERRAL**

This application has been called in to Southern Planning Committee by Cllr Davies for the following reasons:

*"I wish the committee to take regard of supporting small business in the rural area."*

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site relates to part of a farm complex at Long Lane Farm. Access is via a long track from Long Lane. To the north is an existing barn with permission to convert to two residential units which was commenced in 2009 according to the Design and Access Statement.

**3. DETAILS OF PROPOSAL**

This application seeks full planning permission for change of use of an existing agricultural building to a joinery workshop.

**4. RELEVANT HISTORY**

- P04/1088 Conversion of barn from agricultural use to residential, creating 2 no. dwellings and 2 garage blocks.  
*Approved 1<sup>st</sup> November 2004.*
- P08/0661 Removal of condition 8 of planning application P04/1088.  
*Refused 23<sup>rd</sup> July 2008.*
- 11/1184N Change of use of agricultural building to joinery workshop.  
*Withdrawn 22<sup>nd</sup> July 2011.*

The 2008 application (P08/0661) proposed the removal of condition 8 of P04/1088 which required an existing farm building to be removed prior to the commencement of development. The intention was then to use this building as a light industrial workshop and agricultural machinery store. The 2008 application was refused for three reasons, firstly it was considered the building was unsuitable for conversion to a workshop being a modern agricultural building lacking a degree of permanency, contrary to NE.15; secondly it was considered the amenity value of the countryside would be harmed by the need to provide additional hardstanding in an adjoining field for parking and turning facilities contrary to policy NE.2; and thirdly the proximity of the building to the brick barn to be converted to residential use was considered unacceptable as the development would result in noise and disturbance of future occupiers.

The 2011 application (11/1184N) was identical to the application now under consideration. This was withdrawn following discussions between the case officer and the applicant's agent where the view was expressed that this building is not suitable for conversion and the proposed works required for noise insulation and building up of the front elevation would represent substantial alterations, and therefore it was not in accordance with local plan policy. This reflected advice given at the pre-application stage.

## **5. POLICIES**

### **Regional Spatial Strategy**

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP4 Making the Best Use of Existing Resources and Infrastructure
- DP7 Promote Environmental Quality

### **Local Plan Policy**

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- NE.2 (Open Countryside)
- NE.15 (Re-use and Adaptation of a Rural Building for Commercial, Industrial or Recreational Use)
- RT.9 (Footpaths and Bridleways)

### **Other Material Considerations**

- PPS1: Delivering Sustainable Development
- Planning Policy Statement: Planning and Climate Change Supplement to PPS1
- PPS4: Planning for Sustainable Economic Growth

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

**Environmental Health:** Make the following comments:

1. The agricultural buildings have planning permission to be converted into residential dwellings (P04/1088). As stated in the Design and Access Statement, the applicant plans to occupy Unit 1 if planning permission for the joinery workshop is granted. Therefore if the applicant moves from Unit 1 and it is sold in the future for residential use, the joinery workshop should cease operation. This is to protect the amenity of the residents living in the barn conversions.
2. Hours of operation for the site shall be restricted to 8am – 5pm Monday to Friday, in order to safeguard the amenity of local residents.
3. Prior to the use commencing details of any external lighting shall be submitted to and approved in writing by the borough council. Development shall be carried out in accordance with the approved details. To ensure that the lighting does not intrude upon issues of amenity or highway safety.

*Environmental Health Advisory Note:*

Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays to safeguard the amenity of local residents.

*The following comments have been made in relation to Contaminated Land:*

The application area has a history of agricultural use and therefore the land may be contaminated. As such, and in accordance with PPS23, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

As the site is currently a farm, there is the potential for contamination. As such, should any adverse ground conditions be encountered during the excavation works, all works in that area should cease and this department contacted for further advice.

### **NOTE**

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

### **Public Rights of Way**

These comments are awaited and will reported as an update.

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

Burland Parish Council supports this development. An employment unit will be created in the rural area by utilising an existing building, the outward appearance of which will remain unchanged.

## **8. OTHER REPRESENTATIONS:**

The consultation period ended on 12<sup>th</sup> October 2011. No representations have been received at the time of writing the report.

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

A Design and Access Statement has been provided the salient points being:

- The proposal is to upgrade the building without prejudicing its essential rural quality;
- The acoustic performance of the building would be upgraded by providing an internal wall and would achieve a minimum of 40Db sound reduction;
- The doors to the workshop would be on the east elevation to ensure no perforations in the acoustic barrier;
- Trail holes before construction would need to establish if the existing concrete slab can carry the additional weight. The perimeter may need to be underpinned;
- The thermal performance would be improved with cavity wall batts giving an overall U Value of external walls not less than 0.35 W/m<sup>2</sup>K;
- Yorkshire boarding would be lined internally with a breathable membrane;
- A suspended ceiling would be provided below the steel roof;
- The applicant will occupy unit 1 of the barn conversion and would accept a condition that the use ceases upon sale of the property;
- The proposed use would involve manufacture of bespoke joinery for the domestic market and would not involve large machinery use.
- There would be no element of sales;
- No more than 5 clients are expected to visit over the course of a year;
- There would be an average of 1 delivery per month by a 10 or 18 ton fixed bed lorry.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

Policy NE.2 of the Local Plan states that

*Within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.*

As the proposed new use would be light industrial and not agriculture, it will be necessary to assess whether such a use is appropriate to a rural area.

PPS4 notes that the re-use of buildings in the countryside for economic development will usually be preferable [over other uses] and is broadly supportive of such development.

Policy NE.15 of the Local Plan is also supportive of business re-use provided that the following criteria can be met:

- *The building is of substantial, sound and permanent construction;*
- *The use of the building would not lead to the dispersal of activity on such a scale as to prejudice the vitality of a nearby town or village;*
- *The form, bulk and general design of the building is in keeping with its surroundings;*
- *Any conversion work respects local building styles and materials;*
- *The traffic to be generated by the new use can be safely accommodated by the site access and the local road system;*
- *The proposed use will not harm the local environment through the creation of noise, dust, smoke, fumes, grit, vibration or any form of water, soil or air pollution;*
- *There is sufficient room in the curtilage of the building to park the vehicles of those who will work or visit there and also to service its use, all without detriment to the visual amenity of the countryside;*
- *No commercial, industrial or recreational activity or storage of raw materials or finished goods is to take place outside the building; and*
- *No new fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it will be erected if they would harm the visual amenity of the countryside.*

This proposal is for the conversion of a modern agricultural building. The retention of redundant traditional brick built agricultural buildings is desirable as they are important buildings which contribute to the distinctiveness and character of the countryside. Additionally the conversion of rural buildings for employment uses is encouraged in this regard and can also help to diversify the rural economy and promote sustainable development. However modern agricultural buildings are designed specifically for agricultural use which makes their conversion to other uses difficult without substantial alteration. In addition their construction also lacks a degree of permanency which traditional brick built buildings have. In this case the building would require alterations including the addition of an internal skin and building up of the front elevation. The proposal is to build a concrete blockwork internal skin within the existing building in order to attenuate noise, the Yorkshire boarding would be lined internally with a breathable membrane and a suspended ceiling provided below the existing steel roof. The front (south) elevation is currently open and the proposal is to build up the front consisting of 2.1 metre high blockwork and Yorkshire boarding above. This elevation would contain two windows and an 1800mm wide door. There is also a question mark regarding the existing concrete slabs, and subject to trial holes prior to construction, the perimeter may need underpinning.

Given the extent of the works needed to convert this building it is not considered suitable for conversion, being tantamount to the construction of a new building internally and requiring significant alteration, albeit preserving an existing external appearance to three facades. The front (south) elevation however would be completely altered and would change the character of the building.

For the reasons described above it is considered that this building is not of substantial, sound and permanent construction as required by Policy NE.15 and is therefore not suitable for conversion.

### **Design, character and appearance**

The external elevations of the building will be concrete panel and Yorkshire boarding which is common for agricultural buildings. Whilst the building up of the front elevation would enclose what is currently an open shed, its design and appearance would be appropriate to the rural locality and would not harm the character of the countryside or its openness. Moreover parking and turning can take place within the existing hardstanding to the rear of the building and therefore the development can be contained within the existing development on the site.

### **Impact on Residential Amenity**

An existing barn sits approximately 8 metres from the subject building. This barn has permission for conversion to two residential units (reference P04/1088). The existing farmhouse is approximately 40 metres away from the subject building. Given the proposed end use of the building as a joinery workshop has potential to cause noise and disturbance, the impact on amenities of these properties is an important consideration. The adjacent barn is yet to be converted however the applicant has stated the development has been commenced and the permission is still extant. The Design and Access Statement states that the internal blockwork wall would achieve a minimum of 40Db sound reduction. The applicant has stated his intention to occupy unit 1 of the converted barns and would welcome a condition restricting the use of the workshop to the occupier of that unit and that the use should cease upon sale of the property. The Environmental Health department have raised no objections subject to a condition of that effect and a condition restricting hours of operation to 8am to 5pm Monday to Friday.

### **Highways and Parking**

There are no issues regarding the point of access off Long Lane given the scale of the proposed use and that it currently serves an existing farm business which is likely to generate more vehicle movements than the use the subject of this permission.

It is possible for a parking and turning area to be provided within the existing courtyard to the rear of the building.

### **Public Rights of Way**

Burland Foot path 9 runs across the south of the site, directly in front of the application building. The implications of this may well be a need to apply to divert the public footpath so the workshop use does not interfere with the operation of the public footpath. However at the time of writing the committee report comments are still awaited from the Public Rights of Way Unit. These comments will be reported as an update.

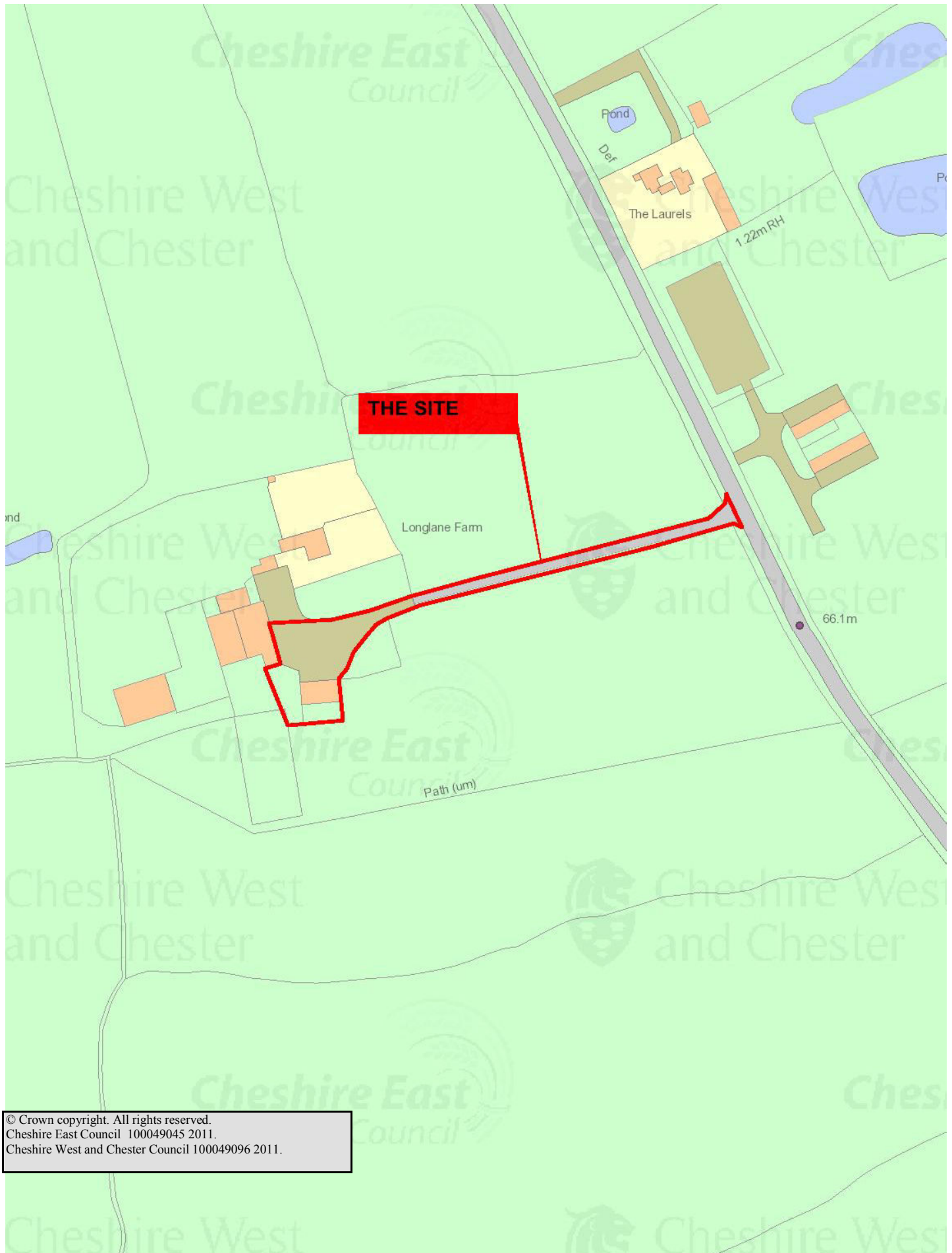
## **11. CONCLUSIONS**

The existing building is designed for agricultural purposes and lacks a degree of permanency. Substantial alterations to the front elevation and internal building works are required to convert the building to its proposed end use and provide necessary acoustic and thermal insulation. In this regard the building is not considered suitable for conversion, as it is not of substantial, sound and permanent construction as required by Policy NE.15.

## **12. RECOMMENDATIONS**

**REFUSE for the following reasons:-**

1. The existing building is a modern agricultural building designed for agricultural purposes which lacks a degree of permanency in both its construction and appearance. It would require substantial alterations and building works to convert it to a joinery workshop and the building is therefore unsuitable for conversion and re-use as proposed. The proposal is therefore contrary to Policy NE.15 (Re-use and Adaptation of a Rural Building for Commercial, Industrial or Recreational Use) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.





Application No: 11/3264N

Location: 198- 200, EDLESTON ROAD, CREWE, CW2 7EP

Proposal: EXTENSION OF TIME FOR DEMOLITION OF REDUNDANT SNOOKER CLUB AND CARPET WAREHOUSE AND REDEVELOPMENT OF SITE TO PROVIDE THIRTEEN APARTMENTS AND PARKING , RETAIL UNITS AND OFFICE ACCOMMODATION

Applicant: THE GAINSBOROUGH TRUST

Expiry Date: 23-Nov-2011

**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.

**SUMMARY RECOMMENDATION:**

**Approve with conditions**

**REFERRAL**

The application is to be determined by Development Control Committee as it involves major development of 13 dwellings.

**1. SITE DESCRIPTION**

The application site is located at the south-western side of the junction of Edleston Road and Electricity Street within the Crewe Settlement Boundary. The site is currently occupied by a snooker club and carpet warehouse which is a utilitarian building with a render finish and a shallow pitched roof. The area is characterised by a mix of traditional terraced and semi-detached dwellings which have been constructed of brown brick and have slate roofs. The properties fronting Edleston Road are in a mix of commercial and residential uses and are two and a half stories in height, whilst the properties to the southern side of Edleston Road have features such as bay windows which give a strong rhythm in the street scene.

**2. DETAILS OF PROPOSAL**

This is a planning application for the extension of time planning to Planning Application P08/0899. That application was for the demolition of the existing buildings on the site and their replacement with a mixed use development comprising of 14 flats, 390sq.m of retail

space and 270sq.m of office space. A total of 14 car-parking spaces would be provided underneath the existing building and these would be accessed via Electricity Street. The proposal would be two-stories in height adjacent to No 14 Electricity Street rising to three and a half stories to the Edleston Road elevation; the proposal would also include a tower at the junction of Edleston Road and Electricity Street which would have a maximum height of 19.5 metres.

### **3. RELEVANT PLANNING HISTORY**

**P08/0899** – Planning permission approved for Demolition of Redundant Snooker Club and Carpet Warehouse and Redevelopment of Site to Provide Fourteen New Apartments and Parking Retail Units and Office Accommodation in 2008.

**7/15743** – Advertisement Consent Approved for Double sided illuminated sign on August 2008

**7/13275** – Planning permission approved for Change of use of part to snooker club on 9<sup>th</sup> September 1986

**7/11500** – Planning permission approved for change of use from MFI retail store to health/fitness club with bar on 21<sup>st</sup> January 1985

**7/06835** – Planning permission approved for Change of use to furniture warehouse on 29<sup>th</sup> May 1980

### **3. PLANNING POLICIES**

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

The relevant development plan policies are:

#### **Policies in the LP**

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- RES.2 – Unallocated Housing Sites
- RES.3 – Housing Densities
- NE.5 – Nature Conservation and Habitats
- S.8 – Existing District and Local Shopping Centres
- E.4 – Development on Existing Employment Areas

Other relevant planning guidance includes:

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPS9 - Biodiversity and Geological Conservation

#### **4. OBSERVATIONS OF CONSULTEES**

**Environmental Health** – No objection subject to conditions

**Strategic Highways Manager** - There will be no significant impact on the highways infrastructure as a direct result of this development, therefore no highways objections

**Natural England** – No objection

#### **6. OTHER REPRESENTATIONS**

No representations received

#### **7. APPLICANT'S SUPPORTING INFORMATION:**

**Ecological Survey/Mitigation** – Conclusions of previous bat survey submitted

#### **8. 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 have been no significant changes to the site itself or the immediate surrounding area. Therefore the impact of the development on the area is considered to be acceptable as previously concluded.

With regard to Policy, there have been no changes to Local Plan Policy since that previous approval. It is therefore it is considered that the proposed development would still be in accordance with the development plan and is acceptable in principle. There have been no

significant changes to National Planning Policy which would preclude the proposed development.

The proposed development involves the demolition of a building which has the potential, due to its age, to be a suitable as a bat roost. This requires further consideration. The application has been supported by the conclusions of the ecology survey previously submitted. Natural England have raised no objection to this application, while the Council's Ecology consultation has concluded that there would not be any significant ecological issues associated with the proposed development.

## **CONDITIONS**

The previous approval was subject to a number of conditions. It is considered that these conditions are still relevant to this application.

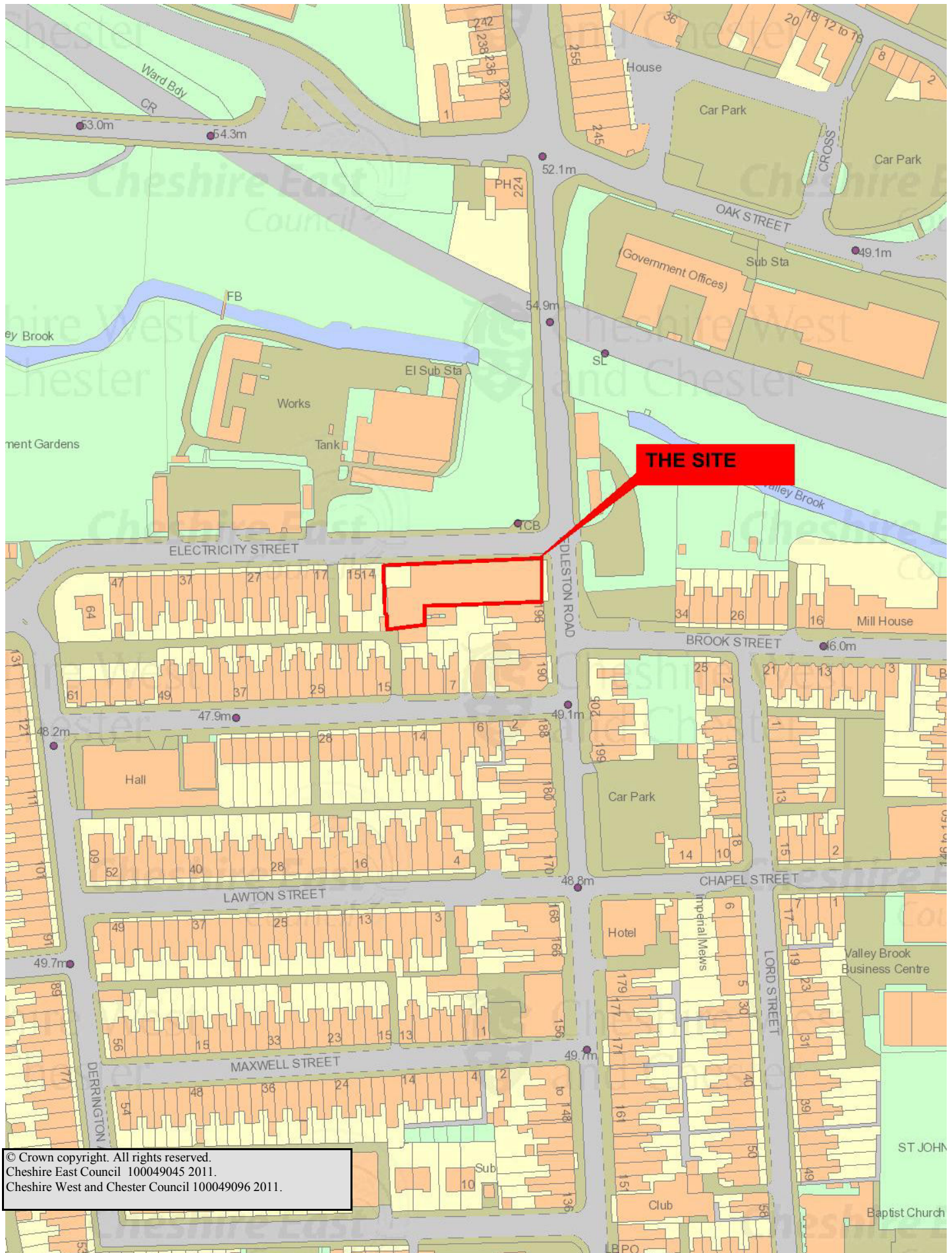
## **9. CONCLUSIONS**

It is considered that there have not been any significant, material changes since application 08/0426/OUT was permitted. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to those conditions previously attached.

## **10. RECOMMENDATIONS**

**APPROVE** subject to conditions

- 1. Standard 3 years**
- 2. Materials**
- 3. Window reveal to be 55mm**
- 4. No new windows to be inserted**
- 5. Details of Boundary treatment to be submitted and approved**
- 6. Development to be carried out in accordance with the amended plans**
- 7. Landscaping scheme to be submitted and approved**
- 8. Landscaping implementation**
- 9. Access to be constructed to CEC standard**
- 10. Parking as shown on approved plans to be available prior to first use and retained**
- 11. Details of covered secure Cycle Racks to be submitted and approved**
- 12. Details of noise mitigation measures (for impact from Edleston Road) to be submitted and approved**
- 13. Bin storage to be provided and made available**
- 14. Detailed scheme for foul and surface water drainage to be submitted and approved**
- 15. Demolition method statement to be submitted and approved**
- 16. Office element to be B1 use only**
- 17. Gates set back by 5.5m from edge of public highway**



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Application No: 11/3330C

Location: 20, BLADON CRESCENT, ALSAGER, ST7 2BG

Proposal: 1 1/2 OR 2 STOREY DWELLING, ACCESS, TURNING, PARKING AND SINGLE GARAGE WITHIN CURTILAGE.

Applicant: MR/MRS DE CONINCK

Expiry Date: 31-Oct-2011

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of the Development
- Scale
- Layout
- Amenity
- Character of the Area
- Access and Highways

**REASON FOR REFERRAL**

Called in by Councillor S Jones on the following grounds: *“Access onto Bladon Crescent on elbow bend which is already cluttered with vehicular accesses. Unneighbourly to properties on both sides as the driveway is pushed in between two existing driveways. Will impinge on the privacy of residents of No.18 Bladon Crescent due to proposed location of property and indecision regarding height.”*

**DESCRIPTION AND SITE CONTEXT**

The application relates to an area of garden sited to the rear of number 20 Bladon Crescent and 161 Sandbach Road North, Alsager. The site is within the settlement zone line of Alsager and the surrounding development consists of a mixture of residential dwellings.

**DETAILS OF PROPOSAL**

The proposal seeks outline planning permission for the erection of one detached dwelling to the rear of 20 Bladon Crescent, Alsager. The matters that detailed approval is sought for are access and scale. Appearance, landscaping and layout are reserved for later consideration. The application states that the dwelling would be 1.5 or 2 storey and the access would be taken from Bladon Crescent, between numbers 18 and 20.

**RELEVANT HISTORY**

11/2371C	Outline application for dwelling	Withdrawn 2011
09/3468T	Fell Oak Tree	Consent 2009



08/1587/OUT Outline application for dwelling	Refused 2008
08/1586/OUT Outline application for dwelling	Refused 2008
08/0451/OUT Outline application for dwelling	Withdrawn 2008
08/0450/OUT Outline application for dwelling	Withdrawn 2008

## **POLICIES**

### **National Guidance**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

### **Regional Spatial Strategy**

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

L2 Understanding Housing Markets

L4 Regional Housing Provision

RT2 Managing Travel Demand

RT9 Walking and Cycling

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

### **Congleton Local Plan 2005**

PS4 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H1 – Provision of new housing development

H2 – Housing supply

H4 – Residential development in towns

SPD2 –Private Open Space

### **Other Material Considerations**

### **Draft National Planning Policy Framework**

### **Written Ministerial Statement: Planning for Growth (23<sup>rd</sup> March 2011)**

The Minister of State for Decentralisation issued this statement on 23<sup>rd</sup> March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:



*“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate **housing**, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) Ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development. This states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

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

### **Environmental Health:**

Request conditions relating to contaminated land and hours of construction and piling.

### **Highways**

This is the third application for this development and further negotiations with the applicant's agent have resulted in an amended plan to show required highway detail which will mitigate highway concern on this site. It is acknowledged that the required detail can be provided on site.

The Strategic Highways Manager therefore recommends the following informative be attached to any permission which may be granted for the development proposal:

**Informative:-** The developer will enter into and sign a Section 184 Agreement under the Highways Act 1980, and a properly constructed vehicular crossing will be provided for the development in accordance with Highway Authority specifications.

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

The Town Council objects to this application as it is un-neighbourly to 18 Bladon Crescent. The application would also sizably reduce the plot of 20 Bladon Crescent and therefore No. 20 would be out of keeping with the existing street

scene. The Town Council feel that the ingress and egress of the proposed driveway onto a sharp bend would be dangerous.

### **OTHER REPRESENTATIONS**

Five objections have been received relating to this application expressing the following concerns:

- Highway safety
- Loss of residential amenity
- No demand for new housing in Alsager
- Loss of garden to number 20 Bladon Crescent
- Loss of privacy
- Damage during construction
- Garden grabbing
- Danger to children caused by new drive
- Creation of a concrete jungle
- Removal of a protected tree

The local MP, Fiona Bruce has also written to the Chief Executive to pass on the concerns of three of her constituents. These concerns are included above.

### **OFFICER APPRAISAL**

#### **Principle of Development**

The site is designated as being within the Settlement Zone Line of Alsager where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town. Therefore the proposal should be judged on the criteria laid out in the individual sections of this report.

On 9<sup>th</sup> June 2010 the Coalition Government amended PPS3. As a result garden land is now classed as Greenfield rather than Brownfield land. Nevertheless the application site is situated within the settlement zone line of Alsager as defined on the adopted Local Plan where there is a general presumption in favour of new development as indicated by policy PS4 of that Plan, which also does not have a saved policy relating to backland development.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within the Borough generally.

#### **Highways**

Following the previous applications, the Strategic Highways Manager has been in negotiation with the applicant in order to secure measures that mitigate highway concerns. He now considers that a safe access can be provided to the proposed new dwelling. The proposal is therefore considered to be acceptable in highway safety terms and is therefore in compliance with Policy GR9 of the adopted local plan.

#### **Scale**

The application states that the dwelling would be 1.5 or 2 storey and the actual design would be determined at the reserved matters stage. The properties on Bladon Crescent, adjacent to the site are simple 2 storey dwellings. To the south the properties are chalet style dwellings with accommodation in the roof space and to the west on Sandbach Road South there are substantial detached dwellings. It is therefore considered that a 1.5 or 2 storey dwelling would be acceptable and in keeping with the character of the area. The block plan indicates that the maximum roof height would be 8 metres, and this is considered to be acceptable in this area of mixed dwelling types.

### **Layout**

The layout of the proposal is reserved for determination at a later stage, however it is important to assess whether the plot is capable of accommodating a new dwelling. The previous application was withdrawn as it was considered that there would be a cramped form of development given the size and shape of the plot. This application provides a larger and more usable space in which to accommodate a dwelling and provide adequate residential amenity space for future occupants.

### **Amenity**

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking. Having regard to this proposal it would be possible to ensure that windows are sited in such a way as not to impinge on the privacy of neighbouring properties. Given the distances that could be achieved between the proposed dwelling and the neighbouring properties, there would not be a significant loss of light to any of these properties caused by the erection of the dwelling.

The occupier of number 18 Bladon Crescent has raised concerns relating to disturbance and safety issues that could potentially be caused by the driveway passing alongside their property. Whilst these concerns are understood, the current situation at the site, whereby vehicles belonging to 20 Bladon Crescent, could park immediately adjacent to the side elevation of this property, means that the addition of the driveway to the proposed dwelling, would not represent a significant increase in disturbance, sufficient to warrant refusal of the application on these grounds. However it is considered that a condition should be imposed requiring submission of details of the driveway, in order to ensure that it is constructed from materials that will cause minimum disturbance when vehicles pass over it.

Having regard to the amenities of future occupiers of the dwelling and number 20 Bladon Crescent, there would be adequate useable private amenity space.

The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

### **Impact on the Character of the Area**

The surrounding area comprises a variety of property types and garden sizes, therefore it is not considered that a refusal on the grounds of adverse impact on the character of the area, could be sustained. In addition the dwelling would be barely visible from the street; therefore adverse impact on the street scene could not be a reasonable reason for refusal of the application.

### **Landscape and Trees**

There is some existing vegetation on the site of the proposed development, mainly shrubs and some immature trees. The vegetation is not widely visible to the public and is not of any significant merit although some elements may provide screening to the neighbouring property to the south east. It is likely that some of this vegetation would have to be removed in order to accommodate the development as indicated on the block plan.

Landscaping of the site is reserved for determination at a later stage, therefore ensuring that the site is adequately landscaped will be determined at that stage.

There was previously an Oak Tree, subject of a Tree Preservation Order, in the garden of 161 Sandbach Road North that would have been adversely impacted by the proposed development. Consent was granted in 2009 to fell the tree as it was affected by decay fungus that compromised its long term health and safety. The tree is to be replaced in a position to be agreed by the Council's Tree Officer.

### **CONCLUSIONS AND REASONS FOR THE DECISION**

In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Submission of reserved matters within 3 years**
- 2. Commencement of development within 2 years of approval of the last reserved matters**
- 3. Development in accordance with agreed drawings**
- 4. Approval of the details of appearance, landscaping and layout (the reserved matters) shall be obtained from the LPA in writing before any development is commenced.**
- 5. Submission of detailed drainage scheme**
- 6. Limits on hours of construction**
- 7. Limits on hours of piling**
- 8. Submission of detailed access and junction plans**
- 9. Submission of details of the materials to be used for the construction of the driveway**
- 10. Submission of details of boundary treatments**





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Application No: 11/3613C

Location: OAKLANDS MEDICAL CENTRE, ST ANNS WALK, NEWTONIA, MIDDLEWICH, MIDDLEWICH, CHESHIRE, CW10 9FG

Proposal: Variation of Conditions 2,4,6,8,9,10,26,and 27 to Planning Approval 09/0481C for Relocation of existing floodlit all weather sports facility, demolition of Oaklands Medical Centre and construction of 2 separate buildings comprising a 2 storey dental facility and 3 storey Medical Centre with associated Access and Parking

Applicant: Oakappale Primary Care Developments Ltd

Expiry Date: 16-Nov-2011

**SUMMARY RECOMMENDATION:**

APPROVE

**MAIN ISSUES:**

- Principle of Development
- Changes to the Pharmacy Dental Facility
- Access Track
- Conditions
- Other Issues Raised by Representation

**1. REASON FOR REFERRAL**

This application seeks to vary conditions attached to a major development.

**2. DESCRIPTION AND SITE CONTEXT**

The application site lies towards the south of Middlewich Town centre and is accessed off St Ann's Road, a small street serving the existing Oaklands Medical Centre as well as the Middlewich Leisure Centre and part of Middlewich County High School. The site comprises of an existing Astro turf football pitch belonging to and operated by the Middlewich High School as well as the existing Oaklands Medical Centre building and car park. The site also includes a parcel of scrubland towards the east directly behind the site belonging to the former 'Niddries Coaches' on Lewin Street. The site includes 'White Horse Alley' to the north which provides a pedestrian link between Lewin Street, Civic Way and St Anns Road.

**3. DETAILS OF PROPOSAL**

Planning permission was granted by virtue of planning reference 09/0481C for the 'relocation of existing floodlit all weather sports facility, demolition of existing Oaklands Medical Centre and the construction of 2 separate buildings comprising a two-storey dental facility with pharmacy and a three-storey medical centre with associated access and parking'.

This application seeks to vary condition numbers 2, 4, 6, 8, 9, 10, 25, and 26 of this approval under Section 73 of the Town and Country Planning Act 1990. The applicant wishes to vary these conditions so that minor changes can be made to the size and the external appearance of the approved pharmacy/dental facility building and to provide a small access track to the football pitch for maintenance purposes.

#### 4. RELEVANT HISTORY

09/0481C – Relocation of existing floodlit all weather sports facility, demolition of existing Oaklands Medical Centre and the construction of 2 separate buildings comprising a two-storey dental facility with pharmacy and a three-storey medical centre with associated access and parking.– Approved 22.09.2011

#### 5. POLICIES

DP1	Spatial Principles
DP2	Promote Sustainable Communities
DP 3	Promote Sustainable Economic Development
DP 4	Make the Best Use of Existing Resources and Infrastructure
DP 5	Manage Travel Demand; Reduce the Need to Travel

##### Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR4	Landscaping
GR6&7	Amenity & Health
GR8	Pollution
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR15	Pedestrian Measures
GR16	Footpath, Bridleway and Cycleway Networks
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
NR1	Trees & Woodland
NR2	Wildlife & nature Conservation
RC1	Recreational Facilities
RC11	Community Uses



### **Other Material Considerations**

PPS1	'Delivering Sustainable Development'
PPS9	'Biodiversity and Geological Conservation'
PPG13	'Transport'
PPG17	'Sport and Recreation'
PPS23	'Land Contamination'
PPg24	'Planning & Noise'
PPG25	'Development and Flood Risk'

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

Interim Planning Statement on Affordable Housing Planning for Growth' Ministerial Statement

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

### **Environmental Health:**

No objection

### **Highways:**

No comments received at the time of report preparation. Any comments will be report to Members by way of an update.

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

No comments received

## **8. OTHER REPRESENTATIONS**

Letters were received from 2 neighbouring properties objecting to this application on the following grounds:

- Potential noise nuisance generated from the relocation of the sports pitch.
- Potential light pollution from the proposed floodlighting.
- Stray balls ending up in neighbouring gardens.
- Vandalism & anti-social behaviour
- The size of the pitch will larger than the existing one and close to neighbouring boundaries.
- People may be encouraged to take shortcuts from Bembridge Court through to the sports pitches.

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

## Design and Access Statement

### **10. OFFICER APPRAISAL**

#### **Principle of Development**

The previous approval established the acceptability in principle of the proposed new health care centre, pharmacy/dental facility and the relocation of the existing sports pitch. As a result, this application does not present an opportunity to re-examine those matters. The main issues in the consideration are the impact that the changes to the external appearance of the pharmacy/dental facility would have on the design and appearance of the scheme and the impact that the access track would have on the amenity afforded to nearest residents. Minor changes to condition numbers 2, 4, 6, 8, 9, 10, 25, and 26 are also proposed to facilitate these changes and also to allow the commencement of development on the pharmacy/dental facility.

#### **Changes to the Pharmacy Dental Facility**

The proposed dental facility has been reduced in size so that it can be constructed on the area currently occupied by the existing medical centre car park. A temporary glazed link would be provided between the building and the existing medical centre building until the 3 storey health care centre is completed and ready for use. Additionally solar panels would be fitted to the rear facing roofslope. The general style, appearance and materials of the building would remain unchanged and as such these amendments would not significantly alter the approved scheme and would not therefore materially harm the character or appearance of the area or the amenity afforded to the nearest neighbouring occupiers.

#### **Access Track**

The proposed access track would link to the edge of the existing car park and would run around the perimeter of the proposed car park intended to serve the approved 3 storey health care centre. It would travel along the rear boundaries of the residential properties off Sandown Court to the south and then would turn towards the centre of the pitch to meet with the outdoor storage area. The proposed track is required so that maintenance vehicles can tend to the football pitch in the event that it needs repair or maintenance works. Consequently, the frequency of use would be extremely low and therefore any impact on neighbouring residential amenity would not be significant. It is recommended that a condition be imposed limiting its use to maintenance vehicles only. The appearance of the track would not harm the visual amenity of the area.

#### **Conditions**

Condition number 4 requires details of phasing to be submitted and requires the football pitch to be completed and ready for use prior to the first occupation of the dental/ medical centre buildings. It is proposed that 'dental facility' is excluded from the wording so that this can be occupied. This would assist with the phasing of the development and would expedite the delivery of the new dental facility for the benefits of the local community. This would not preclude the delivery of the football pitch and would not therefore undermine the spirit of the condition.

Similarly, it is proposed to amend the wording of condition numbers 8, 9, 10, 25 and 26 to exclude the dental element which require details of removable bollards, cycle racks, cctv, details of bin storage and

a travel plan respectively. The dental facility is only a small element of the proposed scheme. These conditions were aimed primarily at the larger 3 storey building and sports pitch and therefore are not relevant to the dental facility. As such, the variation of these conditions to omit 'dental facility' would still meet with the tests of the conditions circular 11/95.

Condition number 6 deals with access and parking details and requires the approved parking levels to be available for use prior to first occupation of the buildings. As per the previous conditions it is proposed to remove reference to the dental facility. Without comments from the Strategic Highways Manager, it is not possible to determine whether this is acceptable at this stage. However, Members will be advised accordingly when these comments are received.

### **Other Issues Raised by Representation**

With respect to other issues raised by representation, these relate to the original scheme and are not affected by the proposed changes.

## **11. CONCLUSIONS AND REASONS FOR THE DECISION**

The principle of the development has already been accepted. The proposed changes to the pharmacy/dental building would not deviate significantly from the approved scheme and the provision of the access track would not materially harm neighbouring amenity. Notwithstanding condition number 6 (which relates to parking, the proposed variation of condition numbers 2, 4, 8, 9, 10, 25, and 26 would continue to meet the tests outlined within Circular 11/95 and as such would be deemed to be acceptable.

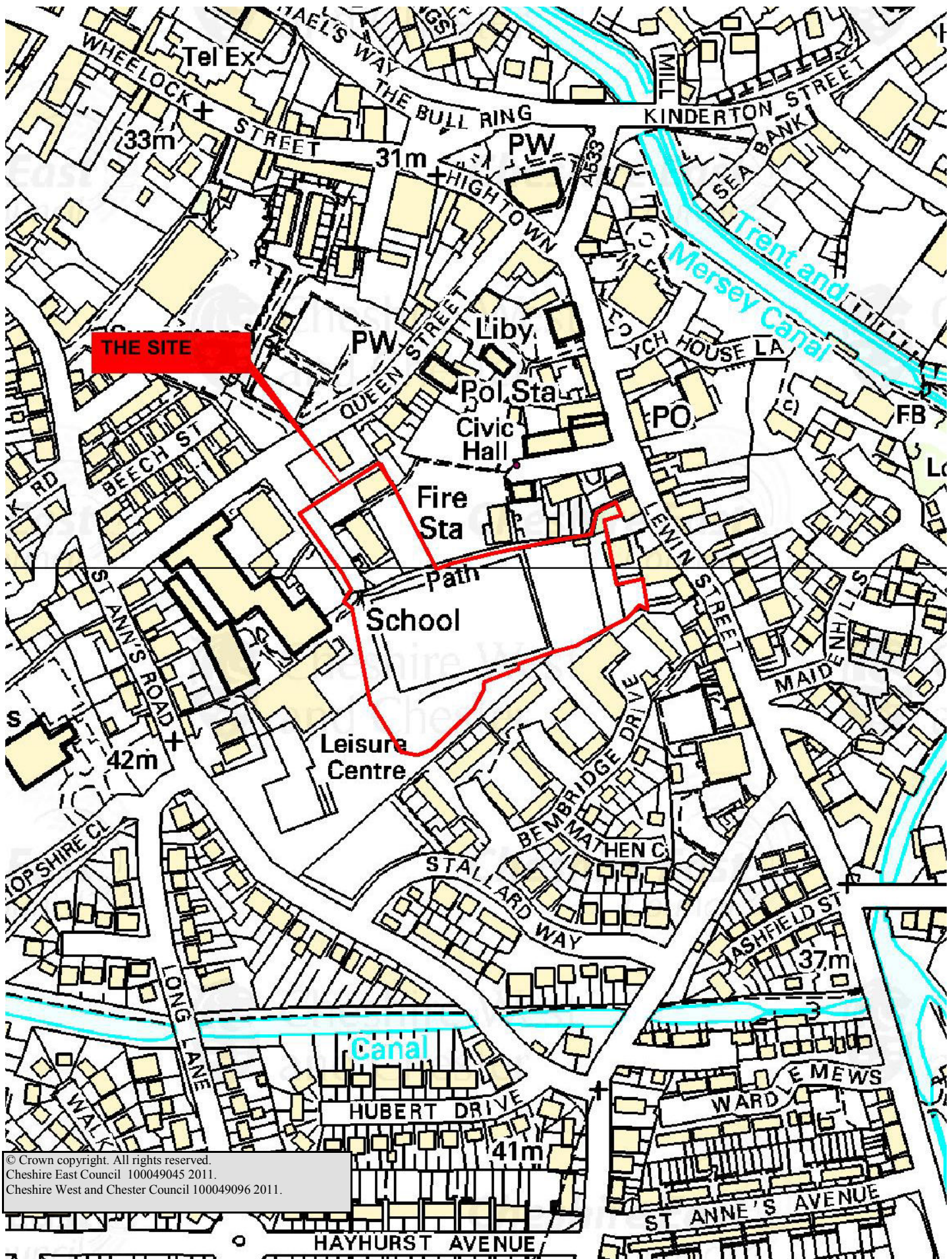
### **RECOMMENDATION:**

**Subject to highways comments, APPROVE the the variation of condition numbers 2, 4, 6, 8, 9, 10, 25, and 26 subject to the following conditions:**

1. Commencement of development (3 years)
2. Development in accordance with approved/amended plans
3. Submission / approval / implementation of a scheme for phasing and timescales for development works and provision of parking areas.
4. Sports Pitch to be completed prior to commencement of the healthcare centre unless any variation is agreed in writing.
5. Submission / approval and implementation of finished ground, floor and road levels, including cross sections and longitudinal sections.
6. Submission / approval and implementation of suite of detailed design drawings for the proposed access and parking layouts, to be approved by the LPA. Parking provision will be provided at the levels offered on the Jefferson Sheard Drawing: Ref 4051 No. 2010 Rev E, though with a fully accessible layout and retained thereafter.
7. Submission / approval and implementation of Scheme of Improvement works to be carried out to 'White Horse Alley' pursuant to condition no. 3.
8. Submission / approval / implementation of removable bollards / gates to prevent unauthorised access to parking areas outside centre opening hours
9. Submission / approval / implementation of design and position of cycle racks. Racks to be made available prior to first use of the medical and pharmacy buildings in accordance with the scheme of phasing to be agreed pursuant to condition no 3.
10. Submission / approval / implementation of any proposed CCTV installation

11. Submission / approval / implementation of details of landscaping to include replacement planting (Including replacements for 5 years and management method statement).
12. Submission / approval / implementation of scheme of tree protection measures during construction
13. Submission / approval / implementation of details of boundary treatments including gates and ball secure fencing, retaining walls.
14. Submission / approval / implementation of scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise.
15. Submission / approval / implementation of scheme of flood lighting detailing positions, angle of lights, type of beam, and zero lux spillage unless any variation is agreed.
16. Submission / approval / implementation of materials samples including surfacing of hardstandings.
17. Submission / approval / implementation of Sustainable Urban Drainage System (SUDS).
18. Submission / approval / implementation of refuse storage facilities.
19. Site to be drained on a separate system with only foul drainage connected into foul sewer
20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
21. Protection from noise during construction - hours of construction limited to:  
Monday – Friday 08:00 hrs 18:00 hrs  
Saturday 09:00 hrs 13:00 hrs  
With no Sunday or Bank Holiday working.
22. Protection from Pile Driving – hours limited to:  
Monday – Friday 08:30 hrs – 17:30 hrs  
Saturday 09:30 hrs – 12:30 hrs  
With no Sunday or Bank Holiday working.
23. No deliveries shall be taken at or despatched from the site outside the hours of 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday. Therefore prohibiting overnight parking and early morning deliveries so reducing any unnecessary disturbance.
24. Hours of operation for all weather pitch shall be restricted to 8am-10pm Monday to Friday and 9am to 6pm Saturday, Sunday and Bank Holidays
25. Submission / approval / implementation of details of bin/refuse storage. Implementation prior to first occupation of medical and pharmacy buildings.
26. Submission / approval / implementation of a Travel Plan prior to first use of medical and pharmacy building.
27. Access track used for maintenance vehicles serving the football pitch only.







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Application No: 11/3619C  
Location: 66 & 68, LEEK ROAD, CONGLETON, CHESHIRE, CW12 3HU  
Proposal: Two Detached Dwellings including Access from Boundary Lane  
Applicant: VWB Architects -Mr P Bentley  
Expiry Date: 18-Nov-2011

**SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

**MAIN ISSUES:**

- Principle of the development
- Housing land supply
- The acceptability of the layout, scale and access
- The impact upon neighbouring amenity

**REASON FOR REFERRAL**

Councillor A. Thwaite has called in this application to Southern Planning Committee for the following reasons:

*'The proposed application in the grounds of 66 Leek Road is contrary to GR6 Of the Congleton Borough Local Plan and will have a detrimental effect on the amenities of the adjacent property no.1G Boundary Lane. The development will be overbearing, unneighbourly and will result in a significant loss of sunlight and daylight to the rear of 1G.'*

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to the rear gardens of 66 and 68 Leek Road, Congleton, Cheshire within the Congleton Settlement Zone Line.

**DETAILS OF PROPOSAL**

Outline Planning Permission is sought for the erection of two detached dwellings within the rear gardens of No.66 and No.68 Leek Road respectively.

Approval for matters of access, layout and scale is sought as part of this application and landscaping and appearance are reserved for subsequent approval. As such, this proposal seeks to establish the principle of residential development, the layout, the scale and the acceptability of the access off Boundary Lane.

## **RELEVANT HISTORY**

None

## **POLICIES**

### **National Policy**

PPS1 Delivering Sustainable Development

### **Local Plan Policy**

PS4 - Towns

GR1 - General Criteria for Development

GR2 - Design

GR6 - Amenity and Health

GR9 - Highways & Parking

H1 & H2 - Provision of New Housing Development

H4 - Housing Development in Towns

SPG2 - Provision of Private Amenity Space in New Residential Development

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

**Highways** – No comments received at time of report

**Environmental Health** – No comments received at time of report

## **VIEWS OF THE TOWN COUNCIL:**

**Congleton Town Council** – No comments received at time of report

## **OTHER REPRESENTATIONS:**

**Orchard House, 1G Boundary Lane (Mr Jackson)** – Object to the proposals on the grounds that they are too big, are not in keeping with the properties already built on Leek Road, that the rear building lines are not in keeping \resulting in a loss of light and a loss of view. In addition, this neighbour has concerns regarding the gap between his property and the proposed closest dwelling.

## **SUPPORTING INFORMATION:**

Design and Access Statement

## **OFFICER APPRAISAL**

**Principle of Development**



The site is designated as being within the Settlement Zone Line of Congleton where Policy PS4 (Towns) states that there is a presumption in favour of development provided it is in keeping with the local character and scale and does not conflict with other policies of the local plan.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within the Borough.

### **Layout**

The proposal is for two dwellings in the form of two detached units.

The plot for the proposed dwelling to the west measures approximately 30.2 metres in length and 8.8 metres in width. The dwelling proposed for this garden plot would be positioned approximately 6.2 metres in from Boundary Lane at its closest point (integral garage) and would be approximately 10 metres in from the rear boundary. To either side, the dwelling would stand between 0.9 and 1 metre in from the respective boundaries.

The plot for the proposed dwelling to the east measures approximately 31.4 metres in length and 9 metres in width. The dwelling proposed for this garden plot would be positioned approximately 6.5 metres in from Boundary Lane at its closest point (integral garage) and would be approximately 11.2 metres in from the rear boundary. To either side, the dwelling would stand between 0.9 and 1 metre in from the respective boundaries.

The position of the proposed two dwellings would be stepped with the dwelling to the west set further back in the plot and the dwelling to the east further forward. This building line would mirror the angle of Boundary Lane which travels from a north westerly position to a south easterly position.

The neighbouring properties are either detached or semi-detached in nature, so the form of the proposals would respect the form of the local area. The dwellings have been positioned in order to avoid overlooking and overdomination of neighbouring properties and adhere to recommended spacing standards.

As a result of the above, it is considered that the layout of the proposals is acceptable.

### **Scale**

It is advised within the application that the height of the proposed dwellings would be between 8.5 metres and 9 metres to the ridge.

Policy GR2 of the Local Plan advises that proposals should be '*sympathetic to the character, appearance and form of the site and the surrounding area in terms of; The height, scale, form and grouping of the building(s).*'

The neighbouring dwelling closest to the proposal is Orchard House, No.1G Boundary Lane which would be positioned approximately 1.7 metres away from the proposed dwelling to the west. This neighbouring dwelling was approved in May 1990 and the approved plans show that this dwelling is approximately 7.3 metres in height to the ridge.

To the other side of the proposal, to the rear of No.72 Leek Road, planning permission was granted for a detached dwelling in October 2008 (07/1422/FUL) and this permission was extended in December 2010 (10/4066C). The height of this dwelling will be 8.3 metres tall.

If this development was built in accordance with the proposed plans, the new dwellings would be 8.5 to 9 metres in height. This height would not be sympathetic to the character, appearance and form of the surrounding area as they would be taller than the neighbouring dwellings. As such, it is proposed that the height of the proposed dwellings be conditioned to between 7.3 and 8.3 metres should the application be approved.

In terms of footprint, the footprints of the proposed dwellings would each be approximately 80.88 square metres. The footprint of the closest adjacent proposed dwelling, Orchard House is approximately 62.05 metres squared (excluding the conservatory). No.28 Boundary Lane, the detached dwelling across the road from the proposal, has a footprint of approximately 95 metres squared. No.30 Boundary Lane, a semi-detached dwelling, also across the road, has a footprint of approximately 90 metres squared. The approved new dwelling to the east of the development site will have a footprint of approximately 77 metres squared. This shows that a footprint of approximately 80.88 metres squared would not be unreasonable within the area especially considering the adequate amount of amenity space that would be provided.

As a result of the above, once the height is conditioned, it is considered that the scale of the proposed dwellings would be acceptable and would be in accordance with policy GR2 of the Local Plan.

### **Access**

The proposed dwellings would be accessed via 2 new accesses from Boundary Lane. There is currently no vehicle access to the site. As Boundary Lane is an unclassified road, this access could be created without planning permission and as such, it is not considered the proposal would create any issues from a highway safety perspective. The proposed driveways could potentially accommodate 2 cars each and a garage for each is also proposed. As a result of the above, it is considered that the proposal would be acceptable from an Access and Parking perspective (BE.3).

### **Amenity**

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be

maintained between 2 principal elevations and 13.7 metres should be allowed between a principal and flank elevation.

The closest neighbour to the proposed development would be Orchard House, No.1G Boundary Lane which would be positioned approximately 1.7 metres to the west of the closest proposed dwelling at its closest point. Concerns have been raised by this neighbour and the local Councillor about the proposal's impact on this neighbouring dwelling's light and visual amenity.

Orchard House does not include any windows on its side elevation and the front of the proposed dwellings would be level with the existing building line. Therefore there would be no loss of light to the principal windows in the front elevation. To the rear, Orchard House benefits from a conservatory.

The proposed houses would extend by approximately 2.2 metres beyond the main rear elevation of Orchard House (excluding the conservatory). Including the conservatory, the rear elevations would follow a similar building line.

There are 4 openings on the main rear elevation. These consist of 2 upstairs windows the closest of which to the development serves a bedroom and the furthest a bathroom. Downstairs, there are also 2 openings, the closest of which is a set of patio doors which serve a dining room, the other which serves a kitchen.

A guide to help assess the impact of loss of light is the 45° rule. This involves drawing a line from the middle of the closest impacted openings which serve habitable rooms at a 45° angle towards the development. If the development crosses this line, it is considered to have an unacceptable loss of light on that neighbour. When this imaginary line is drawn from the closest bedroom and dining room openings towards the development, the development does not cross this line, suggesting that the impact is not considered significant enough as to warrant refusal of the application.

In relation to the conservatory and visual amenity, one side of this glazed structure would face a blank wall of the closest proposed dwelling. With regards to loss of light, as Orchard House is to the west, overshadowing and loss of light would be created for this neighbour in the mornings. However, due to the conservatory being predominantly glazed, it is not considered that the impact of the development, to just one side of this glazed structure would be significant enough as to warrant refusal of this application on amenity grounds.

To the south of the proposed dwellings would be the properties on the opposite side of Boundary Lane. It is not considered that the proposed development would create any issues to this side as a separation distance between habitable rooms of 21.3 metres is achieved. Similarly this is the case with the dwellings to the rear, No.66 and No.68 Leek Road.

With regards to private amenity space, the dwelling to the east would have a rear garden length of approximately 10 metres and a width of 8.8 metres and the adjacent dwelling would have a length of 11.2 metres and a width of 9 metres. SPG2 recommends a depth of 10.7 metres and a minimum area of 65 metres squared, so in general terms, it is considered that the rear garden plots are adequate. A similarly adequate area of amenity will also be retained for the existing dwellings at No.66 and No.68 Leek Road.

Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity and in compliance with Policy GR6 of the Local Plan.

### **Other Matters**

In response to those issues raised by objectors which have not been considered within the report, the right to a view and the level of space remaining for maintenance cannot be considered as part of the application as they are not material considerations.

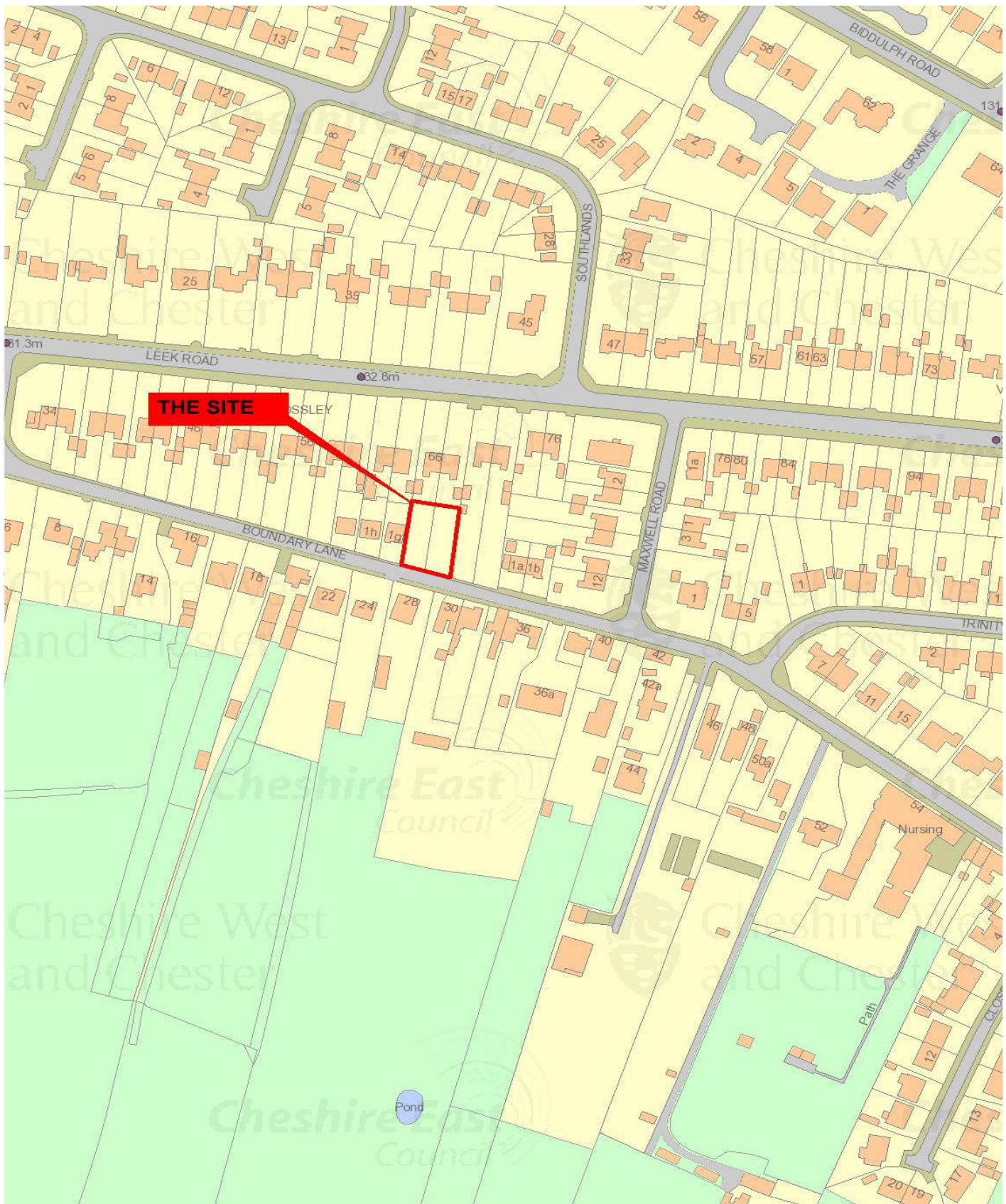
### **CONCLUSIONS**

In conclusion, the proposed development complies with the relevant policies contained within the adopted local plan, in relation to housing, design, amenity and highway safety. It is therefore considered that the proposal adheres with Policies PS4 (Towns), GR1 (General Criteria for Development), GR2 (Design), GR6 (Amenity and Health), GR9 (Highways & Parking), H1 & H2 (Provision of New Housing Development), H4 (Housing Development in Towns) of the Congleton Borough of Local Plan Review 2005 and SPG2 - Provision of Private Amenity Space in New Residential Development.

### **RECOMMENDATION:**

**Approve** subject to the following conditions:

1. Standard (Outline)
2. Submission of reserved matters
3. Development in accordance with approved plans
4. Details of materials to be submitted
5. The height of the dwellings shall be between 7.3 and 8.3 metres tall
6. PD removal (A-E)
7. Hours of construction
8. Hours of piling
9. Contaminated land
10. Boundary treatment



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## CHESHIRE EAST COUNCIL

### SOUTHERN PLANNING COMMITTEE

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Date of meeting: 16<sup>th</sup> Movember 2011  
Report of: Planning and Development Manager  
Title: Report in Relation to Section 106 Agreement for Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure on land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown

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#### 1.0 Purpose of Report

1.1 To seek the approval of the Committee for alterations to the terms of the Section 106 Agreement for the above development. The original section 106 agreement sought a commuted sums payment towards improvement of public open space and the provision of 12 affordable units. This was amended on 9<sup>th</sup> June 2010 to increase the number of affordable units to 14 as Wulvern Housing wishes to purchase additional units. The applicants now wish to undertake three alterations to the terms of the section 106 agreement which are as follows:-

1. Need to change ward titles (in the context of priorities for the nomination of occupiers for the affordable housing units to be provided as part of the development concerned) as these related to the old ward titles prior to the reorganization of the ward boundaries. The wording of the agreement needs to be updated to reflect these changes.
2. The original committee report made specific reference that the units be “subject to a rent which is accepted as affordable by the Homes and Communities Agency”. At that time, social rented housing was defined by the DCLG as rented housing owned and managed by Local Authorities and Housing Associations for which guideline target rents are determined through the national rent regime. In April 2011, the government changed the funding of social housing which resulted in a reduced grant to support the new supply of affordable homes which was designed to be bridged through enhanced revenues provided by “affordable rents” which may be set at up to 80% of the local market rent value.

1.2 The effect of the variation would be to allow Wulvern Housing to set rents higher than that the capped ‘target rent’ set by the Homes and Community Agency – up to 80% of the local market rent.



## **2.0 Decision Required**

2.1 To approve the variations to the term of the Section 106 Agreement relating to the 'Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure' in the manner set out in paragraph 6.4 of this report.

## **3.0 Financial Implications for the Council**

3.1 Costs for staff time to vary the Agreement. However charges for the legal costs will be payable to the Council by the applicant.

## **4.0 Legal Implications for the Council**

4.1 None

## **5.0 Risk Assessment**

5.1 None.

## **6.0 Background and Report**

6.1 A report on planning application P09/0014 for the Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure was considered by the Southern Planning Committee in July 2009. The application was recommended for approval subject to the applicant signing a Section 106 Agreement to provide 12 affordable units and a commuted sums payment in respect of public open space.

6.2 An amendment to the terms of the Section 106 agreement to enable the provision of 14 affordable units was granted by the southern Planning Committee in June 2010.

6.3 The detail of the Section 106 agreement required the submission of a commuted sums payment of £17,500 and the following terms in respect of the affordable housing:-

- A trigger for delivery of the affordable housing which will be that the first affordable block on site 2 be completed first and that the 12<sup>th</sup> unit be provided prior to the first occupation of the private market housing at site 1;
- A 'cascade' will need to be included to ensure that first priority is given to those in housing need who are resident in or who have connections to the



wards of Crewe (wards of Alexandra, Coppenhall, Delamere, Grosvenor, Leighton, Maw Green, St Barnabas, St Johns, St Marys, Valley, Waldron, Wells Green, Willaston, Wistaston Green) followed by the whole of the Borough of Crewe and Nantwich;

- Provision for nomination rights to be given to Cheshire East Borough Council;

- The affordable units shall be units to rent, subject to a rent which is accepted as affordable by the Homes and Communities Agency for the Borough area which shall, so far as the law allows, exclude any right which the lessee may otherwise have to acquire the freehold or long leasehold interest in such units.

6.4 The applicant is seeking to vary the terms of the Section 106 Agreement so that the ward titles reflect the reorganisation of wards within the Crewe town area. The implications of this are limited given that the relevant areas have all been renamed.

6.5 It is also proposed to alter the last criteria so that Wulvern Housing can set the 'affordable rent' anything up to 80% of the local market rental value. This is to enable Wulvern to receive enhanced rents on new build affordable housing to bridge the gap left by the reduction in grant support from the Homes and Communities Agency.

6.6 This change may exclude those in greatest housing need and is therefore less desirable than the current terms of the Section 106 Agreement. That said, Wulvern has indicated that the changes in the national grant funding regime have undermined the viability of the scheme and the alteration to affordable rents is the only prospect of Wulvern securing funding for the scheme. Whilst not ideal, the changes to the section 106 agreement would still facilitate the provision of 14 affordable units at the site and without this necessary change to the terms of the section 106 agreement the scheme may falter. In this regard, there have been no objections expressed from the Housing Team.

## **7.0 Reasons for Recommendation**

7.1 The amended terms of the section 106 agreement would not reduce the amount of affordable housing. On this basis it is not considered reasonable or necessary to refuse to alter the terms within the Section 106 agreement.

For further information:

Portfolio Holder: Councillor R Bailey

Officer: Lauren Thompson, Planning Officer

Tel No: 01625 383 704

Email: [Lauren.thompson@cheshireeast.gov.uk](mailto:Lauren.thompson@cheshireeast.gov.uk)

Background Documents:

Planning File and correspondence reference P09/0014

Email from G Allen dated 12 October 2011

Documents are available for inspection at: Municipal Buildings, Earle Street,  
Crewe CW1 2BJ

## CHESHIRE EAST COUNCIL

### SOUTHERN PLANNING COMMITTEE

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**Date of meeting:** 16<sup>th</sup> November 2011  
**Report of:** Caroline Simpson, Head of Development  
**Title:** Planning Approval P03/0494 – 24 No. Dwellings at Hastings Road - Variation to S.106 Agreement relating to No.21 The Gatehouse  
**Applicant:** Miss L Vass and Plus Dane Housing Group

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#### **1.0 Purpose of Report**

- 1.1 To consider proposed amendments to the wording of a signed S.106 agreement.
- 1.2 The report is being presented to Southern Planning Committee because the original approval for planning application P03/0494 was made by the legacy Crewe and Nantwich Borough Council Planning Committee for the construction of 24 dwellings. The decision was issued on 27<sup>th</sup> September 2004.

#### **2.0 Decision Required**

- 2.1 To agree to the amendment to the wording of a S.106 agreement attached to the above to enable 1005 staircasing to the property known as 21 The Gatehouse, Nantwich.

#### **3.0 Background**

- 3.1 The application (P03/0494) relates to the construction of 24 Dwellings on land adjacent to London Road, Nantwich. The dwellings have been completed and are occupied. The development was approved subject to the completion of a s.106 agreement to secure affordable housing on the site. The s.106 agreement has been completed and signed.
- 3.2 The s.106 agreement refers to three affordable units which are known as No.17, 20 and 21 The Gatehouse. The properties are subject to a shared ownership lease whereby the occupier acquires a percentage interest in the unit and a rent is payable to the Housing Association on the remainder of the unit.
- 3.3 In this instance the s.106 agreement allows for staircasing whereby the occupier pursuant to a Shared Ownership Lease has the right to acquire a greater interest in the unit by paying a % of the open market value of the property. The rent payable thereby reduces proportionately.

- 3.4 This s.106 contains a clause whereby any leaseholder of the affordable unit is not permitted to staircase beyond acquiring a 90% share of that unit. Therefore, the occupier cannot own the dwelling outright.

#### **4.0 Proposals**

- 4.1 This application has been made by the occupier and part owner of the property known as 21 The Gatehouse (Miss L Vass) and the Housing Association (Plus Dane Housing Group). It is requested that the Committee agree to the variation of the wording of the s.106 agreement to remove the 90% restriction on staircasing and allow for the outright ownership of the dwelling known as 21 The Gatehouse, Hastings Road.

#### **5.0 Analysis**

- 5.1 The joint application has been made by the joint owners of the property. The applicant has stated that the reason behind the request to vary the s.106 agreement is that they have experience great difficulty in selling the property due to this restriction.
- 5.2 The property has been marketed since 2008. Evidence has been submitted from two estate agents, 1<sup>st</sup> Choice for Homes and Bridgfords, demonstrating the applicants instruction to market the property. The marketing price in 2008 for Ms Vass's share of the property was £57,500 which reduced in 2011 to £50,000. Plus Dane Group have confirmed that all the appropriate steps have been taken to market the property but the dwelling remains unsold.
- 5.3 Feedback from the estate agents and comments from Dane Plus Housing has stated that whilst owning a 50% share in the property is attractive to young people, they are unwilling to commit to the property without having the option to own the remaining 50% at some point in the future.
- 5.4 It is also stated that since the housing market crises most mortgage providers have now withdrawn from providing mortgages where restricted staircasing is imposed.
- 5.5 Consultation has been carried out with the Strategic Housing and Development Manager. They have stated that there are currently 7 shared ownership properties within the housing scheme which are subject to this restriction and there has been no approach from the other 6 owners in this respect. Notwithstanding this, they applicant has marketed the property since 2008 and they have witnessed an inability to sell despite considerable price reductions as potential purchasers are deterred from placing an offer due to the staircasing restriction.

5.6 The Strategic Housing and Development Manager has also confirmed that most mortgage providers have withdrawn from providing mortgages where restrictive staircasing is imposed because if the property is repossessed the mortgage lender is not able to access 100% ownership. Therefore it is extremely difficult to access a mortgage.

5.7 Furthermore, there are no other urban schemes in Cheshire East with such a restriction. The Homes and Communities Agency (HCA) document "Shared Ownership: Joint Guidance for England" states that except in certain rural schemes, schemes in Protected Areas and shared ownership schemes for the elderly all HCA funded schemes must allow for the leaseholder to staircase to 100% and own the property outright.

## **6.0 Conclusion**

6.1 In the light of the comments raised by the Strategic Housing and Development Manager it is considered that the wording of the s.106 agreement attached to Planning Permission P03/0494 be amended to allow staircasing for 100% ownership of the property known as 21 The Gatehouse.

## **7.0 Recommendation**

7.1 That the Committee resolve to vary the wording of the s.106 Agreement in respect of application P03/0494 to allow for 100% staircasing of the property known as 21 The Gatehouse.

## **8.0 Financial Implications**

8.1 There are no financial implications.

## **9.0 Legal Implications**

9.1 Revisions to the wording of the signed Legal Agreement attached to Planning Application P03/0494 to allow for staircasing to the property known as 21 The Gatehouse, Hastings Road, Nantwich. Subject to approval from Committee the Borough Solicitor will have authority to execute a s106 Agreement in those revised terms.

## **10.0 Risk Assessment**

10.1 There are no risks associated with this decision.

### ***For further information:***

*Portfolio Holder: Councillor Rachel Bailey*  
*Officer: Declan Cleary – Senior Planning Officer*  
*Tel No: 01270 537497*  
*Email: declan.cleary@cheshireeast.gov.uk*

***Background Documents:***

- *Application P03/0494*