

Application No: 11/2184N

Location: Foregate House, WELLINGTON ROAD, NANTWICH, CW5 7BH

Proposal: Extension to Time Limit on P08/0471-Demolition of Former Job Centre and Construction of 14 Apartments

Applicant: Lothlorian Ltd

Expiry Date: 05-Sep-2011

#### **SUMMARY RECOMMENDATION**

**Approve with conditions**

#### **MAIN ISSUES**

- **Principle of Development**
- **Material Changes since the grant of Planning Permission**

#### **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee as the development relates to the extension in time to a major planning application.

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

The application site is located within the Nantwich Settlement Boundary within a predominantly residential area. The Former Job Centre is a flat roofed building which is to be demolished. The site is enclosed by tall security fencing with a Horse Chestnut Tree which is covered by a TPO located at the junction of Wellington Road and Station View. To Wellington Road are traditional terraced properties with two-storey flats to the east of the site fronting Station View.

#### **DETAILS OF PROPOSAL**

This application is for the extension to the time limit condition to planning permission P08/0471. This permission relates to the demolition of the former job centre and the construction of a building containing 14 apartments. The proposed parking provision would be provided in a basement car-park.

#### **RELEVANT HISTORY**

11/2254N - Non Material amendment to Planning Permission – Approved 15<sup>th</sup> July 2011

P08/0471 - Demolition of Former Job Centre and Construction of 14 No Apartments – Approved 29<sup>th</sup> July 2008  
P06/0872 - Demolition of Existing Job Centre and Construction of Three Storey Apartment Building Containing 12 Apartments – Approved 23<sup>rd</sup> October 2006  
P05/0602 - Demolition of Former Job Centre and Construction of Nine Apartments – Approved 23<sup>rd</sup> August 2005  
P05/0260 - Demolition of Former Job Centre and Erection of 9 Apartments (resubmission P05/0094) – Withdrawn 18<sup>th</sup> May 2005  
P05/0094 - Demolition of Former Job Centre and Erection of 10 Apartments – Withdrawn 21<sup>st</sup> February 2005

## **POLICIES**

### **Local Plan policy**

RES.2 (Unallocated Housing Sites)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
BE.6 (Development on Potentially Contaminated Land)  
NE.9 (Protected Species)  
NE.17 (Pollution Control)

### **National policy**

PPS1 (Delivering Sustainable Development)  
PPS3 (Housing)  
PPS9 (Biodiversity and Geological Conservation)  
PPG13 (Transport)  
PPS23 (Planning and Pollution Control)

### **Other Material Planning Considerations**

Supplementary Planning Document on Development on Backland and Gardens  
Communities and Local Government Guidance: Greater Flexibility for Planning Permissions  
Draft Interim Policy on the Release of Housing Land  
'Planning for Growth'  
'Presumption in Favour of Economic Development'  
Draft National Planning Policy Framework

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

**Nantwich Civic Society:** No comments received

**Environmental Health:** Note requested in relation to contaminated land

**Network Rail:** The applicant must ensure that that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land, it must not affect the

safety, operation or integrity of the railway and its infrastructure or undermine or damage or adversely affect any railway land and structures. Any right of access, any path or method of exiting or entering Network Rail land and infrastructure including stations must remain unblocked around the clock (24/7, 365) both during construction and after completion of works on site. The applicant proposes demolition works near to the station - any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24 (section 'Noise from Railways') and the local planning authority should use conditions as necessary.

## **VIEWS OF THE TOWN COUNCIL**

The Council objected to this development originally and still feel it will add to congestion and over development.

## **OTHER REPRESENTATIONS**

No representations received at the time of writing this report.

## **APPLICANT'S SUPPORTING INFORMATION**

No supporting information

## **OFFICER APPRAISAL**

### **Principle of Development**

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

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

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area.

Since the original application was determined the Council has adopted a SPD on Development on Backland and Gardens. It is not considered that the proposed development would cause any significant conflict with the SPD as to warrant the refusal of this application.

The Council has recently adopted a Draft Interim Policy on the Release of Housing Land. It is not considered that the contents of this Policy would affect this application given that the originally approved scheme would have been considered in relation to the 5 years housing land supply for the Borough.

Although an updated Noise and Vibration Survey has not been provided. It is not considered that there has been a significant change in noise from the railway or Wellington Road since planning permission was granted in 2008. Furthermore the Environmental Health Officer has not raised an objection on these grounds.

The original application was subject to amendments in relation to the appearance of the building, the location of principal windows and parking spaces following the withdrawal of planning applications P05/0260 and P05/0094. It is considered that the layout, design of the building, access and parking provision which was accepted in 2008 is still acceptable in this location and will respect the character and appearance of the site and would not have a detrimental impact upon residential amenity.

## **CONCLUSIONS**

There have been no material changes in circumstance which would warrant a different decision on this application since the previous application was determined.

## **RECOMMENDATIONS**

**Approve subject to conditions**

- 1. Standard time limit 3 years**
- 2. Materials to be Hanson Hampton Rural Blend and the Marley Edgemere Duo in smooth grey**
- 3. Surfacing material details as specified on plan reference 009753**
- 4. Obscure glazing to the secondary first and second floor windows facing towards 4 and 6 Station View**
- 5. Boundary treatment details as specified on plans reference 009753 and 009768**
- 6. Tree protection fencing to conform with BS5837:2005 in the position shown on plan reference 009753**
- 7. Implementation of landscaping details as shown on plan reference 009573**
- 8. Access details as specified on plan reference 009574**
- 9. The car parking provision shown on the approved plans is to be provided prior to the occupation of dwellings**

10. Cycle parking details as specified on plan reference 009575
11. The development shall include 6-16-4 double glazing needs to be installed to provide 'good' living conditions in line with BS8233, Acoustic trickle vents with a performance of 40 to 45 Dn,e,w should also be installed, along with mechanical ventilation where required, All the above work should be completed before any of the dwellings are first occupied and thereafter retained.
12. Bin storage details as specified on plan reference 009575
13. Secure entrance gate as specified on plans reference 009573 and 009768
14. Drainage details as specified on plan reference 009753
15. External lighting details as referred to in letter of 6th June 2011 and shown on plan reference 009753
16. Approved plans

