

Application No: 14/5285C

Location: FORMER MAGISTRATES COURT, MIDDLEWICH ROAD, SANDBACH, CW11 1HU

Proposal: Demolition of existing building and erection of three storey accommodation comprising 15 supported living apartments (Use Class C3) with associated parking and open space.

Applicant: HB Community Solutions Living Ltd

Expiry Date: 19-Feb-2015

#### **SUMMARY:**

The development site lies within the Settlement Zone Line of Sandbach, where there is a presumption in favour of development

The development would comprise a form of environmental, economic and socially sustainable development in accordance with the requirements of the NPPF.

The design and scale of the building are considered to be acceptable.

The impact on residential amenity, trees, protected species and highway safety is acceptable subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

#### **RECOMMENDATION:**

**Approve subject to conditions**

#### **DEFERRAL**

Members deferred this item from Committee on 25<sup>th</sup> February 2015 for further information relating to the need for supported housing and consultation with housing.

Discussions are taking place with Housing at the time of report writing and an update will be provided to Members before Committee debates the application.

Officers in Adult Social Care and Independent Living have stated that they had been approached by the applicant and that this is not how they would commission support for people with learning disabilities and that they were not in a position to say whether additional accommodation was

needed in Sandbach or in any other area in Cheshire East in advance of the conclusion of the life course commissioning review.

What should be noted is that this is an application for C3 use (dwellinghouse). If the application was for an apartment block and did not include supported living in the description, it could be used to accommodate people with learning disabilities without the need for change of use. This is because this application is not for C2 use (residential institutions) and therefore there is no requirement to justify the need for the accommodation.

## **PROPOSAL**

This application proposes the demolition of the existing building and the erection of a three storey residential building to provide 15 supported living apartments, with ancillary staff area and associated open space and car parking. The apartments would be designed to accommodate vulnerable adults with learning and physical disabilities and would enable them to live independently with support in their daily lives. The building would be sited on a similar footprint to the existing buildings on the site.

## **SITE DESCRIPTION**

The application site comprises the former Magistrates Court building, associated car park and rear garages, situated on the southern side of Middlewich Road, opposite the access to Council offices (Westfields).

The site is designated as being within the settlement zone line and town centre of Sandbach. The surrounding development consists of a mixture of residential, commercial and community facilities.

## **RELEVANT HISTORY**

14/2614C      Withdrawn application for the demolition of the existing building and the erection of an A1 retail unit

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance is paragraphs 17.

### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the Settlement Zone Line of Sandbach.

The relevant Saved Policies are: -

PS4 Towns

GR1 New Development

GR2 & GR3 Design  
GR6 Amenity and Health  
GR9 Parking and Access  
NR1 Trees and Woodlands

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
EG1 Economic Prosperity

### **Other Considerations:**

SPD14 Trees and Development  
BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations  
The Conservation of Habitats and Species Regulations 2010 (as amended)

### **CONSULTATIONS:**

**Highways:** No objection subject to conditions.

**Environmental Protection:** No objection subject to conditions/informatives relating to noise and disturbance.

**Flood Risk Manager:** No objections.

**Sandbach Town Council:** No objections.

### **REPRESENTATIONS:**

Neighbour notification letters were sent to adjoining occupants and a site notice was posted outside the site.

At the time of report writing there have been no objections to the proposal.

## APPRAISAL

The key issues to be considered in the determination of this application are set out below.

### Principle of Development

The National Planning Policy Framework states the following:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision taking.*

*For **decision taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole; or*
  - *specific policies in this framework indicate development should be restricted*

The site is designated as being within Settlement Zone Line of Sandbach and as such there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with other policies of the local plan.

This proposal is for the demolition of the existing building and the erection of a three storey building to accommodate 15 supported living apartments for adults with learning and physical disabilities, which is appropriate development within the settlement zone line of the town.

The proposal is therefore considered to be acceptable in principle.

### Sustainability

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy*

**an economic role** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

**a social role** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

*These roles should not be undertaken in isolation, because they are mutually dependent.*

## **ENVIRONMENTAL ROLE**

### **Ecology**

The application is accompanied by a Bat Survey which has been assessed by the Council's ecologist and he advises that roosting bats are unlikely to be present or affected by the proposed development.

### **Trees**

An Arboricultural Impact Assessment has been submitted with the application which addresses issues relating to trees on the site. Two self seeded saplings and one semi-mature Holly tree would be removed to accommodate the development. These are not considered to have any great amenity value and their removal would have no significant impact on the character of the site or the street scene. No other trees would be removed as a part of the development and a condition should be imposed requiring retention and protection of the trees in accordance with the specifications in the submitted Arboricultural Impact Assessment.

### **Layout and Scale**

The proposal is for a three storey apartment block to replace the existing building, which is neither locally or nationally listed as such it would not be reasonable to require its retention without a significant justification.

The proposed building would be of three storeys, which is not unusual on this part of Middlewich Road. It would be sited to the rear of the plot in a similar position to the existing building, meaning it would be set back from the neighbouring St Winefrides Church, which is a small attractive building to the east of the site. Whilst the new building would be slightly more imposing than that on the site currently, it is not considered that this would be out of character with the mixture of building styles on this section of Middlewich Road. In addition, the size of the building is led by the nature of the accommodation as it will need to be able to accommodate the specialist equipment required by the residents.

Given the nature of the surrounding development and the fact that the site is within the settlement zone line of Sandbach, it is considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

## **Appearance**

As stated previously the building would have three storeys. There would be a central gable feature in the centre of the front elevation that would be finished in render with brick finishes to the elevations either side. The rear elevation would have a brick finish and symmetrical fenestration which would be similar to other buildings in the locality. This is considered to be acceptable in design terms

The proposal is therefore considered to be acceptable in design terms and in accordance with Policy GR2 (Design) of the adopted local plan.

## **Highways**

The site would be accessed from the existing vehicular access and 15 parking spaces provided within the site. The Strategic Highways Manager has no objection to the proposal subject to a condition demonstrating safe and clear tracking movements and visibility splays. This is considered to be reasonable and necessary and subject to this condition, the proposal is considered to be in accordance with Policy GR9 (Highways) of the adopted local plan.

## **ECONOMIC ROLE**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*

The proposal would generate economic benefits by virtue of employment created during construction.

## **SOCIAL ROLE**

### **Amenity**

The properties most affected by the development would be the residential dwellings to the rear of the site. These are relatively new dwellings on Sunnymill Drive. Having regard to these properties, the minimum separation distances would be met. In addition, the applicants have had discussions with the occupiers of the properties to the rear and agreed that a tall boundary fence and screen planting should be provided. This should be controlled by condition.

Environmental Protection have recommended conditions and informatives relating to protection from road noise for future occupiers and noise controls during demolition and construction. These are considered to be necessary and reasonable to protect residential amenity.

The proposal is therefore considered to be in compliance with Policy GR6 (Amenity & Health) of the adopted local plan and acceptable in terms of residential amenity.

## **Occupation**

The proposal will provide accommodation to allow adults with learning and physical disabilities to live in relatively independent conditions. Clearly this would represent socially sustainable development to the benefit of future residents of the apartments and the community as a whole.

Although the proposal is for supported accommodation, the use of the building would be C3, which is general residential as opposed to care home type accommodation. This is necessary to be able to provide assured tenancies for a period of up to 60 years, which is only possible under this use class.

## **Conclusion – The Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The development site is within the Settlement Zone Line of Sandbach where there is a presumption in favour of development.

The proposal would have some economic benefits in terms of jobs in construction and spending within the construction industry supply chain.

The development is considered to represent environmental, economic and social sustainable development in accordance with the requirements of the NPPF.

The impact on protected species and trees is considered to be acceptable subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

## **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Commencement**
- 2. Approved plans**
- 3. Submission of landscaping scheme**
- 4. Implementation of landscaping scheme**
- 5. Submission of materials for approval**
- 6. Development to be carried out in accordance with the Arboricultural Impact Statement**
- 7. Submission and implementation of a detailed plan showing tracking movements for two opposed domestic vehicles and visibility splays.**
- 8. Development to be carried out in accordance with the noise mitigation scheme**
- 9. Piling operations only undertaken between 9am and 5.30pm Monday to Friday, 9am to 1pm Saturday, with no piling on Sundays and public holidays**
- 10. Submission of a construction management plan**

**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 Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**



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