

Application No: 10/4925N

Location: THE ROOKERY, 125, HOSPITAL STREET, NANTWICH, CW5 5RU

Proposal: Two Storey Building Containing Two Flats on Land Presently Occupied by a Single Storey Storage Building (To Be Demolished). Two Garages with Stores in One Separate Building

Applicant: Rockermans Furniture

Expiry Date: 26-Apr-2011

### **SUMMARY RECOMMENDATION**

**Approve with conditions**

### **MAIN ISSUES**

**Impact of the development on:-**

- **Impact upon the character and appearance of the Nantwich Conservation Area**
- **The impact upon the setting of the Listed Building**
- **The impact upon residential amenity**
- **The impact upon protected species**
- **Highway safety**
- **Impact upon the TPO trees**

### **REASON FOR REFERRAL**

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

*'Bulk and Mass to adjoining Properties and it being in conflict with a Grade 2 Listed Building'*

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

The application site is located at the junction of Hospital Street and Millstone Lane. The site is located within the Nantwich Settlement Boundary and Conservation Area. The Rookery is a Grade II Listed Building which was a symmetrical front with projecting wings to each side. The building is two-storeys in height with a red-brick finish. To the north of the main building is a later two-storey and single-storey element which is to be demolished as part of this proposal. Vehicular access is taken from Millstone Lane and there are 3 trees which are protected by a Tree Preservation Order to the front of the site.

The surrounding area is in mixed use with the site to the north being a modern building which accommodates Nantwich Vets. To the rear of the site are residential properties which front onto Rookery Close and Hospital Street.

## **2. DETAILS OF PROPOSAL**

This is one of two planning applications for the development of this site (each includes separate application for Listed Building Consent). This application relates to the construction of a two-storey building which would contain 2 flats. The development would be accommodated by the demolition of the later single-storey additions to the north of the building (the two-storey addition which would be demolished as part of applications 10/4924N and 10/4928N would be retained as part of this scheme). The flats would each have two bedrooms and the development would form an T-shaped projection from the side elevation of The Rookery with a gable facing onto Millstone Lane. A lean to extension would be provided to the side elevation of The Rookery.

Listed Building Consent application 10/4929N accompanies this planning application.

## **3. RELEVANT HISTORY**

P05/1348 - Change of Use from Office to Residential – Approved 13<sup>th</sup> December 2005  
P96/0030 - Listed building consent for various advertisements - Approved 2<sup>nd</sup> May 1996  
P96/0029 - Various advertisements – Approved 2<sup>nd</sup> May 1996  
P92/0383 - Listed building consent for extension/access alterations - Refused 23<sup>rd</sup> July 1992  
P92/0382 - Extensions/access alterations – Refused 23<sup>rd</sup> July 1992  
P92/0032 - Listed building consent for extension to offices and rear entrance gates - Refused 17<sup>th</sup> August 1992  
P92/0031 - Extension to offices and new rear entrance gates – Refused 17<sup>th</sup> August 1992

## **4. POLICIES**

### **Local Plan policy**

NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.7 – Conservation Areas  
BE.9 – Listed Buildings: Alterations and Extensions  
BE.11 – Demolition of Listed Buildings  
BE.16 – Development and Archaeology  
E.7 – Existing Employment Sites

### **Regional Planning Policy**

DP1 – Spatial Principles  
DP2 – Promote Sustainable Communities  
DP7 – Promote Environmental Quality  
EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets  
MCR4 – South Cheshire

## **National Planning Policy**

PPS 1 - Delivering Sustainable Development

Planning and Climate Change: Supplement to Planning Policy Statement 1

PPS5 - Planning for the Historic Environment

PPS9 - Biodiversity and Geological Conservation

## **Other Legislation**

EC Habitats Directive

Conservation (Natural Habitats &c.) Regulations 1994

ODPM Circular 06/2005

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

**Environmental Health:** No objection conditions requested in relation to contaminated land, hours of construction, external lighting, a dust management plan and the use of mitigation measures for the elevations facing Hospital Street.

**Strategic Highways Manager:** The proposed alterations to the access in relation to planning applications 10/4924N and 10/4925N is acceptable in highways terms providing that it is constructed in accordance with the drawings supplied and under a section 184 licence agreement of the highways act 1980.

**Nantwich Civic Society:** Generally supports the application but care will need to be taken in choosing materials for the development.

**Environment Agency:** No objection

**Archaeology:** Advise that the relevant aspects of the development (initial site strip, excavation of foundations for the garages and houses, etc) should be subject to a programme of archaeological observation and recording followed by an appropriate level of recording. This may be secured by condition.

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

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

- It is understood that the “storage buildings” are coach houses and as such part of the original house and should be retained and protected. At the very least, the façade of the “storage buildings” should be preserved.
- The access/egress to these proposed buildings will be on a busy road close to two small roundabouts where traffic flows and rights of way may not be entirely clear. It will add to an already hazardous situation.
- The bin storage / garage areas are too close to the southerly neighbour and will be unattractive and overbearing to that neighbour.

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from the occupants of 1, 5 & 6 Rookery Close and 4 Fairfax House, Millstone Lane raising the following points;

- Short separation distances
- Lack of car-parking
- If this proposal is allowed, it together with the main Listed Building would constitute an over-development of the site
- The impact of the adjacent veterinary hospital on the future occupiers of the dwellings
- The adjacent buildings are not shown on the submitted block plan
- Highway safety
- The loss of trees on the site
- The proposal would detract from the grandeur of the property to the detriment of the historic town
- Over-development of the town
- Loss of privacy
- The development of the site may undermine the structural stability of the properties on Rookery Close which are set at a higher level
- The plans are not to scale
- The block plan does not show the correct position of No 5
- Proximity of the proposed garage block to No 5 Rookery Close
- Loss of light to No 5 Rookery Close
- The garage/store would have a detrimental impact upon the setting of the Listed Building
- The dwellings are too small in size
- Proximity to the car park to the north
- Lack of open space
- The proposed dwellings would not comply with building regulations
- The site would appear cramped
- Highway safety
- Impact of the proposed parking area

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

To support this application the application includes the following documents;

- Design and Access Statement
- Heritage Statement
- Air Quality Assessment
- Arboricultural Impact Assessment
- Bat Survey

These documents are available to view on the application file.

## **10. OFFICER APPRAISAL**

### **Principal of Development**

The application site is located within the Nantwich Settlement Boundary where the principle of residential development is acceptable. However the site is located within the Nantwich Conservation Area where any new building must harmonise with its setting by being sympathetic in scale, form and materials to the characteristic built form of the area. Furthermore The Rookery is a Grade II Listed Building and any development should not harm the setting of the Listed Building.

## **Design and Impact upon the Conservation Area and the setting of the Grade II Listed Building**

The single-storey extension to the north of The Rookery (which is to be demolished) is a later addition and is not referred to in the listing for the building. The single storey element is extensive with a roof which slopes upwards away from the Rookery and includes asbestos cladding to its side elevation. This addition is set behind an existing brick wall which acts as a visual screen from Millstone Lane.

It is recognized that an early map of Nantwich dated 1876 indicates that there appears to have been a building located at a right angle to the Rookery with a linking structure. This formed an L-shaped structure adjacent to The Rookery. However this area has seen a high level of rebuilding/alterations and as a result the extension has limited architectural interest. It is considered that the loss of the later single-storey addition to the north of the building is acceptable. It should also be noted that the screen wall would be retained and this is welcomed whilst the addition of an arched opening is sympathetic to the site.

A gable would form the side elevation of the flats would face onto Millstone Lane. This gable is slightly taller than the existing gable and as a result of its height and narrow width the development would appear sympathetic when viewed from Millstone Lane. A first floor link would join the flats to The Rookery, this element would be set back and would be partly screened by the screen wall. The development would have a significantly lower height and would also appear subordinate to The Rookery.

The flats would face onto the side elevation of The Rookery and would be of a simple design with a pitched roof set behind parapet gable. The flats would include simple fenestration details and no porch features; this would allow the building to appear uncomplicated in appearance and subservient to the main building. The scale of the development is also considered to be acceptable given the size of the existing buildings which would be removed as part of the proposed development.

The existing screen wall would screen the proposed lean-to extension from public viewpoints. It is considered that the lean-to extension is of an acceptable design and would not harm the character and setting of the Listed Building.

## **Amenity**

The main properties affected by the development would be the properties fronting Rookery Close to the rear of the site.

The proposal originally included a detached garage/store block which would be located onto the rear boundary of No 5 Rookery Close. The proximity of this garage block to No 5 Rookery Close raised concerns in terms of its overbearing impact and as a result this element has been removed from the scheme as part of the negotiations with the applicant's agent.

The gable end of the proposed flats would be 13 metres from the rear elevation of No 5 Rookery Close and 10 metres from the shared boundary. This distance is just below the suggested separation distance of 13.5 metres for a principle to non-principle elevations as

stated within the SPD. However in this instance the proposed development would be limited to a narrow gable of just 4.8 metres which would be just 3 metres closer to No 5 Rookery Close than the existing buildings, it should also be noted that the site is located within the historic core of Nantwich which is characterised by short separation distances. Given that the development would not project in front of the entire rear elevation of No 5 Rookery Close it is considered that the development would not have a detrimental impact upon the residential amenities of No's 3 or 5 Rookery Close.

It should also be noted that the rear elevation of the proposed flats would contain one window. This window could be obscure glazed as it serves a secondary window to a bedroom and as a result there would be no impact upon the privacy of the occupiers of No's 3 & 5 Rookery Close.

To the north of the site there would be a separation distance of 18.5 metres to the rear elevation of No 1 South Crofts. Given this separation distance and the fact that the development would not directly face this property it is considered that the development would not have a detrimental impact upon residential amenity.

There is a concern that the level of accommodation incorporated within each of the flats would be insufficient to ensure the scheme would provide a satisfactory scale of accommodation for a single person or a couple. As part of the negotiations with this application the internal accommodation has been redesigned and the proposal meets the guidance contained within English Partnerships Quality Standards and is therefore acceptable.

A communal garden area would be provided for the two flats to the rear of The Rookery. This is considered to be an acceptable provision for two flats.

## **Highways**

The access is located within close proximity to a round-about and a pedestrian crossing at the junction of Millstone Lane and Hospital Street. The existing access point is not wide enough to allow vehicles to pass. As part of the negotiations amended plans have been provided which show that the access to the site would be widened to allow two vehicles to pass.

Given that the development is for two dwellings only it is not considered that the development would cause such a significant increase in traffic as to warrant the refusal of this planning application. This view is supported by the Strategic Highways Manager who has raised no objection to this development.

Two parking spaces would be provided for the development which equates to 100% parking provision. This level is considered to be acceptable given that the site is located in a sustainable location within easy walking distance of Nantwich town centre.

## **Ecology**

Following the completion of three bat surveys on this site it can now be confidently concluded that this site supports a minor roost of a single or small numbers of bats of a common species

which are most likely roost for short periods of time. In the absence of mitigation the proposed development would have a very minor adverse impact on the conservation status of the species concerned.

The submitted survey recommends the provision of bat boxes as a means of mitigating the loss of the roost and a repeat survey immediately prior to the commencement of works to ensure no bats are present. This approach is to mitigate the adverse impacts of the development.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

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

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

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

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that;

- There are no satisfactory alternatives as the existing building which is to be demolished is in a poor state of repair and detracts from the setting of the Grade II Listed Building and the wider Conservation Area.
- The derogation is not detrimental to the maintenance of Bats as the site supports a minor roost of a single or small numbers of bats of a common species which are most likely roost for short periods of time. Appropriate mitigation will be secured as part of the proposed development.
- There are imperative social reasons of overriding public interest as the development would improve the appearance of this site and bring it back into use. Without this development the site which includes a Grade II Listed Building within the Nantwich Settlement Boundary would fall into further disrepair.

## **Trees**

There are several trees on the site which are protected by the Crewe and Nantwich (The Rookery, Hospital Street Nantwich) TPO 1981. It appears that some of the trees originally protected are no longer present (There is no information on the TPO file to explain the absence of the missing trees).

The protected specimens present are a Sycamore on the Millstone Lane frontage, a Copper Beech close to the frontage of the building and a Yew tree on the Hospital Street frontage. The trees in question are prominent in the street scene and are readily visible to public view. The crown of the Copper Beech tree extends approximately 1-1.5 metres over the roof of a single storey element of the building.

In addition to the above-mentioned trees, there is a mature Yew tree located in the grounds of a property to the west of the site. The crown of the tree overhangs the application site by several metres.

The Sycamore and Yew tree would be unaffected by the proposed development given the separation distances involved, whilst the removal of the garage/store means that there will be no impact upon the Yew tree to the rear of the site.

In terms of the Copper Beech this tree is already positioned in close proximity to the existing buildings which would be demolished. As the proposed development would be no closer to the Copper Beech than the existing buildings it is not considered that the development would harm the roots of this tree. A condition will be attached to state that the front portion of the flats under the canopy of the Copper Beech should be hand dig construction only. There will be a requirement to carry out some pruning work to this TPO tree and this would be carried out in consultation with the Councils Tree Officer and is considered to be acceptable.

## **Other issues**

The site is located within the Hospital Street Air Quality Management Area. As the proposed development relates to just 2 units the development would not impact upon the AQMA.

In order to protect the residential amenities of the adjacent residential properties and the future occupant's conditions will be attached in relation to a dust management scheme, non-opening windows and ventilation of the dwellings.



The adjacent site was a former garage and there is a possibility of contamination on the application site. A Phase 1 Contaminated Land Assessment and any necessary further investigations or mitigation measures will be conditioned as part of any approval.

## **11. CONCLUSIONS**

The principle of residential development within the Nantwich Settlement Boundary is acceptable. The proposed development is of an acceptable scale and design and would not harm the setting of this Grade II Listed Building or the character of the wider Conservation Area. The development would not harm the amenities of the surrounding residential properties and is considered to be acceptable in terms of its impact upon the highway network, the TPO trees and protected species.

## **12. RECOMMENDATIONS**

**Approve subject to the following conditions;**

- 1. Standard 3 years**
- 2. Development in accordance with the approved plans**
- 3. Implementation of a programme of archaeological work in accordance with a written scheme of investigation which is to be submitted by the applicant and approved in writing by the LPA**
- 4. Materials to be submitted to the LPA and approved in writing**
- 5. All windows and doors to be timber**
- 6. Window reveal of 50mm to be provided**
- 7. Black metal rainwater goods to be provided**
- 8. Remove PD rights for extensions/outbuildings/fencing**
- 9. Landscaping scheme to be submitted to the LPA and approved in writing**
- 10. Landscaping scheme to be implemented**
- 11. Tree protection measures**
- 12. Hand dig construction under the canopy of the Copper Beech tree**
- 13. Works to the Copper tree to be approved in writing by the LPA**
- 14. Access alterations to be provided before the dwellings are first occupied**
- 15. Obscure glazing to be provided in the first floor windows in the western elevation of the development**
- 16. The parking provision shown on the approved plans to be provided prior to occupation of the dwellings**
- 17. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.**
- 18. Phase 1 Contaminated Land to be submitted for approval prior to the commencement of development**
- 19. Details of any external lighting to be submitted to the LPA and approved in writing**
- 20. All glazing facing Hospital Street shall be non-openable except for the provision of fire escape as per building regulations.**
- 21. All habitable rooms facing Hospital Street should benefit from an air management system to provide all ventilation requirements.**

- 22. Dust management plan to be submitted prior to the commencement of development for approval and then implemented**
- 23. Development to be carried out in accordance with the recommendations contained within the bat survey**

