

Application No: 13/0992N

Location: LAND OFF, ST ANNES LANE, NANTWICH

Proposal: Variation Of Conditions (Plans) on Application 12/1989N - Residential Development Comprising 24 Dwellings Including Access, Parking, Landscaping And Associated Works.

Applicant: P. E. Jones (Contractors) Ltd

Expiry Date: 04-Jun-2013

#### **SUMMARY RECOMMENDATION**

**Approve with Conditions and subject to a deed of variation of the section 106**

#### **MAIN ISSUES**

**Principle of Development**

**Design, Impact on the Character and Appearance of the Locality/Streetscene**

**Impact on Amenity of adjacent properties**

**Other Matters**

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

This application seeks to vary the approved plans condition on 12/1989N which was an application for 24 dwellings and is therefore a small scale major which comes before Southern Planning Committee to make the decision.

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

The application site forms an area of land to the rear of Welsh Row, Nantwich on St. Annes Lane. The site was formerly occupied by Burgess (Agricultural Engineers) Ltd. The site is a square piece of land sited on the edge of the Nantwich Conservation Area with a small area to the north west falling within the Conservation Area. In the recent past the buildings on the site were demolished and the site is currently vacant. There is substantial tree coverage to the south of the plot with a mix of trees and buildings to the west. To the north of the plot is Whitehall Court where several buildings are accessed to the rear off Welsh Row. To the east of the site is an area currently used as a public car park. Beyond the car park is The Weaver Valley Riverside Park.

Planning permission was approved for 24 dwellings by Southern Planning Committee under planning reference number 12/1989N.

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

This application seeks to vary the approved plans condition number 20 to alter the following minor design elements of the development,

- Plots 15 & 16 (as shown on elevations to St. Anne's Lane) – Dormers removed and eaves increased to 3 storey
- Plots 13 & 14 (as shown on the elevations to St. Anne's Lane) – Ridge height reduced by 900mm
- Plots 11 & 12 (as shown on elevation to St. Anne's Lane) – Eaves height reduced by 300mm
- Plots 3 & 4 (as shown on elevation to Whitehall Court) – Chimneys removed
- Plots 2 & 3 (as shown on elevation to rear of Whitehall Court) – Plot 2 roof now in front of Plot 3 roof
- Plot 24 (as shown on elevation in Courtyard West) – Door and window swapped at ground floor level
- Plot 22 & 23 (as shown on the rear elevation East) – Rear elevation amended to show flat brick arches above windows as front elevation
- Floor Plans for plots 3 & 4 – Winchester/Chester – removal of French windows on first floor of internal elevations
- Floor Plans of The Chelsea – Kitchen and bathroom layouts amended and windows adjusted so they do not interfere with internal layouts.

### **4. RELEVANT HISTORY**

12/1989N - Residential Development Comprising 24 Dwellings Including Access, Parking, Landscaping and Associated Works – Approved with conditions 20<sup>th</sup> February 2013.

P07/1355 - Erection of 62 Sheltered Housing Apartments, Managers Apartment and Guest Apartment, Communal Facilities, One Retail Unit, 452.7sqm of Offices, Car Parking, Conservatory, Landscaping and Construction of a New Vehicular Access – Approved subject to a 106 Agreement 14<sup>th</sup> July 2011

P06/1480 - Erection of 3 1/2 Storey Buildings Containing 55 Apartments and 1 A1 Units and Offices – Refused 9<sup>th</sup> March 2007

P05/0903 - Demolition of Existing Buildings and Erection of 44 Residential Properties. One A1 (Retail) Unit and B1 Offices Together with Car Parking and Access to Site. (Re-Submission of P04/1463) – Approved with conditions 16<sup>th</sup> August 2006

P04/1463 - Demolition of Existing Buildings and Erection of 46 Apartments, 1 A1 (Retail), A2 (Financial and Professional Services) or A3 (Food and Drink) Unit and B1 (Offices) with Parking, Landscaping and New Vehicular Accesses – Refused 8<sup>th</sup> February 2005

### **5. POLICIES**

The development plan includes the Regional Spatial Strategy for the North West (RSS) Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

## **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure

DP5 Managing travel demand

DP7 Promote environmental quality

DP9 Reduce emissions and adapt to climate change

RDF1 Spatial Priorities

L4 Regional Housing Provision

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

EM3 Green Infrastructure

EM18 Decentralised Energy Supply

MCR3 Southern Part of the Manchester City Region

## **Local Plan Policy**

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Accessing and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on potentially contaminated land)

BE.7 (Conservation Area)

BE.16 (Development and archaeology)

RES.1 (Housing Allocations)

RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in RES.4)

TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

TRAN.9 (Car Parking Standards)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

## **Supplementary Planning Documents**

Local Development Framework - Development on Backland and Gardens Supplementary Planning Document (2008)

Cheshire East – Interim Planning Statement on Affordable Housing (2011)

## **Other Material Considerations**

National Planning Policy Framework 2012

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

**Strategic Highways Manager** – None received at time of writing this report (no objections to previous scheme).

**Environment Agency:** no further comments to add to our previous letter dated 14<sup>th</sup> June 2012

regarding your consultation reference, 12/1989N.

**Environmental Health** – No objections, subject to a condition for a Phase II investigation for contaminated land

**Natural England:** No comments

**Cheshire Wildlife Trust:** No further comments to make on this application.

**7. VIEWS OF THE TOWN COUNCIL** – No objections

## **8. OTHER REPRESENTATIONS**

Two electronic comments made by one household relating to lack of consultation of this application. No material planning considerations have been raised at the time of writing this report.

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

- Covering letter outlining the alterations and reason for them.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The principal of residential development on the site for 24 dwelling has already been accepted in the original permission for the site under planning permission 12/1989N. Therefore the main issues in this instance relate to the impact of approving the amendments in relation to their impact on the streetscene, Conservation Area and amenity impact.

### **Design - Impact on the Character and Appearance of the Conservation Area and Streetscene**

The proposal seeks to amend the approved plans (condition 20) with several small scale alterations, which would amount to a material change to the approved plans. Each element is addressed below.

Plots 15 & 16 (as shown on elevations to St. Anne's Lane), the dormers have been removed and eaves increased to 3 storey. This alteration is the most visible and is required to achieve acceptable headroom within the second floor. It is considered that this element will simplify the elevation which is visible within the streetscene and will not have a detrimental impact on the conservation area.

Plots 13 & 14 (as shown on the elevations to St. Anne's Lane), the ridge height has been reduced by 900mm due to error in the original drawings. This will have a minimal impact on the streetscene and conservation area.

Plots 11 & 12 (as shown on elevation to St. Anne's Lane) show the eaves height reduced by 300mm, again this will have a negligible impact on the overall development and is required to ensure the plot sits correctly with the adjacent plot 13.

Plots 3 & 4 (as shown on elevation to Whitehall Court) the chimneys have been removed because they cannot be sited within the roofs. Given that the surrounding dwellings retain the chimney stacks then the overall impact of the loss of two on these dwellings is negligible.

Plots 2 & 3 (as shown on elevation to rear of Whitehall Court) Plot 2 roof now in front of Plot 3 roof due to incorrectly drawn plans previously, and will have little impact on the over design of the development, as the elevations still retain the staggered element which reflects the property on Welsh Row.

Plot 24 (as shown on elevation in Courtyard West) door and window swapped at ground floor level. No impact on the streetscene.

Plot 22 & 23 (as shown on the rear elevation east) the rear elevation has been amended to show flat brick arches above windows; this again will have a limited impact on the overall scheme as it will not be visible from the Conservation Area.

Furthermore, the alterations to the floor plans for plots 3 & 4 (house type Winchester/Chester) and the floor plans of (The Chelsea) which amend the windows and layouts are acceptable and will have limited impact.

The overall number of alterations will have a material impact on the design of the approved scheme however it is considered that the alterations are acceptable and will have a minimal impact on the streetscene, approved layout and the conservation area as a whole.

### **Impact on the Amenity of adjacent properties**

The proposed amendments are largely cosmetic and will have very limited impact on the neighbouring amenity. The increase in height of Plots 15 and 16 face towards St Annes Lane and therefore will have no impact on the surrounding neighbours. Furthermore the alterations to the floor plans and elevations will have no further impact on neighbouring amenity than that which has already been accepted and therefore the proposed alterations are considered to be acceptable.

### **Other Matters**

All other elements of the development are to remain the same as those approved under planning application 12/2989N for 24 dwellings. Therefore it is considered reasonable to attach the same conditions as the previous application and require a deed of variation of the section 106 agreement which has previously been signed for 12/2989N to ensure the same level of contributions towards education, footpath improvements and affordable housing are retained.

Concerns have been raised in relation to the consultation of the application. All neighbours who adjoin the development site were consulted by letter and a site notice was erected at the site. Furthermore the application was advertised in the local press and therefore the Local Planning Authority have carried out consultation in accordance with the Councils Neighbour Notification Procedure.

## **11. CONCLUSIONS**

The application site is situated within the Nantwich settlement boundary and therefore the principle of development is acceptable. In general terms the scheme is considered to be an improvement and will enhance the character and appearance of the Nantwich Conservation Area, and there are no amenity or highway safety issues arising. The proposed changes do not have any significant impact on the earlier decision. As conditioned the proposed development would not have a significantly adverse impact on Protected Species or trees in the Conservation Area. It is also considered that the proposed development, as conditioned, is acceptable in all other respects. The proposed development is therefore considered to be in compliance with Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on potentially contaminated land), BE.7 (Conservation Area), BE.16 (Development and Archaeology), RES.1 (Housing Allocations), RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in RES.4), TRAN.3 (Pedestrians), TRAN.5 (Provision for Cyclists), TRAN.9 (Car Parking Standards) and RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions and the satisfactory completion of a deed of variation of the S106 Agreement for 12/1989N.

- 1. Standard time – 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Submission of an amended landscaping scheme to be approved in writing by the LPA**
- 4. Implementation of the approved landscaping scheme**
- 5. Any tree/hedge removal/pruning to be implemented in accordance with the tree survey schedule CE/6624-SS1**
- 6. Boundary treatment details to be submitted to the LPA and approved in writing**
- 7. Remove PD Rights for extensions and alterations to the approved dwellings**
- 8. Prior to any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds.**
- 9. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.**
- 10. Drainage scheme to be submitted and approved in writing**
- 11. Development to be carried out in accordance with noise mitigation report**
- 12. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays**
- 13. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays**
- 14. Phase II Contaminated land report to be submitted to and approved in writing by the LPA**
- 15. Completion of the proposed off-site highway works**
- 16. Windows, doors and gutter details to be approved in writing**
- 17. All bathroom and en-suite windows to be obscure glazed and non opening**

- 18. Programme of archaeological mitigation in accordance with a written scheme of investigation submitted to and approved in writing prior to works commencing on archeologically sensitive areas of the site.**
- 19. Construction method statement**
- 20. Approved plans (as amended)**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning and Housing in consultation with the Chair of the Strategic Planning Board is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.**



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