

Northern Planning Committee

Agenda

Date:	Wednesday, 1st February, 2012
Time:	1.00 pm – PLEASE NOTE THAT THIS IS A CHANGE OF START TIME FROM THE ORIGINALLY ADVERTISED TIME OF 2.00 PM
Venue:	Meeting Room, Macclesfield Library, Jordangate, Macclesfield SK10 1EE

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.

Please note that members of the public are requested to check the Council's website the week the Planning/Board 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.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Meeting (Pages 1 - 4)

To approve the minutes of the meeting held on 11th January 2012 as a correct record.

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Gaynor Hawthornthwaite

Tel: 01270 686467

E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk

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.

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. **11/0107M - Ford House, The Village, Prestbury, Macclesfield, Cheshire SK10 4DG - Demolition of Ford House and construction of replacement building for parish offices, three associated apartments and construction of seven townhouses within the grounds of Ford House for St Peters Parochial Church Council (Pages 5 - 26)**

To consider the above planning application.

6. **11/0108M - Ford House, The Village, Prestbury, Macclesfield, Cheshire SK10 4DG - Demolition of Ford House (Conservation Area Consent) for St Peters Parochial Church Council (Pages 27 - 38)**

To consider the above planning application.

7. **11/4226M - 41 Victoria Road, Macclesfield, Cheshire SK10 3JA - Erection of 14 Apartments in a Four Storey Block - Amendment to Previous Scheme 08/0818P for P E Jones (Contractors) Limited (Pages 39 - 48)**

To consider the above planning application.

8. **11/3549N - Church View Primary Care Centre, Beam Street, Nantwich CW5 5NX - Demolition of Former Kiltearn Medical Centre and Construction of Retail Unit with Car Parking, Servicing, Landscaping and All Associated Works for Mr S Binks, Keyworker Homes (Cheshire) LLP (Pages 49 - 78)**

To consider the above planning application.

9. **11/3551N - Church View Primary Care Centre, Beam Street, Nantwich CW5 5NX - Conservation Area Consent for Demolition of Former Kiltearn Medical Centre and Construction of Retail Unit with Car Parking, Servicing, Landscaping and All Associated Works for Mr S Binks, Keyworker Homes (Cheshire) LLP (Pages 79 - 94)**

To consider the above planning application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 11th January, 2012 at Meeting Room, Macclesfield
Library, Jordangate, Macclesfield

PRESENT

Councillor B Moran (Chairman)

Councillors L Brown, B Burkhill, K Edwards, H Gaddum, A Harewood,
P Hoyland, O Hunter, L Jeuda, P Raynes and L Roberts

APOLOGIES

Councillors W Livesley, C Andrew and D Stockton

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Mr N Jones (Principal Development Officer), Mr P Wakefield (Planning Officer), Mr B Vas (Cheshire East Rural Housing Enabler) and Stephanie Bierwas (Enforcement Officer)

70 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor Hunter declared a personal and prejudicial interest in application 11/3828M on the grounds that she is a member of the Peaks and Plains Board. In accordance with the Code of Conduct, she withdrew from the meeting during consideration of this item and did not return.

Councillor Edwards confirmed that he had not pre-determined application 11/3828M and that he was considering the application with an open mind and on its own merits taking into account any extra information provided at the meeting. Accordingly, he remained in the meeting during the consideration and determination of this item.

71 MINUTES OF THE MEETING**RESOLVED**

That the minutes of the meeting held on 23rd November 2011 be approved as a correct record and signed by the Chairman.

72 PUBLIC SPEAKING**RESOLVED**

That the public speaking procedure be noted.

**73 11/3828M - HEAD OF HOLLY GROVE, TABLEY, CHESHIRE, WA16
0HR: DEVELOPMENT OF 8 DWELLINGS FOR PEAKS & PLAINS
HOUSING TRUST**

(Councillor S Wilkinson, the Ward Councillor; Ms L Gimson, representing the agent for the applicant attended the meeting and spoke in respect of the application).

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

RESOLVED:

That the Development Management and Building Control Manager, in consultation with the Chairman, be granted delegated authority to approve the application, subject to the submission and approval of Acoustic Report to demonstrate compliance with recommendations of EHO, and subject to conditions and completion of

(a) A Section 106 Agreement to secure:

- dwellings will be retained as affordable rented housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connection in accordance with the following cascade:
 1. Tabley
 2. Adjoining Rural Parishes
 3. Rural Knutsford Sub Area as identified in the SHMA 2010
 4. Knutsford
 5. Cheshire East
- commuted sum of £24,000 to be paid to the Council to make additions, enhancements and improvements to the existing open space off Holly Grove in Tabley.

(b) the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Obscure glazing requirement
5. Landscaping – submission of details
6. Landscaping (implementation)
7. Landscaping to include details of boundary treatment
8. Removal of permitted development rights

9. Draining details
10. Phase II contaminated land survey
11. Safeguarding breeding birds
12. Enhancement for breeding birds
13. Provision of access for United Utilities to their site
14. Construction method statement to include on-site compound, pile foundation restrictions, hours of construction and wheel washing.
15. All habitable rooms shall have glazing with a minimum sound reduction index of R_{TRA} 33dB. The unit shall be installed in accordance with the manufacturer's recommendations to avoid air gaps when fitting the frames. Details of the selected glazing shall be forwarded to the LPA for approval prior to its installation and shall be retained thereafter.
16. Acoustically treated passivent ventilation system as detailed in para 5.3 Mitigation of ADC, dated 8th September (TV AL 450/40) shall be installed with the units.
17. Prior to the occupation of the approved dwellings the approved acoustic mitigation shall be completed/installed in full accordance with the approved details and retained at all times thereafter.
18. Before the use of the development is commenced, a Validation Test of the sound attenuation works shall be completed and the results submitted to and approved by the Local Planning Authority. Such validation test shall:
 - a) Be carried out in accordance with an approved method statement.
 - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved, then notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced.

Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained unless otherwise agreed in writing with the Local Planning.

The meeting commenced at 2.00 pm and concluded at 3.15 pm

Councillor B Moran (Chairman)

Application No: 11/0107M

Location: FORD HOUSE, THE VILLAGE, PRESTBURY, MACCLESFIELD, CHESHIRE, SK10 4DG

Proposal: Demolition of Ford House and construction of replacement building for parish offices, three associated apartments and construction of seven townhouses within the grounds of Ford House.

Applicant: ST PETERS PAROCHIAL CHURCH COUNCIL

Expiry Date: 26-Apr-2011

Date Report Prepared: 23 January 2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Whether the proposal meets the sustainability objectives of PPS3 Housing
- The demolition of a locally listed building
- The impact upon the Conservation Area
- The impact upon trees of amenity value
- The impact upon highway safety
- The impact upon the amenity of neighbouring property

REASON FOR REPORT

The application has been brought to the Committee by the Head of Planning & Housing due to the significant local interest in the proposal. The application has previously been considered by the Northern Planning Committee on 13 April 2011, where it was resolved to defer the application to allow officers to assess additional information submitted by the applicant and to allow further negotiations to take place regarding the design and scale of the proposed town houses.

Extensive discussions have since taken place with the applicants and their agents, which have resulted in the submission of revised plans. All interested parties have been renotified / reconsulted.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached two-storey locally listed building dating from the 19th century, most recently used as meeting rooms and other supporting activities to St Peter's church. Over the years there have been a number of external extensions and internal

alterations, but recently the condition of the building has deteriorated to the extent that it was closed for health & safety reasons in 2007. The site occupies a prominent position at the north eastern end of The Village, within the Prestbury Conservation Area as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish Ford House and erect a replacement building for parish offices and 3 apartments associated with the church, and to construct 7 town houses within the grounds of Ford House and make alterations to the vehicular access.

An accompanying application for Conservation Area Consent (11/0108M) appears elsewhere on the agenda.

From the outset of discussions on this proposal, Council Officers and English Heritage have encouraged the applicants to adopt a holistic approach to their buildings / sites to fulfil the needs of the church, the congregation and the local community. The application at St Peters Church (11/0144M) recently approved by Members at the Committee on 29 September 2011 was part of this approach. The church application and the current application were submitted together and are linked to the extent that the church extension sought to provide some facilities lost by the demolition of Ford House, the rebuilt Ford House will provide those facilities that could not be accommodated within the extension to the Grade 1 listed church, and also by the fact that the proceeds from the sale of the proposed town houses will fund the construction of the church extension.

It should also be noted that many references to enabling development are made within the documentation submitted with the application to the extent that the Ford House development “enables” or funds the works to the church. English Heritage define enabling development as *development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved*. However, this is not enabling development, as in order for it to be such, the economic benefits would need to go into the repair of existing historic fabric in order to preserve a heritage asset, which in this case is proposed for total demolition, and is not applicable to new buildings or extensions.

However, Members should be aware of the links between the current proposal and the approved church development. Whilst the proposal may not amount to enabling development, the matters raised by the applicant to justify the demolition are still material planning considerations, which need to be afforded appropriate weight in the assessment of the application. The applicant maintains that the church extension is reliant upon the development of the Ford House site; therefore whilst they have been submitted as separate planning applications, they are fundamentally linked.

POLICIES

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure
DP5 - Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
L4 – Regional Housing Provision
RT2 – Managing Travel Demand

Local Plan Policy

NE11 – Nature Conservation
BE1 – Design Guidance
BE2 – Preservation of Historic
BE3 – Conservation Areas
BE4 – Demolition Criteria in Conservation Areas
BE20 – Locally Important Buildings
BE24 – Development of sites of Archaeological Importance
H1 – Phasing policy
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
DC1 – Design: New Build
DC3 – Amenity
DC6 – Circulation and access
DC8 - Landscaping
DC9 – Tree protection
DC38 – Space, light and privacy
DC63 – Contaminated Land

Other Material Considerations

Prestbury Supplementary Planning Document (July 2011)
Prestbury Conservation Area Appraisal (2006)
Prestbury Village Design Statement (2007)
Local List of Historic Buildings SPD (2010)
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS5 Planning for the Historic Environment
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS25 Development and Flood Risk
Ministerial Statement – Planning for Growth (March 2011)
Draft National Planning Policy Framework (July 2011)

CONSULTATIONS (External to Planning)

Cheshire Archaeology Planning Advisory Service – No objections subject to condition relating to archaeological mitigation.

Environment Agency – No objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment and a condition relating to a management buffer alongside the River Bollin.

Environmental Health – No objections subject to conditions relating to hours of construction and contaminated land.

Strategic Highways Manager – No objections subject to conditions relating to provision of new access.

Natural England – No objections

United Utilities – No objections subject to conditions relating to drainage

English Heritage – No objection to the principle of the new development behind the existing building, but do recommend the refusal of the application based on an unsatisfactory justification for the demolition of Ford House.

VIEWS OF THE PARISH COUNCIL

Prestbury Parish Council – Object to this application on the grounds that Ford House is a building of local historical interest in a conservation area and is part of the heritage of the village and it would be a loss of a community asset and is an overdevelopment of the site. It would also include the removal of six trees that have Preservation Orders on them.

The Parish Council has commented on the proposal twice before, once in March 2011 (objection on grounds of overdevelopment), and once in July 2011 (no objection but had concerns about the density).

OTHER REPRESENTATIONS

Prior to the revised plans being submitted, 122 letters of representation had been received. 91 of these letters either raise no objection or support the proposal for the following reasons:

- Ford House needs demolishing due to its condition
- The replacement building will provide essential accommodation for the church
- Ford House is currently an eyesore
- The development will provide funds for the much needed church extension
- It will bring new life into the village

31 letters either raise concern or object to the proposal on the following grounds:

- Loss of car park to rear of Ford House
- Loss of protected trees
- Youth Club building to the rear of Ford House does not belong to the church
- There are Great Crested Newts in the immediate vicinity
- Ford House is locally listed
- Dwellings should be affordable
- Youth Centre extension paid for by village fundraising
- Plans do not acknowledge former role of Ford House as a community resource
- Proposals do not address relocation of the youth club
- The site should be retained for the parishioners of Prestbury
- Financial contribution should be made to compensate for lost community facilities
- The site is subject to flooding

- Highway safety risk at access
- Proposed buildings are out of character
- No recognition of the relationship of the church with the wider community
- The density of the development is a concern

Since the reconsultation process on the revised plans, a further 16 letters have been received. 12 of these letters (including one from the Prestbury Business Forum) support the proposal for the following additional reasons:

- Lengthy delays on the Ford House site are adversely affecting local businesses
- It will restore the street scene
- Increased number of people in the village will be a benefit to local businesses
- Support from Prestbury Business Forum

4 of the letters (including one from the Prestbury Amenity Society and one from the Save Ford House Group) object to the proposal for the following additional reasons:

- Locally listed buildings should be preserved
- Conservation Areas are intended to ensure that such buildings are preserved rather than replaced
- Replacement does not preserve and enhance character and appearance of Conservation Area
- Absence of any community accommodation, i.e. Youth Club
- Ford House is one of the first older buildings seen by visitors when approaching from North East
- Location in relation to Grade 1 listed church enhances necessity to preserve
- Does not recognise the recommendations of PPS5 particularly clause 2.6
- Contrary to Prestbury SPD and Village Design Statement
- Deliberate neglect does not justify demolition (PPS5)
- Building is protected by policies BE2 and BE20
- Adverse impact upon historic fabric
- Proposal is not enabling development
- No evidence of substantial public benefit
- Contrary to policies BE3 and BE4
- Copper Beech tree is a dominant feature of the site and will be lost if development is approved – with other direct tree losses and threats – contrary to DC9
- Does not comply with policy DC41 relating infill housing development
- No agreement on replacement community facilities for the Youth Club. A s.106 agreement should be submitted with details of provision to offset this loss of community facilities and car parking (policy IMP1)

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

Planning, Design & Access Statement

This statement outlines that the future of the building is intrinsically linked to a development project that will secure the future of St Peter's Church and its role at the centre of the village community. In view of the needs of the church for ancillary accommodation; the scale of the proposed extension appropriate to the church; the cost of development options; the structural

condition of Ford House and, factors connected with highway safety it is concluded that the only viable option is to take down and rebuild Ford House for use as a parish office with residential accommodation for church staff.

The site is within the Prestbury Conservation Area, and Ford House is included in the Cheshire East Council's List of Locally Important Buildings SPD. Although the existing building is attractive it has been significantly harmed by modern extensions and has deteriorated in recent years because the church had been struggling to provide sufficient funds to keep it in good order, whilst at the same time meeting its obligation to maintain to a high standard the grade 1 listed church building. The proposed rebuild would restore the original character of the building and would positively enhance the character of both the village centre and wider conservation area in accord with the aims of policies of PPS5 and the local plan.

The proposed development is fully justified based on the benefits it would bring to the church and the needs of the wider community. In accordance with Policy HE9.4 of PPS5, it is demonstrated that any harmful impact the proposal will have on the significance of the conservation area is less than substantial harm, and that therefore the local planning authority should weigh the public benefit of the proposal against the level of harm. There is also a case for considering the proposal as enabling development in accordance with PPS5 Policy HE11, and thus assessing the benefits of development against any harm caused.

In providing funds for the development proposals at St Peter's Church, the development at the Ford House site will secure the future viability and sustainability of a heritage and social asset of exceptional significance.

Sustainability Statement

This statement addresses the key objectives from PPS1, the advice from the RSS on climate change and the Council's housing sustainability checklist.

Protected Species Survey

The submitted bat survey identified the presence of common Pipistrelle Bats within the building. A programme of mitigation is proposed within the statement.

Arboriculture Assessment

This report identifies that the extension will require the removal of several trees within the site. These losses should be considered in terms of the wider community benefits the schemes seek to provide.

Structural Report – Ford House

The Structural Report recommends a range of remedial works throughout the entire building.

Flood Risk Assessment

This outlines that given the proposed finished floor level the properties should not in general be affected by flood events over and above the 1:1000 year event.

Transport Assessment

The report concludes that the only viable access option involves reuse of the existing site access onto The Village which in turn requires the demolition of Ford House in order to meet the latest design guidance provided by the highway authority.

Confidential Report on Enabling Development – Meller Braggins

This report looks at the market value of the site, and the relative costs of demolition and refurbishment.

PPS5 Statement – Ford House

The primary significance of the building is its role in terminating the view along the main street and its location at the bend which makes it visible from both The Village and New Street. It gains value from its relationship to the mature trees that surround it, and is also important for its past role in the life of the worshipping community.

The building is in a very poor state of repair, and the scale of remedial works required to return it to beneficial use is extensive. The cost of these works exceeds that of taking it down and rebuilding.

The justification for development of the Ford House site is based on the benefits it would bring to the church and the needs of the wider community.

The requirement for replacement of Ford House is based on its physical condition; its lack of authenticity as a result of unsympathetic alterations; the cost of restoration; the need to provide safe access for vehicle users and pedestrians; and the unsuitability of the current layout of the building for church use.

The proposal for replacement will replicate the form and style of the existing building, but with a different internal layout, moving the footprint slightly to allow for a wider access way to the site for highway safety reasons.

Additional information submitted since the previous committee meeting has highlighted the fact that it is the Prestbury Conservation Area that is the designated Heritage Asset, in accordance with the PPS5 definition, and not the locally listed Ford House, which is an “undesigned” heritage asset. The appropriate policy test is therefore HE9.4 of PPS5 rather than HE9.2.

In accordance with Policy HE9.4 of PPS5, it is demonstrated that any harmful impact the proposal will have on the significance of the conservation area is less than substantial harm, and that therefore the local planning authority should weigh the public benefit of the proposal against the level of harm.

In balancing the benefits that the scheme will bring against the proposals for demolition of Ford House and rebuilding, it can be seen that the public benefits will be very substantial. For in providing funds for the development proposals at St Peter’s Church, the development at the Ford House site will secure the future viability and sustainability of a heritage asset of exceptional significance.

OFFICER APPRAISAL

Housing

The applicant has submitted a PPS3 Housing Self Assessment Checklist with the application, which outlines that the site is within walking distance of public transport and local services, as well as recreational open space.

In this case it is considered that the proposal broadly complies with the five listed criteria. The site is considered to be in a suitable and sustainable location. It is a previously developed site, within a Predominantly Residential Area, which is within walking distance of public transport links and to services. The scheme achieves high quality housing.

Reference has been made within letters of representation that the proposal does not meet the requirements of policy DC41 (Infill Housing Development), however, the proposal is not considered to be infilling as defined in the glossary of the Local Plan. Other local plan policies adequately address relevant matters of public interest, as discussed below.

Conservation Area

There are a number of issues that contribute to the overall impact upon the Conservation Area - the loss of the locally listed building, the scale and design of the proposed new development, and the impact upon trees and landscaping of the site. Each of these matters is considered below:

Locally Listed Building

Ford House is identified in the adopted Local List of Historical Buildings SPD (2010) as:

Nineteenth century reconstruction of an earlier building, rebuilt circa 1850-1875. Owned by Parochial Church Council and employed for a variety of church and community uses until closure in 2007.

Very prominent position in the village streetscene and a valuable contribution to the Conservation Area.

Locally Listed buildings are identified within PPS5 as “heritage assets”, whereas Conservation Areas are identified as “designated heritage assets”. A heritage statement has been submitted with the application that provides a description of the significance of the heritage assets affected and the contribution of their setting to that significance in accordance with policy HE6 of PPS5.

Policy HE9 of PPS5 identifies levels of harm to designated heritage assets arising from proposed developments, and how they should be considered. HE9.2 refers to “substantial harm to or total loss of significance”, and HE9.4 refers to proposals that result in “less than substantial harm”. The applicant’s heritage statement maintains that the correct test should be that of HE9.4, as the harm of the proposal is less than substantial. This is due to the alterations that have been made to the original Ford House, the condition of the existing

building, and the fact that the replacement is sympathetic to the existing in terms of scale, height, mass and design.

English Heritage, however, considers that the test in HE9.2, in terms of the substantial harm to the Conservation Area by loss of a principal building, should be applied. English Heritage maintain that Ford House does make a positive contribution to the Conservation Area, noting that even though the building has had some external alterations, mainly Edwardian and 1970s rear extensions, the main façade towards The Village is largely intact and is a focus when driving through the village. They do also acknowledge that the interior has little significance due to the extent of alterations, that Ford House is in a poor condition, and that it will be costly to repair the building. However they do not consider that this should be a factor to take into account when assessing the application as this could result in a number of cases where deliberate neglect would be seen as a way of obtaining consent for demolition. An issue that is reinforced by policy HE7.6 of PPS5.

The Council's Conservation Officer however considers that the impact of the proposal, upon the conservation area, in terms of street scene appearance is arguably limited, due to the replacement building mimicking the original Ford House. However, impact on street scene within the conservation area is a small consideration, outweighed by the fundamental principle of demolition. This would be contrary to the Local Plan by virtue of loss of historic fabric, loss of a Locally Listed Building and loss of a building which makes a positive contribution to the character (with emphasis on character rather than appearance depending on the final finish of the new building) and appearance of the Prestbury Conservation Area. He considers that a replacement building would not display the evidence of successive alterations and sense of continuity over time which is apparent in the existing external fabric.

The total loss of Ford House (a heritage asset) is unfortunate, and is arguably contrary to policies BE2 and BE20 of the Local Plan. However, whilst it is acknowledged that HE7.6 states that the deteriorated state of a heritage asset that has been caused by deliberate neglect or damage should not be a consideration when assessing development proposals, there is no specific evidence in this case to suggest that the condition of the building has arisen through the deliberate actions (or inaction) of the site owners. The condition of the building should therefore be considered in order to assess the level of harm arising from the current proposal.

The building is in a poor state of repair, and the Council's Structural Engineer has visited the site. He generally concurs with the submitted structural engineers report and considers that the repairs/rebuilding elements noted in that report would leave the structural skeleton of the main building generally in place although all roofs and floors would probably have to be stripped out and replaced. He also notes that without any repair works being undertaken on the building, what remains of the structure will very rapidly deteriorate due to the ingress of water that is already occurring in many areas.

The report also recommends the repair of hairline cracks in the roughcast

render, however given that cement-based render is incapable of movement any cracks will open up again in the future. The render is also impervious and prevents the passage of moisture through the solid brick walls which is necessary to avoid further decay. The removal of the render is therefore also necessary in the long term, and it is likely that this could not be achieved without damaging the face of the bricks, which will mean either removing the roughcast and re-rendering in a lime-based coating to allow for movement and permeability of moisture, or the replacement of the outer leaf of bricks.

Policy BE20 of the Macclesfield Borough Local Plan relates to locally listed buildings and states that *“development which would adversely affect their architectural or historic character will only be allowed if the borough council is satisfied that the building or structure is beyond reasonable repair.”*

A repair option has been investigated by the applicants, which indicates that it is possible to repair the building, however, the policy test (above) is whether the building is beyond reasonable repair. The cost of this repair is clearly a limiting factor to the future of the building and the potential of the site. Detailed costings have been submitted, which indicate that it would be significantly more costly (in excess of £100,000) to partially demolish and refurbish the existing building to their requirements than demolish the entire building and construct a replacement.

Policy HE9.1 of PPS5 states that loss affecting any designated heritage asset should require clear and convincing justification, and that there is a presumption in favour of the conservation of all designated heritage assets. English Heritage considers that this means that there should be a presumption in favour of managing change to a Conservation Area in a way that sustains and where appropriate enhances its significance. They consider that to replace one good building with a different but arguably equally as good building is not sustaining its significance. This would be contrary to HE9.1 of PPS5. The applicant needs to demonstrate that the loss is necessary in order to deliver substantial public benefits.

Similarly, the Local List of Historic Buildings Supplementary Planning Document states that “proposals for the demolition of Locally Listed Buildings must normally demonstrate clear and convincing evidence that the building is no longer of local importance”. As noted above, the existing condition of the building does serve to undermine its local importance. Furthermore, Prestbury Parish Council carried out their own independent survey of the development proposals. 1,391 questionnaires were sent out to Prestbury residents / businesses, and 707 were returned. The results found an overwhelming support for the proposal to demolish Ford House and erect a replacement building with town houses to the rear. 525 of the 707 respondents supported the scheme. These results do serve to question whether Ford House is still truly of local importance if the majority of local people are happy to see it replaced.

The two aspects of Ford House that are considered to contribute to the character and appearance of the Conservation Area are its historic fabric and its visual function due to its prominent position at the end of The Village. These are the aspects picked up on by English Heritage, The Council's conservation officer and the applicant's historic buildings advisor.

In terms of historic fabric, clearly the works that would be required to bring the existing building back to a useable condition would have a significant effect upon the existing historic fabric. The evidence would suggest that only the shell of the brickwork walls would remain, which would undermine the historic integrity of the building significantly.

With regard to its visual function at the end of The Village, it is difficult to see how the effect of the building or its contribution to the Conservation Area would be significantly different if the building were to be replaced, as opposed to being repaired to the extent outlined above. The historical "associations" would not necessarily be so great, but as the local listing identifies, the current Ford House is already a "reconstruction of an earlier building, rebuilt circa 1850 – 1875". The quality of the materials to be used in its repair or its replacement is perhaps of more importance. The building does not merit national listing, whereas the majority of the other buildings along The Village are nationally listed.

In terms of public benefits, the applicant's primary justification for demolition of Ford House is based on the benefits it would bring to the church site. The funds realized through the development of the town houses would finance the extension to the church (approved under application 11/0144M), thereby securing the future of this significant heritage asset, as well as facilitating required works to the Grade II listed Norman Chapel and Hearse House. The supporting information does suggest that the church extension and facilities within Ford House provide benefits to both the church and the wider community. These include improvement to visual appearance of the village; the creation of two new jobs: A Community & Youth Worker (primarily in Upton Priory) and a Children & Families Worker; upgrading of the Church of the Resurrection at Upton Priory for community uses, which is in the Parish of Prestbury; Parish office; some of the income from the sale of the new buildings will be for the benefit of children and young people; Ministry team workspace (clergy, readers, pastoral workers); increased availability of existing community spaces, with groups relocating back to church facilities freeing space elsewhere.

The case for demolition is further based upon its physical condition; its lack of authenticity as a result of unsympathetic alterations; the cost of restoration; the need to provide safe access for vehicle users and pedestrians; and the unsuitability of the current layout of the building for church use.

The concern expressed by Prestbury Business Forum should also be acknowledged. They consider that the structural condition and appearance of Ford House is severely affecting the street scene, and is now impacting adversely on the businesses trading on The Village and New Road in particular. The proposal will restore the street scene and will lead to an increase in the number of people living in the centre of the village and increased footfall which

will help support the businesses trading in the village.

It is therefore considered, having considerable regard to the existing condition of the building, that the harm to the Conservation Area arising solely from the replacement of Ford House is less than substantial harm. There are identifiable benefits to the scheme, some more tangible than others. The harm to the Conservation Area (as a designated heritage asset) arising from the demolition of Ford House is not considered to be sufficiently significant to resist the principle of its replacement. This element of the proposal is therefore considered to comply with the requirements of PPS5.

Archaeology

The site of the proposed development lies within the historic core of Prestbury, close to the parish church. It is likely that the location has attracted settlement over many centuries in view of this proximity to the church, whose origins may go back to the eighth century, and its position overlooking the river crossing. In addition, the land does not appear to have been seriously disturbed in the recent past, which will have ensured the survival of any archaeological evidence that is present. Work in the immediate vicinity of parish churches elsewhere in Cheshire East has revealed evidence for medieval buildings, rubbish pits, boundaries, pottery kilns, and corn-drying ovens. It is entirely possible that evidence of this kind may be present on this site and could be damaged by the proposed development, particularly where the new buildings are proposed.

The Council's archaeologist initially advised that pre-determination evaluation work should be carried out at the Ford House site, due to its geographical position. However, he has since advised that a more pragmatic approach is appropriate for this site. He has now confirmed that it is acceptable to secure trenching work and any subsequent mitigation (excavation, watching brief, etc) that proves necessary by condition.

Design

Whilst the number of residential units to the rear of Ford House has now changed from 6 town houses and 2 apartments to 7 town houses, the general footprint and scale remains very similar to the original submission. The revised plans do now adopt a more traditional approach to the design of the dwellings. The proposal incorporates a variation in materials and a selection of particular details from the village centre has influenced the design of the dwellings. Notably: three-storey facades with a one-third to two-thirds proportion of window to wall, with the upper size window diminishing; projecting flat roof bay windows and pitched lean-to additions to the front elevation; white painted gable facades with some degree of timber framing; steps between roof pitches (which reflects the gentle slope of the land); timber framed porch and gable structures, and panelled door joinery.

In their own right, the design of the dwellings and the replacement Ford House Building are considered to be acceptable and in keeping with the variety of properties in the surrounding area with the materials and features drawn from the local area. The layout of a single terraced block within the site is also typical of the local area.

English Heritage are content with the new build development to the rear of the site in principal, as they consider that this will have only a minor effect upon the character and appearance of the Conservation Area.

Some concern has been raised regarding the 7 town houses representing overdevelopment of this site. However, considerable discussions have taken place over the months with the applicants and this scheme was the smallest viable solution for them. Whilst a smaller development could have a lesser impact upon the Conservation Area, it is noted that if retained the existing tree belt close to the bridge and running alongside Bollin Grove would serve to screen the site minimising the impact of the town houses upon the Conservation Area.

Trees / landscaping

Unfortunately, not all existing tree cover will be retained. Due to the scale of the development there will be some impact upon existing trees within the site, and a subsequent impact upon the woodland character that currently exists. Since the application site lies within the Prestbury Conservation Area, trees (above 75mm diameter) are therefore subject to control under special provisions within Section 211 of the Town and Country Planning Act 1990.

The application identifies six individual trees for removal and one group of trees. These trees have been assessed in accordance with the recommendations contained in BS5837:2005 Trees in Relation to Construction with 'A' category trees being most desirable, desirable (B category); low value (C category) and those unsuitable for retention (R category).

Of these trees, one a mature Copper Beech (T25 of the survey) is identified as an 'A' category tree; four trees (three Yew and a Horse Chestnut) within 'B' category and one tree (a Holly T9) and one group of trees (G7) within C category have been identified.

The Arboricultural Officer notes that the supporting arboricultural statement also does not sufficiently consider the impact of the remaining trees, in particular those shown for retention between the Mews development and the River Bollin along the eastern section of the site and their relationship/social proximity to the proposed mews properties. The submitted information suggests that the trees can be maintained as shared amenity space to facilitate suitable management of tree cover. However, this may not provide the Council with a sufficient defence from future applications to fell or regularly prune the trees.

The Prestbury Conservation Area Appraisal (August 2006) identifies that '*substantial areas of deciduous woodland are located beyond Spencer Brook to the west of Prestbury, in the churchyard, and in the area contained by Spencer Brook*'. This area is characterised as follows, '*an important 'green lung' is provided by the River Bollin with its water meadows and woodlands*', and that in contrast to the principal commercial street – The Village, that this area, '*the churchyard, the water meadows, and the woodlands, provide a marked contrast with mature trees, privacy and peace*'.

The areas on either side of the River Bollin, including the area to the rear of Ford House make an important contribution to the character of the Conservation Area. The area to the rear of Ford House is specifically identified as being of merit, *'these buildings back on to an area of overgrown woodland which provides Prestbury with an important link to the surrounding countryside'*.

In its recommendations for development within the Conservation Area, The Village Design Statement (2007) also states that *'trees should be retained and enhanced as a predominant feature of the area'*.

As the Planning, Design and Access Statement states, the application site currently benefits from a number of mature trees which help provide an attractive setting to the Conservation Area. The proposals will involve the removal of a number of trees from the boundary of the site and central and rear parts of the site, to accommodate the seven proposed townhouses. The natural screening into the site would inevitably be reduced and the visual impact of the proposed town houses would be significantly increased. This loss of tree cover would be detrimental to this part of the Conservation Area by diminishing the existing woodland character.

It is therefore considered that the proposal does not satisfy the requirements of policy DC9, and is also contrary to policy BE3 of the Macclesfield Borough Local Plan.

Conservation Area Impact – Conclusions

The principle of the replacement of Ford House can, on balance, be accepted in this case, having regard to the condition of the existing building, the benefits of the proposal, and the nature of the replacement building. However, it has to be acknowledged that some historic fabric would be lost, which is considered to amount to less than substantial harm to the Conservation Area. However, in addition to this there is the harm arising through the direct loss and threat to trees of significant amenity value and the affect upon the landscape contribution of the site as a whole. Insufficient space exists within the site to satisfactorily compensate for the loss of these trees. Taken together with the loss of Ford House as a locally listed building, the proposed tree losses will expose the development to such a degree that the existing woodland character of the site will be diminished to the extent that that it would result in substantial harm to the character and appearance of the Conservation Area which, on balance, is not outweighed by the identified benefits of the scheme. The character and appearance of the Conservation Area is not preserved or enhanced, and the proposal is therefore contrary to policies BE3 and DC9 of the Macclesfield Borough Local Plan, and the national policies contained within PPS5.

Leisure / Public Open Space

The proposed housing development triggers a requirement for public open space (POS), recreation and outdoor sport facilities as identified in the SPG on S106 (Planning) Agreements (May 2004). The SPG also states that developments above the trigger of 6 dwellings and where there is an identified shortfall (or in this case loss of previous facilities) the council will / may seek contributions for the provision of community centre space or services to address local youth needs.

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS and amenity of £30,000, which would be used to make

additions, improvements and enhancements to open space and amenity facilities in Prestbury. In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities of £8,500, which would be used to make additions, improvements and enhancements to recreation and open space facilities in Prestbury.

Community facilities

It is also understood that Ford House previously provided facilities for young people in the form of a youth club amongst a range of other community focused activities.

The applicants have submitted a list of users of Ford House at the time of its closure in 2007, which includes the name of the group, the nature of the group and their current accommodation situation. The list shows that the majority of groups were church related. In addition, the applicants have referred to the Church Bulletin that was produced weekly by the church office and distributed to the Parish. They maintain that articles from this Bulletin demonstrate that the Youth Club was church orientated since its inception, and its official title was the St Nicholas Youth Fellowship.

Money was raised by the Youth Fellowship to repay loans used for the build costs of the extension, which is the part of Ford House that is often referred to as the Youth Club. The applicants maintain that Ford House and the extension are the property of the Church.

In terms of wider community benefits, the applicants have stated that Ford House was always an Ecclesiastical Parish facility, which had a much wider focus than notions of village or just the civic parish. The community benefits arising from the current proposal have been highlighted previously in this report.

Other letters have been received from third parties, including a statement from one of the founding members of the Youth Club, which outline that Prestbury Junior Youth Club was established in 1975, as an open youth club and resided in Ford House. The Youth Club was run by youth leaders who attended church but the club was not run by the church. The Youth Club grew to such a size that the leaders approached the vicar and asked permission to build an extension specifically to house the Youth Club. The Parochial Church Council (PCC) minutes shows this was agreed and a loan was granted via the PCC for £10,000 from Macclesfield Borough Council. The Youth Club committee proceeded with the extension which was finally completed in September 1981, at a cost of £30,000. All the money to repay these loans was raised by the Youth Club committee which has been documented by Youth Club finance officer.

When Ford House fell into disrepair, as the result of inadequate maintenance by the church, the Youth Club was asked to leave the extension, which in itself was in sound condition. No replacement facility or compensation was offered by the Church.

Clearly there is some dispute over the origins and nature of the youth facility that has been provided at Ford House over the past 35 years. However, from the information that has been received it is considered that Ford House did provide a community facility, which included accommodation for the youth club. The redevelopment of Ford House will result in the loss of these facilities. Whilst there are some replacement facilities in the replaced Ford House and

the extension to the church (11/0144M) that could potentially be used by smaller groups, the large space within the extension would be lost.

The replacement proposals include a meeting room and a Parish office, which are identified as being for community use. The applicants would like the community benefit offered within the additional facilities to be provided in the church to be taken into account to offset this loss. However, whilst they should not be discounted entirely, the identified benefits of the church extension have been already been considered, and afforded appropriate weight, during the assessment of the application to extend the church (11/0144M).

The Local Plan does not include any specific policies relating to the loss of community facilities, however the SPG on S106 (Planning) Agreements (May 2004) does state that: *'developers and applicants will be expected to contribute to appropriate provision to address local youth needs. The appropriate scale of contribution will be determined through negotiation'*.

In terms of a contribution towards the provision and support of youth opportunities, this is required through the SPG due to the loss of the previous community facility and lack of an alternative opportunity as a result of the development. In this regard, the SPG includes the following example of how young people can be supported, through a commuted sum:

- funding or contributions and support of locally provided activities and programmes for young people. These could include hire of transportation for organised excursions, support of one off events and celebrations, hire of buildings for meetings, costs of procuring facilitators and specialised support, contributions to fundraising programmes etc.

In the absence of a suitable replacement building / facility scheme to contribute towards (but recognising there may be future opportunity to use a commuted sum as partnership funding towards this) a commuted sum for the support of local youth groups and activities will be requested, to provide support and opportunities for young people and youth clubs and organisations in and around Prestbury who would have previously benefitted from access to village facilities or could do so in the future. As noted above this final amount would be determined through negotiation, but is likely that sum would be in the region of £15,000 based on 10 family dwellings (2+beds).

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, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

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

In PPS9 (2005) the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should 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..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises, "[LPAs] should 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 species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

A bat survey was carried out by a qualified ecologist on behalf of the applicant who has identified limited bat activity on the site.

The proposed scheme to demolish Ford House should have no significant impact upon the favourable conservation status of the identified protected species, if some form of mitigation is incorporated on site.

The proposal to demolish Ford House and construct a replacement building and 7 town houses will add to the existing housing stock in the area, and provide a valuable resource for the church and community, whilst securing the long term future of the Grade I listed church and other listed structures on the church site.

The alternative to the demolition would be to refurbish the existing building. However, the extent of works required in the renewal of the building is likely to have an equal impact upon bats as its complete demolition.

The mitigation proposes the supervised demolition of the property and the provision of replacement roosts in the form of bat boxes situated on retained trees. The proposed mitigation is acceptable and provided the proposed mitigation is implemented in full the residual impacts of the proposed developments on bats is likely to be very minor. The benefits of the mitigation will provide a new appropriate roost for the bats which will provide a new habitat and will allow the future protection of the bats in perpetuity.

Having regard to the above it is considered that the proposed replacement roosting facilities is an appropriate form of mitigation which in the long term will provide a more satisfactory habitat for the bats than the existing dwelling. It is considered that the mitigation put forward is a material consideration which if implemented will further conserve and enhance the existing protected species in line with Local Plan policy NE11 and is therefore on balance, considered to be acceptable.

The Council's Ecologist has been consulted on this application and raises no objection to the proposed mitigation subject to a condition to ensure work is carried out in accordance within the submitted scheme.

Amenity

The nearest neighbouring dwellings are located to the west of the site. The nearest of the proposed residential properties will be located 15 metres from the boundary shared with Glebe House. There will be some overlooking of existing private gardens, and the simple presence of the dwellings may also have some impact upon the amenity of this nearest neighbour. However, there are some mature trees on the boundary, which will help to filter views from, and to, the new dwellings, and additional landscaping may reduce the impact even further. Therefore, having regard to the distance and relationship with the adjacent property, any impact upon residential amenity is not considered to be sufficient to justify a refusal of planning permission. The neighbour at Glebe House has commented on the proposal and supports the scheme but expresses concern over the potential to damage the wall between the application site and Glebe House. Confirmation is requested from the developers that they will make good the wall if necessary on completion of the works. This concern is noted, but is a civil matter between the two landowners.

The Ford House building will have habitable room windows facing towards the blank gable wall of the new dwellings behind, with only 5.5 metres between them, which is clearly well below the distance guidelines contained with policy DC38. However, the rooms of flats 1 and 3 have side facing windows that will provide adequate light and outlook, and the rear facing window of flat 2 does allow some outlook past the front corner of the dwellings, which is considered to be acceptable, and provide adequate living conditions within the development.

Highways

The submitted transport statement examines 3 options for access into the site. These options were the reuse of the existing access, a new access to the north of Ford House, and a new access from Bollin Grove using a bridge over the river.

Due to changes in levels from the road into the site, restricted visibility in the non leading direction from the bridge, and the required loss of mature trees, the access to the north of Ford House was discounted.

An access across the River Bollin from Bollin Grove was also discounted due to the loss of mature trees, the bridge would also probably have to be higher than Bollin Grove due to recent flooding levels, and the report states that the entrance to the bridge would need to be approximately 19 metres in width. Such an access would be impractical and unviable.

It is therefore proposed to use an upgraded existing access. The new access will be widened to 5.5 metres, which will also allow for refuse and service vehicles to enter and turn within the site. The Strategic Highways Manager considers that the new access design is acceptable.

A total of 24 off street parking spaces are being provided to serve the development. Having regard to the location of the site in the centre of the village and proximity to public transport, a refusal on the grounds of lack of car parking is not considered to be justified. The Strategic Highways Manager also notes that there will be the potential to park on the access road without interfering with the access to the residential properties. No highway safety issues are therefore raised.

Flood Risk

The Environment Agency has no objections to the proposed development subject to the measures detailed in the submitted Flood Risk Assessment being implemented and secured by way of a planning condition on any planning permission.

They also request a condition relating to the provision and management of an ecological buffer zone alongside the River Bollin. Development that encroaches on the River Bollin has a potentially severe impact on their ecological value. The River Bollin is particularly valuable for wildlife and it is essential this is protected.

In terms of the sequential approach, it is acknowledged that the land is identified as a potential site for development within the Council's Strategic Housing Land Availability Assessment. The site is owned by the church, and this is the simple reason for the site coming forward for the proposed development. No other Church land is known of that that could be used for the development. There is also a wide acceptance that the site does need improving, and is a brownfield site that has been used for purposes with a similar vulnerability to flooding as the proposed use.

The applicant makes the following comments on the sequential approach. They consider that any site with a river as a boundary will inevitably have part of the river's natural flood plain within its curtilage. In such circumstances it is appropriate to consider the sequential test against that part of the site being used for housing or car parking against that part of the test. It would obviously be pointless to rule out 99% of a site for development if a 1m strip by the river was on flood zone 3. In this instance the developed footprint of the housing and car parking lies outside floodzone 3 with ecological enhancements proposed for the river corridor that lies on the flood plain. The development is therefore both appropriate and suitable for the site in terms of the sequential test as set out in PPS25. Additionally as the site is already developed and therefore largely covered with tarmac and/or the developed footprint of the existing building much of the run-off from the site will reach the river unattenuated. Although modest, the wetland proposed has therefore been designed to both balance surface water flows and reduce run off rates to the river and provide ecological enhancements. The wider social benefits of the scheme should also be considered although in term of the sequential test it is the fact the land being developed is 'off' the flood plain that needs to be the primary consideration.

It is understood that the applicant engaged in pre-application discussions with the Environment Agency and the principle of the development was accepted for the above reasons. The Environment agency has confirmed that having looked at the submitted FRA and, provided that the measures it identifies are adhered to, they consider that the applicant has demonstrated that the flood risk at this site can be appropriately managed, relative to the vulnerability of the land use in accordance with PPS25.

Other considerations

The Contaminated Land Officer has noted that since the application is for new residential properties which are a sensitive end use and could be affected by any contamination present, a condition is recommended requiring a phase 1 contaminated land report to be submitted.

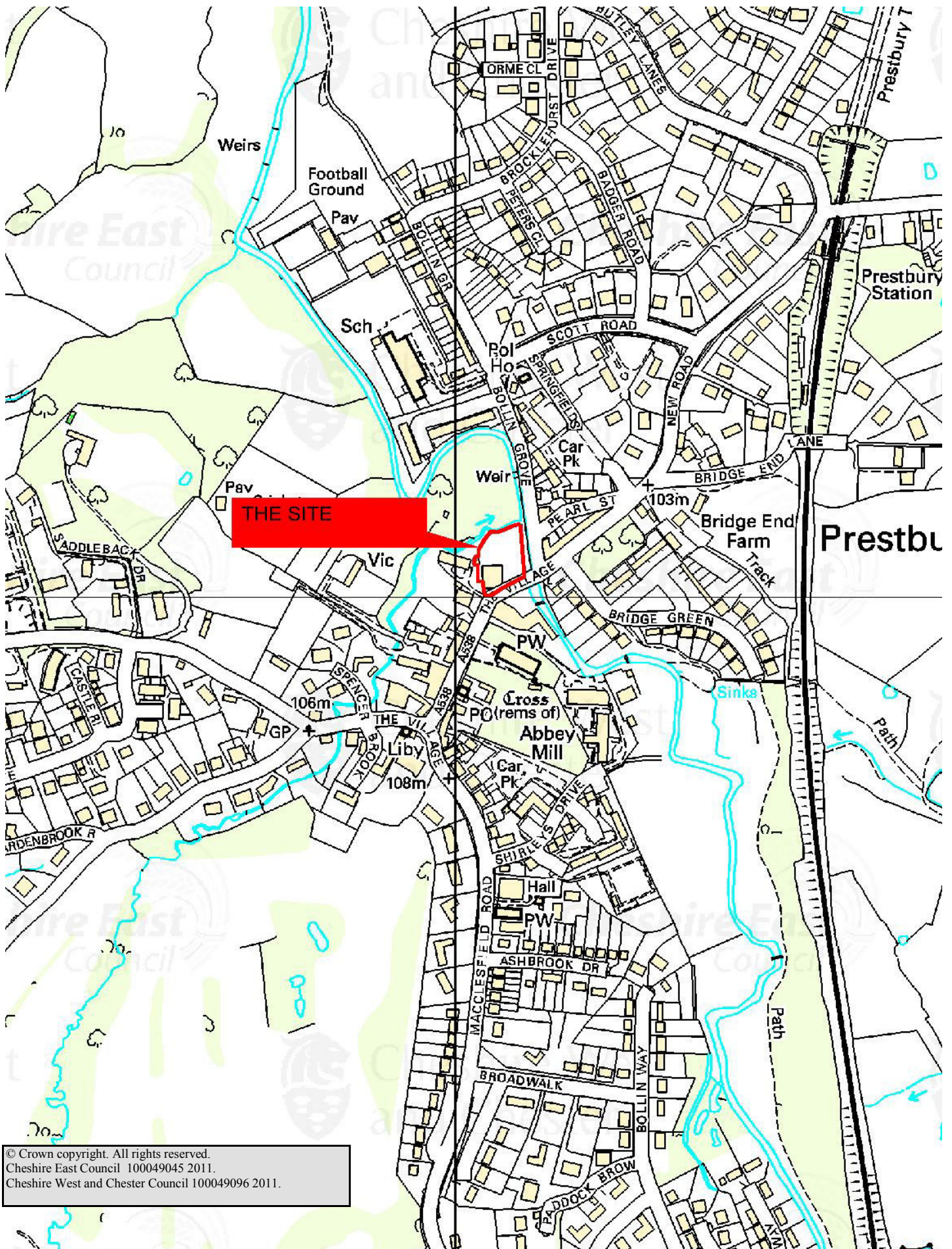
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal raises many issues, and has been the subject of considerable discussions between Council officers, external consultees and other interested parties. The Parish Council has carried out its own survey within Prestbury, which came out in overwhelming favour of the replacement proposals. The scheme will facilitate the extension to the church, by using the funds from the sale of the town houses to the rear, and provide further accommodation required by the church, which is to some extent a community use, within the replacement Ford House. The existing Ford House will continue to deteriorate rapidly if improvement works do not take place in a timely fashion. Whilst the demolition of Ford House will result in some loss of historic fabric, for the reasons outlined in the report the replacement of this building can, in this case, be accepted. However, the loss of historic fabric is not the only identified harm to the Conservation Area, a designated heritage asset as defined by PPS5. The proposals result in the direct loss of trees that are of significant amenity value. These trees contribute to the woodland character of the site which provides Prestbury with an important link to the surrounding countryside, as noted in the Prestbury Conservation Area appraisal. The loss of these trees cannot be mitigated for within the site, and social proximity issues raise concern that there may be further applications in the future to prune or even fell additional trees. This would further reduce the woodland character of the site. The loss of trees would increase the visual impact of the proposed development, and create a more built up appearance of the site, which is at odds with the semi rural nature of this part of the Conservation Area. The proposal is therefore contrary to policies BE3 and DC9 of the Macclesfield Borough Local Plan. Accordingly, a recommendation of refusal is made.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R03TR - Loss of trees contributing to amenity
2. R01CA - Adverse effect on Conservation Area



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Application No: 11/0108M

Location: FORD HOUSE, THE VILLAGE, PRESTBURY, MACCLESFIELD, CHESHIRE, SK10 4DG

Proposal: Demolition of Ford House (Conservation Area Consent)

Applicant: St Peters Parochial Church Council

Expiry Date: 22-Mar-2011

Date Report Prepared: 20 January 2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- The impact upon the character and appearance of the Conservation Area
- Whether there is an acceptable scheme for replacement development in place

REASON FOR REPORT

The application has been brought to the Committee by the Head of Planning & Housing due to the significant local interest in the proposal. The application has previously been considered by the Northern Planning Committee on 13 April 2011, where it was resolved to defer the application to allow officers to assess additional information submitted by the applicant and to allow further negotiations to take place regarding the scheme of redevelopment for application 11/0107M.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached two-storey locally listed building dating from the 19th century, most recently used as meeting rooms and other supporting activities to St Peter's church. Over the years there have been a number of external extensions and internal alterations, but recently the condition of the building has deteriorated to the extent that it was closed for health & safety reasons in 2007. The site occupies a prominent position at the north eastern end of The Village, within the Prestbury Conservation Area as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks Conservation Area Consent to demolish the existing building on the site.

POLICIES

Regional Spatial Strategy

None directly relevant

Local Plan Policy

BE2 – Preservation of Historic Fabric

BE3 – Conservation Areas

BE4 – Demolition Criteria in Conservation Areas

BE20 – Locally important buildings

Other Material Considerations

Prestbury Supplementary Planning Document (July 2011)

Prestbury Conservation Area Appraisal (2006)

Prestbury Village Design Statement (2007)

Local List of Historic Buildings SPD (2010)

PPS5 Planning for the Historic Environment

Ministerial Statement – Planning for Growth (March 2011)

Draft National Planning Policy Framework (July 2011)

CONSULTATIONS (External to Planning)

English Heritage – Recommend the refusal of the application based on an unsatisfactory justification for the demolition of Ford House.

VIEWS OF THE PARISH COUNCIL

Prestbury Parish Council – Object to this application on the grounds that Ford House is a building of local historical interest in a conservation area and is part of the heritage of the village and it would be a loss of a community asset and is an overdevelopment of the site.

OTHER REPRESENTATIONS

The majority of letters received in representation make reference to both the planning application and the Conservation Area consent application. All representations are therefore highlighted below:

Prior to the revised plans being submitted, 122 letters of representation had been received. 91 of these letters either raise no objection or support the proposal for the following reasons:

- Ford House needs demolishing due to its condition
- The replacement building will provide essential accommodation for the church
- Ford House is currently an eyesore
- The development will provide funds for the much needed church extension
- It will bring new life into the village

31 letters either raise concern or object to the proposal on the following grounds:

- Loss of car park to rear of Ford House
- Loss of protected trees
- Youth Club building to the rear of Ford House does not belong to the church
- There are Great Crested Newts in the immediate vicinity

- Ford House is locally listed
- Dwellings should be affordable
- Youth Centre extension paid for by village fundraising
- Plans do not acknowledge former role of Ford House as a community resource
- Proposals do not address relocation of the youth club
- The site should be retained for the parishioners of Prestbury
- Financial contribution should be made to compensate for lost community facilities
- The site is subject to flooding
- Highway safety risk at access
- Proposed buildings are out of character
- No recognition of the relationship of the church with the wider community
- The density of the development is a concern

Since the reconsultation process on the revised plans, a further 16 letters have been received. 12 of these letters (including one from the Prestbury Business Forum) support the proposal for the following additional reasons:

- Lengthy delays on the Ford House site are adversely affecting local businesses
- It will restore the street scene
- Increased number of people in the village will be a benefit to local businesses
- Support from Prestbury Business Forum

4 of the letters (including one from the Prestbury Amenity Society and one from the Save Ford House Group) object to the proposal for the following additional reasons:

- Locally listed buildings should be preserved
- Conservation Areas are intended to ensure that such buildings are preserved rather than replaced
- Replacement does not preserve and enhance character and appearance of Conservation Area
- Absence of any community accommodation, i.e. Youth Club
- Ford House is one of the first older buildings seen by visitors when approaching from North East
- Location in relation to Grade 1 listed church enhances necessity to preserve
- Does not recognise the recommendations of PPS5 particularly clause 2.6
- Contrary to Prestbury SPD and Village Design Statement
- Deliberate neglect does not justify demolition (PPS5)
- Building is protected by policies BE2 and BE20
- Adverse impact upon historic fabric
- Proposal is not enabling development
- No evidence of substantial public benefit
- Contrary to policies BE3 and BE4
- Copper Beech tree is a dominant feature of the site and will be lost if development is approved – with other direct tree losses and threats – contrary to DC9
- Does not comply with policy DC41 relating infill housing development
- No agreement on replacement community facilities for the Youth Club. A s.106 agreement should be submitted with details of provision to offset this loss of community facilities and car parking (policy IMP1)

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

Planning, Design & Access Statement

This statement outlines that the future of the building is intrinsically linked to a development project that will secure the future of St Peter's Church and its role at the centre of the village community. In view of the needs of the church for ancillary accommodation; the scale of the proposed extension appropriate to the church; the cost of development options; the structural condition of Ford House and, factors connected with highway safety it is concluded that the only viable option is to take down and rebuild Ford House for use as a parish office with residential accommodation for church staff.

The site is within the Prestbury Conservation Area, and Ford House is included in the Cheshire East Council's List of Locally Important Buildings SPD. Although the existing building is attractive it has been significantly harmed by modern extensions and has deteriorated in recent years because the church had been struggling to provide sufficient funds to keep it in good order, whilst at the same time meeting its obligation to maintain to a high standard the grade 1 listed church building. The proposed rebuild would restore the original character of the building and would positively enhance the character of both the village centre and wider conservation area in accord with the aims of policies of PPS5 and the local plan.

The proposed development is fully justified based on the benefits it would bring to the church and the needs of the wider community. In accordance with Policy HE9.4 of PPS5, it is demonstrated that any harmful impact the proposal will have on the significance of the conservation area is less than substantial harm, and that therefore the local planning authority should weigh the public benefit of the proposal against the level of harm. There is also a case for considering the proposal as enabling development in accordance with PPS5 Policy HE11, and thus assessing the benefits of development against any harm caused.

In providing funds for the development proposals at St Peter's Church, the development at the Ford House site will secure the future viability and sustainability of a heritage and social asset of exceptional significance.

Sustainability Statement

This statement addresses the key objectives from PPS1, the advice from the RSS on climate change and the Council's housing sustainability checklist.

Protected Species Survey

The submitted bat survey identified the presence of common Pipistrelle Bats within the building. A programme of mitigation is proposed within the statement.

Arboriculture Assessment

This report identifies that the extension will require the removal of several trees within the site. These losses should be considered in terms of the wider community benefits the schemes seek to provide.

Structural Report – Ford House

The Structural Report recommends a range of remedial works throughout the entire building.

Flood Risk Assessment

This outlines that given the proposed finished floor level the properties should not in general be affected by flood events over and above the 1:1000 year event.

Transport Assessment

The report concludes that the only viable access option involves reuse of the existing site access onto The Village which in turn requires the demolition of Ford House in order to meet the latest design guidance provided by the highway authority.

Confidential Report on Enabling Development – Meller Braggins

This report looks at the market value of the site, and the relative costs of demolition and refurbishment.

PPS5 Statement – Ford House

The primary significance of the building is its role in terminating the view along the main street and its location at the bend which makes it visible from both The Village and New Street. It gains value from its relationship to the mature trees that surround it, and is also important for its past role in the life of the worshipping community.

The building is in a very poor state of repair, and the scale of remedial works required to return it to beneficial use is extensive. The cost of these works exceeds that of taking it down and rebuilding.

The justification for development of the Ford House site is based on the benefits it would bring to the church and the needs of the wider community.

The requirement for replacement of Ford House is based on its physical condition; its lack of authenticity as a result of unsympathetic alterations; the cost of restoration; the need to provide safe access for vehicle users and pedestrians; and the unsuitability of the current layout of the building for church use.

The proposal for replacement will replicate the form and style of the existing building, but with a different internal layout, moving the footprint slightly to allow for a wider access way to the site for highway safety reasons.

Additional information submitted since the previous committee meeting has highlighted the fact that it is the Prestbury Conservation Area that is the designated Heritage Asset, in accordance with the PPS5 definition, and not the locally listed Ford House, which is an “undesigned” heritage asset. The appropriate policy test is therefore HE9.4 of PPS5 rather than HE9.2.

In accordance with Policy HE9.4 of PPS5, it is demonstrated that any harmful impact the proposal will have on the significance of the conservation area is less than substantial harm, and that therefore the local planning authority should weigh the public benefit of the proposal against the level of harm.

In balancing the benefits that the scheme will bring against the proposals for demolition of Ford House and rebuilding, it can be seen that the public benefits will be very substantial. For in providing funds for the development proposals at St Peter's Church, the development at the Ford House site will secure the future viability and sustainability of a heritage asset of exceptional significance.

OFFICER APPRAISAL

Ford House is identified in the adopted Local List of Historical Buildings SPD (2010) as:

Nineteenth century reconstruction of an earlier building, rebuilt circa 1850-1875. Owned by Parochial Church Council and employed for a variety of church and community uses until closure in 2007.

Very prominent position in the village streetscene and a valuable contribution to the Conservation Area.

Locally Listed buildings are identified within PPS5 as "heritage assets", whereas Conservation Areas are identified as "designated heritage assets". A heritage statement has been submitted with the application that provides a description of the significance of the heritage assets affected and the contribution of their setting to that significance in accordance with policy HE6 of PPS5.

Policy HE9 of PPS5 identifies levels of harm to designated heritage assets arising from proposed developments, and how they should be considered. HE9.2 refers to "substantial harm to or total loss of significance", and HE9.4 refers to proposals that result in "less than substantial harm". The applicant's heritage statement maintains that the correct test should be that of HE9.4, as the harm of the proposal is less than substantial. This is due to the alterations that have been made to the original Ford House, the condition of the existing building, and the fact that the replacement is sympathetic to the existing in terms of scale, height, mass and design.

English Heritage, however, considers that the test in HE9.2, in terms of the substantial harm to the Conservation Area by loss of a principal building, should be applied. English Heritage maintain that Ford House does make a positive contribution to the Conservation Area, noting that even though the building has had some external alterations, mainly Edwardian and 1970s rear extensions, the main façade towards The Village is largely intact and is a focus when driving through the village. They do also acknowledge that the interior has little significance due to the extent of alterations, that Ford House is in a poor condition, and that it will be costly to repair the building. However they do not consider that this should be a factor to take into account when assessing the application as this could result in a number of cases where deliberate neglect would be seen as a way of obtaining consent for demolition. An issue that is reinforced by policy HE7.6 of PPS5.

The Council's Conservation Officer however considers that the impact of the proposal, upon the Conservation Area, in terms of street scene appearance is arguably limited, due to the replacement building mimicking the original Ford House. However, impact on street scene within the conservation area is a small consideration, outweighed by the fundamental principle of demolition. This would be contrary to the Local Plan by virtue of loss of historic fabric, loss of a Locally Listed Building and loss of a building which makes a positive contribution to the character (with emphasis on character rather than appearance depending on the final finish of the new building) and appearance of the Prestbury Conservation Area. He considers that a replacement building would not display the evidence of successive alterations and sense of continuity over time which is apparent in the existing external fabric.

The total loss of Ford House (a heritage asset) is unfortunate, and is arguably contrary to policies BE2 and BE20 of the Local Plan. However, whilst it is acknowledged that HE7.6 states that the deteriorated state of a heritage asset that has been caused by deliberate neglect or damage should not be a consideration when assessing development proposals, there is no specific evidence in this case to suggest that the condition of the building has arisen through the deliberate actions (or inaction) of the site owners. The condition of the building should therefore be considered in order to assess the level of harm arising from the current proposal.

The building is in a poor state of repair, and the Council's Structural Engineer has visited the site. He generally concurs with the submitted structural engineers report and considers that the repairs/rebuilding elements noted in that report would leave the structural skeleton of the main building generally in place although all roofs and floors would probably have to be stripped out and replaced. He also notes that without any repair works being undertaken on the building, what remains of the structure will very rapidly deteriorate due to the ingress of water that is already occurring in many areas.

The report also recommends the repair of hairline cracks in the roughcast

render, however given that cement-based render is incapable of movement any cracks will open up again in the future. The render is also impervious and prevents the passage of moisture through the solid brick walls which is necessary to avoid further decay. The removal of the render is therefore also necessary in the long term, and it is likely that this could not be achieved without damaging the face of the bricks, which will mean either removing the roughcast and re-rendering in a lime-based coating to allow for movement and permeability of moisture, or the replacement of the outer leaf of bricks.

Policy BE20 of the Macclesfield Borough Local Plan relates to locally listed buildings and states that *"development which would adversely affect their architectural or historic character will only be allowed if the borough council is satisfied that the building or structure is beyond reasonable repair."*

A repair option has been investigated by the applicants, which indicates that it is possible to repair the building, however, the policy test (above) is whether the building is beyond reasonable repair. The cost of this repair is clearly a limiting factor to the future of the building and the potential of the site. Detailed costings have been submitted, which indicate that it would be significantly more costly (in excess of £100,000) to partially demolish and refurbish the existing building to their requirements than demolish the entire building and construct a replacement.

Policy HE9.1 of PPS5 states that loss affecting any designated heritage asset should require clear and convincing justification, and that there is a presumption in favour of the conservation of all designated heritage assets. English Heritage considers that this means that there should be a presumption in favour of managing change to a Conservation Area in a way that sustains and where appropriate enhances its significance. They consider that to replace one good building with a different but arguably equally as good building is not sustaining its significance. This would be contrary to HE9.1 of PPS5. The applicant needs to demonstrate that the loss is necessary in order to deliver substantial public benefits.

Similarly, the Local List of Historic Buildings Supplementary Planning Document states that “proposals for the demolition of Locally Listed Buildings must normally demonstrate clear and convincing evidence that the building is no longer of local importance”. As noted above, the existing condition of the building does serve to undermine its local importance. Furthermore, Prestbury Parish Council carried out their own independent survey of the development proposals. 1,391 questionnaires were sent out to Prestbury residents / businesses, and 707 were returned. The results found an overwhelming support for the proposal to demolish Ford House and erect a replacement building with town houses to the rear. 525 of the 707 respondents supported the current scheme. These results do serve to question whether Ford House is still truly of local importance if the majority of local people are happy to see it replaced.

The two aspects of Ford House that are considered to contribute to the character and appearance of the Conservation Area are its historic fabric and its visual function due to its prominent position at the end of The Village. These are the aspects picked up on by English Heritage, The Council’s conservation officer and the applicant’s historic buildings advisor.

In terms of historic fabric, clearly the works that would be required to bring the existing building back to a useable condition would have a significant effect upon the existing historic fabric. The evidence would suggest that only the shell of the brickwork walls would remain, which would undermine the historic integrity of the building significantly.

With regard to its visual function at the end of The Village, it is difficult to see how the effect of the building or its contribution to the Conservation Area would be significantly different if the building were to be replaced, as opposed to being repaired to the extent outlined above. The historical “associations” would not necessarily be so great, but as the local listing identifies,

the current Ford House is already a “reconstruction of an earlier building, rebuilt circa 1850 – 1875”. The quality of the materials to be used in its repair or its replacement is perhaps of more importance. The building does not merit national listing, whereas the majority of the other buildings along The Village are nationally listed.

In terms of public benefits, the applicant’s primary justification for demolition of Ford House is based on the benefits it would bring to the church site. The funds realized through the development of the town houses would finance the extension to the church (approved under application 11/0144M), thereby securing the future of this significant heritage asset, as well as facilitating required works to the Grade II listed Norman Chapel and Hearse House. The supporting information does suggest that the church extension and facilities within Ford House provide benefits to both the church and the wider community. These include improvement to visual appearance of the village; the creation of two new jobs: A Community & Youth Worker (primarily in Upton Priory) and a Children & Families Worker; upgrading of the Church of the Resurrection at Upton Priory for community uses, which is in the Parish of Prestbury; Parish office; some of the income from the sale of the new buildings will be for the benefit of children and young people; Ministry team workspace (clergy, readers, pastoral workers); increased availability of existing community spaces, with groups relocating back to church facilities freeing space elsewhere.

The case for demolition is further based upon its physical condition; its lack of authenticity as a result of unsympathetic alterations; the cost of restoration; the need to provide safe access for vehicle users and pedestrians; and the unsuitability of the current layout of the building for church use.

The concern expressed by Prestbury Business Forum should also be acknowledged. They consider that the structural condition and appearance of Ford House is severely affecting the street scene, and is now impacting adversely on the businesses trading on The Village and New Road in particular. The proposal will restore the street scene and will lead to an increase in the number of people living in the centre of the village and increased footfall which will help support the businesses trading in the village.

It is therefore considered, having considerable regard to the existing condition of the building, that the harm to the Conservation Area arising solely from the replacement of Ford House is less than substantial harm. There are identifiable benefits to the scheme, some more tangible than others. The harm to the Conservation Area (as a designated heritage asset) arising from the demolition of Ford House is not considered to be sufficiently significant to resist the principle its demolition. The proposal is therefore considered to comply with the requirements of PPS5.

However, Conservation Area Consent should only normally be granted if an acceptable scheme of replacement development exists. This is to prevent the creation of derelict sites. The accompanying planning application 11/0107M is not considered to be an acceptable form of replacement development within the Conservation Area at this time, and therefore the proposal is contrary to policy BE4 of the Local Plan.

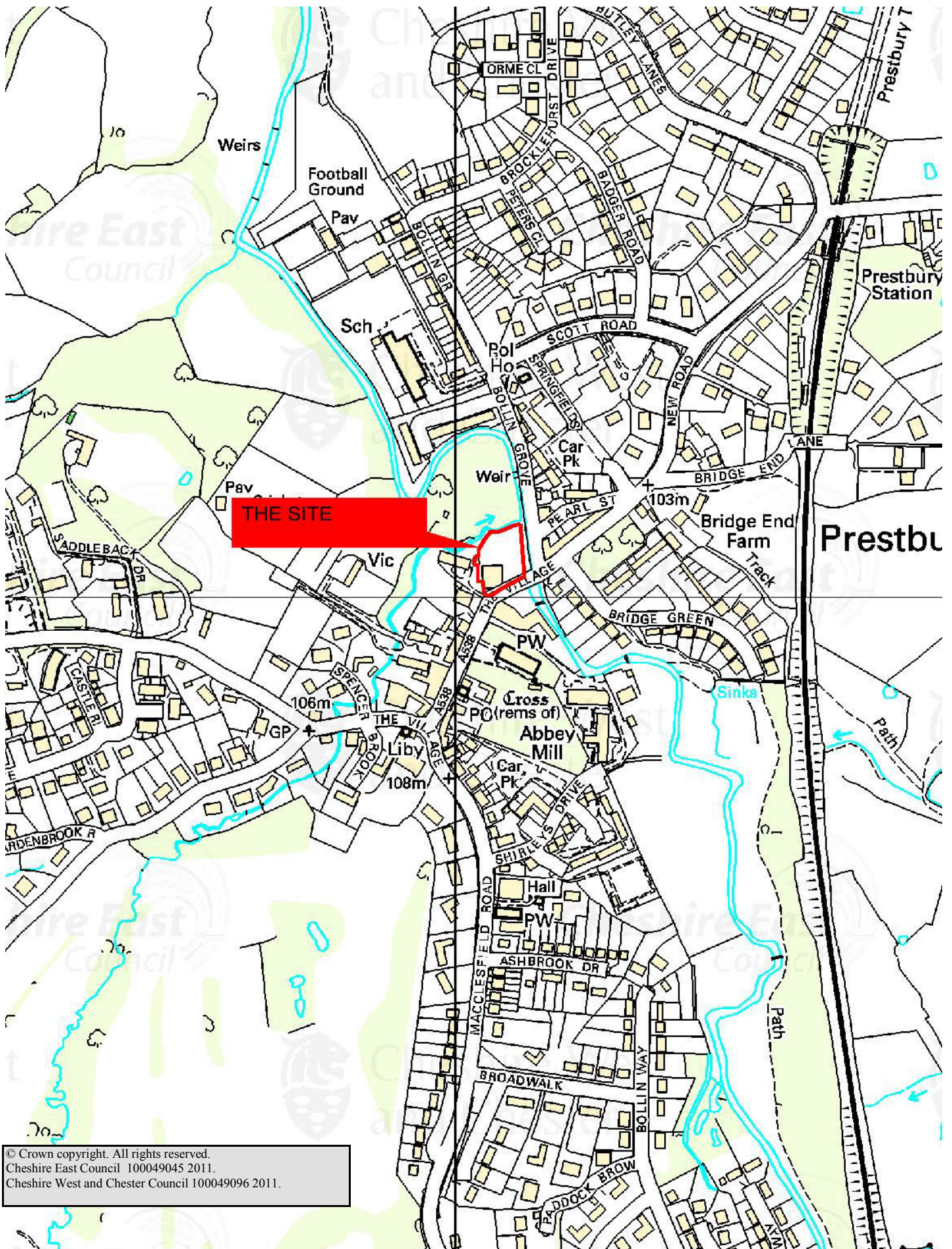
CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle of the demolition of Ford House is accepted for the reasons outlined above, however given that the accompanying planning application 11/0107M is not considered to be an acceptable form of replacement development within the Conservation Area at this time, this application is recommended for refusal.

Application for Conservation Area Consent

RECOMMENDATION: Refuse for the following reasons

1. R03CA - Demolition of building in Conservation Area



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Application No: 11/4226M

Location: 41, VICTORIA ROAD, MACCLESFIELD, CHESHIRE SK10 3JA

Proposal: Erection of 14 Apartments in a Four Storey Block - Amendment to Previous Scheme 08/0818P

Applicant: P E Jones (Contractors) Limited

Expiry Date: 09-Feb-2012

SUMMARY RECOMMENDATION

Approve subject to conditions and a S106 Agreement

MAIN ISSUES

- The planning history of the site
- Impact on the Conservation Area
- Design
- Impact on amenity
- Impact on highway safety/parking
- Impact on trees

Date Report Prepared: 20.01.2012

REASON FOR REPORT

This application is brought before Members in line with the Council's Constitution, any development in excess of 10 dwellings should be determined by Committee. The application seeks full planning consent for 14 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The application site lies on Victoria Road (opposite Macclesfield General District Hospital) and covers roughly 0.4ha. The site is currently vacant as the house (called Nuneham) which originally stood on the site has been demolished. The site lies to the north of Victoria Road. The trees to the rear are protected by a Tree Preservation Order and Whitfield Brook lies to the north of the boundary (off site). The neighbouring buildings are made up of a pair of Victoria semi-detached properties to the east and a terraced block to the west.

DETAILS OF PROPOSAL

The proposal for is for the construction of a 3 storey apartment block with rooms in the roofspace, which would contain 14 apartments.

RELEVANT HISTORY

This scheme is very similar to that approved under application 08/0818P, which granted planning permission for 13 Apartments. In this proposal the penthouse in the roof has been subdivided to create an additional apartment. It should be noted that an application for Conservation Area Consent for the demolition of Nuneham was approved under application 03/0021P on 09.04.03.

08/0818P	ERECTION OF 13 APARTMENTS Approved 04/07/08
03/0020P	Full Planning. DEMOLITION OF EXISTING BUILDING AND ERECTION OF 11 APARTMENTS. Approved with conditions 16/04/03
03/0021P	Conservation Area Consent. DEMOLITION OF EXISTING BUILDINGS ON SITE. Approved with conditions, 16/04/03

POLICIES

Regional Spatial Strategy

Relevant Policies consist of Regional Spatial Strategy Policies EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets), DP1 (spatial Principles), DP6 (Marry Opportunity and Need), and DP7 (Promote Environmental Quality).

Local Plan Policy

Macclesfield Borough Local Plan Policies NE11 (Nature Conservation), BE1-3 (Design and Conservation Area), RT5 (Open Space Standards), H1 and H2 (Housing Phasing and Environmental Quality in Housing Developments), H5 (Windfall Housing Sites), IMP1 (Implementation Policy), DC1 (New Build), DC3 (Amenity), DC5 (Measure to Improve Natural Surveillance and Reduce Risk of Crime), DC6 (Circulation and Access), DC8 (Landscape), DC9 (Tree Protection), DC35 (Materials), DC37 (Landscaping), DC38 (Space, Light and Privacy), DC40 (Children's Play Provision and Amenity Space), and DC63 (Contaminated Land). In addition, the Supplementary Planning Guidance documents Restricting the Supply of Housing and Section 106 Agreements are of particular relevance.

Other Material Considerations

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning for the Historic Environment

PPS5: Planning for the Historic Environment was published in March 2010. The schemes, which were submitted under 03/0021P, 03/0020P and 08/0818P were accompanied by a comprehensive Design Statement, which is considered to embrace the principles embodied within PPS5 in terms of consideration of the heritage asset.

Within this assessment due regard should also been afforded to the Ministerial statement on Planning for Growth (March 2011), which notes that, "The 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." The statement confirms that the Secretary of State will "attach significant weight to the need to secure economic growth and employment." Similarly, regard should also be had to the Draft National Planning Policy Framework, which reiterates the presumption in favour of sustainable development.

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objections are raised to the application. The additional unit has been adequately catered for by the provision of 2 additional parking spaces.

Green Space Parks Officer: Formal comments are awaited, however, it is not anticipated that there will be any objections taking into account the previous comments on similar applications on this site.

Environmental Health – No objections, subject to conditions which will restrict the hours of construction, limit the hours of any pile driving and ensure that any remedial measures required by the submitted reports are implemented.

VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable.

OTHER REPRESENTATIONS

1 letter has been received from the occupant of the neighbouring property to the west of the application site. The neighbour seeks clarification that the west facing kitchen windows will be top hung and obscurely glazed in a similar fashion to the previous permission 08/0818P.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement, covering letter and revised Heads of Terms for a legal agreement have been submitted in support of the application. These are available for inspection on the planning file. Effectively, the covering letter confirms that the application is for the erection of 14 apartments with associated car parking. The letter confirms that Demolition has taken place and a material start has been made on site and explains the difference between the 2008 scheme and this new proposal. The applicant also explains that changes revolve around the market preferences in the current recession and that there would appear to be little market for the larger type of apartment as originally proposed in the roof space.

KEY ISSUES

As noted above, members are reminded that two schemes have previously been approved on this site. The first was for 11 apartments, which was approved in 2003 (application 03/0021P) along with Conservation Area Consent (application 03/0020P) for the demolition of the buildings that existed, which, as noted, have now been demolished. The second application was for 13 apartments, which was approved in 2008 (under application 08/0818P). The key

issue is whether or not the proposed scheme has any greater impact than the approved scheme in respect of: a) amenity of neighbouring properties; b) design / character and appearance of the Conservation Area; c) highway safety; d) landscaping and nature conservation (including trees) and e) environmental considerations.

The main differences between the current application and that approved in 2008 are as follows:

- 14 apartments rather than 13
- An additional flat in the roof space to form 2 units to replace the large penthouse unit previously approved.
- Modifications to the roof at the rear – replacing one dormer window with a larger dormer window (central to the rear elevation) with two smaller dormers either side.
- A rearrangement of the central three windows at second floor level on the rear elevation.
- A slight increase in the size of the two dormer windows in the roof on the front elevation.
- The addition of two windows each side of the second floor bay windows on the front elevation.
- A change to the internal arrangement of the third floor to form the extra flat.
- An alteration to the Section 106 Agreement to take into account for the additional flat in terms of an open space payment.
- Adjustment to the site plan to include additional car parking and relocate the bin and cycle stores. 21 parking spaces are now proposed rather than 19 as previously proposed. These have been accommodated by adding an additional tandem (end to end) set of car parking spaces.

It is noted that the size of the proposed building is the same to that in the original scheme and that the proposed access arrangements and turning area to the front are identical to those previously approved.

RELEVANT PLANNING POLICIES

The principle of demolishing the existing building on the site and the erection of a new development comprising 13 apartments has previously been accepted. The site is located within a Predominantly Residential Area that lies within the Prestbury Road Conservation Area, as defined in the Macclesfield Borough Local Plan. Hence, residential uses are acceptable in principle. The application needs to be assessed against the following Local Plan Policies: NE11 (Nature Conservation), BE1 (Design Guidance), BE2 (Preservation of Historic Fabric) and BE3 (Conservation Areas) which relate to the quality of design and the preservation and enhancement of the historic fabric of the Borough; DC1 (New Build), DC3 (Amenity) and H13 (Protecting Residential Areas) seek to protect residential amenity and the character and appearance of the area, including the street-scene; DC6 (Circulation and Access) requires access & circulation to be adequate and safe; DC8 and DC9 (Tree Protection) seek to protect trees and provide appropriate landscaping; DC38 (Space, Light and Privacy) recommends certain standards of space, light & privacy; DC40 (Children's Play Provision and Amenity Space) relates to the provision of such facilities; DC63 (Contaminated Land Including Landfill Gas) seeks to control any contamination; H1 (Phasing Policy) seeks to ensure sufficient housing is provided during the life of the Local Plan.

DESIGN

Overall, the design is considered to be acceptable. The alterations to the front elevation are relatively minimal, as they result simply in the addition of two windows either side of the second floor French windows, above the bay windows at ground and first floor levels. In addition, the two front dormers have been slightly increased in size.

The roof has been altered at the rear to allow the addition of an apartment in the roof space. The previously approved scheme 08/0818P granted consent for 1 no. dormer in the rear roof slope. This scheme seeks a more substantial central box dormer with two dormers either side which are more subservient. It is considered on balance that these are acceptable. The other design change is a rearrangement to the central three windows at second floor level. The Conservation officer raises no objections to these alterations.

AMENITY

The alterations proposed under this scheme will have no further impact on the neighbours amenity than the development approved under application 08/0818P.

LANDSCAPING AND TREE IMPLICATIONS

As the development principle in terms of adjacent off site tree cover and car parking has already been established following approval of applications 03/0020P and 08/0818P, the Arboricultural Officer has no objections subject to conditions requiring the protection of the trees adjacent to the northern boundary of the application site and including a construction method statement for the car park. The new submission would appear to offer a marginally better relationship with off site trees to the north with the parking spaces brought further into the site, south, away from the trees.

HIGHWAY AND TRANSPORT IMPLICATIONS

The extant consent has 19 car parking spaces and as part of this application there is an increase in 2 spaces for the additional unit. Given the existing permission, the Strategic Highways Manager would see no reason to raise objections for the additional of one unit, as it provides an additional two car spaces within the site. It is noted that no other alterations are proposed as part of the development.

ENVIRONMENTAL FACTORS

It is noted in the Design and Access Statement that some initial site investigations have been undertaken in respect of contaminated land. The Environmental Control Officer (Contaminated Land) has liaised with the Agent regarding surveys undertaken to date and their findings. It is considered that further investigations need to be undertaken. Consequently, the Environmental Health Department have no objections, subject to conditions requiring further contaminated land investigations and taking appropriate action if required. In addition, an hours of construction condition and condition to control the hours of any pile driving (should it be required) are requested to protect the amenity of neighbouring

properties. The above conditions are considered to be perfectly reasonable and necessary in this instance.

OPEN SPACE

A Section 106 Agreement will need to be completed to contain requirements for commuted payments for off site Provision of Open Space and Recreation/Outdoor Sport facilities. The previous scheme (08/0818P) was accompanied by a Section 106 Agreement which necessitated a payment of £39 000 to be used to implement the parks strategy in West Park and a sum of £6 500 to be used to implement the parks strategy in three town centre parks for recreation and outdoor sports facilities. It is necessary to take into account the additional apartment and as a result, the amount required will increase to £42 000 to cover the deficiencies in the provision of Open Space and amenity land within the development and £7 000 to cover the deficiencies in the provision of Recreation and Outdoor Sports facilities within the development. The developer is agreeable to this and the matter would be formalised by way of a new Section 106 Agreement.

OTHER MATERIAL CONSIDERATIONS

The comments made by consultees have been addressed in the report above. The comments of the neighbour are noted with regard to protecting his amenity to the west of the application site. It can be confirmed that a condition is recommended (should permission be granted) which will ensure that the windows along this elevation are top hung and obscurely glazed in accordance with the requirements of application 08/0818P.

HEADS OF TERMS

The Section 106 agreement would need to contain requirements for the following: -

- Commuted payments towards sport and recreational facilities in the town.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The commuted sum to be paid to the Council to make additions, alterations and improvements to the existing facility at West Park, South Park and Victoria Park, which are in need of substantial works to ensure they provide opportunities for all parts of the community including the new residents.

On this basis the provision of the commuted sum is necessary, directly related to the development and is fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the impact on the conservation area, trees, street scene, neighbours and the highway is acceptable. This scheme complies with the policies contained within the Development Plan. The proposal represents a comparatively minor alteration to earlier planning permissions and there is no change in circumstances or policy that would warrant a refusal of planning permission. The proposal accords with the Government's statement on Planning for Growth as approval of this development will allow the developer to alter a recent planning permission in response to market conditions in a way that is sustainable and compliant with policy.

RECOMMENDATION

Approve, subject to conditions and a Section 106 Agreement.

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A10EX - Rainwater goods
4. A22GR - Protection from noise during construction (hours of construction)
5. A07HA - No gates - new access
6. A01HP - Provision of car parking
7. A02HA - Construction of access
8. A11LS - Implementation of landscaping scheme submitted with application
9. A04LS - Landscaping (implementation)
10. A02TR - Tree protection
11. A03TR - Construction specification / method statement
12. A25GR - Obscure glazing and opening requirement
13. A30HA - Protection of highway from mud and debris
14. A17EX - Specification of window design / style
15. A22EX - Roofing material
16. Materials - external surfaces
17. Door and window details
18. Pile driving
19. Turning facility
20. Reinstating footpath
21. Areas of hardstanding
22. Cycle store

23. Restriction of plant usage

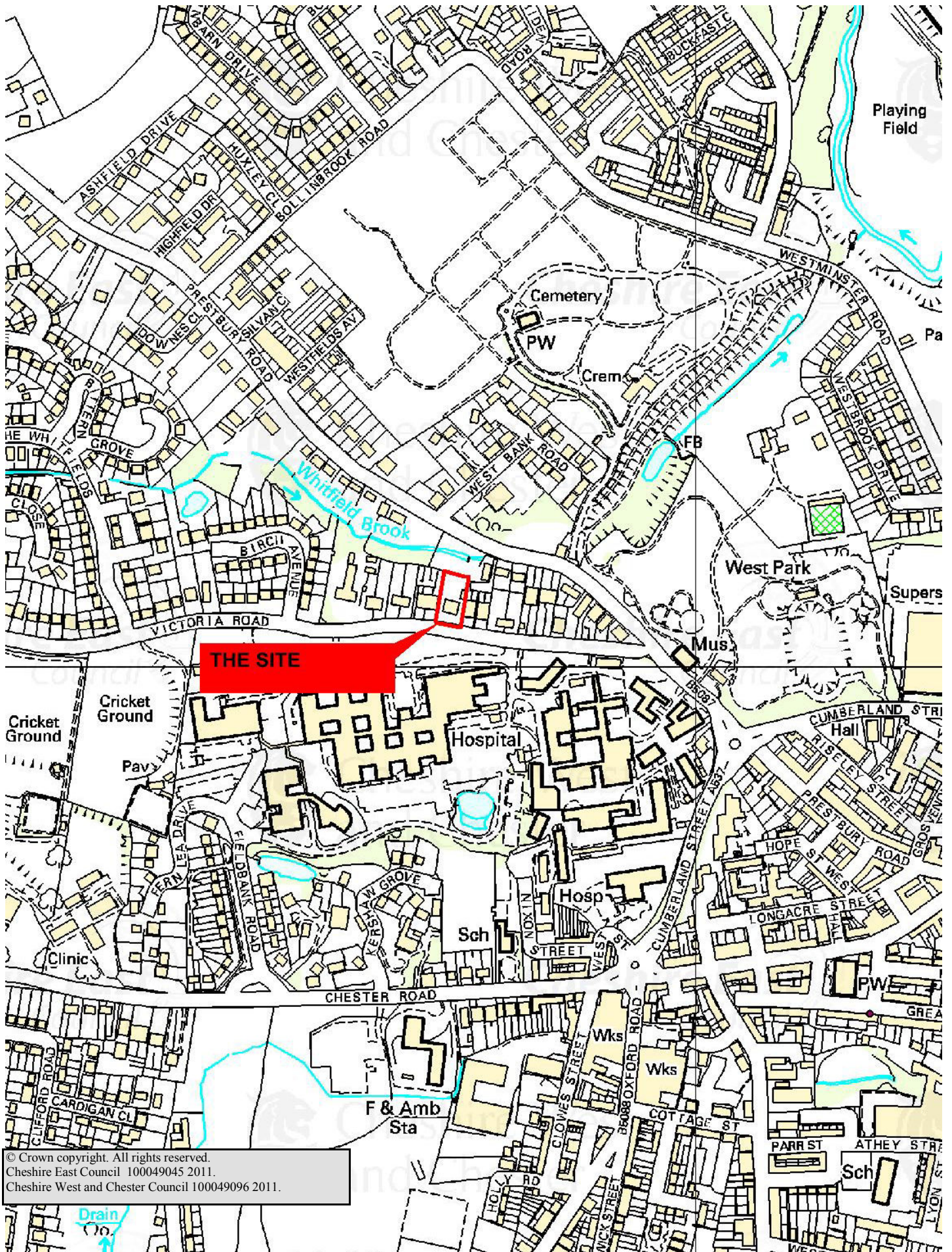
24. Contaminated Land

25. Visibility splays

26. Provision of parking area within the site for contractors vehicles

27. Provision of parking area within the site for contractors vehicles

28. Retention and re-use of gate pillars



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Application No: 11/3549N

Location: Church View Primary Care Centre, BEAM STREET, NANTWICH, CW5 5NX

Proposal: Demolition of Former Kiltarn Medical Centre and Construction of Retail Unit with Car Parking, Servicing, Landscaping and all Associated Works

Applicant: Mr S Binks, Keyworker Homes (Cheshire) LLP

Expiry Date: 10-Nov-2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- **Principle of Development**
- **Other Material Considerations**
- **Siting, Layout and Design**
- **Highways and Parking.**
- **Amenity**
- **Landscape**
- **Public consultation**
- **Ecology**

1. REASON FOR REFERRAL

The application has been referred to committee because it is a commercial building of over 1000 square metres in floor area.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is a 0.26ha brownfield site, positioned 80m to the east of the designated Nantwich town centre and within the Nantwich Conservation Area. The site is bounded by Beam Street to the north, an unnamed road to the east and south. The Civic Hall public car park to the south west and a pedestrian link connecting the car park to Beam Street to the west.

The site currently comprises a part single part two storey building dating from the 1970s, constructed from red brick. The single storey element has a flat roof whilst the central

two storey element has a pitched slate roof. The building was vacated in 2007 and currently all openings are boarded up. A temporary security fence surrounds the whole site. The building is in poor state of repair having suffered vandalism, including graffiti, and several slates are missing.

The building is positioned close to the northern and eastern site boundaries with surface car parking on the southern and western parts. The site has planting along the northern, eastern and southern elevation including some mature and semi-mature trees.

To the north of the site on the opposite side of Beam Street are two storey residential properties and a single storey Police Station. Also fronting Beam Street, in between the site and the designated town centre to the west, is Nantwich Library and the bus station. Beam Street, constitutes a secondary retail frontage for the town centre. The core of the town centre is approximately 230m to the south east and focuses around High Street

On the opposite side of the unnamed road from the application site, to the east, is the Fire Station and a three storey residential care home. Facing the application site and the unnamed road to the south is a new three storey medical centre including a Co-op Pharmacy.

Chatwins Bakery and Peter Wilson Auctioneers also adjoin the Civic Hall car park and are to the south west of the application site.

The buildings in the immediate vicinity of the site are a variety of ages and constructed from a mixture of materials; they do not have any one building style that visually ties them together. The new Medical Centre uses a variety of building materials including block work, yellow brick, slate and timber cladding. Chatwins is also a modern redbrick building which has a service access from the car park. Peter Wilson Auctioneers is an attractive Victorian single storey building with stone sills and detailing. The Civic Hall is a red brick built art deco building with a corrugated asbestos roof.

Nantwich library dates from the 1970s, is the equivalent of three storeys in height and constructed of brown brick. It faces the bus station which is positioned on the corner of Market Street and Beam Street. In the wider Conservation Area, which includes the primary retail area, half timbered buildings are prevalent.

3. DETAILS OF PROPOSAL

The proposed development involves the demolition of the former medical centre and construction of new A1 retail building with 21 car parking spaces, landscaping and ancillary works. The proposal will create a net internal area of 972sqm (10,463sqft) with a net sales floor of 832sqm (8,956sqft). The building would be occupied by Marks and Spencers. A parallel Conservation Area Consent application has been submitted for the demolition of the existing building and is referred to elsewhere on this agenda. (Application 11/3551N)

4. RELEVANT HISTORY

There are no relevant previous applications relating to this site.

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

Policy DP 5	Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
Policy DP 7	Promote Environmental Quality
Policy DP 9	Reduce Emissions and Adapt to Climate Change
Policy RDF 1	Spatial Priorities
Policy W 1	Strengthening the Regional Economy
Policy W 5	Retail Development
Policy RT 1	Integrated Transport Networks
Policy RT 2	Managing Travel Demand
Policy RT 3	Public Transport Framework
Policy RT 9	Walking and Cycling
Policy EM9	Secondary and Recycled Aggregates
Policy EM 11	Waste Management Principles
Policy EM 12	Locational Principles
Policy EM 15	A Framework For Sustainable Energy In The North West
Policy EM 16	Energy Conservation & Efficiency
Policy EM 17	Renewable Energy
Policy EM18	Decentralised Energy Supply
Policy MCR 4	South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
 BE.2 (Design Standards)
 BE.3 (Access and Parking)
 BE.4 (Drainage, Utilities and Resources)
 BE.5 (Infrastructure)
 Policy BE.7: Conservation Areas
 TRAN.1 (Public Transport)
 TRAN.3 (Pedestrians)
 TRAN.4 (Access for the Disabled)
 TRAN.5 (Provision for Cyclists)
 TRAN.6 (Cycle Routes)
 TRAN.9 (Car Parking Standards)
 S.10 (Major Shopping Proposals)
 S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe
 E.7 (Existing Employment Sites)

National policy

PPS 1: Delivering Sustainable Development
PPS 4: Planning for Sustainable Economic Growth
PPS 5: Planning for the Historic Environment.
PPS 25: Development and Flood Risk
PPG 13: Transport
Department for Transport – Manual for Streets

6. CONSULTATIONS (External to Planning)

Highways Authority

- Formal comments awaited at the time of report preparation.

English Heritage

- Do not wish to offer any comments on this occasion
- The application should, be determined in accordance with national and local policy guidance and on the basis of the Council's own specialist conservation advice.

Environmental Health

Make the following comments.

- Due to the potential for noise disturbance to local residents, the construction of the development should be subject to the following hours of operation restrictions;
 - Monday – Friday 08:00hrs to 18:00hrs
 - Saturday 09:00hrs to 14:00hrs
 - With no working on Sunday or Bank Holidays
- 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
- Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;
 - Monday – Saturday 06.30hrs to 21:00hrs
 - Sunday and Bank Holidays 08:30hrs to 18:00hrs
- To minimise disturbance to local residents, deliveries shall only take place on the site between 7am and 8pm Monday to Saturday and between 9am and 5pm on Sundays or Bank Holidays.
- A scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise, to be submitted to, and approved by, the Local Planning Authority prior to the commencement of development.
- The use hereby permitted shall not be commenced until details of a filtration and extraction system to control the discharge of odours arising out of food handling and preparation has first been submitted to and approved by the Local Planning Authority and the approved system has been installed within the building and is fully operational.

- The filtration/extraction system installed in pursuance with the above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the equipment ceases to function to the satisfaction of the Local Planning Authority.
- Any external of the proposed development shall be submitted to and approved in writing by the Local Authority to ensure the lighting does not impact on the amenity of local residents. The development shall be carried out in accordance with the approved details.
- As the proposed development site lies within 500m of the Hospital Street Air Quality Management Area (AQMA) an Air Quality Impact Assessment is required. The assessment will need to consider the impact of the development on the AQMA. Where the assessment indicates an impact, mitigation measures would need to be considered.
- As an alternative to undertaking an air quality impact assessment, a travel plan would be required which focuses on boosting travel through non car modes and which would also detail an approved delivery route for deliveries avoiding the AQMA.
- The application is for a new commercial property with areas of landscaping which is a sensitive end use and could be affected by any contamination present.
- The submitted Phase I contaminated land assessment recommends a Phase II investigation to assess identified pollutant linkages.
- As such, and in accordance with PPS23, the standard contaminated land conditions should be attached should planning permission be granted:

7. VIEWS OF THE PARISH / TOWN COUNCIL:

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

1. The Council considers the description of the development is misleading and the application should be re-submitted, since the public will not know the correct location of the site or nature of the development. The application site is described as the former Kiltarn Medical Centre, which it is not, as the Kiltarn Centre was in Hospital Street. (To add to the confusion, development is actually taking place on that site). The site is further described as being at Church View Primary Care Centre, Beam Street. There is a Church View Medical Centre off Beam Street with a Kiltarn Practice in it, but this is a recently built building on a different and separate location to the application site. The applicant's confusion about the location of the site they are developing and the mis-description means that the application has been wrongly identified and members of the public might easily not realise where the application is or what it relates to. It would be wrong to consider an application which has not given accurate information to enable public objection or comment to be received.
2. The design of the building does nothing to enhance or improve the Conservation Area in which the site stands. In a submission by Turley Associates accompanying the planning application it is said that the current building (the old Beam Street Medical Centre) "presents a bland and unremarkable elevation to Beam Street and does nothing to enhance connectivity with the town centre." The same could

reasonably be said of the proposed development put forward by the applicant. It is a featureless, "off the shelf" Shed - a shop unit like hundreds of similar small supermarkets across the country. Turley Associates are scrabbling for justification for the design, when they say (Para 6.21) "the scale and massing of the new retail unit ... is consistent with the built form that has emerged over recent years on the periphery of the town centre." In other words, the buildings around it are mediocre and undistinguished – and this is yet another. The Town Council believes that the Cheshire East planners should be asking for something contemporary yet striking which enhances this entrance to the town and makes a positive contribution to the Conservation Area.

3. The Council is concerned about the fact that parking is in short supply in Nantwich and this application is likely to mean that increased parking in the adjacent Civic Hall (Beam Street) public car park, which is already restricted because of the building of a Medical Centre. Overflow from this retail development will take more spaces at this adjacent car park.

8. OTHER REPRESENTATIONS:

Letters have been received from the following addresses: 4 Market St, 44 Marsh Lane, 8 Pepper Street, Nantwich, making the following points:

- The planning application is described as "Demolition of former Kiltern Medical Centre and Construction of Retail Unit". In fact, the former Kiltern Medical Centre was on Hospital Street; this building was the old Nantwich Health Centre and Tudor Surgery. The description could well cause confusion among the public and should be changed and re-issued.
- This site is part of an important gateway at the entrance to Nantwich town centre and is in a conservation area. The existing health centre buildings are far from attractive, but this is an opportunity to build something much more attractive and appropriate to this important location. The present proposal signally fails in this respect - it looks like many other modern retail sheds with a monopitch roof and if allowed to go ahead would repeat the mistakes of earlier generations, such as the existing building and the 1960's Swinemarket development.
- The Council should reject the application and tell the developers to come back with a much more appropriate design.
- Welcome an application to develop this unsightly plot on Beam Street but I am concerned change of use to retail. This is out of the town's retail zone and could have a negative impact on existing town centre retail outlets shifting the retail foot flow to another area of the town.
- There is concern about the pre-fabricated type of building proposed
- There is a danger of the Civic Hall car parking facility being taken up for this one store
- Allowing a major food retailer to open a mid-size store at this location could well jeopardise the future of the whole Snow Hill redevelopment. Therefore the Council should not allow the old health centre site to be used for retail purposes.

- Nantwich is still one of the few remaining town centres which has had a good mixture of independent shops and very few empty units.
- In recent years local traders have had to battle with the ever expanding supermarkets (larger Sainsbury's) and a tough economic climate and the council should be doing all it can to maintain a vibrant town centre.
- From experiences in other local towns where we have seen a large multiple retailer open in or near the town centre (M&S in Newcastle under Lyme and Congleton) small shops, and others in the town centre have struggled. Not in one instance has it lead to an increase in footfall in the town.
- There is no justification for the council to agree with such a proposal. It is not in the interest of the town traders and with a glut of supermarkets around the town I believe the local community is well served in terms of large supermarkets.
- There is a retail area in Nantwich, and further developments outside of this should not be allowed just to suit a large national retailer.
- Although there is little the council can do to help local traders in these tough times, it can at least not harm them by not allowing the development of Beam St Medical centre for a large national retailer.
- This is the view of a number of local traders.

Nantwich Health Centre

- Concern about the potential for traffic chaos and personal injury to the 22000 local residents who are registered at the 3 surgeries housed within Church View Primary Care Centre. Many are frail and elderly, some fairly disabled, with limited ability to walk safely from the local drop off points, the car park and the sheltered accommodation units adjacent to our surgery building.
- The planned conversion of the narrow road, with an acute bend right opposite the health centre building entrance and the very tightly sandwiched disabled car parking area located nearby, into a thoroughfare which will be regularly negotiated by a fair sized articulated lorry, is nothing short of a recipe for disaster.
- The narrow pavement is already partially blocked by ambulances and cars (belonging to disabled parking permit holders) parked on the double-yellow lines. The intended development will only add to the seriousness of the problem.
- There is a row of well-established trees intervening between Church View PCC and the development site. The latter are very healthy and mature trees, over 25 years old, right at the periphery of the development plot. They serve to maintain the green credentials of the locale, adding a touch of colour in the spring and autumn, supporting many local avian species and even providing a natural screen between the health centre and the environs. These ought to be preserved with good reason.
- Having viewed the drawing indicating traffic coming off the A530 (Beam Street) i.e. articulated lorries and refuse vehicles which need access to this site, they are anxious about the safety of patients going into and coming out of the surgery, vehicles using the pharmacy next to the surgery and adjacent car parking issues. This is a very busy area as people of all ages and abilities use the health centre

facilities from 8.00am - 6.00pm daily. Also, another consideration is that the large library van is being driven in and out of the adjacent area most days.

- Public safety is obviously a prime concern. The roads are not particularly wide so large vehicles will cause problems.

Nantwich Civic Society

1. **Principle: The Retail Capacity** figures used by the applicants are based on figures and growth projections that are now out of date. The Cheshire Retail Study was completed in 2008. They were based on economic and spending projections gathered BFC (Before the Financial Crisis). The whole economy is much worse now than had been predicted. Considerable care needs to be given to accepting the “spare retail capacity” claims for Nantwich because consumer spending is down and will get worse in future. Should there be no capacity, this extra retail unit will harm existing independent retailers and market traders who are the lifeblood and character of Nantwich. Sainsburys’ recent expansion on the edge of town, together with high parking charges, is still affecting many traders. Cheshire East officers should examine critically the claimed statistical “headroom” for new retail space and to report on this matter to the Committee in its written report. If the conclusion is that there is capacity for this, we think that a good quality food retailer would have overall positive effects on the retail offer and draw of the town.
 - The right kind of retailer could attract more shoppers to town, with a knock-on effect to independent shops giving a quality offer.
 - The developer, understandably, will likely sell to the highest bidder – and this could be any quality of retail operator, which could harm the rest of the town rather than being a positive attractor.
 - Yet, the planning authority has no powers to decide which retailer comes to this development.
2. **Location** – the site lies outside the retail area on the current Development Plan. As such, the L.P.A. must be satisfied that there is a) surplus local purchasing power – “headroom” - for the shop and b) no location available closer to the town centre. It is difficult to be equivocal about supporting the principle of a new retail unit in the light of these spending capacity questions and unknown retailer.
3. **Access & Road Safety**. - The current access road does not have to accommodate HGVs during the day. Car park users and patients at the large new health centre use the proposed access along the existing road to the car park. There is a right-angled bend just where there is: the Main Entrance; Doctors’ Car Park; Emergency lay-by; Pharmacy entrance; Cromwell Court (sheltered housing). It is already a source of congestion, with drop-offs, disabled parking and manoeuvres in and out of the parking areas.

Emergency access is required at all times for the doctors and for Cromwell Court. However, the right angle bend at the entrance to the health centre and Cromwell Court is often blocked by, sometimes illegally, parked cars (usually belonging to disabled drivers and patients) and delivery vehicles using the surgeries and/or pharmacy.

- Many old or infirm people are always in the vicinity of this corner using walkers, pushchairs, and disability scooters or are simply unsure on their feet. Introducing heavy goods vehicles, reversing, is far too dangerous.
- Emergency vehicles will be prejudiced when this corner is blocked.

The submitted plans show articulated HGVs in the delivery area behind the new retail unit. The L.P.A will not be able to enforce the size of delivery vehicle, so we must assume there will be articulated lorries delivering here.

Any large delivery vehicle coming in to the retail unit will have great difficulty negotiating the bend, even with no parked cars in the area. With just one badly-parked vehicle, the driver will have got half way round the corner before realising that the lorry would be unable to go further. Reversing back out on to Beam Street would also be impossible, as incoming cars would gather behind it. The result would be deadlock, especially during the day.

In addition, the plans show that lorries will have to reverse in to the retail unit's car park from the public access road to the main car park, parallel to the disabled spaces for the Health Centre, getting very close to customers' and public's parked cars. This manoeuvre appears very difficult to complete easily.

Reversing will take place close to the point where the pay machine is located and where maximum vehicle numbers and pedestrians using this town centre car park. This is a recipe for damage, accidents and traffic jams.

The Civic Society recognise that this is a town centre location where there is no optimum safe access but local knowledge shows just how much re-consideration of the delivery issues must be given. Can this matter be subject of clarification between officers and developer before the application goes to Committee - and the issue be addressed in the Committee report?

- Would like consideration to be given to an alternative: Create a new access direct off Beam Street – between the retail unit and rear of library. There used to be a road in this location – called Crowsfoot Lane. Make the existing access road to health centre and residential units a cul de sac.
- A new access here would separate health centre users and traffic from lorries and would enable the current pedestrian crossing to be moved closer down to the town centre and bus station, where it would be more useful.
- The loss of the landscaped area in the application's proposals would be easily outweighed by the improvement to highway safety and traffic flow.
- Alternatively, the current road from Beam Street to the new health centre could be closed off entirely and a cul de sac made from the new road for the health centre. The new building could be moved across the former road area. But – this would involve the loss of good trees – see later section.

4. **External appearance.** - We accept that this is a modern building – but it does not have to look like this proposal. Much better quality is required here. It lies on a very prominent corner, on Beam Street and at the point where there is the only access to a main car park in town. It is, however, within the Town Centre Conservation Area – as

such, new buildings must respect, maintain and enhance the character of the historic qualities of this conservation area.

The LPA has to make a critical assessment of the design and the statement by the applicant - with regard to national and local planning policies. In Conservation Areas the requirements are very strict Improvement, enhancement or at least no harm is the requirement for new developments.

The submitted Design Statement does not stand up to serious critical examination because it glosses over the need for a better design and materials for the Conservation area. The statement takes an easy way out to try to justify what is basically a regular retail "shed" disguised with a glass entrance, brick panels and a disastrous, distracting colour scheme. Their contention - that the area does not currently have good architecture in it - is no justification for accepting this poor design. Neither do the Civic Society want poor precedents to be an excuse for poor design in this new development.

By this, in particular, Civic Society allude to the following. The town recently has been blessed with a wonderful new facility and good service new Health Centre. The problem lies with the unedifying and unfathomable design and materials. The building's appearance has been allowed to run roughshod over Conservation and Design Principles (with which other smaller property owners have to struggle to comply). It was part of a job lot of similar health buildings for a regional contract – Hence; it looks like it has nothing to do with Nantwich. It is basically a building parachuted in from any number of anonymous metropolitan areas without our serious heritage to respect. The proposed design of this retail unit displays similar characteristics.

The use of random coloured panels of green, white and black presents a totally unacceptable and alienating introduction to the historic Elizabethan and Georgian Town Centre for which Nantwich is rightly famous.

- One example is the use of random coloured panels in Sheffield Brightside on a new huge Tesco Extra unit. Panels of white, orange and maroon are a stark shock (– and this is in a run down industrial former steel-making valley – and not in an historic rural market town).
- Another suggestion is to use glass completely for the elevations – clear and obscure, where necessary.
- Or to use high quality sandstone (ashlar) on the walls up to a high level with a glazed clerestory band at the top, below the roof. Crisp detailing could make this a timeless, quality building.
- This particular style of random cladding is only a short-lived designers' fad that will soon become forgotten by architects in search of the next fashion.
- The much-criticised Oat Market/Swine Market 1970s retail development is a reminder of how ignoring the historic character in new developments has had a lasting, blighting effect.

The Civic Society hope that planning officers and councillors will agree that we cannot allow our town to have this incongruous visual shock. The Civic Society suggest that any cladding panels are kept to a simple colour scheme and pattern. Nantwich is known as a black and white town. Our half – timbered Elizabethan buildings give its

readily-recognised visual brand. Why not use much larger white panels with black for edges, recesses and/or surrounds (or vice versa)? This would not be (the all- too - easily trotted out retort of being) a “pastiche” of the historic character of Nantwich. Instead, this locally-derived colour scheme would acknowledge and signal the existence of the historic conservation area’s character and give a visual clue and traditional anchor to this entrance to town. A black and white colour scheme would simply say, “This building belongs to Nantwich”. The brickwork panels seem to be placed randomly on the elevations too – with little bearing on the form or function of the building. Reassessment of their design is needed and if used should look like traditional Cheshire brick.

5. **Landscaping.** - The proposals are to clear all of the trees away. Currently, there are around 18 good trees surrounding the building - including a lovely old pear tree, still laden with fruit opposite the pharmacy and health centre, together with many good birches and alders. They give a welcome variety to this part of the Conservation Area.

This semi mature tree cover critically shields from public view the new health centre and the rears of the library and civic hall. Despite new planting, the sudden loss of tree cover will open up to view these unsatisfactory buildings to detriment of the appearance and character of the Conservation Area. More pressure is needed from Cheshire East to keep as many existing trees as possible, despite the developer’s desire to make things easy. Individual businesses and householders in Conservation Areas have to comply with strict rules and planning decisions for their own buildings and trees.

6. **Public Realm** -It is a very poor public realm design. It completely misses a good opportunity to create a high quality, self-contained, distinctive area of public realm in front of the store entrance off Beam Street. Instead the floorscape appears to reflect the lines of the rear emergency vehicle access to the Library, generating a series of awkward junctions with existing and proposed buildings, and lacking any sense of place. There are opportunities here to provide seats, lighting and public information.

NB The landscape plans do not include tree planting between car parking bays as shown on the ‘3-D model’ (Figure 13, Page 21), which means the latter is misleading.

7. **Conclusion.**

As one of the most significant and highly visible new buildings in the Nantwich Conservation Area, the LPA has a duty to take great care and time to get the design and access right for this particular site. This fashion disaster of multi coloured panels must not be allowed. It is not good enough in design; it clears away all the mature trees, and has dangerous, congesting delivery access. It needs to be revised complement the local building signatures with the strong requirement for sympathetic materials. A colour scheme which pays due respect to the historic character of Nantwich is essential. The Civic Society hope that officers and councillors alike will not be swayed by the “pastiche” justification for avoiding redesigning the building to be more local in its character and of higher architectural quality. Quite simply - We should have a top quality building that respects and belongs in Nantwich’s Historic Conservation Area.

9. APPLICANT'S SUPPORTING INFORMATION:

- Statement of Community Involvement
- Design and Access Statement
- Heritage Statement
- Planning and Retail Statement
- Preliminary Risk Assessment
- Transport Statement
- Tree Survey

10. OFFICER APPRAISAL

Principle of Development

The site lies outside the town centre boundary for Nantwich where policy S.10 states that major retail developments will be permitted only if a number of criteria are met. According to the local plan, major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m.

This proposal is for the creation of 972sqm and therefore there is no requirement to meet the tests set out in Policy S10. The Local Plan policies have been saved. As a result it is concluded that the proposal is in accordance with the up-to-date development plan.

It should however be noted that PPS4, which sets out Government Planning Policy in respect of retail development has been published after the adoption of the Local Plan and is therefore a material consideration. PPS.4 sets out a number of tests which must be met in respect of retail proposals in out-of-centre locations. However, these only apply to those developments which are not in accordance with an up-to-date plan, which is not the case with the current proposal. Notwithstanding this point, the applicant has submitted information to address these tests.

Policy EC.14 of the PPS states that for all applications outside of a centre and not in accordance with the development plan a sequential assessment as described by Policy EC15, is required. Policy EC.16 requires a need assessment to be undertaken for proposals either over 2,500 sq.m or where they have an adverse impact on an existing centre, which in this case would be Nantwich Town Centre.

Policy EC15 – Need

Although in PPS4 there is no longer a policy requirement to demonstrate a quantitative need for new retail development The Cheshire Retail Study Update (CRSU) identifies a quantitative need for additional convenience goods provision and a qualitative need for additional comparison goods provision to strengthen and maintain the role of Nantwich town centre in the retail hierarchy. Such development should ideally complement the existing retail offer and provide a viable option for retailers requiring modern medium to large scale units that are under-represented (or unavailable in the town) at present. As a

consequence, of the lack of large retail units in Nantwich, there is an identified need for the type of retail development proposed in this application.

Policy EC15 – Sequential Test

The following site requirements were set out:

- 800sqm to 1,200sqm
- 0-20 parking spaces including spaces for disabled users
- Sites must be located within Nantwich town centre to be considered sequentially preferable due to the application site's highly accessible location only 80m from the town centre boundary and be capable of meeting the identified need to strengthen the function of Nantwich town centre.
- 0.2ha (minimum)
- Must be well related to the primary retail frontages on Oat Market and High Street.

According to PPS 4 in determining the appropriate area of search for an application, it is necessary to consider whether it will serve a purely localised need (e.g. 'local' foodstores) whereas or materially wider catchment area and whether it is of an appropriate scale to the location proposed, or whether some of the need could be better met within an existing 'higher order' centre. The new retail development will serve the residents of Nantwich and the town's wider catchment area. On this basis, the sequential site search has been restricted to Nantwich.

Based on the above criteria only vacant units within Nantwich town centre and Snow Hill Car Park were identified as alternatives.

The above have been assessed on the basis of availability, suitability and viability. the time of the CRSU there were 10 vacant retail units within the town centre all of which are very small scale and could not accommodate the quantum of floorspace proposed, nor provide the same unhindered floor plate.

Snow Hill comprises a large area identified by the Council as a 'regeneration area' including a busy town centre car park situated to the rear of retail units fronting Oat Market. The former Crewe and Nantwich Local Authority identified an aspiration to bring forward regeneration of the site for mixed use development including residential, retail, commercial and leisure uses.

The large site is 6ha in total and currently includes a variety of land uses and is in multiple ownerships. Within the wider site there is a Council owned car park which is approximately 0.8ha in size and on face value it presents a potential development site that could come forward independently of the rest of the regeneration area.

In 2008 the former Council commissioned a masterplan for the area which it proposed would be taken forward in the emerging Crewe and Nantwich LDF. However, to date no development brief for the site has been prepared and neither the site as a whole nor any part of it been actively marketed. It is apparent that the Council wishes to bring it forward as a comprehensive redevelopment scheme and piecemeal development of the site, i.e. just bringing forward redevelopment of the car park element, would not

meet those aspirations. In the circumstances, the site is too large and is considered to be unsuitable to accommodate the application proposal.

The timescales involved with bringing the site forward are uncertain and it cannot be considered to be available in the short to medium term. The car park is in active use as one of the main car parks in the town centre and is very heavily used by visitors to the town. Viability the PPS4 Practice guidance viability is defined as being “*whether there is a reasonable prospect that development will occur on the site at a particular point in time.*” On this basis the site is not considered to be viable.

EC16 – Retail Impact Assessment

Policy EC16 of PPS4 is concerned specifically with the economic impact of new retail development. In particular it requires an assessment of whether the development would harm the vitality and viability of existing centres, or discourage economic investment or regeneration of those centres. This section of the Statement considers the application proposals against the impact criteria as they appear in Policy EC16 of PPS4.

Policy EC14 of PPS4 states that *an assessment of impacts is only required if there is likely to be likely to have a significant impact on other centres.* The proposed development is less than 2,500sqm gross; therefore, an impact assessment is required only if there is potential for significant impact to an existing centre.

The CRSU identifies at least £15m capacity for additional food retail floorspace (over and above existing commitments) in Nantwich (see paragraph 5.47 above). The CRSU does not identify any (quantitative) capacity for comparison goods floorspace in the town (over and above existing commitments) until after 2015.

However, as mentioned in Section 5 above, these assertions have been made on the basis of a constant market share, and make no allowance for qualitative improvements to the retail offer in the town that may result in clawback of expenditure from other nearby centres, including those outside the catchment area.

Given the identified capacity together with the fact that no allowance for expansion of market share has been made in the CRSU calculations and that the CRSU finds that Crewe and Nantwich town centres are in good overall health it is unlikely that a food outlet occupying the proposed retail unit would have the potential to have a significant adverse impact upon those centres. Although the CRSU does not identify any capacity for additional comparison goods floorspace in the town the proposed development is likely to have a positive impact on Nantwich town centre in any event due to its proximity and potential for linked trips and the fact that it offers a modern retail format that is not readily available in the town. In effect, the development is likely to result in an extension of the retail area of the centre to encompass the site.

As the proposed development is unlikely to have a significant adverse impact upon existing centres there is no requirement under PPS4 Policy EC14 for a retail impact assessment to be prepared. However, in this instance, to be robust and for

completeness, an assessment has been carried out for both convenience and comparison goods using data and assumptions contained within the CRSU.

The report therefore goes on to consider the proposals against the tests in Policy EC16.1:

a) The impact of the proposal on existing committed and planned public and private investment in a centre or centres in the catchment area

The only existing potential investment within the catchment area that has been identified is the Snow Hill Area of Nantwich. It is concluded that due to the uncertain timescales associated with delivery of the Council's aspirations for Snow Hill together with a lack of support within the current Development Plan the regeneration of Snow Hill does not constitute planned or committed development. It is considered that the scheme will have a neutral impact on the objectives of Criterion (a).

b) The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the retail offer.

The proposed development will act as an extension to the town centre and is most likely to compete directly with other town centres for comparison shopping or large destination retail locations (supermarkets) for convenience goods. The nature of the proposal means it is unlikely to impact significantly upon smaller centres in the area that all serve a more local top-up shopping and service need. For these reasons the assessment concentrates on the impact upon Crewe and Nantwich town centres.

To assess the potential impact on their vitality and viability their current health needs to be established first. There are up to date health check assessments within the CRSU which confirm that they are vital and viable centres because amongst other things they both have low vacancy rates and good representation from national multiple retailers. Nantwich is also a very attractive retail centre which acts as a tourist destination. The relative health of both Crewe and Nantwich mean that they are likely to be resilient to changes in the retail market.

The sites excellent linkages and proximity to the town centre mean that it will act as an extension to the town centre. For this reason it is likely that visitors to the proposed retail unit will also visit Nantwich town centre and, as a consequence, the potential for linked trips will have a positive impact upon the vitality and viability of Nantwich town centre and increase the turnover of the centre overall. In the circumstances, the economic impact on Nantwich town centre will be beneficial

The report concludes that Crewe is a healthy sub-regional centre which attracts expenditure from Nantwich. The proposed development will assist Nantwich town centre in maintaining its market share in accordance with the recommendations of the CRSU which states *"Nantwich town centre's comparison goods market share has increased within its primary catchmentbut will require further qualitative improvements in the future if it is to retain its position"*.

The proposed development is of a small scale so will not draw a significant amount of trade away from Crewe and the effects will be barely discernible. It is concluded that it will have a neutral impact on the vitality and viability of Crewe. Overall it is concluded that the proposed development will have a positive to neutral impact on the vitality and viability of existing centres and it therefore meets the requirements of Criterion (b).

c) The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan.

There are no sites within the catchment area that are allocated within the development plan that would be impacted upon by the proposed development. The impact of the development on criterion (c) is therefore, neutral.

d) The impact of the proposal on in-centre trade/turnover and on trade in them wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made.

A quantitative assessment has been undertaken which considers the economic impact on existing stores and centres in the Catchment Area. The CRSU Retail Capacity Reports show that Morrisons Nantwich is overtrading by £5.3m, Sainsbury's Nantwich is overtrading by £11.1m and Aldi Nantwich is overtrading by £0.3m. It is acknowledged that some stores are shown to be undertrading. However, the stores that are undertrading according to the household survey results are all small format retailers. It is a common occurrence within household surveys that smaller stores turnovers are under estimated and cannot be accepted as a true representation of trading levels. Therefore, the undertrading shown is not considered to be material to this assessment because the town centre health check indicates that both Nantwich and Crewe are healthy vital and viable retail centres.

The health of the centres is also an important consideration for the comparison goods turnover. In particular it should be noted that there are a number of national multiple retailers present in Nantwich including Boots and WH Smith. Nantwich is accepted to be trading well for comparison goods by the CRSU.

Similarly, Crewe is a healthy centre that operates as a sub-regional centre within the retail hierarchy. Trading levels in the centre mean that it will be resilient to changes in the retail market and competition from other centres, particularly those that are below it on the retail hierarchy such as Nantwich.

According to data taken directly from the CRSU comparison goods floorspace within is overtrading by £21m. This further demonstrates the health of Nantwich and Crewe town centres.

The largest amounts of trade are predicted to be drawn from the national multiple retailers that are geographically closest to the proposed development such as the Sainsbury's and Morrisons stores in Nantwich in the case of convenience goods (35% of the turnover of the proposed development from each).

For comparison goods the greatest trade draw is made from the existing town centre as geographically the closest centre to the application site, 51% turnover of the proposed development. The predicted trade draw levels are used to calculate a percentage impact upon each store or centre's total turnover. It is a general rule of thumb within retail planning that, for healthy centres, an impact of up to 10% is acceptable before vitality and viability becomes affected. In more sensitive centres a maximum impact level of 5% should be employed. Where stores or centres are known to be overtrading then regard should be had to the level of monetary diversion compared to the overtrading level. For example, would the proposed development cause them to under-trade or simply bring the trading level down to benchmark level.

The report demonstrated that no store or centre within the catchment area is predicted to experience an impact above 10% except for the convenience goods turnover of Morrisons. However, the Morrisons convenience floorspace is overtrading by £5.3m and the predicted trade diversion from that store should the proposed development be occupied by a convenience goods retailer is only £3.6m. Although the percentage impact level appears high the store would continue to overtrade after the proposed development is constructed and the performance of the store will not be adversely affected. Rather, the competition between Morrisons and the new store will be beneficial for consumers.

The impact upon the convenience goods floorspace of Crewe town centre as a whole is predicted to be only 0.5%. This is a very low impact level that would not harm a healthy centre's vitality and viability.

For comparison goods the maximum impact shown is 5.7% on Tesco Vernon Way, Crewe. The Tesco store is an out of centre retail facility therefore, it is not protected under PPS4 and this impact level is deemed to be acceptable.

The impact upon Nantwich town centre is predicted to be only 4.2%. Nantwich is a centre that is trading well is considered within the CRSU to be vital and viable. It has a strong national multiple presence from retailers such as W H Smiths and Boots within the primary retail area. Due to the strength of Nantwich as a retail destination and the relatively low impact level it is concluded that a significant adverse impact upon vitality and viability would not be created.

The impact shown upon Crewe town centre is very low and would not harm a such a large viable centre and, it is considered to be acceptable.

There would also be a level of trade that would be generated from linked trips resulting from the proposed development. As the proposed retail unit is so close to the town centre, and will form an extension to it the turnover of the proposed development should be added to the turnover of the town centre as a whole resulting in an increase in the turnover of the centre of c. £10.2m if occupied by a comparison goods retailer.

Considering the potential for linked trips together with the fact that there is sufficient growth in available expenditure alone to support the proposed retail unit it is concluded that whilst the tables show a neutral impact overall there will actually be a positive effect on Nantwich town centre. The proposed development is therefore compliant with Criterion (d)

e) If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres

The proposed development is situated in an edge of centre location. The scale of the proposed development needs to be assessed against the size and role of Nantwich town centre compared to other centres in the area. The report demonstrates that with the proposed development (an increase of 972sqm gross) Nantwich's position within the retail hierarchy will remain unaltered. The quantum of floorspace will remain comparable to that of Northwich, Wilmslow and Congleton and considerably below that of Chester, Macclesfield and Crewe. On this basis the scale of the proposed development is appropriate and the requirements of Criterion (e) are satisfied.

f) any locally important impacts on centres under Policy EC3.1.e

No locally important impacts have been identified in this instance.

Policy EC17 - Balancing Exercise

It is recognised that the new retail development will have some impact. However, there is clear evidence that the proposed development would not lead to significant adverse impacts which is the test pursuant to Policy EC17.1b of PPS4. In fact, there is evidence that the proposed development will have a positive impact on Nantwich town centre. As there is no evidence of significant adverse impacts, the report concludes that the positive impacts associated with the proposal far outweigh any adverse impacts. Policy EC17 is clear that, where no significant adverse impacts have been identified under Policies EC10.2 and 16.1, consideration can be given to the positive and negative impacts of a proposal and 'other material considerations'.

Policy EC17 also requires that a cumulative impact assessment is carried out. This should be undertaken for recent permissions, developments under construction and completed developments.

The CRSU identifies six commitments within the Catchment Area including the replacement Sainsbury's store in Nantwich and the extension to the Morrisons store in Nantwich town centre; new/replacement Tesco and Sainsbury's Stores in Crewe, Delemere Place in Crewe and Former George Hotel, West Street (Crewe).

Since the publication of the CRSU no further retail development has received planning consent within the catchment area. Listed below are each of the commitments and how they have been handled within the cumulative impact assessment:

- The replacement Sainsbury's store in Nantwich has been constructed and is open for trade. It's floorspace and turnover has therefore, been included within the overall assessment tables at Appendix 2 rather than as a commitment.
- The Sainsbury's and Delemere Place proposals in Crewe are both town centre schemes. The schemes have not yet commenced and their turnover has been included within the turnover levels for Crewe from 2015 onwards.
- George Hotel, West Street is of a very small scale and not considered to be a material consideration. It is therefore not included within the assessment.
- The Tesco proposals in Crewe have been included within the cumulative impact assessment alongside the turnover of the proposed development. The trade draw rates for the Tesco store have been taken directly from the retail assessment prepared by Nathaniel Lichfield and Partners that supported their application.

The report states that the cumulative impact on some individual stores will be above 10% after all commitments have been taken into account, notably Morrisons Nantwich and Asda Crewe, and principally as a result of the new Tesco store in Crewe. In Nantwich, where the application proposal will have greatest impact, the Morrisons store will continue to trade at benchmark turnover levels and the overall turnover of the town centre will increase if the turnover of the development is taken into account (see above). The edge-of-centre Aldi store in Nantwich is predicted to experience some significant cumulative impact. Although this figure is high, the store is not predicted to close as a result of this development and in any event is not afforded any greater policy protection than the application site. It is concluded that the cumulative impact assessment for the proposed convenience and comparison goods floorspace is acceptable. The cumulative impact of the proposed development and the commitments would not result harm the vitality and viability of existing centres in the Catchment Area.

Summary

It is considered that having due regard to the provisions of Policy S10, the proposal is in accordance with the development plan. Therefore there is no requirement under PPS4 to undertake a formal impact assessment. Notwithstanding this point, mindful of local concerns about the impact on Nantwich Town centre, the developer has provided a retail statement which demonstrates that the proposal complies with the tests contained within PSP4. It is therefore concluded that there are no sustainable reasons for refusal on retail impact grounds

Other Material Considerations

Furthermore, 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:-

- (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 the 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 consumer 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.*

They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

The proposal will facilitate economic growth and will also create jobs both in store and in the construction industry and all the associated supply networks. 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.

Siting, Layout and Design

The proposed store has been sited at the eastern edge of the site with the back of the building running along the access road to the car park. The front elevation of the building, containing the main entrance, will be at 90 degrees to Beam Street, fronting onto a new public square to be created between the new store and the library. This area currently forms a narrow pedestrian route between Beam Street and the Civic Hall car park.

Initially officers had a number of concerns about the layout of the scheme, particularly in terms of the general orientation of the building towards the library which resulted in lack of active frontage to Beam Street and the long blank elevation to the car park access. Officer's preference at the time was for the entrance to be at the Beam Street / access road junction. However, it is now accepted that, given the retail use, it would be preferable to orientate the building so that the entrance was close to the town centre to encourage connectivity with the existing shops. It was also considered that orientating the main entrance onto a new public square, created an opportunity to enhance the existing link through from Beam, St. behind the library to the car park, which appears to be well utilised. Therefore it is considered that in principle, the creation of the public space in front of the building with the main doors opening on to it is acceptable.

To turn to the matter of elevational detail, PPS1 now states that good design should integrate new development into the existing urban form and contribute positively to making places better for people. It goes on to state that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Furthermore, the site is located within a Conservation Area, where BE7 of the adopted Local Plan clearly states that within a conservation area *“a new building will not be permitted unless it would harmonise with its setting by being sympathetic on scale, form and materials to the characteristic built form of the area, particularly the adjacent buildings and spaces”*

As originally submitted, officers had a number of concerns relating to the design as originally submitted, and these were echoed in the comments of the Town Council and third parties. The initial plans showed a large single storey rectangular building with a single mono-pitched roof-form, characteristic of modern out-of-town retail park sheds.

The desire to create an active frontage and main entrance onto the new public square had resulted in a a long, monotonous blank elevation to the carpark access road to the rear and lack of active frontage to Beam Street. This created the impression that the Beam Street elevation, despite being on the principal through route and the most important in terms of its visual relationship with surrounding buildings and the conservation area, appeared very much as a secondary ,side elevation. The single block-monopitch of the building ran from east to west, which meant that the gable fronted onto Beam Street, exacerbated this problem. There was also a lack of any form of focal point / architectural feature on the prominent corner of Beam St / carpark access road which is an important gateway into Nantwich town centre.

In terms of materials, the applicants proposed the use of chequerboard green and white cladding for which there is no precedent for in Nantwich. The high blank brick wall and flat roofed element on the corner immediately opposite the health centre entrance also caused concern. Overall, it was officer's view that the building as initially proposed would not harmonise with the surrounding conservation area in terms of scale form or materials and would be contrary to the policies outlined above.

Whilst it was agreed that it would be undesirable to construct a pastiche copy of one of the many historic buildings in Nantwich town centre, and therefore a modern building would be acceptable, any such building on the site must clearly reference, in terms of materials, form, or architectural elements, the traditional buildings in the town centre.

Following extensive negotiations an amended design has been submitted, which breaks down the overall mass of the building into 3 distinct parts, each utilising different materials. Diminishing overall ridge heights, moving away from the Beam Street frontage ensures that there is a a visual hierarchy and that the part of the building closest to the Beam Street frontage is the dominant element with subordinate elements, being located closer to the rear of the site.

Monopitched roofs have been used on the two front sections and a flat roof has been added to the rear section over the service area. The monopitch on the front section

has been orientated at 90 degrees to that on the middle section to emphasise the Beam Street frontage, create a corner feature to the Beam St / access road junction and help to break down the mass of the building. The front section utilises predominantly brick, which is the dominant material in this part of the conservation area, but incorporates glass and cladding panels to introduce articulation to the elevation and break up the mass of masonry. The panels are arranged so as to give the building more vertical emphasis, which is a characteristic of Nantwich buildings. The glazing to the side elevation facing the public space, has been wrapped around the corner of the building and now extends along the whole of the Beam Street front elevation to create an active frontage to both sides of the building. The glazed element, which will house the in-store cafe, projects under a pitched roof canopy which also adds visual interest to this part of the building. The canopy oversails the building slightly and provides some shelter for part of the outdoor cafe seating area which will be provided within part of the public square.

The middle section is to be finished in grey cladding over a blue engineering brick plinth, which will help it appear subordinate to the front section. The plinth corresponds in terms of height and proportions to the glazed element on the front section which helps to unite the two elements. The monotony of the access road elevation has been broken up through the use of varying roof heights, different materials, and the addition of a tower feature to the southern corner of the middle section and fenestration. Replacement landscaping will also be provided. The massing of the high blank brick wall to the service yard has been broken up through the use of green screening to the outside.

Overall it is considered that the scheme as now presented is a considerable improvement over the previous proposal. Whilst a building of this nature would not be acceptable in the centre of the conservation area, the site lies at the periphery, and is surrounded to the west and south by the large scale modern buildings of the library and health centre and to the north and east by modern residential development. Whilst it remains a large contemporary building, the proposal now references the predominant characteristics of the surrounding area and adjacent buildings and spaces in terms of form and materials. It therefore complies with policies BE2 and BE7 of the local plan in respect of design and new development within conservation areas.

Highways and Parking.

Some concerns have been expressed about the proposed access and parking arrangements, given the extent to which the link through to Beam Street, behind the library, is used, and in particular the potential for conflict between pedestrians moving between Beam St, the retail unit, health centre, and surrounding properties as they cross the proposed parking area to the front of the store.

Concerns have also been expressed that problems already exist due to the intensity of vehicular and pedestrian activity around the health centre entrance which currently leads to conflict between road users. This includes:

- Pedestrians, many of whom are disabled moving between car park / town centre / surrounding properties and health centre entrance
- Access to health centre staff private car park

- Access to day centre
- Access to residential properties
- Car park traffic
- Disabled badge holders parked on double yellow lines outside health centre which occurs more than in other similar locations due to the nature of the building
- Deliveries to health centre / pharmacy
- Ambulance parking
- Library van / delivery access to the rear of the library
- Pharmacy customers parking for short periods on the access road and going into the pharmacy to collect prescriptions

Additional pedestrian traffic to and from the store as well as customer and delivery vehicles create the potential for further conflict in this area.

The only alternative access point, which would avoid adding to traffic on the access road, would be directly from Beam Street. However, given that this is a major through route, and the proximity to the junctions of Lady Helen Walk, the King Place and the existing access road, it is considered that another access in this location, and the additional turning movements would create greater potential for conflict with other road users. Also visibility from a new access between the library and the new sort would be restricted by these buildings and would still generate the same difficulties in terms of potential conflict between vehicles and pedestrians travelling between Beam Street, the car park and health centre outside the new store. It would also prevent the creation of the new public square which is considered to be a positive aspect of the urban design of this scheme.

Another alternative solution would be to remove the parking / vehicle access from the site altogether. However, as stated below, the store is already significantly below the recommended maximum parking provision although it is adjacent to the large Civic Hall car park it is considered that some onsite parking, in particular disabled parking, will be required.

However, the applicant has responded to the concerns outlined above and the revised landscaping proposals for the public square and car park show an improved shared surface treatment which will ensure that pedestrians have priority over vehicles and that the pedestrian route between Beam Street, the new store and the car park / health centre is clearly defined and easily legible.

The provision of a segregated link is, at present, impossible due to an existing right of vehicular access from the car park to the rear of the library which is used by library vans. However, the developer has stated that the library van service will shortly be terminating and as a result this access will no longer be required. They are currently in discussions with the library service over the acquisition of the land in question, which would enable the pedestrian square to be expanded and for a segregated pedestrian link to be provided. However, this falls outside the scope of the current application.

Therefore it is considered that subject to the use of appropriate high quality materials which ensure that pedestrians clearly have equal priority to vehicles are used, which can be secured by condition, the present solution will be acceptable.

The proposal makes provision for 20 parking spaces is below the Local Plan maximum standard for an A1 retail unit of 872sq.m which equates to 108 spaces. However, the site is adjacent to the large Civic Hall public car park. Although this is currently well patronised by Health Centre visitors and users of other town centre facilities, there is significant potential for linked trips with the new store. The site is sustainably located within the town centre, in very close proximity to the bus station and other large areas of public parking such as the Snow Hill car park. It is also within walking distance of the railway station. It should also be noted that the local plan standards are a maximum level of provision and that government guidance advocates reducing opportunities for parking at destinations in order to encourage more sustainable modes of travel. Conditions can be applied to ensure that provision is made for cycle parking within the development.

Comments from the Strategic Highways Manager had not been received at the time of report preparation, and a further update will be provided for Members prior to their meeting. However, in the absence of any objection from the Strategic Highways Manager it is not considered that a refusal on highway safety grounds could be sustained.

Amenity

It is generally considered that a distance of 21m is sufficient to maintain an adequate level of privacy and 13m will ensure an adequate level of light to a residential property. The proposed store will be sited approximately 23 away from the dwellings on the opposite side of Beam Street, at the closest point. As a result it is not considered that there will be any additional adverse effect on these properties as a result of noise, overshadowing or loss of privacy. It is over 21m away from the dwellings in Cromwell Court, at the closest point, which is measured between the corners of the buildings. Therefore, the distance between the elevations themselves, which do not face each other directly, is significantly greater.

With regard to the operation of the building the Environmental Health section have raised concerns about noise, odour and light from the premises, but are of the opinion that these can be adequately mitigated through appropriate conditions and it is therefore considered that there are no sustainable amenity grounds for refusal.

Landscape

The Council's Landscape Officer has examined the proposals and commented that the site of the proposed development is located in a prominent position at the junction of Beam Street and an access road leading to a public car park, apartments and Church View Primary Care Centre. There are established shrub beds and a number of trees around the periphery. The vegetation is visible to the public and helps to soften the appearance of the existing buildings.

The proposed development would involve the removal of all the existing vegetation. Proposed new landscape works would provide shrubs and trees on the eastern

boundary, trees in tree pits to the south and trees within a hard landscaped area between the library and the proposed building.

Whilst the loss of the existing vegetation would be regrettable, the overall quality is not outstanding and redevelopment of the site presents an opportunity to provide a landscape treatment in keeping with a new use.

The area between the building and the library is a well used thoroughfare and the proposed works could improve the appearance of this public area. Amended plans for the landscaping of this area following the redesign of the building. The Landscape Officer considers that these generally appear reasonable in principle. Nonetheless, I suggest further consideration may need to be given to the juxtaposition of two proposed benches and a tree immediately to the south of to the existing pedestrian crossing on Beam Street as such features would appear to create a barrier blocking pedestrian access. However, a full landscaping scheme could be secured by condition.

The plans make provision for the extension of the landscaping scheme to include the library service area in the event that it is disposed of by the Council. The Landscape Officer has commented that in view of the fact that part of the public realm area (adjacent to the library) is outside the applicant's control, it would be desirable to try to secure a mechanism to ensure that the whole area is upgraded and landscaped. However, it would not be reasonable to impose conditions requiring this to be carried out given that it lies outside the ownership of the applicant, and there is no guarantee at present that they would be able to gain control over it in the future and the Council cannot enter into a Section 106 legal agreement with itself.

The proposed treatment of the other boundaries appear reasonable in so far as it extends however, overall the soft landscaped area appears less than existing and would not fully mitigate for the losses proposed. There would be no vegetation (or space to accommodate vegetation) to soften the boundary wall to the proposed service area to the south east corner and the Landscape Officer considers that it would be preferable to achieve a wider landscaped area along the eastern boundary of the site. This could improve the setting of the building and allow for increased separation between replacement trees and the building. The applicant has responded by including within the revised design, a proposal to use green living fence on the wall to the service area.

This will soften the appearance of this wall, although, the landscape officer remains of the view that this particular aspect of the development presents an unsympathetic face to the frontage on a prominent corner, which will be particularly visible to people when leaving the medical centre. However, it is an unfortunate characteristic of this site that it has 4 prominent public elevations and of those faces and of those elevations the one facing the medical centre and car park is considered to be less prominent and significant than those fronting on to Beam Street. Any building on this site would require a servicing area, and whilst it is acknowledging that it's positioning is not ideal it has been least prominent / sensitive elevation.

Public consultation

In support of the application, the developer has submitted a Consultation Statement. The Borough Council's Adopted Statement of Community Involvement, which provides guidance on the production of Statements of Local Engagement states, at Paragraph 8.3, that such documents should show how applicants have involved the local community and where the proposals have been amended, as a consequence of involving the local community.

The Statement, submitted as part of this planning application, outlines the public consultation that has taken place and summarises the responses. It concluded that there is widespread support for the redevelopment of the site in the locality and indeed certain aspects of the scheme were particularly welcomed and supported by residents namely the introduction of a high quality food outlet. There was also much support for the site to be sympathetically planned retaining as many of the existing trees as possible. It is considered that the consultation that has taken place conforms to the procedure set out in the Borough Council's adopted Statement of Community Involvement (SCI).

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,
- 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
- 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 case the application is supported by an ecological assessment, which indicates that invasive species, such as Rhododendron, have been recorded at the site. There was no evidence of protected species although it does contain habits used as suitable for use by breeding birds. . Based on the survey information presented in the ecological assessment, the consultant concluded that the principle of the proposed development is feasible and acceptable. The report has been examined by the Council's Ecologist who has agreed with its methodology and conclusions. He has commented that he is satisfied that the proposal does not raise any ecological issues.

10. CONCLUSION

The proposed development involves the demolition of the former medical centre and construction of new A1 retail building with 21 car parking spaces, landscaping and ancillary works. The proposal will create a net internal area of 972sqm (10,463sqft) with a net sales floor of 832sqm (8,956sqft). The building would be occupied by Marks and Spencers.

The site lies outside the town centre boundary for Nantwich where policy S.10 states that major retail developments will be permitted only if a number of criteria are met. According to the local plan, major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m.

This proposal is for the creation of 972sqm and therefore there is no requirement to meet the tests set out in Policy S10. The Local Plan policies have been saved. As a result it is concluded that the proposal is in accordance with the up-to-date development plan.

It should however be noted that PPS4, which sets out Government Planning Policy in respect of retail development has been published after the adoption of the Local Plan and is therefore a material consideration. PPS.4 sets out a number of tests which must be met in respect of retail proposals in out-of-centre locations. However, these only apply to those developments which are not in accordance with an up-to-date plan, which is not the case with the current proposal or where they have an adverse impact on an

existing centre, which in this case would be Nantwich Town Centre. Notwithstanding this point, the applicant has submitted information to address these tests.

The Retail Impact Assessment submitted with the application has demonstrated that there are no sequentially preferable sites for the proposed development. The applicant has also demonstrated that whilst the site lies in an edge of centre location the proposal would not have an adverse impact on the vitality and viability of nearby centres, including Nantwich town centre, and may have some marginal benefit as a result of the potential for linked trips. Furthermore, the Governments Planning for growth agenda which is generally supportive of proposals for economic development is another important material consideration.

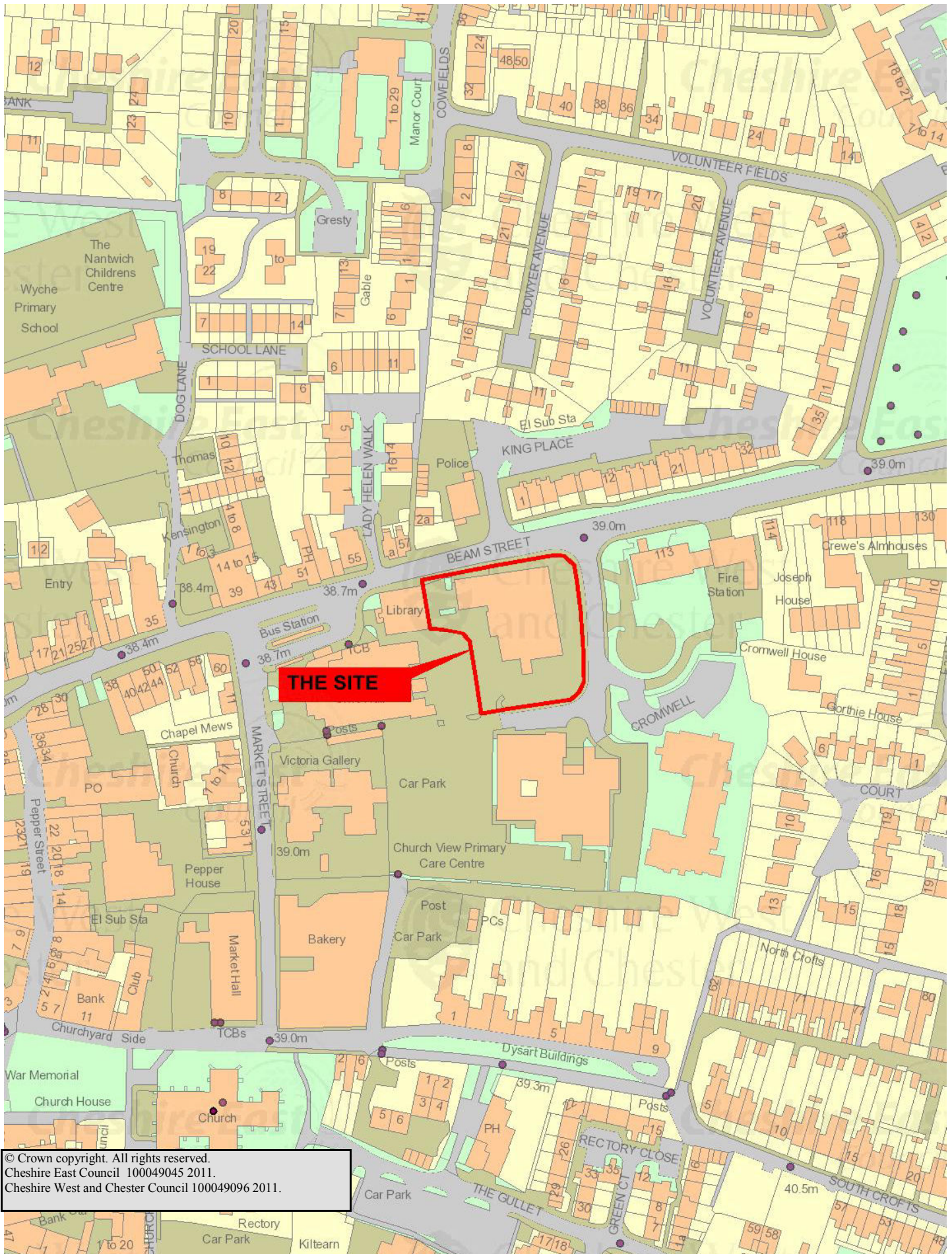
In addition the proposals will not raise any concerns for neighbouring amenity, highway safety or nature conservation and the design and scale of the buildings and the proposed layout will not have an adverse impact on the character and appearance of the area. The proposal therefore complies with the requirements of Local Plan policy and PPS4 and accordingly is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard**
- 2. Approved Plans**
- 3. Materials**
- 4. Surfacing materials**
- 5. Landscape Scheme**
- 6. Implementation of Landscaping**
- 7. No removal of vegetation during nesting season without survey**
- 8. Provision of cycle parking**
- 9. Submission of construction details for carpark / access / pedestrian square**
- 10. Provision of access and parking prior to occupation**
- 11. Construction hours restricted to: Monday – Friday 08:00hrs to 18:00hrs; Saturday 09:00hrs to 14:00hrs; No working on Sunday or Bank Holidays**
- 12. Piling on site restricted to: Monday – Friday 08:30hrs – 17:30hrs; Saturday 08:30hrs – 13:00hrs; Sunday Nil**
- 13. Opening hours Monday – Saturday 06.30hrs to 21:00hrs; Sunday and Bank Holidays 08:30hrs to 18:00hrs**
- 14. Deliveries only between 7am and 8pm Monday to Saturday and between 9am and 5pm on Sundays or Bank Holidays.**
- 15. Submission / approval / implementation of a scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise,**
- 16. Submission / approval / implementation of a filtration and extraction system to control the discharge of odours arising out of food handling and preparation**
- 17. The filtration/extraction system to be regularly maintained**
- 18. Submission / approval / implementation of any external lighting**

- 19. Submission / approval / implementation of Air Quality Impact Assessment and any recommended mitigation or a travel plan**
- 20. Submission / approval / implementation of contaminated land assessment.**



Application No: 11/3551N

Location: Church View Primary Care Centre, BEAM STREET, NANTWICH, CW5 5NX

Proposal: Conservation Area Consent for Demolition of Former Kiltearn Medical Centre and Construction of Retail Unit with Car Parking, Servicing, Landscaping and all Associated Works

Applicant: Mr S Binks, Keyworker Homes (Cheshire) LLP

Expiry Date: 07-Nov-2011

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

The main issues are:

Contribution of the Existing Building

Acceptability of the Proposed Replacement

1. REASON FOR REFERRAL

The application has been referred to committee because it is a commercial building of over 1000 square metres in floor area.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is a 0.26ha brownfield site, positioned 80m to the east of the designated Nantwich town centre and within the Nantwich Conservation Area. The site is bounded by Beam Street to the north, an unnamed road to the east and south. The Civic Hall public car park to the south west and a pedestrian link connecting the car park to Beam Street to the west.

The site currently comprises a part single part two storey building dating from the 1970s, constructed from red brick. The single storey element has a flat roof whilst the central two storey element has a pitched slate roof. The building was vacated in 2007 and currently all openings are boarded up. A temporary security fence surrounds the whole

site. The building is in poor state of repair having suffered vandalism, including graffiti, and several slates are missing.

The building is positioned close to the northern and eastern site boundaries with surface car parking on the southern and western parts. The site has planting along the northern, eastern and southern elevation including some mature and semi-mature trees.

To the north of the site on the opposite side of Beam Street are two storey residential properties and a single storey Police Station. Also fronting Beam Street, in between the site and the designated town centre to the west, is Nantwich Library and the bus station. Beam Street, constitutes a secondary retail frontage for the town centre. The core of the town centre is approximately 230m to the south east and focuses around High Street

On the opposite side of the unnamed road from the application site, to the east, is the Fire Station and a three storey residential care home. Facing the application site and the unnamed road to the south is a new three storey medical centre including a Co-op Pharmacy.

Chatwins Bakery and Peter Wilson Auctioneers also adjoin the Civic Hall car park and are to the south west of the application site.

The buildings in the immediate vicinity of the site are a variety of ages and constructed from a mixture of materials; they do not have any one building style that visually ties them together. The new Medical Centre uses a variety of building materials including block work, yellow brick, slate and timber cladding. Chatwins is also a modern redbrick building which has a service access from the car park. Peter Wilson Auctioneers is an attractive Victorian single storey building with stone sills and detailing. The Civic Hall is a red brick built art deco building with a corrugated asbestos roof.

Nantwich library dates from the 1970s, is the equivalent of three storeys in height and constructed of brown brick. It faces the bus station which is positioned on the corner of Market Street and Beam Street. In the wider Conservation Area, which includes the primary retail area, half timbered buildings are prevalent.

3. DETAILS OF PROPOSAL

The application seeks Conservation Area Consent for the demolition of the existing building in order to construct a new A1 retail building with 21 car parking spaces, landscaping and ancillary works. The proposal will create a net internal area of 972sqm (10,463sqft) with a net sales floor of 832sqm (8,956sqft). The building would be occupied by Marks and Spencers. A parallel planning application has been submitted and is referred to elsewhere on this agenda. (Application 11/3549N refers.)

4. RELEVANT HISTORY

There are no relevant previous applications relating to this site.

5. POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

Policy BE.7: Conservation Areas

National policy

PPS 5: Planning for the Historic Environment.

6. CONSULTATIONS (External to Planning)

English Heritage

- Do not wish to offer any comments on this occasion
- The application should, be determined in accordance with national and local policy guidance and on the basis of the Council's own specialist conservation advice.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

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

1. The Council considers the description of the development is misleading and the application should be re-submitted, since the public will not know the correct location of the site or nature of the development. The application site is described as the former Kiltearn Medical Centre, which it is not, as the Kiltearn Centre was in Hospital Street. (To add to the confusion, development is actually taking place on that site). The site is further described as being at Church View Primary Care Centre, Beam Street. There is a Church View Medical Centre off Beam Street with a Kiltearn Practice in it, but this is a recently built building on a different and separate location to the application site. The applicant's confusion about the location of the site they are developing and the mis-description means that the application has been wrongly identified and members of the public might easily not realise where the application is or what it relates to. It would be wrong to consider an application which has not given accurate information to enable public objection or comment to be received.
2. The design of the building does nothing to enhance or improve the Conservation Area in which the site stands. In a submission by Turley Associates accompanying the planning application it is said that the current building (the old Beam Street Medical Centre) "presents a bland and unremarkable elevation to Beam Street and does nothing to enhance connectivity with the town centre." The same could reasonably be said of the proposed development put forward by the applicant. It is a featureless, "off the shelf" Shed - a shop unit like hundreds of similar small supermarkets across the country. Turley Associates are scrabbling for justification for the design, when they say (Para 6.21) "the scale and massing of the new retail unit ... is consistent with the built form that has emerged over recent years on the periphery of the town centre." In other words, the buildings around it are mediocre and undistinguished – and this is yet another. The Town Council believes that the Cheshire East planners should be asking for something contemporary yet striking

which enhances this entrance to the town and makes a positive contribution to the Conservation Area.

3. The Council is concerned about the fact that parking is in short supply in Nantwich and this application is likely to mean that increased parking in the adjacent Civic Hall (Beam Street) public car park, which is already restricted because of the building of a Medical Centre. Overflow from this retail development will take more spaces at this adjacent car park.

8. OTHER REPRESENTATIONS:

Letters have been received from the following addresses: 4 Market St, 44 Marsh Lane, 8 Pepper Street, Nantwich, making the following points:

- The planning application is described as "Demolition of former Kiltern Medical Centre and Construction of Retail Unit". In fact, the former Kiltern Medical Centre was on Hospital Street; this building was the old Nantwich Health Centre and Tudor Surgery. The description could well cause confusion among the public and should be changed and re-issued.
- This site is part of an important gateway at the entrance to Nantwich town centre and is in a conservation area. The existing health centre buildings are far from attractive, but this is an opportunity to build something much more attractive and appropriate to this important location. The present proposal signally fails in this respect - it looks like many other modern retail sheds with a monopitch roof and if allowed to go ahead would repeat the mistakes of earlier generations, such as the existing building and the 1960's Swinemarket development.
- The Council should reject the application and tell the developers to come back with a much more appropriate design.
- Welcome an application to develop this unsightly plot on Beam Street but I am concerned change of use to retail. This is out of the town's retail zone and could have a negative impact on existing town centre retail outlets shifting the retail foot flow to another area of the town.
- There is concern about the pre-fabricated type of building proposed
- There is a danger of the Civic Hall car parking facility being taken up for this one store
- Allowing a major food retailer to open a mid-size store at this location could well jeopardise the future of the whole Snow Hill redevelopment. Therefore the Council should not allow the old health centre site to be used for retail purposes.
- Nantwich is still one of the few remaining town centres which has had a good mixture of independent shops and very few empty units.
- In recent years local traders have had to battle with the ever expanding supermarkets (larger Sainsbury's) and a tough economic climate and the council should be doing all it can to maintain a vibrant town centre.

- From experiences in other local towns where we have seen a large multiple retailer open in or near the town centre (M&S in Newcastle under Lyme and Congleton) small shops, and others in the town centre have struggled. Not in one instance has it lead to an increase in footfall in the town.
- There is no justification for the council to agree with such a proposal. It is not in the interest of the town traders and with a glut of supermarkets around the town I believe the local community is well served in terms of large supermarkets.
- There is a retail area in Nantwich, and further developments outside of this should not be allowed just to suit a large national retailer.
- Although there is little the council can do to help local traders in these tough times, it can at least not harm them by not allowing the development of Beam St Medical centre for a large national retailer.
- This is the view of a number of local traders.

Nantwich Health Centre

- Concern about the potential for traffic chaos and personal injury to the 22000 local residents who are registered at the 3 surgeries housed within Church View Primary Care Centre. Many are frail and elderly, some fairly disabled, with limited ability to walk safely from the local drop off points, the car park and the sheltered accommodation units adjacent to our surgery building.
- The planned conversion of the narrow road, with an acute bend right opposite the health centre building entrance and the very tightly sandwiched disabled car parking area located nearby, into a thoroughfare which will be regularly negotiated by a fair sized articulated lorry, is nothing short of a recipe for disaster.
- The narrow pavement is already partially blocked by ambulances and cars (belonging to disabled parking permit holders) parked on the double-yellow lines. The intended development will only add to the seriousness of the problem.
- There is a row of well-established trees intervening between Church View PCC and the development site. The latter are very healthy and mature trees, over 25 years old, right at the periphery of the development plot. They serve to maintain the green credentials of the locale, adding a touch of colour in the spring and autumn, supporting many local avian species and even providing a natural screen between the health centre and the environs. These ought to be preserved with good reason.
- Having viewed the drawing indicating traffic coming off the A530 (Beam Street) i.e. articulated lorries and refuse vehicles which need access to this site, they are anxious about the safety of patients going into and coming out of the surgery, vehicles using the pharmacy next to the surgery and adjacent car parking issues. This is a very busy area as people of all ages and abilities use the health centre

facilities from 8.00am - 6.00pm daily. Also, another consideration is that the large library van is being driven in and out of the adjacent area most days.

- Public safety is obviously a prime concern. The roads are not particularly wide so large vehicles will cause problems.

Nantwich Civic Society

1. **Principle: The Retail Capacity** figures used by the applicants are based on figures and growth projections that are now out of date. The Cheshire Retail Study was completed in 2008. They were based on economic and spending projections gathered BFC (Before the Financial Crisis). The whole economy is much worse now than had been predicted. Considerable care needs to be given to accepting the “spare retail capacity” claims for Nantwich because consumer spending is down and will get worse in future. Should there be no capacity, this extra retail unit will harm existing independent retailers and market traders who are the lifeblood and character of Nantwich. Sainsburys’ recent expansion on the edge of town, together with high parking charges, is still affecting many traders. Cheshire East officers should examine critically the claimed statistical “headroom” for new retail space and to report on this matter to the Committee in its written report. If the conclusion is that there is capacity for this, we think that a good quality food retailer would have overall positive effects on the retail offer and draw of the town.
 - The right kind of retailer could attract more shoppers to town, with a knock-on effect to independent shops giving a quality offer.
 - The developer, understandably, will likely sell to the highest bidder – and this could be any quality of retail operator, which could harm the rest of the town rather than being a positive attractor.
 - Yet, the planning authority has no powers to decide which retailer comes to this development.
2. **Location** – the site lies outside the retail area on the current Development Plan. As such, the L.P.A. must be satisfied that there is a) surplus local purchasing power – “headroom” - for the shop and b) no location available closer to the town centre. It is difficult to be equivocal about supporting the principle of a new retail unit in the light of these spending capacity questions and unknown retailer.
3. **Access & Road Safety**. - The current access road does not have to accommodate HGVs during the day. Car park users and patients at the large new health centre use the proposed access along the existing road to the car park. There is a right-angled bend just where there is: the Main Entrance; Doctors’ Car Park; Emergency lay-by; Pharmacy entrance; Cromwell Court (sheltered housing). It is already a source of congestion, with drop-offs, disabled parking and manoeuvres in and out of the parking areas.

Emergency access is required at all times for the doctors and for Cromwell Court. However, the right angle bend at the entrance to the health centre and Cromwell Court

is often blocked by, sometimes illegally, parked cars (usually belonging to disabled drivers and patients) and delivery vehicles using the surgeries and/or pharmacy.

- Many old or infirm people are always in the vicinity of this corner using walkers, pushchairs, and disability scooters or are simply unsure on their feet. Introducing heavy goods vehicles, reversing, is far too dangerous.
- Emergency vehicles will be prejudiced when this corner is blocked.

The submitted plans show articulated HGVs in the delivery area behind the new retail unit. The L.P.A will not be able to enforce the size of delivery vehicle, so we must assume there will be articulated lorries delivering here.

Any large delivery vehicle coming in to the retail unit will have great difficulty negotiating the bend, even with no parked cars in the area. With just one badly-parked vehicle, the driver will have got half way round the corner before realising that the lorry would be unable to go further. Reversing back out on to Beam Street would also be impossible, as incoming cars would gather behind it. The result would be deadlock, especially during the day.

In addition, the plans show that lorries will have to reverse in to the retail unit's car park from the public access road to the main car park, parallel to the disabled spaces for the Health Centre, getting very close to customers' and public's parked cars. This manoeuvre appears very difficult to complete easily.

Reversing will take place close to the point where the pay machine is located and where maximum vehicle numbers and pedestrians using this town centre car park. This is a recipe for damage, accidents and traffic jams.

The Civic Society recognise that this is a town centre location where there is no optimum safe access but local knowledge shows just how much re-consideration of the delivery issues must be given. Can this matter be subject of clarification between officers and developer before the application goes to Committee - and the issue be addressed in the Committee report?

- Would like consideration to be given to an alternative: Create a new access direct off Beam Street – between the retail unit and rear of library. There used to be a road in this location – called Crowsfoot Lane. Make the existing access road to health centre and residential units a cul de sac.
- A new access here would separate health centre users and traffic from lorries and would enable the current pedestrian crossing to be moved closer down to the town centre and bus station, where it would be more useful.
- The loss of the landscaped area in the application's proposals would be easily outweighed by the improvement to highway safety and traffic flow.
- Alternatively, the current road from Beam Street to the new health centre could be closed off entirely and a cul de sac made from the new road for the health centre. The new building could be moved across the former road area. But – this would involve the loss of good trees – see later section.

4. **External appearance.** - We accept that this is a modern building – but it does not have to look like this proposal. Much better quality is required here. It lies on a very prominent corner, on Beam Street and at the point where there is the only access to a

main car park in town. It is, however, within the Town Centre Conservation Area – as such, new buildings must respect, maintain and enhance the character of the historic qualities of this conservation area.

The LPA has to make a critical assessment of the design and the statement by the applicant - with regard to national and local planning policies. In Conservation Areas the requirements are very strict Improvement, enhancement or at least no harm is the requirement for new developments.

The submitted Design Statement does not stand up to serious critical examination because it glosses over the need for a better design and materials for the Conservation area. The statement takes an easy way out to try to justify what is basically a regular retail “shed” disguised with a glass entrance, brick panels and a disastrous, distracting colour scheme. Their contention - that the area does not currently have good architecture in it - is no justification for accepting this poor design. Neither do the Civic Society want poor precedents to be an excuse for poor design in this new development.

By this, in particular, Civic Society allude to the following. The town recently has been blessed with a wonderful new facility and good service new Health Centre. The problem lies with the unedifying and unfathomable design and materials. The building’s appearance has been allowed to run roughshod over Conservation and Design Principles (with which other smaller property owners have to struggle to comply). It was part of a job lot of similar health buildings for a regional contract – Hence; it looks like it has nothing to do with Nantwich. It is basically a building parachuted in from any number of anonymous metropolitan areas without our serious heritage to respect. The proposed design of this retail unit displays similar characteristics.

The use of random coloured panels of green, white and black presents a totally unacceptable and alienating introduction to the historic Elizabethan and Georgian Town Centre for which Nantwich is rightly famous.

- One example is the use of random coloured panels in Sheffield Brightside on a new huge Tesco Extra unit. Panels of white, orange and maroon are a stark shock (– and this is in a run down industrial former steel-making valley – and not in an historic rural market town).
- Another suggestion is to use glass completely for the elevations – clear and obscure, where necessary.
- Or to use high quality sandstone (ashlar) on the walls up to a high level with a glazed clerestory band at the top, below the roof. Crisp detailing could make this a timeless, quality building.
- This particular style of random cladding is only a short-lived designers’ fad that will soon become forgotten by architects in search of the next fashion.
- The much-criticised Oat Market/Swine Market 1970s retail development is a reminder of how ignoring the historic character in new developments has had a lasting, blighting effect.

The Civic Society hope that planning officers and councillors will agree that we cannot allow our town to have this incongruous visual shock. The Civic Society suggest that any cladding panels are kept to a simple colour scheme and pattern. Nantwich is

known as a black and white town. Our half – timbered Elizabethan buildings give its readily-recognised visual brand. Why not use much larger white panels with black for edges, recesses and/or surrounds (or vice versa)? This would not be (the all- too - easily trotted out retort of being) a “pastiche” of the historic character of Nantwich. Instead, this locally-derived colour scheme would acknowledge and signal the existence of the historic conservation area’s character and give a visual clue and traditional anchor to this entrance to town. A black and white colour scheme would simply say, “This building belongs to Nantwich”. The brickwork panels seem to be placed randomly on the elevations too – with little bearing on the form or function of the building. Reassessment of their design is needed and if used should look like traditional Cheshire brick.

5. **Landscaping.** - The proposals are to clear all of the trees away. Currently, there are around 18 good trees surrounding the building - including a lovely old pear tree, still laden with fruit opposite the pharmacy and health centre, together with many good birches and alders. They give a welcome variety to this part of the Conservation Area.

This semi mature tree cover critically shields from public view the new health centre and the rears of the library and civic hall. Despite new planting, the sudden loss of tree cover will open up to view these unsatisfactory buildings to detriment of the appearance and character of the Conservation Area. More pressure is needed from Cheshire East to keep as many existing trees as possible, despite the developer’s desire to make things easy. Individual businesses and householders in Conservation Areas have to comply with strict rules and planning decisions for their own buildings and trees.

6. **Public Realm** -It is a very poor public realm design. It completely misses a good opportunity to create a high quality, self-contained, distinctive area of public realm in front of the store entrance off Beam Street. Instead the floorscape appears to reflect the lines of the rear emergency vehicle access to the Library, generating a series of awkward junctions with existing and proposed buildings, and lacking any sense of place. There are opportunities here to provide seats, lighting and public information.

NB The landscape plans do not include tree planting between car parking bays as shown on the ‘3-D model’ (Figure 13, Page 21), which means the latter is misleading.

7. **Conclusion.**

As one of the most significant and highly visible new buildings in the Nantwich Conservation Area, the LPA has a duty to take great care and time to get the design and access right for this particular site. This fashion disaster of multi coloured panels must not be allowed. It is not good enough in design; it clears away all the mature trees, and has dangerous, congesting delivery access. It needs to be revised complement the local building signatures with the strong requirement for sympathetic materials. A colour scheme which pays due respect to the historic character of Nantwich is essential. The Civic Society hope that officers and councillors alike will not be swayed by the “pastiche” justification for avoiding redesigning the building to be more local in its character and of higher architectural quality. Quite simply - We should

have a top quality building that respects and belongs in Nantwich's Historic Conservation Area.

9. APPLICANT'S SUPPORTING INFORMATION:

- Statement of Community Involvement
- Design and Access Statement
- Heritage Statement
- Planning and Retail Statement
- Preliminary Risk Assessment
- Transport Statement
- Tree Survey

10. OFFICER APPRAISAL

Main Issues

According to Policy BE.7: Conservation Areas of the adopted Local Plan development involving demolition of an unlisted building will not be permitted where the building makes a positive contribution to the character or appearance of a conservation area: unless there is clear and convincing evidence that all reasonable efforts have been made to sustain existing uses, or find viable and compatible alternative uses; and that these efforts have failed. These efforts should embrace financial, structural and technical matters. Demolition of an unlisted building meeting the above criterion will only be permitted if detailed proposals for the re-use of the site, including any replacement building or other structure, have been approved. The main issues in this case, therefore, surround the contribution of the existing building to the character and appearance of the conservation area and the acceptability of the detailed proposals for its replacement.

Contribution of the Existing Building

In exercising Conservation Area controls, Councils are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question; and, as with listed building controls, this should be the prime consideration in determining a Conservation Area Consent application.

In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

The general presumption is in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area.

As stated above, the existing building on the application site is a medical centre, built in the 1970s and typical of this building type and age. It is architecturally simple and does not fulfil the potential the site has to offer. It is predominantly a low rise flat roofed single storey building with one central two storey section with a pitched roof. It has a range of tall vertically orientated windows and is predominantly of red brick construction with

elements of cladding on the two storey section. Columns flank the entrance to the building. Overall, the building is introverted in orientation and emphasis, set around a courtyard and presenting bland and unremarkable elevations to Beam Street and the access road (unnamed). There is a planted border around the periphery of the site containing a mix of shrubs and trees that obscure and screen the low elements of the building, to the extent that it is barely noticeable when travelling along Beam Street into the heart of the town centre.

The building has a simple form and a neutral appearance within the context of the conservation area, it has however become a negative element in its current state of dereliction at the entrance to the town centre and lining a key route within the conservation area. The fabric of the building has deteriorated since it was vacated in 2007 and it is now dominated by boarded openings and security measures to deter entry and prevent vandalism.

The existing building is a comparatively modern structure of no architectural merit, which makes no contribution to the character and appearance of the Conservation Area. It is noted that no objection has been received from English Heritage or the Conservation Officer to the proposals.

Acceptability of the Proposed Replacement.

The proposed store has been sited at the eastern edge of the site with the back of the building running along the access road to the car park. The front elevation of the building, containing the main entrance, will be at 90 degrees to Beam Street, fronting onto a new public square to be created between the new store and the library. This area currently forms a narrow pedestrian route between Beam Street and the Civic Hall car park.

Initially officers had a number of concerns about the layout of the scheme, particularly in terms of the general orientation of the building towards the library which resulted in lack of active frontage to Beam Street and the long blank elevation to the car park access. Officer's preference at the time was for the entrance to be at the Beam Street / access road junction. However, it is now accepted that, given the retail use, it would be preferable to orientate the building so that the entrance was close to the town centre to encourage connectivity with the existing shops. I was also considered that orientating the main entrance onto a new public square, created an opportunity to enhance the existing link through from Beam, St. behind the library to the car park, which appears to be well utilised. Therefore it is considered that in principle, the creation of the public space in front of the building with the main doors opening on to it is acceptable.

To turn to the matter of elevational detail, PPS1 now states that good design should integrate new development into the existing urban form and contribute positively to making places better for people. It goes on to state that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Furthermore, the site is located within a Conservation Area, where BE7 of the adopted Local Plan clearly states that within a conservation area *"a new building will not be permitted unless it would harmonise with its setting by being sympathetic on scale, form and materials to the characteristic built form of the area, particularly the adjacent buildings and spaces"*

As originally submitted, officers had a number of concerns relating to the design as originally submitted, and these were echoed in the comments of the Town Council and third parties. The initial plans showed a large single storey rectangular building with a single mono-pitched roof-form, characteristic of modern out-of-town retail park sheds.

The desire to create an active frontage and main entrance onto the new public square had resulted in a long, monotonous blank elevation to the carpark access road to the rear and lack of active frontage to Beam Street. This created the impression that the Beam Street elevation, despite being on the principal through route and the most important in terms of its visual relationship with surrounding buildings and the conservation area, appeared very much as a secondary side elevation. The single block-monopitch of the building ran from east to west, which meant that the gable fronted onto Beam Street, exacerbated this problem. There was also a lack of any form of focal point / architectural feature on the prominent corner of Beam St / carpark access road which is an important gateway into Nantwich town centre.

In terms of materials, the applicants proposed the use of chequerboard green and white cladding for which there is no precedent for in Nantwich. The high blank brick wall and flat roofed element on the corner immediately opposite the health centre entrance also caused concern. Overall, it was officer's view that the building as initially proposed would not harmonise with the surrounding conservation area in terms of scale form or materials and would be contrary to the policies outlined above.

Whilst it was agreed that it would be undesirable to construct a pastiche copy of one of the many historic buildings in Nantwich town centre, and therefore a modern building would be acceptable, any such building on the site must clearly reference, in terms of materials, form, or architectural elements, the traditional buildings in the town centre.

Following extensive negotiations an amended design has been submitted, which breaks down the overall mass of the building into 3 distinct parts, each utilising different materials. Diminishing overall ridge heights, moving away from the Beam Street frontage ensures that there is a visual hierarchy and that the part of the building closest to the Beam Street frontage is the dominant element with subordinate elements, being located closer to the rear of the site.

Monopitched roofs have been used on the two front sections and a flat roof has been added to the rear section over the service area. The monopitch on the front section has been orientated at 90 degrees to that on the middle section to emphasise the Beam Street frontage, create a corner feature to the Beam St / access road junction and help to break down the mass of the building. The front section utilises predominantly brick, which is the dominant material in this part of the conservation area, but incorporates glass and cladding panels to introduce articulation to the elevation and break up the mass of masonry. The panels are arranged so as to give the building more vertical emphasis, which is a characteristic of Nantwich buildings. The glazing to the side elevation facing the public space, has been wrapped around the corner of the building and now extends along the whole of the Beam Street front elevation to create an active frontage to both sides of the building. The glazed element, which will house the in-store cafe, projects under a pitched roof canopy which also adds visual interest to this part of

the building. The canopy oversails the building slightly and provides some shelter for part of the outdoor cafe seating area which will be provided within part of the public square.

The middle section is to be finished in grey cladding over a blue engineering brick plinth, which will help it appear subordinate to the front section. The plinth corresponds in terms of height and proportions to the glazed element on the front section which helps to unite the two elements. The monotony of the access road elevation has been broken up through the use of varying roof heights, different materials, and the addition of a tower feature to the southern corner of the middle section and fenestration. Replacement landscaping will also be provided. The massing of the high blank brick wall to the service yard has been broken up through the use of green screening to the outside.

Overall it is considered that the scheme as now presented is a considerable improvement over the previous proposal. Whilst a building of this nature would not be acceptable in the centre of the conservation area, the site lies at the periphery, and is surrounded to the west and south by the large scale modern buildings of the library and health centre and to the north and east by modern residential development. Whilst it remains a large contemporary building, the proposal now references the predominant characteristics of the surrounding area and adjacent buildings and spaces in terms of form and materials. It therefore complies with policies BE2 and BE7 of the local plan in respect of design and new development within conservation areas.

Other Matters Raised

A number of other matters have been raised by third parties, including, retail impact, landscaping and highway safety. These matters fall outside the scope of a Conservation Area Consent application. However, they are dealt with in full under the associated planning application.

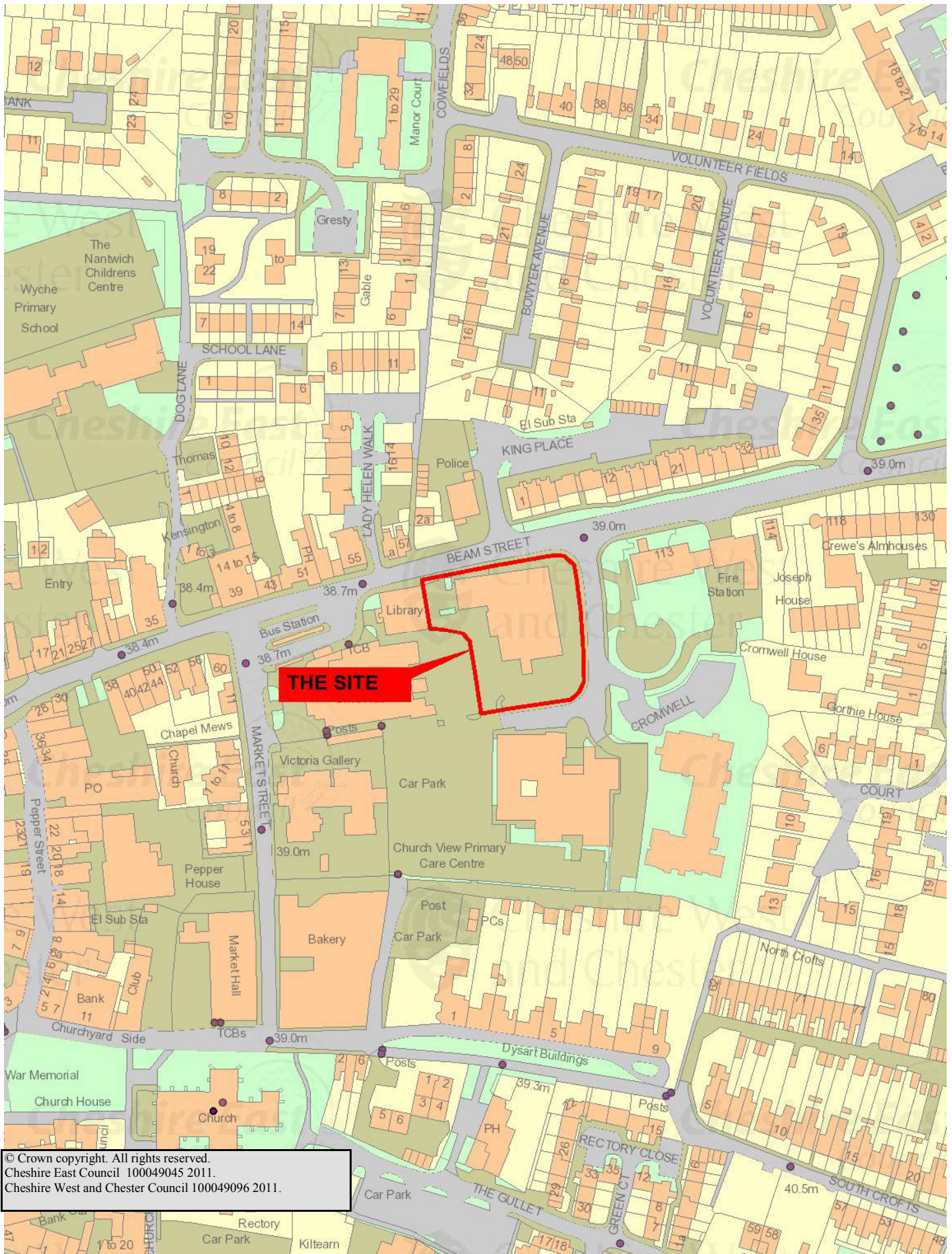
11. CONCLUSION

The existing building is typical of its type and age. It is bland and unremarkable architecturally and does not contribute to the significance of the conservation area. It is a neutral building but its current derelict and dilapidated state is damaging to the character and appearance of the conservation area. The principle of demolition is therefore acceptable. Detailed proposals for the re-use of the site, involving the construction of a replacement building, which would harmonise with its setting and would be sympathetic in terms of scale, form and materials to the characteristic built form of the area, including the adjacent buildings and spaces, have been submitted. The proposal therefore complies with policies BE2 and BE7 of the local plan in respect of design and new development within conservation areas. For the reasons given above and having due regard to all other matters raised it is concluded that the proposal complies with Policy BE.7: Conservation Areas of the adopted Local Plan and it is recommended accordingly.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard**
- 2. Approved plans**
- 3. Re-development to take place in accordance with planning permission 11/3549N within 3 years of the date of this consent.**



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