

Application No: 11/3168N

Location: The Limelight Club, 1- 7, HIGHTOWN, CREWE, CW1 3BP

Proposal: Restoration and Conversion of Existing Building to Form 23no Dwellings with Amenity Space and Off Road Parking

Applicant: Mr Stuart Campbell, Limelight Developments Ltd

Expiry Date: 22-Nov-2011

**Date Report Prepared:** 27<sup>th</sup> July 2012

### **SUMMARY RECOMMENDATION**

Delegate back to Southern Area Manager to approve subject to conditions, and the completion of a S106 legal agreement

### **REASON FOR REPORT**

This application was considered by the Southern Planning committee on 28<sup>th</sup> March 2012, where it was resolved that the application be APPROVED, subject to a Section 106 Agreement to secure overage agreement so that if the total sales proceeds for the development exceed the amount predicted in the Viability Appraisal submitted with the application, the additional monies are split 50/50 with the Council to go towards the provision of affordable housing in Crewe Wards, and conditions.

It has subsequently come to light that the incorrect certificate of ownership was submitted with the original application; the correct certificate has now been submitted. The planning issues remain unchanged since it was previously determined by the Committee. However, due to this technicality we are required to seek a fresh resolution to delegate the application back to officers for final determination.

### **DETAILS OF PROPOSAL**

The site will be converted for a mixed residential scheme comprising housing and apartments with amenity space and off street parking. The design has been modified since the initial submission reducing the amount of residential units from 23 to 22 units creating approximately 1468 sqm of habitable accommodation and comprises of the following:

- 11 one bedroom flats
- 7 two bedroom flats
- 1 two bedroom house
- 1 three bedroom house
- 2 four bedroom houses

The intention is to retain and repair the external shell of the church respecting its local listing status. Internally the church will be converted to flats whilst minimising the amount of intrusive building work and retaining and restoring the original features. To create amenity space between the chapel and terrace buildings, the annex to the chapel is to be removed.

The terrace to the side will be restored back to four self contained houses as originally constructed. Changes to the fenestration of the front elevation are proposed in order to introduce a domestic scale into the elevation, to compartmentalise the building into domestic scale rooms.

Within the proposals there are several access and exit points around the site. The two communal access points are directly off the amenity space and the ground floor units within the church each have a private access and the terrace row is accessed directly off Hightown

## **KEY ISSUES**

The section 106 agreement for this application is still to be completed, and therefore the decision has not been issued.

The applicant had submitted with the application a “certificate A” which indicates that they are the sole owner of the whole application site. However, as part of the drafting of the Section 106 the applicant is required to provide evidence of title. As a result of this it subsequently transpired that there were two slivers of land within the application site which the applicant did not own, and no legal owner can be identified. In such circumstances, a Notice Under Article 6 should be published in the local press inviting any owners of the land to make comment and a “Certificate D” should be submitted to the Local Planning Authority to confirm that this has been undertaken, which had not been done in this case.

Certificate D has now been received from the applicants and notice was published in the local press on 6<sup>th</sup> July 2012. No representations have been received as a result of this notice being served.

The slivers of land to which the ownership issue relates are to be occupied by car parking and landscaping and therefore do not affect the substance of the application or the provisions of the legal agreement. Consequently the owners, who have not come forward as a result of the press notice, do not need to be signatories to the Section 106.

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

The proposal remains as previously considered, and the planning merits do not need to be revisited given the procedural nature of the change outlined above. It is therefore recommended that the application is delegated to the Southern Area Manager to formally approve the application subject to the s106 legal agreement and the conditions listed within the printed minutes of the meeting from 28<sup>th</sup> March 2012.

## **RECOMMENDATION**

Delegate back to Southern Area Manager to approve subject to conditions, and the completion of a s106 legal agreement

## **PREVIOUS COMMITTEE REPORT**

### **SUMMARY RECOMMENDATION:**

- **APPROVE** subject to Section 106 Agreement and conditions

### **MAIN ISSUES:**

- **Principle of Development**
- **Housing Land Supply**
- **Amenity**
- **Highway Considerations**
- **Design**
- **Layout, Landscaping and Private Amenity Space**
- **Ecology**
- **Sustainability**
- **Land Contamination**
- **Air Quality**
- **Noise**
- **Affordable Housing**

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

The application has been referred to Committee because the proposal is for a residential development of over 10 units.

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

The site comprises a large three storey church building with a single storey annex on the northern side of the church which connects it to what would have previously been a terraced row of four units. These have been opened up at ground level to create one large open space for a café bar. To the rear there is a lean-to structure with a change in level stepping down to a pool table area with access to the rear and to the car park beyond. The site is currently built on in its entirety excluding one or two small pockets of land available on the north western corner adjoining no. 9 Hightown

Built in 1870 as the Congregational Chapel, United Reformed Church, Hightown, the church was founded in 1847 in Oak Street but rebuilt in Hightown. Due to declining support the church closed and it was converted to many uses including a furniture store, restaurant, the Victoria Snooker Club and then into the “Limelight” club and live music venue. The club extended and expanded into the adjoining properties no. 1, 3, 5 and 7 Hightown. These have been modified and structurally altered to accommodate the requirements of the bar/nightclub. Parts of the terrace have also been a takeaway facility. The first floor currently is a residential accommodation and office space. The Limelight operated over the last two decades as a sizeable music/pub/function venue

until January 2010, since when it has remained empty after falling into receivership. The chapel building is locally listed.

The site is located on the corner of Hightown and Flag Lane, to the rear of the site is a large free car park, to the front of the site is an open park called Jubilee Gardens, the area to the south is a new four storey block of apartments and to the north is a continuation of the terrace row which has shops at ground floor and residential above.

Adjacent uses include housing, shops, car park and park. The access to the site is off Hightown and Flag Lane. The site is approximately 300m from Crewe town centre which provides access to a wide number of facilities within the town.

The site is fairly regular in shape and covers an area of approximately 950sqm. It is predominantly flat but does have a split level due to the site falling East to West.

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

The site will be converted for a mixed residential scheme comprising housing and apartments with amenity space and off street parking. The design has been modified since the initial submission reducing the amount of residential units from 23 to 22 units creating approximately 1468 sqm of habitable accommodation and comprises of the following:

- 11 one bedroom flats
- 7 two bedroom flats
- 1 two bedroom house
- 1 three bedroom house
- 2 four bedroom houses

The intention is to retain and repair the external shell of the church respecting its local listing status. Internally the church will be converted to flats whilst minimising the amount of intrusive building work and retaining and restoring the original features. To create amenity space between the chapel and terrace buildings, the annex to the chapel is to be removed.

The terrace to the side will be restored back to four self contained houses as originally constructed. Changes to the fenestration of the front elevation are proposed in order to introduce a domestic scale into the elevation, to compartmentalise the building into domestic scale rooms.

Within the proposals there are several access and exit points around the site. The two communal access points are directly off the amenity space and the ground floor units within the church each have a private access and the terrace row is accessed directly off Hightown

### **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)  
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)

## **National policy**

PPS 1: Delivering Sustainable Development  
PPS 4: Planning for Sustainable Economic Growth  
PPS 25: Development and Flood Risk  
PPG 13: Transport  
Department for Transport – Manual for Streets  
Proposed Changes to PPS6: Planning for Town Centres – Consultation

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

### **Environmental Health**

- Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;

Monday – Friday	08.00 hrs	18.00 hrs
Saturday	09.00 hrs	14.00 hrs
With no Sunday or Bank Holiday working		

- 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 location of the development being on a busy road in the town, no development shall commence until an assessment of traffic noise has been submitted to and approved in writing by the Local Planning Authority. The recommendations in the report shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted.
- Any proposed external lighting of the development shall be submitted to and approved in writing by the Local Planning Authority in order to safeguard the amenity of local residents.
- There shall be adequate bin storage, for both household waste and recycling, for the size of the development.
- The application is for new residential properties with garden areas which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, this section recommends that the standard contaminated land conditions be attached should planning permission be granted

### **Highways**

- The current plans are the result of negotiation between the developer and the Highways Department and as such they are happy with the outcome.

## **7. OTHER REPRESENTATIONS:**

None received at the time of report preparation.

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

- Design and Access Statement

## 9. OFFICER APPRAISAL

### Principle of Development

The site lies within the Settlement Boundary of Crewe, where, according to Policy RES.2 the development or redevelopment of unallocated sites for housing will be permitted, (in accordance with policies BE.1- BE.5). These policies relate to matters of amenity, design, access and parking, drainage and utilities and infrastructure. These issues are addressed in more detail below. However, on the basis of the above, the proposal is considered to be acceptable in principle.

### Housing Land Supply

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

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, inter alia,*

- (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 in the construction industry and all the associated supply networks. It will also help to ensure a *flexible and responsive supply of housing land*. 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.

### **Loss of Community Facility**

Policy CF3 seeks to protect community facilities which make a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made. Previous appeal decisions which have considered schemes that would result in the loss of a public house, which is considered to be similar to a nightclub use, have established that where there are other facilities within easy walking distance then there are no planning objections to the loss in principle. Appeal decisions make it clear that the consideration is whether there are alternative establishments in the local area not whether they offer exactly the same ambience / facilities as the one which has closed. Policy CF3 makes no reference to the need to market an establishment before it is lost or for any considerations regarding viability. Whereas the Council has used such a reason for refusal for other premises in villages, the same considerations do not apply to the loss of a night club in a town such as Crewe with other night clubs, public houses and similar facilities within walking distance. It is therefore considered that the loss of this night club would not conflict with policy CF3 of the Replacement Local Plan 2011.

### **Affordable Housing**

The SHMA identifies that the annual affordable housing need for Crewe is 256 new units per year, made up of 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4/5 beds and 26 x 1/2 bed older persons units.

Also Cheshire Homechoice which is the choice based lettings system for allocating social housing across Cheshire East, currently has 379 applicants who have specified Crewe Town Centre as their first choice for housing. The breakdown of applicants is 127 x 1 beds, 119 x 2 beds, 49 x 3 beds, 7 x 4 beds and 4 x 5 beds. There are 73 applicants who have not indicated how many beds they require.

As the development is for more than 15 units, the affordable housing requirement, according to current policy, is 30% of the total units on site. As originally submitted the scheme was for 23 units, which would have equated to an affordable housing requirement of 7 units. The, tenure split should be 65% social rent and 35% intermediate tenure. This would result in a requirement for 4.5 units for rent and 2.5 units for intermediate tenure. The Housing Officer has expressed a preference for a mix of 5 units for rent and 2 units for intermediate tenure.

As the highest affordable housing need identified from the SHMA 2010 and Cheshire Homechoice is for 1 and 2 bed units, it is suggested that the 7 units are a mixture of 1 and 2 bed properties.



However, the developer has submitted an HCA viability assessment which demonstrates that they are unable to provide any affordable housing on the site.

Housing Officers have looked at various elements of the information in the appraisal against evidence in the Economic Viability of Affordable Housing Requirements report produced by Arc4 consultants on behalf of the Council. For example, the build costs used in the applicant's appraisal were found to be largely in line with those in the Arc 4 report.

Housing also asked for further information about the estimated sales prices and the applicant provided us with a copy of an estate agents letter with estimated prices that were used in the appraisal. These have been checked against:

- estimated sales prices of the properties used by the applicant in the HCA appraisal
- the average property prices at ward level using Hometrack Housing Intelligence System
- what is currently available for sale on Rightmove close to the site

Housing Officers found that most of the estimated prices were in line with the information available from Hometrack and similar to what was advertised for sale on Rightmove, with the only exception being that the average prices for the 4 beds on Hometrack were significantly higher than the estimated price used in the appraisal. The developer was also asked if the purchase price for the site of £130,000 used in the appraisal could be evidenced and a copy of a completion statement was provided confirming this.

In the light of the above, Housing have no objection to this application although it will not provide the affordable housing that would normally be required by policy. Whilst there is some concern that the estimated sales values for the 4 bed units may be lower than will be achieved, this could be addressed through an overage agreement so that if the total sales proceeds for the development exceed a specified amount that the additional monies are split 50/50 so that the Council could receive some contribution to go towards the provision of affordable housing.

## **Amenity**

The surrounding development comprises, a taxi office and music shop adjoining the site to the north, an electrical retailer and a small area of open space on the opposite side of Hightown to the East; a shop and a block of flats on the opposite side of Flag Lane to the south; and terraced houses at 90 degrees to the site fronting on to Flag Lane to the west.

The last approved use of the premises was as a nightclub, and it is therefore considered that the change of use to residential would improve the overall standard of amenity for neighbouring occupiers.

With regard to matters of daylight and privacy it is generally considered that minimum distances of 21m and 13m should be maintained between two principal elevations and a principal and flank elevation respectively in order to ensure an adequate standard of

privacy and amenity. There is no minimum separation distance between 2 flank elevations.

Given that no extensions are proposed to the building, the development will not impact on light to any of the neighbouring properties. The removal of the existing outriggers from rear of the terrace fronting on to Hightown will improve the situation from an amenity perspective for the adjacent shops.

To turn to the issue of privacy, there is one window proposed in the side elevation facing towards the shops to the north which would look out on to a blank gable elevation.

The terraced property to the west has a blank gable elevations facing towards the site, although a two storey outrigger contains secondary windows at ground and first floor level. At ground floor level, the existing 2m boundary wall will guard against any overlooking, whilst at first floor level, the existing window is fitted with obscured glazing. Consequently no privacy issues are raised.

The majority of proposed windows in the east elevation of the building (front) will overlook the open space on the opposite side of Hightown. However, the windows of House 4 on the plans will directly oppose those of the electrical store on the opposite side of the road. A separation distance of approximately 14m will be maintained between the properties. Whilst this is below the 21m standard, given that the property opposite is a retail premises, with, what appear to be, offices above, this reduction is considered to be acceptable. Furthermore, it is similar to the separation distances between existing properties elsewhere along Hightown.

There are a substantial number of windows in the side (south) elevation of the chapel, which will face towards the properties on the opposite side of Flag Lane.

The windows at the eastern end of the elevation will directly face commercial premises with offices above on the southern corner of Flagg Lane and St. Mary's Street and therefore do not raise any concerns. However, the windows at the western end of the elevation would directly face principal windows in the existing flats on the opposite side of Flag Lane. The separation distance between the two buildings at ground and first floor level is approximately 14m, and 17.5m at second floor level, which is substantially below the recommended 21m. However, given that these would be either bedroom windows or secondary windows to the living rooms of the proposed flats concerned, they could be fitted with obscured glazing. This would effectively eliminate any overlooking problems. This could be secured by condition.

The windows mid-way along the side elevation of the chapel would also be positioned less than 21m from those of the existing flats opposite. However, they would not be directly opposing and any overlooking between the windows would be at an oblique angle. Furthermore, this is equivalent to many similar relationships elsewhere in the surrounding area, which is characterised by tightly knit terraced streets. Subject to the conditions as set out above, it is not therefore, considered that a refusal on privacy grounds could be sustained.

## **Highway Considerations**

It is considered that traffic generation from the site would not form a sustainable reason for refusal given the previous use of the building as a night club, the scale of the development, and the sustainable location, within easy walking distance of the town centre, shops and facilities as well as the bus station.

The access to the site would be formed from the existing public car park to the rear, where vehicle speeds are low and therefore no safety concerns are raised.

As originally submitted, the development was for 23 dwellings of mixed size and would normally require a minimum combined parking provision of 35 spaces.

This is broken down as follows:

11 one bed at 100% parking	= 11 spaces
9 two bed at 200% parking	= 18 spaces
1 three bed at 200% parking	= 2 spaces
2 four bed at 200% parking	= 4 spaces
<b>Total=35</b>	

This proposal as originally submitted only provided 8 off street parking spaces to serve all 23 dwellings. The highways authority was of the view that the level of parking proposed was far too low to adequately serve the demand that this development will generate.

The highways authority recommended refusal on the grounds of insufficient off street parking provision. However, the applicant has submitted a revised plan, which omits a proposed extension and now provides for 20 residential units, a reduction of three from the original proposal, and incorporates 15 dedicated parking spaces for the development with no loss of spaces to the public car park

The highways officer has confirmed that subject to compliance with the amended plans he no longer has any objection to the proposed scheme. Conditions are recommended requiring compliance with the amended plans, provision of parking prior to first occupation and provision of cycle parking which is shown on the site layout plan.

## **Design**

As stated above, the original chapel is locally listed. The rear elevation of the building is very clearly visible from the public car park to the rear of the site. However, very minimal changes are proposed to the rear elevation of the original chapel. The only works proposed are the reinstatement of a former window which had been previously altered to form a door.

To the front of the building, the main part of the chapel will be restored and unsympathetic signage will be removed. Existing openings will be utilised, and two small, sympathetic, porch canopies will be added over ground floor doorways. The most significant alteration proposed, is the removal of the single storey annex to the north side of the original chapel, to create an entrance courtyard. The facade of this annex

building will be retained to enclose the courtyard from the street. The existing window openings will be enlarged in order to create an entrance gateway into the courtyard behind, which will be enclosed on the other three sides by the original chapel, and the terrace of houses to the side. Whilst the loss of historic building fabric is always regrettable, given that the facade will be retained, and that the annex is not visible on the other three sides due to the presence of other buildings, it is considered that this loss can be tolerated. Furthermore, it will facilitate the conversion of the main part of the locally listed building to a viable new long term use, the alterations to the facade are considered to be sympathetic, and the new courtyard will create a pleasant area of communal open space and an inviting entrance for the development.

No changes are proposed to the side elevation with all existing openings being utilised as part of the conversion and no new openings being formed. It is therefore concluded that the proposed changes to the former chapel will not adversely affect the character and appearance of the locally listed building or that of the street scene and the proposal therefore complies with the relevant local plan policies.

To turn to the terrace of houses, at present there are a number of original windows remaining at ground floor level. These have a vertical form and distinctive arched window heads. However, an unsympathetic modern doorway has been inserted in the middle of the row and a modern shop front installed at the northern end of the terrace. These will be removed and replaced with arched windows to match the originals. 2 of the original windows will be enlarged to create new doorways but the distinctive arched heads will be retained. Sympathetic porch canopies to match those proposed on the chapel will also be added and a matching doorway and canopy will be included as part of the blocking up of the modern shop front.

At first floor level the windows in the dwellings at each end of the terrace, will be enlarged to match those of the middle units. It will restore the uniformity of the terrace. Overall it is considered that these works will represent a considerable improvement in the overall appearance of the building and the street scene on this part of Hightown.

To the rear of the terrace, a number of unsympathetic modern out-riggers will be removed and new fenestration, similar to that of the original chapel alongside, will be installed which will restore harmony to the composition of the rear elevation. It is considered that this will improve the visual amenity the car park, which forms an important part of the public realm in this area.

## **Landscaping**

With the exception of some small yard areas between outbuildings to the rear, the site is entirely covered by buildings. Consequently there will be no adverse impact on existing trees and hedges and limited opportunities for new planting.

According to the Design and Access Statement, an area of soft landscaping will be provided in front of the retained brick facade of the annex building, to soften and enhance the approach to the development. Additional areas of landscaping are to be provided on the land between the original church building and the railings of the boundary wall. Details of planting and soft landscaping can be secured by condition.

## Open Space

With regard to private amenity space, the plans show an area between the northern elevation of the church and southern elevation of the terrace row. This area will be communal space with access to cycle storage and bin storage. There is also a small amenity area to the south of the terrace row. These areas are communal for enjoyment by all parties. There are also private gardens for flat 1 and flat 5. However, it is acknowledged that the amount of private amenity space will be very limited to serve 20 dwellings, including 1 no.2 bedroom house, 1 no. 3 bedroom house and 2 no. 4 bedroom houses, which are considered to be family homes. Furthermore, no Public Open Space is provided within the proposed development, which is a local plan requirement of scheme of this size. However this is typical of existing properties in the area which comprise predominately terraced houses and flats. Also the site has ready access to the existing Public Open Space on the opposite side of the road and is within easy walking distance of larger areas of open space such as Queens Park. Whilst lack of on-site Public open space can be mitigated through a financial contribution towards off site provision, given the viability issues with this scheme, as explained above it is not considered that a payment could be secured in this case.

## 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 Council's Ecologist has confirmed that he does not anticipate there being any significant ecological issues associated with the proposed development.

### **Sustainability**

Policy EM18 of North West England Plan Regional Spatial Strategy (RSS) outlines that, in advance of the setting of local targets for decentralised/renewable/low-carbon source energy supply, at least 10% of predicted energy requirements should be from such sources unless it is demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. This applies to all residential developments comprising 10 or more units. No information with regard to energy sourcing has been submitted with the application. However, it is considered that this detail can be adequately secured by condition.

### **Land Contamination**

The application is for new residential properties with garden areas which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, Environmental Health have recommended that the standard contaminated land conditions be attached should planning permission be granted

### **Air Quality**

Although it is within the town centre, the site is not located within an Air Quality Management Area and therefore it is not considered that the proposal will exacerbate or be adversely affected by air pollution. Consequently the Environmental Health Section have raised no objection on these grounds.

### **Noise**

Due to the location of the development being on a busy road in the town, the Environmental Health Section have commented that an assessment of traffic noise and any recommended mitigation should be secured by condition.

## **10. CONCLUSION**

The application involves the conversion of a former chapel and an adjoining terraced row, which were last used as a nightclub, but have been derelict since 2010, to 20 dwellings. The building is locally listed.

The site is located in the settlement boundary for Crewe where there is a presumption in favour of new development. The proposal will assist the Council in meeting its 5 year housing land supply requirements, ease pressure on Greenfield sites, regenerate a derelict site, secure a long term viable future for a locally listed building and will create jobs and economic growth in the construction industry. It should therefore be supported in principle.

Given the availability of alternative facilities it is not considered that loss of the nightclub provides grounds for refusal. An acceptable financial appraisal has been submitted which demonstrates that it is not economically viable to provide affordable housing on this site. Subject to the imposition of obscured glazing conditions, the proposal is considered to be acceptable in amenity terms.

The site is sustainably located within a short walking distance of the town centre and bus station, and has a safe vehicular access from the car park at the rear. As a result of a reduction in the number of units proposed from 23 to 20 and inclusion of 15 parking spaces the proposal is considered to have adequate on-site parking provision. There is also a large public car park to the rear.

The scheme is considered to be acceptable in design terms and will not adversely affect the character and appearance of the street scene or the locally listed building and its setting.

Although the development provides no on-site Public Open Space and only very limited private amenity space, it is located in close proximity to off site provision. Whilst a contribution towards maintaining or improving of off-site Public Open Space would be desirable given the viability issues referred to above, this is not considered to be a reasonable request in this case.

Subject to the imposition of appropriate conditions, the proposals will have no adverse impact in terms of trees, landscape, ecology, land contamination, air quality or noise.

Therefore, having due regard to all other matters raised, it is considered that the proposal complies with the relevant Development Plan policies, as set out above and in the absence of any other material considerations, it is recommended for approval subject to conditions as set out below.

## **10. RECOMMENDATIONS**

**APPROVE** subject to Section 106 Agreement to secure overage agreement so that if the total sales proceeds for the development exceed the amount predicted in the Viability Appraisal submitted with the application, the additional monies are split 50/50 with the Council to go towards the provision of affordable housing and the following conditions:

1. Standard
2. Amended plans
3. Provision of carparking
4. Provision of cycle parking
5. Side windows of Bedroom 1 (Flat 8) Living Room (Flat 5) and Bedroom (Flat 13)
6. 10% of energy requirements to be from decentralised/renewable/low-carbon source energy supply unless demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
7. Submission / approval implementation of materials
8. Submission / approval of landscaping
9. Implementation of landscaping
10. Submission / approval / implementation of boundary treatment.
11. Hours of operation restrictions to be placed on the construction site; Monday – Friday 08.00 hrs to 18.00 hrs, Saturday 09.00 hrs to 14.00 hrs, with no Sunday or Bank Holiday working
12. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations to be restricted to: Monday – Friday 08:30hrs – 17:30hrs; Saturday 08:30hrs – 13:00hrs; Sunday Nil
13. Submission / approval / implementation of traffic noise assessment and any recommended mitigation.
14. Submission / approval / implementation of details of external lighting
15. Submission / approval / implementation of bin storage, for both household waste and recycling, for the size of the development.
16. Submission / approval / implementation of contaminated land assessment and any recommended mitigation.



