

Southern Planning Committee

Agenda

Date:	Wednesday, 1st June, 2011
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of Previous Meeting (Pages 1 - 10)

To approve the minutes of the meeting held on 27 April 2011.

4. Public Speaking

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/1469N Land in front of The Cheshire Cheese, Crewe Road, Shavington Cum Gresty, Crewe: Proposed Vodafone Installation for Vodafone (UK) Limited** (Pages 11 - 16)

To consider the above planning application.

6. **10/3320C Land North East of Dunkirk Farm, London Road, Brereton, Holmes Chapel: The Construction of 18 New Affordable Two Bedroom Houses for Mr Mike Watson, Plus Dane Group** (Pages 17 - 32)

To consider the above planning application.

7. **10/4059C Henry Alty, Knutsford Road, Cranage, CW4 8HU: Demolition of Derelict Building and Erection of 14no Family Homes with Associated Parking and Landscaping. Change of use from B1 to C3 Usage for Mr R Chawla, Goldcrest Finance Ltd** (Pages 33 - 52)

To consider the above planning application.

8. **11/0680C 2, Rydal Way, Alsager, ST7 2EH: Proposed Erection of a New Dwelling for Mr Simon Palfreyman** (Pages 53 - 60)

To consider the above planning application.

9. **11/0821N Little Island Nurseries, Haymoor Green Road, Wybunbury, CW5 7HG: Retrospective Application for a 10m x 6m x 2m Garage for Mr G Heath** (Pages 61 - 66)

To consider the above planning application.

10. **11/1042N Bentley Motors Ltd, Pyms Lane, Crewe, Cheshire, CW1 3PL: Installation of Roof Mounted Solar PV System for Mr Andrew Robertson, Bentley Motor Cars** (Pages 67 - 72)

To consider the above planning application.

11. **10/4422N - Application for Lawful Certificate for an Existing Use for Class B1 Light Industry at Swanley Mowers, Swanley Lane, Burland, CW5 8QB**
(Pages 73 - 76)

To consider the above application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 27th April, 2011 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor L Gilbert (Vice-Chairman)

Councillors W T Beard, W S Davies, B H Dykes, J Jones, S Jones, A Kolker,
R Walker, M J Weatherill and R Westwood

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Flude and M Simon

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer)
Daniel Evans (Principal Planning Officer)
Paul Moore (Principal Planning Officer)

Apologies

Councillors D Bebbington, S Furlong and S McGrory

195 COUNCILLOR BETTY HOWELL

All those present at the meeting observed a minute's silence in memory of
Councillor Betty Howell, who had died on 18 April.

196 DECLARATIONS OF INTEREST

Councillor R Westwood declared that he had predetermined application
number 11/1151N and that he had a personal and prejudicial interest in
respect of the application on the grounds that he lived in the vicinity of the
application site. Councillor Westwood declared that he would address the
Committee as an objector then withdraw from the meeting during
consideration of this item, in accordance with the Code of Conduct.

Councillor B Dykes declared a personal interest in respect of application
number 11/0548N on the grounds that he knew the applicant. In
accordance with the code of conduct, he remained in the meeting during
consideration of this item.

Councillor G Merry declared a personal interest in respect of application
number 11/0551C on the grounds that she was a member of Sandbach
Town Council, which had been consulted on the proposed development.

In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor S Jones declared a personal interest in respect of agenda item 14 (10/0741C 19-23 Lawton Road, Alsager) on the grounds that she was a member of Alsager Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor L Gilbert declared a personal interest in respect of agenda item 13 (08/0492/OUT Fine Art, Victoria Mills, Holmes Chapel) on the grounds that he was a member of Holmes Chapel Parish Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item. Councillor Gilbert also declared that, as one of the Ward Councillors, he had had a discussion with the tenant of the premises in question.

197 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 6 April 2011 be approved as a correct record and signed by the Chairman.

198 **11/0748C LAND ADJACENT TO 5 MIDDLEWICH ROAD, CRANAGE: RESERVED MATTERS APPLICATION FOR APPROVED APPLICATION 07/0662/OUT - TEN DWELLING HOUSES FOR CRANAGE PARISH COUNCIL**

Note: Councillor M Mackenzie (on behalf of Cranage Parish Council), Mr M Hodge (objector) and Mr J Ashall (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter. Ms D Madden (objector) had registered her intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED – That the Head of Planning and Housing be granted delegated authority to APPROVE, subject to additional consultation responses not raising any significant additional issues of concern.

Approval to be subject to the following conditions:

1. In accordance with submitted plans
2. All fenestration shall be set behind a reveal of 50mm unless otherwise agreed in writing by the Local Planning Authority.
3. Notwithstanding the submitted details, Prior to commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

4. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
5.
 - (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
 - (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
 - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
6. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification / Method Statement for no-dig construction techniques and permeable surfaces within the

rooting area of the Oak tree to the north east of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the tree. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Class F of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.
8. Prior to commencement of development, details of a facility which will allow vehicles to enter and leave the site in a forward direction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority, before first occupation of the development hereby permitted and the facility shall then be retained, kept clear and be available for use at all times thereafter.
9. Prior to commencement of development, details of a service strip scheme for the hereby approved development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to the first occupation of the development hereby approved retained thereafter.
10. Scheme for the future maintenance and protection of the amenity Greenspace.

Informative

The application to carry an informative requiring entry into a Section 38 Agreement under the Highways Act 1980 to cater for the formal adoption of the adoptable road.

- 199 **11/0752N LAND AT JUNCTION OF BROOK STREET AND EDLESTON ROAD, CREWE: 17.5 METRE HIGH JOINT OPERATOR STREET FURNITURE TYPE TELECOMMUNICATIONS TOWER, 1 NO EQUIPMENT CABINET, 1 NO METRE CABINET AND ALL ANCILLARY DEVELOPMENT FOR O2 AND VODAFONE C/O WFS TELECOM**

Note: Councillor D Flude (Ward Councillor) had not registered her intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Flude to speak.

The Committee considered a report and a written update regarding the above planning application.

RESOLVED – That the application be REFUSED for the following reason:

The proposed development by reasoning of its height, siting and design would create an alien and intrusive feature. This is a prominent location within the residential area and this proposal would represent a visually incongruous insertion that would harm the character and appearance of the area. The proposal is therefore contrary to Policies NE.18 (Telecommunications Development), and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

200 **11/1151N LAND IN FRONT OF 613, CREWE ROAD, WISTASTON:
14.8M HIGH JOINT OPERATOR STREET FURNITURE TYPE
TELECOMMUNICATIONS TOWER, 1NO. EQUIPMENT CABINET AND
1NO. METER PILLAR FOR O2/VODAFONE**

Note: Councillor M Simon (Ward Councillor) attended the meeting and addressed the Committee on this matter.

Note: Having declared a personal and prejudicial interest in this application, Councillor R Westwood addressed the Committee as an objector then withdrew from the meeting during consideration of this item.

The Committee considered a report and a written update regarding the above planning application.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development by reasoning of its height, siting and design would create an alien and intrusive feature. This is a prominent location within the residential area and this proposal would represent a visually incongruous insertion that would harm the character and appearance of the area. The proposal is therefore contrary to Policies NE.18 (Telecommunications Development), and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

201 **11/0017N FORMER GROUNDS MAINTENANCE DEPOT OFF DANE
BANK AVENUE, CREWE: 8 TWO STOREY DETACHED DWELLINGS, 2
TWO STOREY SEMI-DETACHED DWELLINGS AND 2 THREE STOREY
SEMI- DETACHED DWELLINGS FOR CHELFORD HOMES**

Note: Councillors G Merry, T Beard, B Dykes, J Jones and J Weatherill declared that they had received correspondence regarding the above planning application.

Note: Mr M Graham (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be REFUSED for the following reason:

The Local Planning Authority considers that as the development fails to provide affordable housing, low cost market housing or a mix of housing and would not include renewable energy measures or low carbon/ energy efficiency measures, the proposals would represent a highly unsustainable form of development which would not contribute positively to the local housing market and would fail to meet local housing needs or contribute towards achieving sustainability objectives. In so doing the proposals would be contrary to policies BE.2 Design Standards within the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy EM18 within the North West of England Plan Regional Spatial Strategy to 2021 and guidance within the Interim Affordable Housing Statement 2011, Planning Policy Statement 3: Housing, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 1: Climate Change Supplement.

202 **11/0471C TALL ASH FARM, BUXTON ROAD, CONGLETON, CW12
2DY: THE CONSTRUCTION OF 20 NEW BUILD AFFORDABLE
HOUSES AND NEW ACCESS ROAD FOR PLUS DANE GROUP**

Note: Mr J Ashall (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report and a written update regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the prior completion of a Section 106 agreement to secure affordable housing and a financial contribution of £5676 for maintenance of the amenity Greenspace

and the following conditions:

1. Commence development within 3 years
2. Development in accordance with agreed drawings
3. Submission of details/samples of external materials
4. Submission and implementation of detailed access and junction plans
5. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details
6. Submission and implementation of surveys and mitigation methods for the protection of breeding birds
7. Submission of a scheme of landscaping
8. Implementation of approved landscaping scheme
9. Submission and implementation of details of boundary treatments
10. Submission of a detailed drainage scheme

11. Submission of an updated Phase 1 land contamination survey
12. Implementation of the mitigation recommendations within the Air Quality Assessment
13. Submission of a scheme for the protection of the occupiers of the dwellings from traffic noise and vibration
14. Limits on hours of construction
15. Limits on hours of piling
16. Removal of permitted development rights for extensions
17. 10% Renewable Energy
18. Code for sustainable homes level 4.

Note: Councillor S Jones left the room and returned during consideration of this application but did not take part in the debate or vote, in accordance with paragraph 13.5 of the Planning Protocol of Conduct in Relation to the Determination of Planning Matters.

203 **11/0506N CROWTON FARM, WINSFORD ROAD, CHOLMONDESTON, CW7 4DR: THE ERECTION OF POULTRY HOUSE AND FEED HOPPER WITH HARDSTANDING FOR MR I HOCKNELL, DELPHIC HAULAGE**

Note: Prior to consideration of this application, the meeting was adjourned from 4.10pm to 4.20pm for a break.

Note: Mr M Ludlam (on behalf of the applicant) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Ludlam to speak.

The Committee considered a report and a written update regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Standard Time Limit
2. Plan References
3. Materials (including colour)
4. Drainage
5. Landscaping Submitted
6. Landscaping Implemented
7. Development to comply with Reasonable Avoidance Measures of Great Crested Newts Assessment
8. Hours of Construction
9. External Lighting
10. Method for the Control of Flies
11. Treatment of Manure from Site
12. Hours of Operation
13. The Auto Start Generator and Ridge Fans to be Installed and Maintained in accordance with Manufacturers Instructions

- 204 **11/0548N DROME FARM WARDLE INDUSTRIAL ESTATE, GREEN LANE, WARDLE: INDUSTRIAL NEW BUILD DEVELOPMENT CONSISTING OF 6 UNITS TOGETHER WITH INFRASTRUCTURE, ANCILLARY WORKS AND NEW AGRICULTURAL ACCESS TRACK. THE INDUSTRIAL UNITS CONSIST OF TWO 8000SQ FT UNITS, TWO 3000SQ FT UNITS AND TWO 2775SQ FT UNITS FOR MR P POSNETT**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Standard
2. Plans
3. Materials to be submitted
4. Surfacing Materials to be submitted
5. Scheme of Landscaping to be submitted
6. Scheme of Landscaping to be implemented
7. Scheme of drainage to be submitted
8. Boundary treatment to be submitted
9. Turning area and parking as shown on approved plan to be provided prior to first occupation
10. Refuge island to be provided at junction of Green Lane and A51
11. Incorporation of sustainable features to be submitted and approved
12. Waste Management Plan to be submitted and approved
13. Survey for Nesting birds between March and Sept
14. Details of Bin storage to be submitted and agreed
15. Details of cycle storage to be submitted and agreed
16. Details of external lighting to be submitted and approved
17. Noise attenuation Measures to be submitted and agreed
18. Contaminated land

- 205 **11/0551C SAXON CROSS MOTEL, HOLMES CHAPEL ROAD, SANDBACH, CW11 1SE: DEMOLITION OF EXISTING HOTEL ON THE SITE, CHANGE OF USE FROM A CATEGORY C1 DEVELOPMENT TO A MIXED USE OF CATEGORY B1 AND B2. CONSTRUCTION OF A SINGLE STOREY OFFICE BUILDING A SMALL SECURITY BUILDING AND WAREHOUSE BUILDING, NEW HARD LANDSCAPING ASSOCIATED WITH THE PROPOSED DEVELOPMENT INCLUDING RELOCATION OF VEHICULAR ACCESS FOR BOLSHAW INDUSTRIAL POWDERS**

The Chairman reported that the above planning application had been withdrawn by the applicant prior to the meeting.

206 **08/0492/OUT FINE ART, VICTORIA MILLS, HOLMES CHAPEL**

Note: Councillors G Merry, L Gilbert, J Jones and A Kolker declared that they had received correspondence regarding the above planning application.

Note: Ms P Williams (on behalf of the applicant) had not registered her intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Ms Williams to speak.

The Committee considered a report regarding the above planning application, which had sought to redevelop the Victoria Mills/Fine Décor site in Holmes Chapel with residential development.

On 3 February 2009, Congleton Borough Council's Planning Committee had granted outline planning permission, subject to the signing of a Section 106 agreement to secure the relocation of Fine Art within Cheshire East, 15% affordable housing and a range of requirements, including a £25,000 financial contribution towards off-site highway works, submission of a Travel Plan, provision of a Locally Equipped Area of Play and a contribution towards Amenity Greenspace. While the Section 106 agreement had been finalised over 12-months ago, it had not yet been signed.

RESOLVED – That consideration of the matter be deferred to the Southern Planning Committee meeting on 22 June 2011, to allow the applicant the opportunity to complete a Section 106 Agreement.

207 **10/0741C 19-23 LAWTON ROAD, ALSAGER**

The Committee considered a report regarding proposed amendments to the conditions and Section 106 Heads of Terms relating to the above scheme, which had been approved by the Southern Planning Committee on 19 May 2010.

RESOLVED – That the proposed amendments to the conditions and Section 106 Heads of Terms relating to application 10/0741C, as set out in the report, be approved, subject to:

- (a) the words 'in consultation with Alsager Town Council' being added to the last sentence of the first paragraph of B) Greenspace Requirements
- (b) the removal of condition 8

208 **URGENT BUSINESS**

The Council was defending an appeal against the refusal of planning application 10/2006C for the redevelopment of Elworth Hall Farm, Sandbach. It was considered prudent to delegate authority to the Head of Planning and Housing, in consultation with the Chairman or Vice-Chairman, to determine the future conduct of the Council's case following the exchange of evidence due on 27 April. The urgency arose because there were no Southern Planning Committee meetings scheduled between the exchange of evidence on 27 April and the Inquiry on 25th May 2011.

The Chairman announced that, in accordance with S100B (4) (b) of the Local Government Act 1972, she was of the opinion that this item of business should be considered at the meeting as a matter of urgency.

As the report contained exempt information and the public interest in keeping it confidential outweighed the public interest in disclosing it, the Chairman agreed it should be taken as a Part 2 item.

209 **EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED - That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 5 as appropriate of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

210 **ELWORTH HALL FARM**

The Committee considered a report regarding an appeal which had been lodged against the refusal of application 10/2006C.

RESOLVED - That delegated authority be granted to the Head of Planning and Housing, in consultation with the Chairman or Vice-Chairman of the Southern Planning Committee, to retain or withdraw the Council's objection to the appeal proposals following consideration of the evidence exchanged on 27 April 2011.

The meeting commenced at 2.00 pm and concluded at 5.45 pm

Councillor G Merry (Chairman)

Application No: 11/1469N

Location: LAND IN FRONT OF THE CHESHIRE CHEESE, CREWE ROAD,
SHAVINGTON CUM GREYSTY, CREWE

Proposal: Proposed Vodafone Installation at Crewe Road, Crewe

Applicant: Vodafone (UK) Limited

Expiry Date: 07-Jun-2011

SUMMARY RECOMMENDATION:

That details of siting design are approved

MAIN ISSUES:

- The design, siting and external appearance
- The exploration of alternative sites
- Health & Safety considerations

1. REASON FOR REFERRAL

This application has been called-in to the Southern Planning Committee by Councillor Brickhill for the following reasons:

- Cause loss of amenity to residents and passers by;
- Have health implications for residents exposed to very high frequency electromagnetic waves similar to radar;
- Be an eyesore and not fit in with its surroundings. It will stand out like a sore thumb;
- That it will provide an additional and unnecessary danger and distraction to traffic on a very dangerous bend.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located on the eastern side of Crewe Road adjacent to the access to the Cheshire Cheese public house. The site forms part of the public footpath. It is within open countryside, however there is a ribbon of development along Crewe Road consisting mainly of residential properties, the nearest of which is 330 Crewe Road approximately 21 metres away from the proposed installation.

3. DETAILS OF PROPOSAL

This is an application for prior approval of the siting and appearance of a 12.5 metre telecommunications installation and 1 associated equipment cabinet with attached meter pillar. The equipment cabinet would be 1898mm wide by 798mm deep and 1648mm high. The mast would be a replica telegraph column in brown. The radio equipment cabinet would be green.

This application is a resubmission following the withdrawal of a previous proposal for a 15 metre high mast in this location.

4. RELEVANT HISTORY

11/0014N - Proposed Vodafone Installation at Crewe Rd, Crewe, Withdrawn 2nd February 2011.

5. POLICIES

Local Plan Policy

NE.2 (Open Countryside)
NE.18 (Telecommunications Development)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)

Government Planning Policy

PPG8: Telecommunications

6. CONSULTATIONS (External to Planning)

Environmental Health

None received at the time of writing the report. If a consultation response is received this will be provided by update

Highways

None received at the time of writing the report. If a consultation response is received this will be provided by update

7. VIEWS OF THE PARISH COUNCIL

None received at the time of writing the report. If a consultation response is received this will be provided by update

8. OTHER REPRESENTATIONS:

None received at the time of writing the report. If any are received they will be provided by update.

9. APPLICANT'S SUPPORTING INFORMATION

- Declaration of Conformity with ICNIRP Public Exposure Guidelines;
- General Background Information on Radio Network Development for Planning Applications;
- Site-specific Supplementary Information;
- Supporting Technical Information for O2 and Vodafone showing coverage plots;

10. OFFICER APPRAISAL

Principle of Development

This is an application for prior-approval under Part 24 of the General Permitted Development Order. The Local Planning Authority has 56 days beginning with the date on which it receives a valid application, in which to make and notify its determination on whether prior approval is required to the siting and appearance and to notify the applicant of the decision to grant or refuse such approval. There is no power to extend the 56 day period. If no decision is made, or the Local Authority fails to notify the developer of its decision within the 56 days, permission is deemed to have been granted.

Alternative Sites

Government guidance aims to facilitate new telecommunications development, and consideration needs to be given as to whether all suitable alternative locations have been explored. The search area contains mainly residential properties and agricultural land and it is likely that any location in this area will be in close proximity to residential properties.

As part of this application an exploration of alternative sites has looked into the options of siting the equipment on the following sites; Gresty Green Farm, Alexandra Soccer Centre, Oxion National Rail (Gresty Lane), The Cheshire Cheese, and Crewe Cold Store. These options were discounted for various reasons, including the site provider is not interested, location on the edge of the coverage area would not provide optimum coverage, limited space next to the railway preventing required distance from track being achieved, and unable to agree a deal on rates.

Given that the site selection process has explored the suitability of alternative sites the erection of a new street works mast is not wholly objectionable in this case.

On this basis it is accepted that the operator has complied with guidance and explored suitable alternative sites within this search area.

Siting, Design and Streetscene

Policy NE.18 of the Local Plan and PPG8 encourages operators to mitigate the impact of development by using innovative design solutions. PPG8 states 'operators should use sympathetic design and camouflage to minimise the impact of development on the environment.' The proposed mast is designed as a replica telegraph pole finished in brown wood effect GRP. Within the immediate area there are a number of telegraph poles of varying heights with a row of streetlights being located on the opposite side of Crewe Road.

This area is particularly characterised by street furniture and the design solution proposed would allow the mast to blend in with the existing furniture.

The mast would be 12.5 metres in height and whilst this would be higher than the surrounding telegraph poles and street lighting columns there is nothing in planning policy to suggest telecommunications masts must be the same height as other street furniture. However the visual impact of the mast within the local landscape and streetscene must be carefully considered. At 12.5 metres the proposed mast would not be unduly tall and prominent and given that this section of designated open countryside is defined by ribbon development along Crewe Road and there are a number of existing telegraph poles and street lights, it is not considered the siting of a mast in this location would be contrary to policies which seek to protect the openness of the countryside.

Health and Safety

With regard to any perceived health risks, PPG8 states:

'...it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health.'

The advice offered by the Government's advisors, the National Radiological Protection Board is that "the balance of evidence indicates that there is no general risk to the health of people living near base stations". It is the Government's view that if a proposed development meets the ICNIRP guidelines as recommended by the Stewart Report, it should not be necessary for a local planning authority to consider health effects further. It is confirmed that the installation complies with the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure and that the Certificate produced by the operator takes into account the cumulative effect of the emissions from proposed installation and all radio base stations at or near the proposed site. It is not considered therefore, that health considerations could form the basis of a substantial reason for refusal.

Highways

The mast and associated equipment cabinet would be located adjacent to the entrance to the Cheshire Cheese public house, however given that it will be 5 metres back from the kerb line and at the back of the footway it would not obstruct visibility at this access. It is therefore not considered this proposal will result in a detrimental impact on highway safety.

11. CONCLUSIONS

The siting of telecommunications equipment is a highly emotive area of planning and is dictated largely by the need to provide coverage to populated areas. It is rare for such development to be sufficiently remote that no objections are raised from residents. Alternative sites have been considered as part of the selection process and have been rejected for the reasons outlined in Section 10 above.

Moreover whilst the proposed mast would be higher than the surrounding telegraph poles and street lighting its design as a replica telegraph pole would allow it to blend in to the

streetscene and it would not appear overly prominent or incongruous in this location. It is considered that the benefits of extending the telecommunications network in the area, in line with government policy stated in PPG8, outweigh the limited visual impact of the proposed development upon the character and appearance of the area.

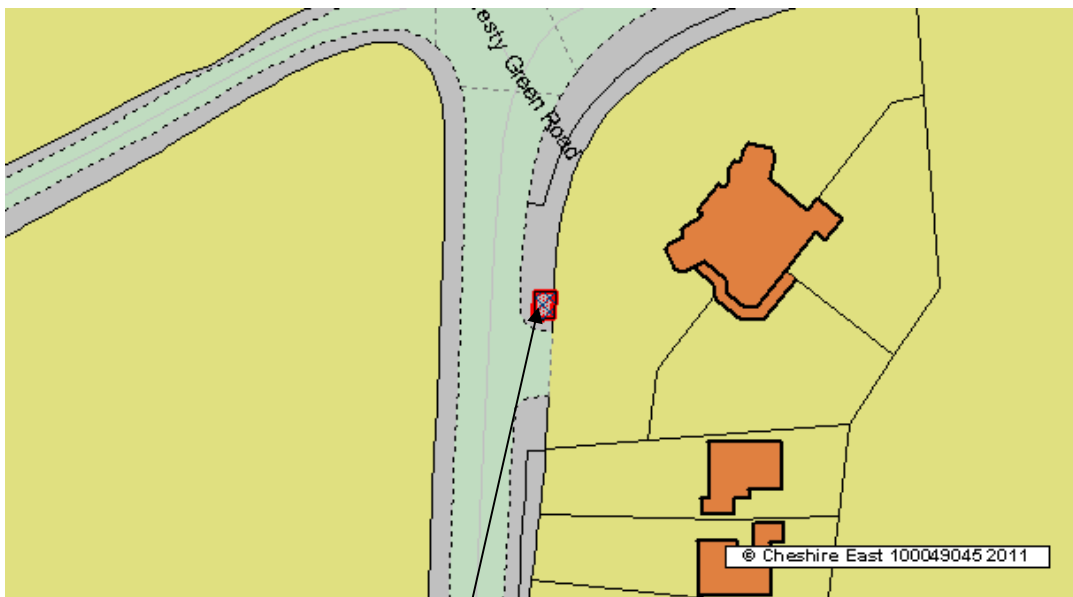
12. RECOMMENDATIONS

That details of siting and design are required and that these details are approved

Conditions:

1. Standard – 3 years
2. Development to be completed in accordance with the approved plans

Location Plan



The Site

Application No: 10/3320C

Location: LAND NORTH EAST OF, DUNKIRK FARM, LONDON ROAD,
BRERETON, HOLMES CHAPEL

Proposal: THE CONSTRUCTION OF 18 NEW AFFORDABLE TWO BEDROOM
HOUSES

Applicant: MR MIKE WATSON, PLUS DANE GROUP

Expiry Date: 13-Dec-2010

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and S106 Legal Agreement

MAIN ISSUES:

- a) Principle of Development
- b) Housing Need
- c) Affordable Housing
- d) Design & Layout
- e) Highways
- f) Trees & Landscaping
- g) Ecology
- h) Public Open Space Provision
- i) Drainage and Flood Risk
- j) Residential Amenity
- k) Noise

1. REASON FOR REFERRAL

This application proposes the erection of more than 10 dwellings and is therefore a major development.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a green field site situated on the west side of London Road just outside of the settlement boundary of Holmes Chapel. The site is broadly triangular in shape and measures just over 1 ha in size. The site is bounded to the northwest by the Crewe to Manchester Railway Line, to the north by the River Croco beyond which there are residential properties arranged around a courtyard (Alum Court), and to the southwest are open countryside designated fields previously used for the purposes of agriculture. Directly to the south of the site is a private drive, which is accessed directly off the A50 London Road, which serves Dunkirk Farm to the east.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 18 affordable dwellings with access provided off the private drive serving Dunkirk Farm. The dwellings would be managed by a registered social housing company (Plus Dane Group). The tenure is proposed to be a mix of rented and shared ownership, which should the application be approved, would be secured by a Section 106 Legal Agreement.

4. RELEVANT HISTORY

09/2897C - The Construction of 18 affordable two-bedroom houses - Withdrawn 18/11/2009

5. POLICIES

National Policy

PPS1	'Delivering Sustainable Development'
PPS3	'Housing'
PPS7	'Sustainable Development in Rural Areas'
PPS9	'Biodiversity and Geological Conservation'
PPG13	'Transport'
PPS23	'Land Contamination'
PPG24	'Planning and Noise'
PPG25	'Development and Flood Risk'

Regional Spatial Strategy (RSS)

Regional Spatial Strategies (RSS) were revoked by the Secretary of State for Communities and Local Government on 9 July 2010 under Section 79 (6) of the Local Democracy, Economic Development and Construction act 2009. However, the Regional Spatial Strategy for the North West has been reinstated (protem) as part of the statutory Development Plan by virtue of the High Court decision in the case of Cala Homes (South) Limited and the Secretary of State for Communities and Local Government and Winchester City Council on 10 November 2010.

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
DP8 Mainstreaming Rural Issues
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
RDF2 Rural Areas
L2 Understanding Housing Markets
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental

Assets

Local Plan Policy

PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

Other Material Considerations

Interim Planning Policy on the Release of Housing Land
Interim Planning Statement: Affordable Housing
Strategic Market Housing Assessment (SHMA)

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

Design compendiums include 'By Design' and Manual for Streets'

Written Ministerial Statement: Planning for Growth (23rd March 2011)The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner; Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

"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:

- (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 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 customer 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.*

6. CONSIDERATIONS (External to Planning)

Environmental Health:

The Environmental Health Division states that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. The noise attenuation measures detailed in the submitted 'Noise and Vibration Survey' should be implemented prior to occupation of the dwellings. It is also recommended that a dust management plan be submitted to reduce dust during the construction phases and further conditions relating to external lighting, hours of construction, piling and associated deliveries to the site are recommended.

Highways:

Visibility from the proposed access point is good in both directions. London Road has an existing speed limit of 40 mph at the proposed access point, with it changing to de-restricted to the south. There are no pedestrian crossing facilities close to this site to the north (towards Holmes Chapel end). As such it is recommended that the developer provide a financial contribution towards traffic management improvements for an extension of the 40mph speed (to the south) and a pedestrian refuge island to the north.

Conditions requiring detailed drawings of the site's access; visibility splays and the road layout are recommended. The proposed highway within the development shall be designed and constructed in accordance with the specification within the Cheshire County Council Design Aid Manual 1996 and Manual for Streets.

Housing:

The 2010 SHMA shows that there is a need for about 26no. affordable homes per annum in the Holmes Chapel area. It is understood that under Planning Policy this site is classed as a Rural Exception site and therefore should be specifically Affordable Housing, which should remain affordable in perpetuity.

The housing needs survey also stated there is a shortage of 2bed and 3bed properties. The SHMA carried out in 2010 stated that targets need to support a better mix of housing types in all locations. The SHMA 2010 shows that the largest proportion of additional affordable units needed in the former Congleton borough are required as rented properties. The definition of

affordable housing in PPS3 includes social rented housing or intermediate affordable housing including shared equity schemes.

In addition to the housing needs survey there is further evidence of demand for 2bed and 3bed properties in Brereton and Holmes Chapel as there are currently 6 active applicants for 2bed and 8 active applicants for 3bed properties on Cheshire Homechoice. There are also currently 7 people who have expressed interest in intermediate tenure on the affordable housing waiting list held by Housing Strategy.

In accordance with current planning policy all 18 units should be provided as affordable housing, 9 of these for social rent and 9 as intermediate tenure. It is therefore recommended that the developer undertake to provide the social rented element through an RSL who becomes a signatory to the section 106 agreement

Environment Agency (EA):

The EA initially objected to this application as the proposals involved building within 8 metres of the bank top of the River Croco, which would restrict essential maintenance and emergency access to the watercourse. The Agency also objected to this application as the Flood Risk Assessment (FRA) submitted with this application (REC / 800023 / August 2010), did not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25: Development and Flood Risk (PPS25). However, the scheme as amended would enable an 8 metre buffer strip to be maintained and an updated Flood Risk Assessment has satisfied the Agency's initial objections. As such EA do not object subject to the imposition of conditions relating to finished floor levels, ground levels, drainage and a scheme for the future management and maintenance of the buffer zone with the River Croco.

Green Spaces:

Following the assessment of the existing provision of Amenity Greenspace accessible to the proposed development, having a quantity deficiency, it is acknowledged 730m2 of Amenity Greenspace is being provided on site. This is actually an over provision by 300m2 but is welcomed and recognised when calculating and assessing the Children and Young Persons Provision.

Taking into account the amount of POS located within the area of the development site and the location of the POS that has been proposed, it would seem adequate, although more detail as to the landscaping proposals would be sought.

To the North and North East of the site there are existing trees and natural landscaping to be retained. In addition, boundary treatments of post and rail fencing incorporating some hedgerows to retain the openness and character of the site are to be provided. Clarification would be required as to the intended end ownership of these areas due to any maintenance implications that may arise as a result of it. It is with this in mind therefore, that I suggest that consideration is made for these areas of POS to be transferred to a management company. This, if preferred, could also be applied to the centrally located formal area of POS.

If the formal POS was to be transferred to The Council serving the development based on the Council's Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance: £8,632.00

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

On site provision would normally be required as there is none in the local vicinity, the closest being over the 800m distance threshold set out in Interim Policy Note for the Provision of new Open Space.

However, if a small Equipped Area for Play (LEAP) centrally located on the POS within the development providing at least 3 items of equipment (including a multi-unit) for the 6 and under age range. A ballpark estimate would be in the region of

New Provision: £51,000

Maintenance: £51,044 (25 years)

This would take into account play area infrastructure, equipment including elements of DDA equipment, safer surfacing and safety inspection. We would request that the final layout and choice of play equipment be agreed with CEC, and obtained from a supplier on the Councils select list, the construction should be to the council's specification. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works.

Whilst Green Spaces acknowledge that this would be the requirement following guidelines and policy, it also recognises the provision of this may make the development economically unviable, however this would be a Planning Officer's decision.

An alternative would be a contribution towards upgrading of the play facility at Middlewich Rd, Holmes Chapel. This is located approximately 950m distance from the development site but is the main park for the town of Holmes Chapel. The last play area report for CE in 2009 recommends;

- considering installing a new multi-play unit including a slide to accommodate the 12 and under age range, to replace the existing climbing frame and slide, two separate units if finance will allow, and a new rocking item.
- Ensure that there is a hard standing surface or pathway system into and across the site.
- Ensure any future development of the site in terms of equipment, ancillaries and access embraces the ethos of the DDA and allows accessibility for all.

With the above in mind and as a **guide only** a ballpark estimate for contributions sought from the developer would be;

Enhancement: £17,160.00

Maintenance: £12,836.00 (25 years)

The enhancement figure is based on 2 items of equipment including a small multi unit and rocking item for the under 7-age range. Green Spaces would request that any enhancement contributions should not be 'time limited' so ensure maximum benefit to the community, thus enabling the 'pooling' of funds should the old Aventis site and/or old wallpaper site (FADS) be developed.

It should be noted that the maintenance figure is based solely on the estimated extra (43) persons emanating from the development and will contribute to the existing maintenance budget.

Sustran:

Although the scale of the development is modest, Sustran would like to see a financial contribution towards improving the walking/cycling environment in Holmes Chapel to the railway station and to the school in particular. Further recommendations are made aimed at encouraging walking/cycling from the site, these include:

- Reducing the speed limit on London Road from a point to the south of the site.
- Within the site itself, a 20mph zone should be established by design.
- There should be adequate storage areas within the houses for residents' buggies/bicycles.

Public Rights of Way Unit:

Whilst the site is adjacent to public footpath no. 2, in the parish of Brereton as recorded on the Definitive Map, it appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advisory notes to any planning consent to ensure that developers are aware of their obligations with regards to health the users of the public right of way.

United Utilities (UU):

United Utilities offer no objection to the proposal provided that condition relating to the discharge of foul and surface water drainage to prevent foul flooding and pollution of the environment. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the SUDS.

Jodrell Bank:

The University of Manchester recommends that the development should incorporate materials that assist in the electromagnetic screening of the development to prevent interference with the Jodrell Bank telescope.

7. VIEWS OF BRERETON PARISH COUNCIL

Brereton Parish Council support this application on the grounds that there is a requirement in rural areas to have affordable property close to facilities thus making it suitable for low cost housing. The Parish Council would request that there is a condition added whereupon the parishioners of Brereton would have first choice to apply for these houses.

8. OTHER REPRESENTATIONS

Letters have been received from 14 addresses objecting to this application on the following grounds:

- Loss of Views across Open Countryside

- Loss of privacy
- The stream at the rear should form part of the open space
- Objectors purchased their properties on the understanding that the land at the rear would not be built on
- More suitable sites should be considered before this one within Holmes Chapel e.g. Sanofi Aventis, Fads, Victoria Mills, and Arclid
- Loss of habitat, litter, danger to children.
- Plans are unclear as to relationship with properties on Alum Court
- Proposed parking facilities are very close which will obviously mean more noise and pollution for residents on Alum Court
- The number of potential cars entering and leaving 'Dunkirk Way' onto the very busy A50 would mean that people who walk their dogs and the children in wheelchairs who use the right of way to access the countryside, will no longer be able to enjoy this activity.
- Brereton will not have to service any future residents - the burden will fall on Holmes Chapel Schools and other amenities.
- More traffic, disruption, making the schools in Holmes Chapel more populated hence requiring more teachers, over subscriptions at the doctors, dentists and placing strain on local infrastructure within Holmes Chapel
- Loss of property values
- The site is in the parish of Brereton and therefore the houses should be situated within Brereton Village.
- Flooding and drainage issues.- During heavy rain, the pumping station at Sanofi - Aventis cannot cope with the increased capacity. On a number of occasions the sewers have flooded resulting in sewage flowing in to public areas
- People living in affordable housing do not usually own 2 cars.
- There are a number of trees that would be removed
- This could lead to a precedent for further development of green field sites

9. APPLICANT'S SUPPORTING INFORMATION

Amended Plans

Supporting Planning Statement Incorporating a Design & Access Statement

Affordable Housing Statement

Flood Risk Assessment

Highways Assessment

Noise Impact Assessment

Phase 1 Habitat Survey

Tree Survey

Arboricultural Implications Assessment

10. OFFICER APPRAISAL

Principle of Development

The application site lies outside of the settlement boundary for Holmes Chapel and within the open countryside as defined by the adopted Congleton Borough Local Plan First Review.

National planning policy in the form of Planning Policy Statement 3: *Housing* indicates that where viable and practicable, local planning authorities should consider releasing sites solely for affordable housing in perpetuity that would not normally be used for housing because, for example, they are subject to policies of restraint. Consistent with this advice, saved policy PS8 of the local plan restricts development within the open countryside, with a number of exceptions, which include affordable housing for local need.

Local plan policy H14 outlines the detailed requirements for affordable housing schemes within the rural parishes of the former Borough of Congleton. It promotes proposals which meet an identified local housing need that cannot be accommodated any other way and indicates that sites must be small and close to existing or proposed services and facilities. It requires developments to be appropriate to the locality in terms of scale, layout and design. It also explains that schemes should consist only of low cost housing in perpetuity, which is for rent, shared equity, or in partnership with the local housing authority or a housing association. In addition, policy H14 indicates that such schemes must be subject to a legal agreement to ensure, amongst other matters, that initial and subsequent occupancy is limited to members of the local community who are in housing need, that occupants are prevented from subsequently disposing of the properties on the open market and a satisfactory mechanism is established for the management of the scheme. As such, the principle of affordable rural housing within the open countryside can be acceptable subject to local need and compliance with other material planning considerations.

Housing Need

Within the supporting planning statement, the issue of housing need has been assessed with respect to the rural parish of Holmes Chapel and not Brereton. Whilst the site is located within the rural parish of Brereton, it is intended that the development would meet the needs of the residents of Holmes Chapel. On that basis, the application has included an excerpt from the housing needs survey that was recently carried out by Holmes Chapel Parish Council. This states that 361 respondents (48% of those surveyed) indicated that there is a need for starter homes within Holmes Chapel as many residents cannot compete with the high property prices and are therefore forced to move away from the village.

Policy H14 of the local plan makes it clear that applications for rural exception sites must be supported by a survey which identifies a level of housing need within the local community as whole. Whilst the information submitted by the applicant is limited, the Council's Strategic Housing Market Assessment (SHMA) identifies that there is currently a need for 86 dwellings within Holmes Chapel and 57 dwellings across the Holmes Chapel Rural parish, which includes smaller settlements such as Brereton. This takes into account sites that already benefit from planning permission and include the provision of affordable units. Thus, in light of the evidence of need demonstrated by the SHMA coupled with limited information submitted, it is concluded that there is an identified local need within Holmes Chapel and as such a refusal could not be sustained on the basis of failure to demonstrate need. The Council's Housing Strategy and Needs Manager supports this application and as such the principle of the proposed development is deemed to be acceptable. Whilst reference has been made to sites that may be brought forward in the future, these have not come to fruition and will not be sufficient to cater for the level of identified local need.

Affordable Housing

With regard to the issue of type and tenure, 11 homes will be two-bed, and 7 will be three-bed homes; 10 of the dwellings will be available on a shared ownership basis and 8 will be available for social rent. The Plus Dane Housing Group will control the units. Provided that the developers and the Registered Social Landlord chosen to manage the social rented properties enter into a Section 106 Agreement securing the provision and retention of the affordable housing in perpetuity, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing. The applicant has confirmed acceptance of this and therefore it is considered that the requirements of local policies PS8 and H14 have been met.

Design & Layout

Initially, the proposed dwellings were to be arranged around a core area of open space centrally positioned within the site. Whilst such arrangements can prove effective in urban and suburban areas, and promotes passive surveillance of public spaces as well as encouraging active frontages, the result was that the proposed dwellings would have been pushed out to the perimeter of the site where the impact on the open countryside would have been accentuated and scope for screen planting reduced. Having expressed these concerns to the agent, the layout has been amended. The revised layout shows the dwellings configured in an L shape positioned along the northeastern and northern boundaries. This would allow the highways layout to follow a similar pattern with the remaining southern portions of the site given over to public open spaces/amenity space. This would also increase the separation with the southern boundaries and would provide scope for further planting along these boundaries so as to minimise the visual impact on the open countryside.

Whilst the Senior Landscape and Tree Officer has expressed concern about the visual impact on the proposals, as amended it is considered that the potential harm on the landscape would be minimised. The proposed layout would provide a high quality public realm with good surveillance across the area of open space and formal areas of landscaping. There would be well-defined active frontages with areas of hardstanding and parking kept to a minimum. Consequently, the revised layout is deemed to be acceptable in design terms.

With regard to the design of the proposed dwellings, they would be modest in terms of their size and scale and rural in character. The house types would vary and this would help to provide some differentiation within the development itself. The individual design of the house types proposed is deemed to be acceptable. As such, the proposal satisfies the requirements of PPS1, PPS3, By Design, Manual For Streets along with local plan policies GR1, GR2 and GR3 which seek to deliver high quality design.

Highways

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway. The proposed development would be served by a new access created off the A50 London Road. This new access would also accommodate the vehicle movements generated by the residential units at Dunkirk Farm and as such the existing access would be closed off.

The Strategic Highways Manager has assessed this application and has offered no objection to the proposal on highways grounds. However, because of the rise in vehicle movements coupled with existing development at Dunkirk Farm, it has been recommended that the 40 mph speed limit be extended further south to lessen the conflict between vehicles emerging and accessing the site with traffic travelling along the A50 London Road. The capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The recommended pedestrian island to the north on London Road and the contribution towards traffic management to extend the 40 mph speed limit are considered to be relevant and proportionate to the development. Therefore the proposal complies with the requirements of policies GR9 and GR18 would be met. Whilst Sustran have recommended that financial contributions should be sought towards improving the existing cycle and footway network in Holmes Chapel, this would not be reasonable or proportionate for a scheme of this size.

Trees & Landscape

The layout proposed would require the removal of a section of roadside hedgerow, a short line of unmaintained Hawthorn (possibly a remnant hedge) and a number of mature trees. The Senior Landscape and Tree Officer (SLO) has considered the impact of the proposed replacement access and hedge removal in relation to the Hedgerow Regulations 1977. A new access would be exempt from a Hedgerow Removal Notice if the existing access were closed up with hedge planting within 8 months. Therefore the SLO has not assessed any ecological or historic criteria under the Regulations. The short line of Hawthorn is not significant and the SLO is satisfied that the individual trees identified for removal have defects, which make them unsuitable for long-term retention. Subject to appropriate protection measures and certain remedial arboricultural works, it should be possible to retain trees identified for retention within the layout as proposed. In the event that the proposals are deemed acceptable, comprehensive tree protection, boundary treatment, levels and landscape conditions are recommended.

In terms of the impact on the landscape setting, this has been minimised through the revised layout and the existing screen planting and buffer along the London Road frontage would ensure that scheme did not appear intrusive or dominant. As such, the proposal is deemed to be acceptable in landscape terms.

Public Open Space Provision

Under Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', there is a requirement for the provision of public open space on the site. The proposed layout shows that there would be a central core of open space within the site. However no provision for children's informal play space is specified on the proposed plans. The Council's Greenspaces division have stated that the proposed provision is acceptable. However, they have recommended contributions towards the cost of provision and future maintenance. The applicant has confirmed that Plus Dane will provide the play equipment and will maintain the open spaces in perpetuity. Thus, subject to this being secured by way of a legal agreement, and to the specification of the Council's Greenspaces division, the financial contributions would not be required. The applicant has confirmed acceptance of this and consequently the scheme is compliant with SPG1.

Ecology

In view of the fact that the development would involve the removal of some tree specimens and scrubland, the existence of protected species needs consideration. 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 implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 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.

Local Plan Policy NR2 states that proposals for development that would result in the loss or damage of any site or habitat supporting species that are protected by law will not be permitted.

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 line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. The ecologist has identified few habitats of priority interest on site and suggested that the loss of habitats such as scrub and hedges could be mitigated through enhanced landscaping. Some of the features of the site exhibit ideal habitat for breeding birds and as such precautionary recommendations are made. The Ecologist has no objection to the proposals subject to the retention of 3 tree specimens, conditions relating to the protection of breeding birds, provision of bat and bird boxes, a 5m buffer zone along adjacent River Coco and the submission of 10-year-management plan to include the area of adjacent grassland identified in submitted ecological survey. Subject to these recommendations being implemented, the requirements of local plan policy NR2, PPS9 and the EC Habitats Directive are satisfied.

Drainage and Flood Risk

PPS25 'Development and Flood Risk' states that LPAs should, in determining planning applications, give priority to the use of sustainable drainage systems for the management of runoff. Building design should ideally use softer engineering structures such as swales, detention ponds, infiltration basins and porous surfaces as alternatives to conventional drainage systems to minimise flooding and environmental damage as a result of uncontrolled surface water runoff. The site is not within an area at risk from flooding and as such, in the event of such development being approved, sustainable drainage systems can be secured through condition or agreement. United Utilities have not objected to the application provided that the site is drained on separate system.

Policy GR21 of the Congleton Local Plan sets out criteria to be considered when determining applications within identified flood risk areas. More recent guidance in PPS25 states that a sequential approach is to be followed at all levels of the planning process. The proposed development is for a more vulnerable use, part of which lays within flood zone 3; the sequential and exception tests should therefore be applied to the site in accordance with table D.3 of PPS25 (Annex D). The site has not been subject to these tests under the former Congleton Borough's SFRA. Nonetheless, the EA has accepted that the updated FRA is acceptable as the amount of development falling with zone 3 would be minimal and therefore compliance with conditions relating to finished floor levels, ground levels, drainage and a scheme for the future management and maintenance of the buffer zone with the River Croco would ensure compliance with local policies GR21 and the advice within PPS25.

Residential Amenity

The proposed dwellings would back onto the properties situated on Alum Court. However, the separation distance between the new and existing properties would exceed the minimum separation distance of 21.8 metres between principal windows as set out in the Council's Supplementary Planning Guidance (SPG2). As such, the impact on the nearest residential properties would not be significant. Within the development itself, minimum separation distances would be achieved and each property would benefit from an appropriate amount of private amenity space in accordance with policies GR6 and SPG2.

Noise

The application is supported by a noise assessment, which assesses the likely potential impact of the adjacent Crewe to Manchester Railway Line on the future occupants of the proposed dwellings. The assessment concludes that any harm could be addressed through the incorporation of appropriate glazing and materials in the development to help minimise any noise impact. The Councils' Environmental Health Division is satisfied with these measures and as such the proposal is deemed to be acceptable and in accordance with policy GR6 and PPG24.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development is found to be acceptable. Whilst this is a Greenfield site and the loss of any such site to housing is regrettable, consideration also needs to be given to the need for the Council to ensure an adequate supply of housing. There is an identified need for affordable housing both within the rural parishes of Brereton and Holmes Chapel even having regard to those sites that already benefit from planning permission in the locale. In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development subject to measures aimed at reducing the speed limit on London Road. There would be no adverse impact on trees or wildlife habitats subject to habitat enhancement and creation as part of the scheme. The applicant will ensure provision of the public open space and play equipment, which will be maintained by the Plus Dance housing Group in perpetuity. The risk posed to drainage is not deemed to be high and could be controlled through the use of SUDS and conditions recommended by the Environment Agency. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology and highway safety and the application is therefore recommended for approval.

12. RECOMMENDATION:

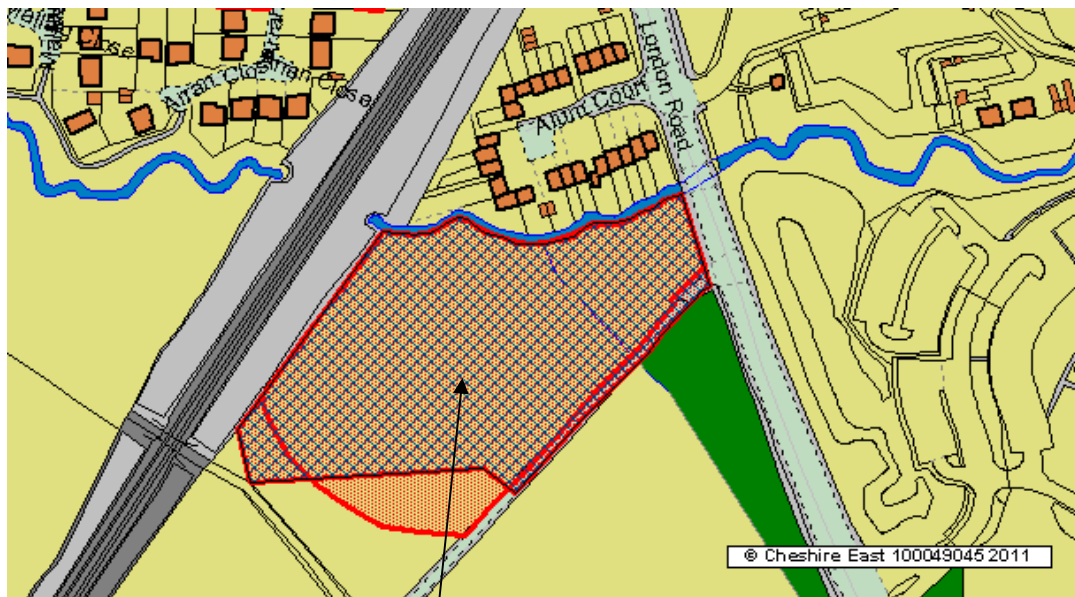
APPROVE subject to the completion of a S106 agreement to secure affordable housing, public open space provision, and highways contributions towards traffic management improvements for an extension of the 40mph speed (to the south) and a pedestrian refuge island to the north.

Conditions

- 1. Commence development within 3 years**
- 2. Development in accordance with amended drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission of details of electromagnetic screening measures to be submitted (Jodrell Bank).**
- 5. Submission and implementation of detailed access and junction plans**
- 6. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details**
- 7. Details of the closure of the existing access off London Road (including native hedge planting) to be submitted**
- 8. Landscaping scheme (to include native species for ecological value) to be submitted**
- 9. Implementation of approved landscaping scheme**
- 10. Submission and implementation of a tree protection scheme**

- 11. Submission and implementation of details of boundary treatments**
- 12. Submission and implementation of surveys and mitigation methods for the protection of breeding birds**
- 13. Scheme for the provision of bat and bird boxes to be submitted**
- 14. Drainage - Submission and implementation of a scheme for the regulation of surface water including SUDS**
- 15. Submission and implementation of a scheme to ensure that finished floor levels are set no lower than 53.82m above Ordnance Datum (AOD)**
- 16. Submission and implementation of a scheme for the management of overland flow from surcharging of the on-site surface water drainage system**
- 17. Submission and implementation of a scheme for the provision and management of a buffer zone alongside the watercourse to include details of buffer zone with River Croco, details of planting, management plan for the buffer zone and details of footpaths, fencing, lighting**
- 18. Submission of details of existing and proposed ground levels**
- 19. Submission of a Phase 1 land contamination survey**
- 20. Construction management plan to be submitted**
- 21. Noise attenuation measures to be carried out prior to occupation of dwellings in accordance with recommendations included within noise report**
- 22. Limits on hours of construction including delivery vehicles.**
- 23. Limits on hours of piling**
- 24. Removal of permitted development rights for extensions, outbuildings and gates walls and fences.**

Location Plan



The Site

Application No: 10/4059C

Location: HENRY ALTY, KNUTSFORD ROAD, CRANAGE, CW4 8HU

Proposal: Demolition of Derelict Building and Erection of 14no Family Homes with Associated Parking and Landscaping. Change of use from B1 to C3 Usage

Applicant: Mr R Chawla, Goldcrest Finance Ltd

Expiry Date: 13-Jan-2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle of Development
Residential Amenity
Trees and Landscape
Design and Layout
Highway Safety
Ecology
Contaminated Land
Open Space
Affordable Housing

REFERRAL

The application has been referred to planning committee because it is for more than 10 dwellings and is therefore a major development.

1. SITE DESCRIPTION

The site lies in the open countryside to the north of Holmes Chapel on the A50. It forms part of a chain of ribbon development leading out of the town and into the open countryside. The main part of the site is given over to the existing Henry Alty commercial premises which have been used for the retail sale of gardening products and the associated car park to the front. The business has since closed.

In addition, the northern and western (rear) parts of the site are characterised by a large number of trees which define the nature of the area. A tree preservation order (Cranage TPO 1988) covers the site but some of the trees are self set and of poor amenity value.

The existing building on the site had been developed over a series of stages comprising the former two storey dwelling house which was more recently used for office accommodation and a newer single storey element at the front which was used for the sale of horticultural goods. The property is characterised by three gable elements that project forward and are connected by short interlinking sections. The property is brick built with rendered walls and a tiled roof and dates from the 1930's

Surrounding the site to the south and west are a number of other properties, including a number of residential dwellings some of which directly back onto the site.

2. DETAILS OF PROPOSAL

This application seeks consent for an alternative scheme comprising the erection of 14 family homes with associated parking and landscaping.

3. RELEVANT PLANNING HISTORY

Although there are a number of applications relating the historic use of the site, there are two key applications for consideration as detailed below. In January 2007, approval (ref. 06/1173/FUL) was granted for to redevelop to industrial / retail premises specifically for the sale and repair of AGA cookers. This was granted in 2007. There is also an extant planning permission for the development of a serviced B1 office block with associated parking and landscaping. The gross internal office floorspace to be provided amounted to 2,100m².

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS23 Planning and Pollution Control

Regional Spatial Strategy

DP1 – Spatial Principles
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
MCR4 – South Cheshire

Local Plan Policy

PS8 Open Countryside
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy

4. OBSERVATIONS OF CONSULTEES

Jodrell Bank

We have reviewed the design for Knutsford Road and believe from the drawing issued that the architects have covered all the items that we requested.

Environmental Health

No objection subject to the following

- The application area has a history of a garage and a depot and therefore the land may be contaminated.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- Therefore a full contaminated land assessment is required by condition
- A condition is also required to secure a noise impact assessment.
- Development shall be restricted to Monday to Friday 08.00 to 18.00 hrs Saturday 09.00 to 14.00hrs Sunday and bank holidays nil

Highways

- In making this response the Strategic Highways Manager must also take into consideration that this site has an extant permission for development which would include for some B1 office use and an appliance sales/service facility.
- The Traffic Statement provides an analysis of the traffic generation for the site and also offers an assessment of the sustainable travel choices together with a junction design to an acceptable standard.
- The proposed development is for a low number of residential dwellings and therefore the salient issues for this site are: parking provision and access.
- Previous applications – including the extant permission – have all had a higher traffic generation than this proposal and required a higher level of parking provision. It therefore follows that as the extant permission has a higher traffic generation that this proposal will not give any concern from this perspective.
- In any event an acceptable trip rate for residential development is 0.6 trips per household and the offered trip rates for the site are slightly in excess of this level. This means that the calculations for traffic generation in numbers are robust for the site and therefore calculated amounts of traffic will provide genuine analysis.
- The numbers of vehicle trips for the site in the morning and evening peak hours are 8 and 9 trips respectively meaning that one vehicle will either leave or enter the site once every six or seven minutes, on average.
- This traffic generation onto the A50 against the base traffic flow is negligible under Chartered Institute of Highways and Transportation guidelines and the Strategic Highways Manager would advise that this level of traffic generation is considered acceptable, especially given the likely traffic generation from the extant permission use-class.
- It is a highway requirement that one junction should serve the site, reducing existing access points from two to one, and that there should be sufficient parking provision to mitigate concern over displaced parking onto the public highway.
- The proposal offers a new junction with the A50, designed to highway authority standards and a ghost island right turn lane to serve the right-turn traffic into the site which will be designed in accordance with national standards.
- The existing centre hatching accommodates the design of a right turn lane for the site and has appropriate spacing from local junctions.
- This level of design was available for the extant permission and has been previously ratified by the Strategic Highways Manager within the extant permission.

- This access and junction design, together with upgrades to frontage footpaths will be subject to a legal agreement under the Highways Act 1980 and the S.H.M. will recommend suitable conditions and informatives.
- The A50 is a Red Route for accidents and was treated with a safety scheme 2008. The Cheshire Safer Roads Partnership report dated 14th October 2009 demonstrates a 33% drop in accidents on the A50 in the previous 18 months.
- The Strategic Highways Manager therefore considers that the traffic generation for this site, managed by a junction and right-turn lane controlled by a Section 278 Agreement is an acceptable level of traffic generation onto the A50, which does have significant traffic capacity, above its normal traffic-flow levels.
- The site layout proposals offer 200% parking provision with a total of 28 parking spaces serving the 14 dwellings.
- The LPA have agreed a revised option for the internal layout which removes frontage parking from a number of the dwellings giving a better quality layout whilst still maintaining internal dimensions which support all junction movements including for service vehicles.
- The S.H.M. considers this to be an acceptable position and endorses the layout design offered in the drawing: 10037(PI)004* - designated 'option 2'.
- It is considered that 200% parking provision in this rural area mitigates concern over the likelihood of displaced parking onto the A50 and is in line with other similar local permissions which have been granted.
- Previous applications have recognised that this site is not well served by sustainable transport options, though the Traffic Statement does demonstrate that there are some available bus services locally and a limited amount of footpath links.
- Nonetheless the site fits with planning policy in terms of rural housing provision and the parking provision for the site will support the likely extra traffic movements which, for a development of this limited scale still number in single figure trips for the peak flow hours.
- It is not considered that the developer should provide an information pack on Travel Planning for the development, as it is also recognised that this provision will only offer limited advice.
- It is not therefore considered necessary that a Travel Plan be provided for this development.
- The SHM finds that there is no sustainable reason to object to the proposed development and recommends the following conditions be attached to any planning permission which may be granted:

1. Prior to the commencement of development the applicant will provide detailed design drawings for: the construction of the new access, the full closure of the existing southern access and its reinstatement to footway/verge, resurfacing of the frontage footpath and the design of a ghost island right turn lane to serve the site, for the approval of the LPA. This will form part of the off-site highway works.
2. Prior to the commencement of development the applicant will provide a plan demonstrating visibility splay provision in accordance with the Design Manual for Roads and Bridges and provide for verge cutting within the extent of the provisional splays. This will form part of the off-site highway works.
3. The applicant will enter into and sign a Section 278 Agreement under the Highways Act 1980 in relation to the off-site highways works in the above conditions. Via this agreement the design specifics of the off-site highway works will be under the control of the Highway Authority.

Housing

- As the application for this site is for 14 units there would not normally be any affordable housing requirement. However as it is a rural windfall site in Cranage where there is a population of less than 3,000 there is an affordable requirement on the site.
- The Interim Planning Statement for Affordable Housing states in section 3 under the heading Windfall Sites – Settlements of less than 3,000 population: PPS statement 3 'Housing' states that local authorities may wish to set lower minimum thresholds where viable and practical this approach is supported by the 2010 Strategic Housing Market Assessment, subject to substantiating evidence.
- It goes on to state: Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.
- The Housing Section have gone through the affordable housing information available for Cranage to establish the need for affordable housing in the area where the Henry Alty site is, taking into account the sites at Big Stone House and 5 Middlewich Road which are close to the Henry Alty site and have planning.
- For the SHMA Cranage is shown in the Holmes Chapel Rural sub-area. There is shown need in the SHMA for 9 affordable homes per year, 4 applicants for housing in Cranage on Cheshire Homechoice and 3 people on the affordable housing waiting list

we have in Housing Strategy. There is also the last Rural Housing needs survey of Cranage which showed a need for 9 affordable homes.

- There are 2 affordable housing sites in Cranage one is currently being built, Big Stone House, which is 10 units for shared ownership, 8 of these have been sold. The other site next to 5 Middlewich Road, Cranage will provide 10 affordable homes. So the Big Stone House development will meet the need shown in the SHMA for this year and the one next to 5 Middlewich will meet the annual requirement for another year, these will all be shared ownership, the SHMA shows a need for a mix of social/affordable rent and intermediate tenures on a 65%:35% split, so there is need for affordable housing in Cranage as no social/affordable rent has been provided.
- The current information from Cheshire Homechoice and the affordable housing waiting list provide additional evidence of affordable housing requirements in the SHMA. The Rural Housing needs survey also does, but it was carried out in 2006/07, and the total annual affordable housing requirement in the SHMA for Holmes Chapel Rural sub-area is the total requirement for a number of parishes not just Cranage.

5. VIEWS OF THE PARISH / TOWN COUNCIL

- Objection.
- Local services already over loaded.
- Statements inaccurate.
- No garages and no storage space.
- The density needs to be reduced considerably and the homes should be in keeping with the rural area and conform with the design and access statement particularly number 5, 8 and 10 dwellings.
- Highways need to consider access, numbers and movements are suitable for the red route it is situated on.
- This application should be reduced in numbers before it is considered further. It is not for affordable homes and therefore the fact that this site is not designated for housing in the local plan is a key factor and should be considered.

6. OTHER REPRESENTATIONS

Representations have been received from 2, 4 Northwich Road, The Gables, Pump Cottage, Two Oaks, Fontainbleu and Swan Cottage making the following points:

Highway Safety

- This scheme has inadequate parking provision and would result in parking on the A50 and surrounding areas. This would be extremely dangerous, particularly because the A50 is already designated a Red Route
- The play area shown is open and adjacent to the A50 and would therefore be highly dangerous especially at busy times and on the frequent occasions when the M6 is congested or closed and the A50 is used as an alternate route.

- There are no local transport facilities which means that each property will have to own AT LEAST one vehicle, this would cause a serious danger of road traffic accidents as the entry/exit is onto a fast stretch of the A50.
- The scheme has inadequate levels of parking. In many places a ratio of 2 spaces per dwelling would be adequate but, in this location, the lack of any meaningful public transport means there would be insufficient spaces for both occupants and visitors. As a result, cars would attempt to park on the A50 (a Red Route) adding to the existing dangers at its junctions with New Platt Lane and Northwich Road. The application documents refer to garages in numerous places but these appear to be absent from the actual dwelling plans.
- The applicant has also on this submission attempted to alleviate concerns on traffic movement from the development by presenting a set of statistics which may be appropriate for a town development. These are totally meaningless for the locality where all would-be residents would use cars to get around as there are no alternative transport means in the area.
- Bicycle storage is a red herring, it may well be that some residents will own bicycles but it is very unlikely that they will be used for commuting; the A50 is the third most dangerous road in Cheshire and there are no dedicated cycleways along that stretch. Cyclists rarely use the A50 and certainly not during commuting hours.
- How can 14 houses, potentially 28 cars, generate only 8 movements at am peak and 9 at pm peak? The TRICS system may well predict that but on close examination of the sampling, I notice that the urban samples dominate, i.e.. 99.13% urban, 0.87% rural. Urban vehicle movements are always fewer than rural because commuting can often be accomplished by walking, cycling or public transport, none of which are appropriate in this case. TRICS is not an appropriate model for estimating traffic movement at the location, common sense and local knowledge are appropriate.

Character and Appearance

- The design and scale of the scheme is completely out of character for the local area which is semi rural and primarily comprises detached houses set within good-sized gardens.
- The applicants have made broad and inaccurate statements about the housing in the local area such as the existence of 2.5 storey properties when in fact there are none
- The number of properties is far too many compared to the size of the plot.
- This Application bears all the hallmarks of someone trying to maximise their return on the resale value of the site at the expense of the local inhabitants.
- The proposed development is wholly inappropriate for the area and is not of the type that will enhance the local area or the immediate surroundings. The proposed development is wholly inappropriate because it will not enhance the existing residential properties, quite the contrary.

- The application does not comply with the policies set out for the Rudheath Woods area in the Congleton Local Plan. Policy PS6 in particular states that 'within the infill boundary line of these settlements, limited development only in accordance with policy H6 will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance'. In all respects, this application fails this test. There is not one single development in the area that comes even close to this application in intensity, scale or height.
- It does not fall within any one of the 6 categories in Policy H6
- The scheme is not "infill". This would be one or 2 houses.
- Three storey houses so close together can in no way "reflect the rural character of the area".

Amenity

- Properties in Northwich Road will be overlooked from the rear of the dwellings which run along the western boundary of the site. The proposal to have windows at roof level makes this intrusion particularly uncomfortable.
- In rearranging the homes the applicant has now positioned all the 2.5 floors high buildings (which are at a height of 9.6m - far and above any other houses in the area) such that the upper windows at the rear will overlook neighbouring properties.

Other Matters

- The scheme has an inadequate level of affordable housing
- The scheme includes a 222sqm play space. This is a miniscule provision for 14 dwellings and there are no other play areas within reasonable walking distance.
- This site desperately needs to be developed and the failure of commercial applications makes a residential use both sensible and in keeping with the local character which is enshrined in the Local Plan. However, a successful scheme must comply with the policies contained in that plan rather than being driven by a need to recoup the high price that was paid for the land at the height of the market
- The applicants state that there may be a potential source of contamination from past uses and do not state how they will deal with the issue.
- They state that there was no community involvement due to the small scale of the development and yet this is the largest housing development to ever take place in this area. Offers to meet with the developer has been declined. As community involvement is one of the 6 key principles of sustainable development in PPS1
- The applicants claim "The site is well served with amenity and leisure facilities" is not true, the nearest public, affordable and comprehensive amenity is Holmes Chapel Leisure Centre approximately 4 miles away.
- The developers claim that the site is below the threshold for affordable housing provision. However, para 3.6 of SPD6 makes it absolutely clear that for rural

communities of less than 3000 population lower thresholds apply. The application is larger in both hectares and number of dwellings than these thresholds.

- The supporting documents are full of errors, inconsistencies and meaningless statements

7. APPLICANT'S SUPPORTING INFORMATION:

- The development proposal is similar in terms of impacts on trees, to the extant planning permission and can be implemented with the removal of several low value trees and one moderate value tree and the pruning of several retained trees, which collectively will have a modest impact on amenity as viewed from outside the site. All trees proposed for retention can be protected for the duration of site construction works in accordance with current best practice guidance within BS5837.
- New tree, shrub hedge plant as part of a wider scheme of landscape enhancements across the site can mitigate trees lost to the development, enhance the landscape setting of the site and strengthen the site boundaries.
- In terms of impact on trees, the development proposal as amended by the schedule and drawing appended hereto and as supplemented by a suitable landscape scheme is broadly neutral.

Transport Statement

- The site is on previously developed land
- The site is readily accessible by bus given its location
- The site can be accessed safely and efficiently from Knutsford Road.
- The proposals will rationalise the two existing access points into one formal vehicular access
- The proposals will generate a negligible increase in traffic on the local highway network when compared to the existing operation of the site
- The internal layout is considered to be acceptable by CEC
- In conclusion there should be no reason to object to the planning application on transport and highways grounds.

Sustainability Study

- The study demonstrates that the site can provide a sustainable development; it falls within an established residential area. The development meets the requirements of the UDP
- Due to the inherent nature of this development, recycling and sustainability is the fundamental ethos behind this entire venture

Contaminated Land

The data examined in this risk assessment indicates that there may be a potential for land contamination on this site.

8. OFFICER APPRAISAL

Principle of Development

The site lies within the Infill Boundary Line for the settlement of Rudheath Woods, where, according to Policies PS6 and H6, limited development will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

The site was formerly in use as a retail establishment selling garden, building and hardware products. It therefore constitutes an existing employment site and consequently Policy E10 should apply. This states that proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

Planning permission was granted in 2009 for a large office building on the site. However, during the intervening period no developers have come forward who are willing to implement that permission. This indicates that there is no market for office accommodation of this nature locally and is probably due to the isolated location of the site, away from shops, services and other town centre facilities necessary to support the needs of the business and the staff that work there.

It is also considered that there would be planning benefits that would arise from the redevelopment of the site for residential use. Firstly, the proposal would 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.

Secondly, the proposed residential development would have significantly less impact on the character and appearance of the surrounding area, traffic generation and the amenity of neighbouring occupiers than the approved office building. Thirdly the proposal would bring back into beneficial use, a derelict and redundant site, to the benefit of the surrounding area. Finally, the proposal would be more sustainable than the previously approved office building in terms of reducing the need to travel. 14 families travelling out from the site to work or school, will generate significantly less vehicle trips than approximately 300 office workers commuting to and from the site daily.

On balance, therefore, it is considered that the lack of interest in developing the site for commercial purposes since its closure in 2005, and in particular since the grant of planning permission for the office building in 2009 demonstrates that it is no longer suitable for employment purposes. Moreover, the proposal will result in significant planning benefits in terms of housing land supply, character and appearance of the area, amenity and sustainability and on this basis it is considered that the proposal complies with the requirements of Policy E10 of the Local Plan.

Jodrell Bank

The University of Manchester objected to the proposals as originally submitted on the basis of the potential interference from electrical items within the properties affecting the working of the telescopes at Jodrell Bank. However, negotiations have taken place between the University and the developer which have resulted in amended plans that show the dwellings re-orientated so that they stand with their gable ends facing towards the telescope. The University has confirmed that it is satisfied with the amendments.

Residential Amenity

The surrounding development comprises a commercial garage premises to the south side, an area of woodland to the north side and residential property to the rear. Open Countryside lies on the opposite side of the A50. The Council's Supplementary Planning Guidance recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

In this case, following the submission of the amended plans, a distance of approximately 23m will be achieved, at the closest point between the proposed dwellings on plots 8 to 14 and the property known as Two Oaks to the south of the site. Furthermore, the two dwellings would be separate by the garage site. A distance of approximately 19m would be maintained between the gable elevation of the proposed dwelling on plot 7 and the property to the rear of site, known as 2 Northwiche Road. It should be noted that this measurement is taken at the closest point from the corner of Plot 7 to the corner of no.2, and that the dwellings do not face each other directly, which further limits the potential for loss of privacy and light. This is considered to compensate for the fact that the proposed dwellings would be more than 2 storeys in height. In addition, the overall height and massing of the proposed dwellings would be significantly less than that of the approved office building and, the site is well screened by a belt of mature trees.

The revised layout has further improved the level of residential amenity afforded to the dwellings to the rear in Northwiche Road. Both rows of proposed houses are now situated with their gable ends facing towards these dwellings, where previously, there had been a row of principal windows.

Therefore, the minimum standards set out in the Council's Supplementary Guidance would be considerably exceeded and in view of the other mitigating factors, it is not considered that a refusal on amenity grounds could be sustained.

Design and Layout

The dwellings are laid out in two rows, facing each other across a central, parking and turning area, which also incorporates an area of open space. The two rows of houses are orientated at right angles to the main A50, with blank gables facing on to the highway. Whilst this is not normally considered to be appropriate as it fails to create active frontage to the road, in this situation it is considered to be acceptable for a number of reasons. As stated above, this is the only layout which will overcome the objection from Jodrell Bank. It is also commonplace within the rural landscape to find dwellings which are sited at right angles to the road with their gable ends immediately abutting the highway.

The layout minimises the potential for noise and disturbance to future occupants from the busy main road, and thirdly, the layout create a sense of enclosure and community as well as natural surveillance of the parking areas and open space. This sense of enclosure is enhanced by the fact that the dwellings to either side of the site access are stepped forward slightly. This will provide further screening against noise and disturbance to the central area. The courtyard layout of the development is also reminiscent of the many converted farmsteads in the locality. The amended layout has also enabled the relocation of the public open space to the rear of the site, which has addressed a number of local resident's concerns, about the proximity of this facility to a busy main road.

To turn to the elevational detail of the scheme, the properties are traditional pitched roofed dwellings which incorporate many features such as gables and window head details that are typical of many farmhouses and traditional cottages in the vicinity. Local residents have expressed concern about the height of some of the dwellings. However, from a design perspective, there are many substantial detached properties and farmhouses in the vicinity and taking into consideration the overall height of the previously approved office building, it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

Highway Safety.

In the light of the previous use of the site, and the extant permission for the office building, the Strategic Highways Manager has concluded that the proposal will not result in an unacceptable level of traffic generation to and from the site. He has commented that the applicant has provided an adequate junction design which will allow vehicles to enter and leave the site, without causing detriment to highway safety on the A50, which it is acknowledged is a road with a poor accident record. The site layout proposals offer 200% parking provision with a total of 28 parking spaces serving the 14 dwellings, which is considered to be adequate for the development, taking into account its rural location. Therefore, whilst the concerns of local residents and the Parish Council are noted, in the absence of any objection from the Highways Engineer, it is not considered that a refusal on highway safety grounds could be sustained.

The Highways Engineer has also commented that the amended layout appears to be acceptable, and an updated formal comment will be reported to members at their meeting.

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, 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 implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 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.

Local Plan Policy [insert policy number and summary of content as appropriate]

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 examined the application and commented that it is supported by an acceptable protected species survey.

Evidence of limited bat activity in the form of what are possibly 'feeding perches' and a transitory roost of a relatively common bat species has been recorded within the buildings at this site. The usage of the buildings by bats is likely to be limited to a single or small numbers of animals using the buildings for short periods. The loss of the buildings on this site in the absence of mitigation is likely to have a minor impact upon a very small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The submitted report recommends the installation of features suitable for roosting bats into the proposed houses as a means of compensating for the loss of the roost and also recommends the timing of the works to reduce the risk posed to any bats that may be present.

The submitted recommendations relating to the timing of the works are acceptable; however the proposed replacement roosts are more suited to crevice dwelling species. The species recorded within the buildings at this site is usually considered to be a 'loft dwelling' species. The provision of a purpose designed bat loft would be more appropriate to the needs of the species recorded on site.

The Council's Ecologist recommends that a bat loft designed in accordance with the Natural England Bat mitigation guidelines is incorporated into the proposed development. The bat loft should be located in close proximity to trees on the site boundary. An architects drawing together with a written specification for the design of the bat loft should be provided. In addition the submitted bat mitigation method statement should be amended to include the provision of the bat loft. This can be secured by condition.

Contaminated Land

The supporting documentation submitted with the application suggests that there is potential for ground contamination on the site. The Council's Contaminated Land Officer has examined the proposals and raised no objection subject to an appropriate condition to secure a full ground investigation and any necessary mitigation measures. On this basis it is not considered that a refusal on contaminated land grounds could be sustained.

Affordable Housing

As the application is for 14 units, under the terms of the adopted Local Plan policy it would not normally generate any affordable housing requirement. However according to the Council's Interim Affordable Housing Policy, which accords with advice contained in PPS3, in settlements of less than 3,000 population, lower thresholds will apply. It goes on to state that monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives.

With regard to the issue of local need, in the Council's Strategic Housing Market Assessment (SHMA), Cranage is shown in the Holmes Chapel Rural sub-area, where a need is identified for 9 affordable homes per year. Furthermore, there 4 applicants for housing in Cranage on the Cheshire Homechoice waiting list and 3 people on the Council's affordable housing waiting list. The last Rural Housing needs survey of Cranage also showed a need for 9 affordable homes. However, there are 2 affordable housing sites in Cranage one is currently being built, Big Stone House, which is 10 units for shared ownership, and the other site next to 5 Middlewich Road, Cranage will provide 10 affordable homes. Consequently, it is considered that the current affordable housing requirements for Cranage have been met. Whilst the comments of the housing department, regarding the mix of tenure on these sites are noted, it is not considered that this alone is sufficient to justify additional affordable housing provision on this site.

Furthermore, the site is not in close proximity to local services and facilities and the applicants have provided a viability appraisal which advances an economics of provision argument, that this site cannot financially support the provision of affordable housing. Rendering the scheme unviable through the provision of affordable housing would jeopardize the regeneration of this site and the delivery of much needed housing supply for the Borough of Cheshire East.

Therefore, in the light of the above, and having regard to the advice within the Council's Interim policy it is not considered that the Council is in a position to justify an affordable housing requirement as part of this development.

Trees and Landscape.

Most of the site lies within Woodland W1 of the Northwich Road, Cranage TPO 1988. Although the area is designated woodland, there are only a few protected trees within the main body of the site. The crowns of trees overhang the site from woodland to the north and west and a line of trees on the boundary with the property to the south.

The approved developments would have involved the removal of certain mid site trees. For the current proposed layout, the mid-site trees would be removed, together with some boundary trees identified as being in poor condition. Other boundary trees would be retained including a prominent protected Oak tree to the north east frontage of the site. A submitted arboricultural statement recommends some remedial works to retained trees, together with measures for their protection.

The Senior Landscape Officer has examined the proposals and accepts that there are trees in the vicinity which, on grounds of poor condition, do not merit retention. She does not object to the removal of the specimens identified for felling in the submitted tree survey and subject to appropriate protection measures and sympathetic pruning works, she is satisfied that in the short term, the impacts of the development on retained trees could be minimised. An arboricultural method statement and tree protection measures could both be secured by condition.

However she considers this version of the layout to be the least sympathetic to the protected trees in the long term. The layout would result in the private amenity space of several plots being dominated by trees. Furthermore, the plots to the north of the site, would be shaded by the dwelling themselves. In particular, whilst it is shown for retention, it is likely that the development would result in pressure in the long term for the removal of the Oak tree, referred to above, which is indicated as being located in the garden of plot 1. The tree was afforded a Grade A for retention in the submitted tree report.

Whilst previous plans have demonstrated that a more acceptable layout could be achieved, which would ensure the retention of all the protected trees on the site, both in the long term, and the short term, the alternative layout would generate an objection from Jodrell Bank. In this case, it is considered that the need to satisfy the requirements of Jodrell Bank outweighs the long-term potential threat to a single tree.

To turn to the matter of proposed landscaping within the development, whilst indicative planting is shown on the site layout plan, no landscape or boundary treatment details are provided. However, this can be easily secured by condition.

Open Space

According to the Council's Supplementary Planning Guidance, developments of 7 or more family dwellings will generate a requirement for public open space and children's play space.

The Applicant's Design and Access Statement says that "The proposed scheme is for 14 units, and therefore the requirement for open space is only required where practical. The proposed site layout has been designed to provide an area of open space of approximately 222m², considerably in excess of the requirement. This also provides a focus for the development".

The Greenspace Officer has commented that in pre-application discussion she commented that on a scheme, of 14 dwellings of 3 and 4 bedrooms there would be a deficiency in quantity of provision but did not indicate the exact size of area which would be expected only that a play area should be provided.

Given that this scheme is very small it is deemed to be impractical to provide the total requirement on site, and therefore consideration needs to be given to financial contributions to off-site works.

The necessary level of off-site provision is calculated by assessing the existing provision within an 800m radius against the population demand existing and arising from the new development. This case is unusual in that there is no provision at all within 800m. Consequently, there is no opportunity to provide or improve off site open space in a location where it could be argued that it would be reasonably related to the development.

In summary therefore, whilst it is acknowledged that the level of on-site provision is deficient, it is considered that due to the limited size of the site, it would be unreasonable to insist on additional on-site provision. Given that there are no opportunities to spend commuted sum at a location which is accessible to residents of the new development, it is also considered to be unreasonable to require such a contribution.

9. CONCLUSION

In summary, the proposal is considered to be acceptable in principle, as it lies within the infill boundary line as designated in the local plan. Although it would result in the loss of an existing employment site, it is considered that the applicant has demonstrated that the premises are no longer suitable for employment uses and that there would be substantial planning benefits in permitting an alternative use.

The submission of revised plans has addressed concerns regarding the impact on Jodrell Bank, residential amenity and the location of the play area. The proposal will provide for the retention of protected trees during the course of development. Whilst the revised layout is less sympathetic to trees, in terms of potential for long term pressure for pruning

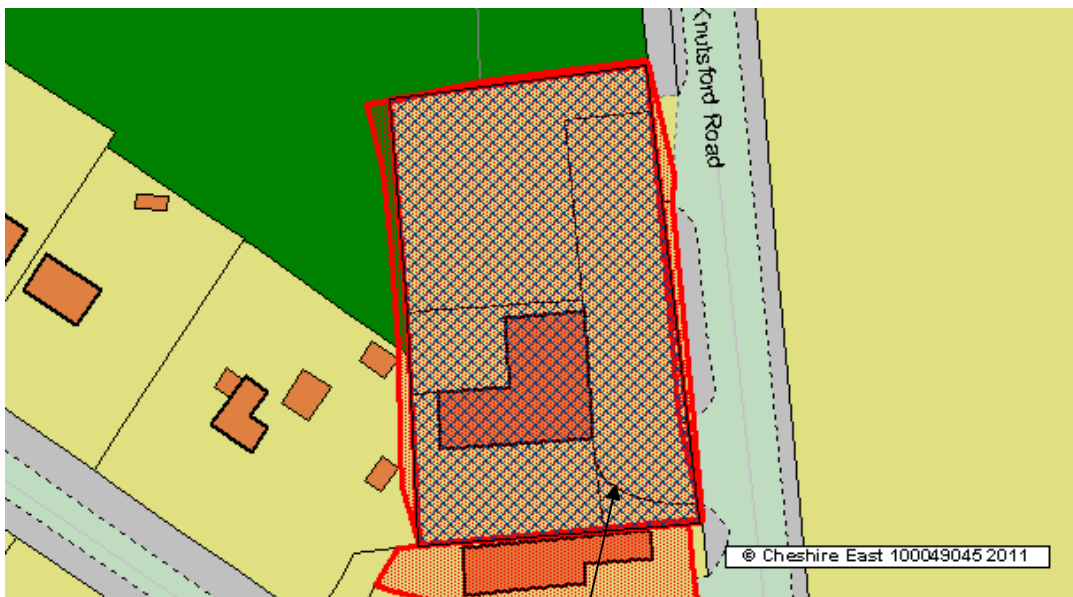
or removal, it is considered that these concerns are outweighed by the benefits arising from the replan in respect of the impact on Jodrell Bank. Although the proposal does not make any provision for affordable housing, it is not considered that a refusal on these grounds could be sustained at appeal, given that according to the Council's housing section, there is no identified need for further affordable housing in the immediate vicinity. The proposal is considered to be acceptable in terms of design and layout, highway safety, ecology and open space. Consequently, it complies with the relevant local plan policies and accordingly is recommended for approval.

10. RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Landscaping**
- 5. Implementation of Landscaping**
- 6. Boundary Treatment**
- 7. Tree Protection Measures & Arboricultural Method Statement.**
- 8. Implementation of Tree Protection**
- 9. Removal of Permitted Development Rights**
- 10. Contaminated Land Condition**
- 11. Submission / approval and implementation of access drawings**
- 12. Submission / approval and implementation of visibility splays**
- 13. Provision of parking**
- 14. A noise impact assessment.**
- 15. Development shall be restricted to Monday to Friday 08.00 to 18.00 hrs Saturday 09.00 to 14.00hrs Sunday and bank holidays nil**
- 16. Scheme for provision and maintenance of open space including children's play space.**
- 17. Timing of works**
- 18. Provision of bat roost**

Location Plan



The Site

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Application No: 11/0680C
Location: 2, RYDAL WAY, ALSAGER, ST7 2EH
Proposal: Proposed Erection of a New Dwelling
Applicant: Mr Simon Palfreyman
Expiry Date: 15-Apr-2011

Date Report prepared 19 May 2011

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

- Principle of the Development
- Amenity
- Design and Scale
- Impact on the Street Scene
- Highways and Parking
- Landscaping and Trees

1. REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee as Councillor Rod Fletcher called it in on the following grounds: "I request that this application should go before the planning committee as it still seems to be of similar size to the earlier one refused and may still be contrary to GR1, GR2, GR6 and PPS3."

2. DESCRIPTION AND SITE CONTEXT

This application relates to an area of the garden of 2 Rydal Way, Alsager, which is situated adjacent to the common boundary with the gable end of 176 Sandbach Road North. It is defined in the local plan, as being within the settlement zone line of Alsager and to the north is open countryside. Adjacent to the northeast corner of the site is the Sandbach Road North No. 1, Alsager, Tree Preservation Order 1993.

3. DETAILS OF PROPOSAL

This proposal is for full planning permission for a single detached dwelling in the garden of 2 Rydal Way, Alsager. The dwelling would be an 'L' shaped dwelling, sited to the rear of 176 Sandbach Road North. It would have 4 bedrooms at the first floor, at ground floor level there would be two reception rooms, a kitchen, cloakroom, utility room, study and an integral double garage. In order to allow the creation of an access to the rear of the site it is proposed to remove the existing garage at 2 Rydal Way, this will be replaced with an attached double garage forward of that existing.

In 2008 outline consent was granted for a detached dwelling on this site (08/1734/OUT), however the indicative plans submitted with the application were considered to show a dwelling of excessive size. This consent is no longer extant, but the local policies under which it was assessed remain the same. Subsequently a full application for a detached dormer bungalow (10/3581C) was refused by the Southern Planning Committee on the grounds that the proposal was inappropriate in terms of size and design and would have an overbearing impact on the occupiers of 176 Sandbach Road North.

4. RELEVANT HISTORY

20709/3	1989	Approval for alterations and extensions
37071/3	2004	Approval for extension to dining room
04/0413/FUL	2005	Approval for conservatory to rear
08/1734/OUT	2008	Outline approval for one dwelling
09/2726C	2009	Withdrawn application for one dwelling
10/3581C	2010	Refused application for detached dwelling

5. POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
L2 Understanding Housing Markets
L4 Regional Housing Provision
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS4 Towns
H1 & H2 Provision of New Housing Development
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health

GR9 Parking and Access
NR1 Trees & Woodlands

SPG2 Provision of Private Open Space in New Residential Developments

6. CONSIDERATIONS

Environmental Protection:

None received at the time of report writing.

Highways:

None received at the time of report writing.

7. VIEWS OF TOWN/PARISH COUNCIL

Alsager Town Council strongly objects to this application and fully support the objections raised by Mr and Mrs Pickersgill of 176 Sandbach Road North.

8. OTHER REPRESENTATIONS

At the time of report writing, 7 letters of objection had been received relating to this application, expressing the following concerns:

- Adverse impact on the amenities of neighbouring properties, in particular 176 Sandbach Road North. In terms of these impacts, the concerns relate to the access drive being in close proximity to a downstairs bedroom window leading to disturbance, loss of privacy once the existing garage is reduced in size and loss of privacy to the patio.
- Development out of character with the surrounding area.
- Loss of garden land.
- Adverse impact on the street scene, in particular when viewed from the road entering Alsager from Church Lawton.
- Over development of the site.
- Adverse impact on highway safety.
- Inadequate space for the parking and manoeuvring of vehicles.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

This document provides details on the history of the site and the surrounding context of the local area. The statement also seeks to expand on the justification for the development proposed and address the issues raised in regard to the refusal of the previous application.

10. OFFICER APPRAISAL

Principle of Development

The principle of development on this site was established when the outline application for a detached dwelling was approved in 2008, however this approval is no longer extant. The site is designated as being within the Settlement Zone Line of Alsager where there is a general presumption in favour of development provided that it is in keeping with the scale and

character of the town. Therefore the proposal should be judged on the criteria laid out in the individual sections of this report.

As some of the objectors have stated, PPS3 has now been amended to remove gardens from the designation of brownfield land and create a new designation of garden land. It should be noted however that this does not preclude development and the proposal should still be determined having regard to the policies contained within the adopted local plan.

Amenity

The properties most affected by the development would be 2 Rydal Way and 176 Sandbach Road North.

Having regard to 2 Rydal Way, a study window and entrance door of the proposed dwelling would face the garden of this property. However, as these would be 8m away from the boundary and a 1.8m fence is proposed on the boundary, it is not considered there would be significant adverse impact on the amenities of this property.

The occupiers of 176 Sandbach Road North have expressed several concerns regarding this proposal, relating largely to loss of privacy, access and parking, impact on the street scene and disturbance. Having regard to loss of privacy, one of the concerns relates to overlooking of a downstairs bedroom window once the garage has been altered at 2 Rydal Way. The window in 176 Sandbach Road North is largely screened by a conifer hedge and the window at 2 Rydal Way is at a much higher level than this window; as such it is not considered that there would be any significant loss of privacy caused by overlooking. The other privacy issue raised is the fact that the drive will run alongside their patio, which they state is the only private part of their garden. Having regard to this issue it is considered that a condition requiring the submission of details of boundary treatments to ensure that privacy could be maintained would address this. In addition the drive of 2 Rydal Way is already close to the boundary and could be extended without the need for consent from the Local Planning Authority. As such it is not considered that a refusal on these grounds could be sustained. Disturbance caused by the creation of the new driveway is also cited as an issue, but it is not considered that the vehicle movements generated by one dwelling would create a significant amount of disturbance to residential amenity.

Having regard to the amenities of future occupiers, the proposed dwelling would have an adequate amount of useable residential amenity space, as required by SPG2 (Provision of Private Open Space in New Residential Developments), as would the occupiers of 2 Rydal Way.

The previous proposal involved a building that was forward of the gable elevation of 176 Sandbach Road North, this proposal is for the building to be in line with this elevation, therefore there would be no adverse impact on the outlook from windows in this dwelling, thereby addressing previous concerns.

It is considered that permitted development rights for extensions should be removed in order to ensure that the amenities of the neighbouring properties in the future.

Environmental Protection have not commented at the time of report writing, however it is considered necessary to impose conditions relating to contaminated land, hours of construction and pile driving.

Design and Scale

The outline consent (08/1734/OUT), established the principle of siting one dwelling on this site, but made clear that the dwelling shown on the indicative drawings would not be acceptable. This was because it showed a large, two-storey dwelling with a ridge height of 9m and a larger footprint than the one proposed in this application. Objectors have referred to the fact that this consent required that the dwelling should be of a 'modest' size, it should be noted that this refers to the scale and massing of the building, not the level of internal accommodation.

This proposal is for a largely one and a half storey dwelling, with a two-storey element, with dormer windows and roof lights in the roof slopes to facilitate the use of the roof space. It would have a smaller footprint than the indicative drawing approved at outline stage and would have a ridge height of 7m, which is 0.4m lower than that of 176 Sandbach Road North. Given the variety of property styles that exist in the vicinity, it is considered that the proposal is acceptable.

Impact on the Street Scene

One of the concerns of the objectors is the impact on the street scene, especially when viewed from Sandbach Road North. However, it is not considered that the dwelling would create a significant, incongruous feature when viewed from the wider area, including the approach to Alsager from Church Lawton, given the development that already exists and the ridge height of the proposed dwelling. As such the building would be viewed in the existing urban context.

There are a variety of house types in the vicinity of the application site, and it is considered that the design of the proposed dwelling would not detract from the overall character of the area. Although the garden area would not be as extensive as others in the vicinity, it is not considered to be so small as to be completely out of character with the surrounding area.

Highways and Parking

The proposal would provide adequate parking spaces for a property of this size and, due to the size of the turning area, vehicles would be able to enter and leave the site in a forward gear. The Strategic Highways Manager has not commented at the time of report writing; however no objections were raised to the previous proposal subject to the creation of an acceptable vehicular crossing. As such it is not considered that a refusal on highway grounds could be sustained.

Landscaping and Trees

The application proposes a dwelling that would be sited in excess of 12m from the protected trees on the corner of the site and is therefore not considered to be a threat to their health and future viability. Having regard to the hedges surrounding the site and the landscaping adjacent to the proposed new drive, it is considered that conditions should be imposed requiring measures for the protection of the hedges during construction and submission and implementation of a landscaping scheme.

11. CONCLUSIONS

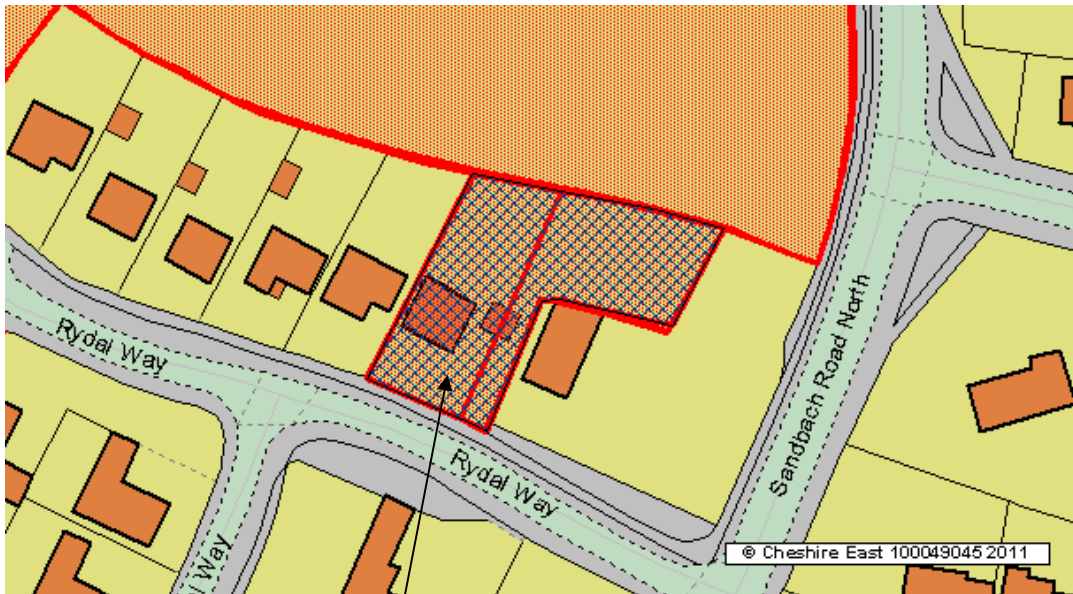
In conclusion, the site is within the settlement zone line of Alsager in the adopted local plan and the proposed development complies with the relevant policies contained within that document, in relation to design, amenity, highway safety and tree protection. It is therefore recommended that the application be approved subject to the following conditions.

12. RECOMMENDATION:

Approve subject to the following conditions:

- 1. Standard time limit**
- 2. Development carried out in complete accordance with the approved plans**
- 3. Submission of materials for approval**
- 4. Submission of scheme for measures to protect trees and hedges on the site**
- 5. Submission of full details of boundary treatments**
- 6. Submission of a Phase 1 contaminated land report**
- 7. Hours of construction restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 Saturday and no working on Sundays or Bank Holidays**
- 8. Submission of details of the method, timing and duration of any pile driving operations connected with the construction**
- 9. Removal of permitted development rights for extensions**

Location Plan



The Site

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Application No: 11/0821N

Location: LITTLE ISLAND NURSERIES, HAYMOOR GREEN ROAD,
WYBUNBURY, CW5 7HG

Proposal: Retrospective Application for a 10m x 6m x 2m Garage

Applicant: Mr G Heath

Expiry Date: 30-May-2011

SUMMARY RECOMMENDATION

Impact of the development on:-

- **Principal of the development**
- **Design**
- **Residential amenity**

SUMMARY RECOMMENDATION:

Approve subject to conditions

1. REASON FOR REFERRAL

This application is referred to the Southern Area Planning Committee at the request of Cllr Clowes for the following reason

Following consultation with Wybunbury Parish Council we would like to CALL IN the above Planning Application on the following grounds:

- a) This is RETROSPECTIVE planning application*
- b) The previous planning history (on-going) at this site has bearing on this additional application*
- c) There are highway implications associated with this application*
- d) Impact on the countryside*

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located on the eastern side of Haymoor Green Road within the Open Countryside. To the front of the site is a detached two-storey red brick dwelling which has an agricultural tie. To the east of the dwelling the majority of the greenhouses and buildings which were associated with the former nursery have now been demolished and work has commenced on a manege and stables (Planning permission was refused for these elements under application 10/4497N and this application is currently at appeal). To the northern boundary of the site two

buildings associated with the former nursery have been retained. A small brook runs along the northern boundary of the site and the site is enclosed by mature hedgerows and a number of trees of varying sizes.

3. DETAILS OF PROPOSAL

This is a full planning application for a detached garage within the curtilage of the dwelling at Little Island Nurseries. The garage has been erected and the application is retrospective. The garage measures 10.7 metres in length, 6.2 metres in width and 3.1 metres to the ridge.

4. RELEVANT HISTORY

10/4497N - Change of use for the land from horticultural to equestrian. Provision of 60x30m manege and 60x12m stable block, the provision of a muck midden and hay store, the provision of a horse walker and the request for variation of occupancy of the site to include equestrian manager – Refused 23rd February 2011 – Appeal Lodged

10/2457N - Change of Use from horticultural to equestrian, provision of open air manege, stable block, horse walker, muck midden and hay store. Variation on occupancy of tied dwelling to include occupation for equestrian management – Refused 22nd September 2010

P03/0291 - Agricultural Workers Dwelling – Approved 21st November 2003

P01/0796 - Agricultural Workers Dwelling – Refused – Appeal Lodged

P01/362 - Detached Dwelling – Refused 4th June 2001

7/20012 - Renewal of temporary permission 7/15572 for mobile home – Approved 26th September 1991

7/19375 - Erection of glass housing – Approved 7th February 1991

7/15572 - Erection of mobile home on existing agricultural land – Approved 11th July 1988

5. POLICIES

Local Plan Policy

NE.2 – Open Countryside

RES.5 – Housing in the Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.11 – Improvements and Alterations to Existing Dwellings

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 7 (Rural Areas)

Planning Policy Guidance 18 (Enforcing Planning Control)

Supplementary Planning Document on Extensions and Householder Development

6. CONSULTATIONS (External to Planning)

Environmental Health: No objection conditions requested in relation to hours of construction and external lighting

7. VIEWS OF THE PARISH COUNCIL

Wybunbury Parish Council objects to the application for the following reasons;

- The submitted plan and drawings do not match the application
- Part of on-going problem – planning legislation not being adhered to by applicant
- Dimensions do not tally up
- Too many inconsistencies
- Garage already been erected

8. OTHER REPRESENTATIONS:

Letters of objection received from the occupants of Rosemead, The Moorlands, and Fairfields, Haymoor Green Road raising the following points;

- The application is retrospective
- The garage is too large for a farmhouse and too small for a tractor
- A decision should not be made on this application until the appeal for application 10/4497N has been determined
- The application should be refused until the appeal has been determined
- The site is beginning to look like an industrial estate

9. APPLICANT'S SUPPORTING INFORMATION

Supporting Planning Statement produced by Civitas Planning and dated February 2011

- The document concludes that the application is for a lightweight small scale, traditionally designed garage that forms part of an equine complex in the rural area. The garage is essential to the applicants needs in terms of being necessary to the business (occasional parking and minor storage) and using the tied dwelling as a home. The development does not have an adverse effect on the visual amenity of the area due to its infill location on site and its relatively small scale in comparison to the dwelling already on site and the proposed equine development.

10. OFFICER APPRAISAL

Principle of Development

The site is located within the open countryside and the provision of a garage within the curtilage of a residential property is acceptable in principal providing that it is in accordance with policies RES.11, NE.2, BE.1 – BE.4 and the Councils Supplementary Planning Document on Extensions and Householder Development.

In this case the dwelling is also subject to a restrictive agricultural occupancy condition. Policy RES.5 applies a size limit in relation to new dwellings which serve agricultural workers. Permitted Development Rights have been withdrawn in order to retain control over the size of the dwelling in relation to its purpose. If Permitted Development Rights had not been removed this garage could be constructed without the need for planning permission.

The reason for removing permitted developments rights is that if an agricultural workers dwelling was extended, the larger dwelling will be more expensive and the restrictive occupancy condition

will be prejudiced straightaway if the dwelling is outside the range of property affordable by the local workforce.

In this case, it is not considered to be unreasonable for a dwelling to have a garage within its curtilage. Although the garage is larger than a standard single detached garage it is of a lightweight timber construction and it could not easily be converted to ancillary residential accommodation. It is therefore considered that this detached garage would not prejudice the restrictive occupancy condition and is acceptable in principle.

Design

Policy RES.11 states that development within the curtilage of the dwelling should respect the design scale and form of the original dwelling. The garage measures 10.7 metres in length, 6.2 metres in width and 3.1 metres to the ridge.

The Council's SPD on Extensions and Householder Development gives guidance on the provision of garages and outbuildings within the curtilage of residential properties. The guidance states that *'The building should be modest in size and height and must appear subordinate or ancillary to the main dwelling'*.

The proposed garage would be sited to the rear of the dwelling and would be modest in size and height. It would be shorter and have a smaller footprint than the existing dwelling. Therefore it is considered that the proposal would be subordinate to the host dwelling and would meet the requirements of the SPD.

In terms of the design of the detached garage, it is accepted that the garage has a utilitarian appearance. However this is not uncommon for garages serving farms in the rural area. In this instance the garage would be seen in relation to the existing dwelling and would be largely screened by the existing mature boundary treatment. It is therefore considered that the detailed design is acceptable and that the development would not have a detrimental impact upon the character and appearance of the open countryside.

Amenity

The supporting statement indicates that the garage would also include some ancillary storage in connection with the equine business on the site but that its main use would be to serve the dwelling on the site; this is not uncommon with garages serving dwellings attached to rural enterprises.

The nearest residential property is approximately 70m away from the proposed garage and given the scale of the garage, the screening around the site and the separation distance it is not considered that the development would have a detrimental impact upon residential amenity. Furthermore the Council's Environmental Health Officer had no objection to the development.

Other Issues

Concern has been raised over the retrospective nature of the development. It is accepted that works have already commenced on the site. This is at the applicants own risk and is not a reason to refuse the application.

Although an appeal has been submitted in relation to the manege and stables, there is no reason why this application could not be determined. This is a free standing separate application for a detached garage.

The Parish Council has raised concerns that the dimensions do not tally up. This issue has been raised with the applicant's agent and an amended plan to scale will be provided.

11. CONCLUSIONS

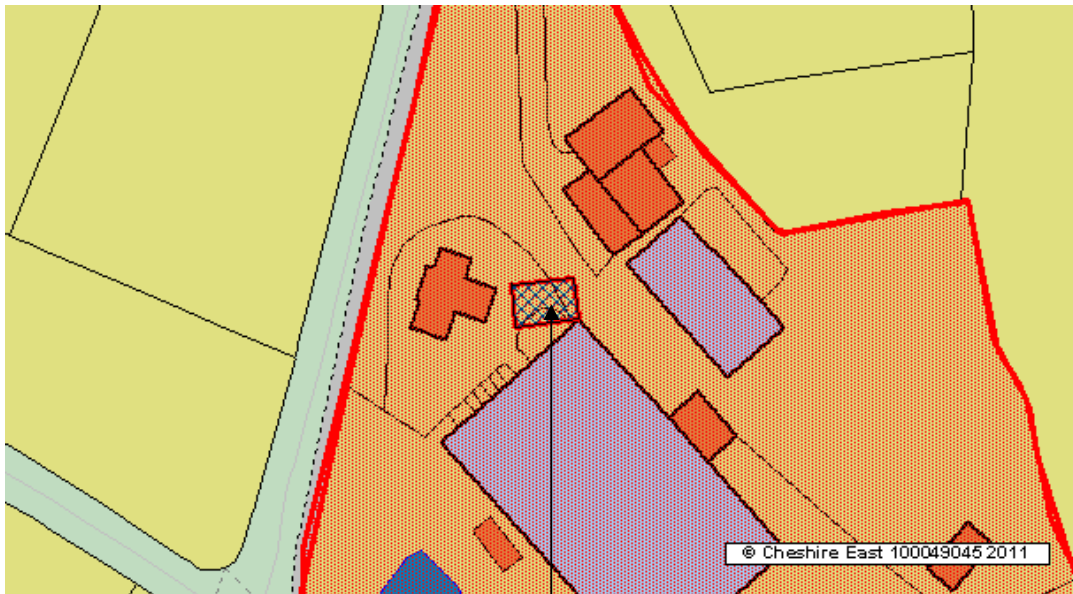
The principle of the detached garage is considered to be acceptable. The proposed garage would not raise any amenity issues; it is of an appropriate design and scale and would not harm the character and appearance of the open countryside. As such the proposal complies with Policies RES.5, RES.11, NE.2, BE.1 and BE.2 of the Local Plan and the Supplementary Planning Document on Extensions and Householder Development.

12. RECOMMENDATIONS

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS;

- 1 Within 3 months of the date of approval, details of any external lighting to the garage shall be submitted to the LPA and approved in writing. The lighting shall be in accordance with the approved details.**
- 2 The garage shall be used as a garage only and shall not be converted to ancillary residential accommodation.**

Location plan



The Site

Application No: 11/1042N
Location: Bentley Motors Ltd, PYMS LANE, CREWE, CHESHIRE, CW1 3PL
Proposal: Installation of Roof Mounted Solar PV System
Applicant: Mr Andrew Robertson, Bentley Motor Cars
Expiry Date: 13-Jun-2011

Date Report Prepared: 18 May 2011

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Design - Impact on the Character and Appearance of the Streetscene
- Impact on Amenity of adjacent properties
- Other Matters – Highways

1. REASON FOR REFERRAL

This application is to be determined by Southern Planning Committee as it is a proposal on a site area which exceeds 1ha.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is a large industrial site for the manufacturing of motor vehicles located within the settlement boundary for Crewe. The factory site consumes a significant area which is contained by Pym's Lane to the north, a railway to the south, Sunnybank Road to the west and an area of open space to the east. There are other areas outside of this area which are within the applicants ownership for car parking and ancillary development. There are numerous large factory buildings within the site. The application site itself relates to five large buildings within the site.

3. DETAILS OF PROPOSAL

This application proposed the installation of solar PV panels to be fixed to the south facing roofs of the five buildings covering a large surface area of 40,000m². The projection of each solar panel would be 46mm and would have a dark blue appearance. This would achieve a potential annual output of 4050MWh. The proposals would generally be used to meet on site demands but on

occasion would be fed into the National Grid. There would be a potential saving of 2150 tonnes of carbon per year.

4. RELEVANT HISTORY

Extensive site history across factory site, none of which are relevant to this proposal.

5. POLICIES

Local Plan Policy

NE.19 (Renewable Energy)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Accessing and Parking)

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS: Planning and Climate Change – Supplement to PPS1
PPS22: Renewable Energy

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objection

Environmental Health – None received at time of writing report

Civil Aviation Authority – None received at time of writing report

7. VIEWS OF THE PARISH COUNCIL

None

8. OTHER REPRESENTATIONS

None received at time of writing report

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement submitted, the salient points being:

- Located on existing south facing roofs
- Used to meet on site demand and on occasion fed into National Grid
- Would save 2150 tonnes of Carbon per year
- Site can be seen for some distance but site is consistent and tidy geometry to grid iron layout.
- Open fields to east with residential development beyond, to south is the Crewe to North Wales mainline railway and beyond that is residential development.

- Will be installed on buildings A1, B2, B3, C2 and E3 and would be mechanically fixed to the roof through a light-weight support framework.
- No generation of noise or increased traffic movements
- Output potential of 4050MWh and would cover 40,000m² of roof space

10. OFFICER APPRAISAL

Principle of Development

Policy NE.19 of the Borough of Crewe and Nantwich Replacement Local Plan states that development which is for the generation of renewable energy sources will be permitted, subject to satisfying a number of criteria relating to impact on the character of the area, highway safety, the amenities of nearby properties and landscape considerations. The proposed development of solar panels is therefore acceptable in principle providing there is no significant harm to those areas identified.

Developments for renewable energy schemes which help to address climate change are encouraged in national planning guidance contained within PPS1, the Climate Change supplement to PPS1 and PPS22.

The main issues in this instance are therefore whether the proposed development would result in significant harm to the character and appearance of the area and the amenities of nearby properties. There are no landscape considerations due to the nature of the site and, as the proposals do not create additional floorspace and are contained within the site complex, there would be no highways implications.

Design - Impact on the Character and Appearance of the Locality and Streetscene

The application site is a large factory sited on the edge of Crewe. The scale of the site means that it is visible from a wide area. The proposed solar panels, which would total approximately 40,000m² would be sited completely on the south facing roofs of five factory buildings. Views of the south facing roofs are available from nearby residential streets and properties. The proposed development does not create any additional floorspace but would project by 46mm from the existing roof slope. This increase in bulk of the building would be imperceptible from the surrounding area. The existing roofs are varying shades of grey in colour. The proposed development would alter this appearance to a dark shade of blue. Whilst the buildings are visible from the surrounding area the amount of roof space visible would generally be limited. It is considered that in this large factory setting, the scale of solar panels proposed in a dark blue colour, would not significantly alter the overall character of the site or cause a detrimental impact on the character and appearance of the surrounding area.

The proposed development would provide significant benefits through the reduction of carbon emissions, this would outweigh any harm in the change in character and appearance of the site.

Impact on the Amenity of adjacent properties

The proposed development covers a substantial area of roofspace. There are residential properties located to the south which at their closest are 140m from the proposed development. The proposed development is a renewable energy source which does not generate any significant

noise output. In any event, the site is a largescale industrial premises which manufactures motor vehicles. Furthermore, there is railway line between the site and residential properties. Due to the nature of the development there would be no other amenity issues relating to disturbance, pollution, visual intrusion or traffic generation.

11. CONCLUSIONS

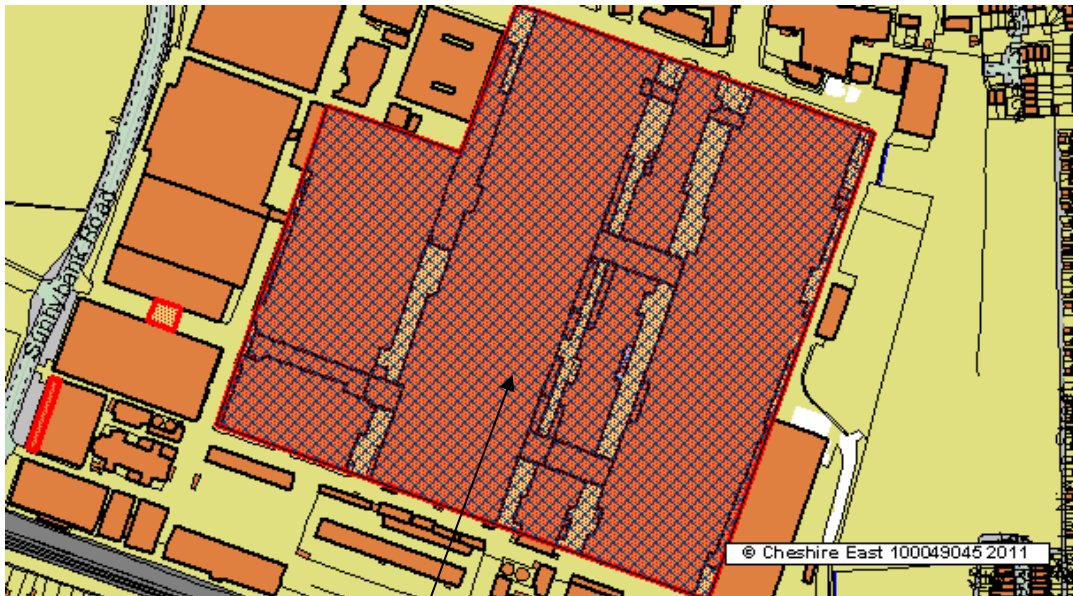
The proposed development is for a largescale solar panel installation on the south facing roofs of Bentley Motors. The scheme would provide significant environmental and economic benefits. The setting and nature of the site would mean that the proposed development would not cause any significantly detrimental harm on the character and appearance of the area. There would be no amenity issues arising from the proposed development. The proposed development is therefore considered to be in compliance with Policies NE.19 (Renewable Energy), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS1: Delivering Sustainable Development, PPS: Planning and Climate Change – Supplement to PPS1 and PPS22: Renewable Energy

12. RECOMMENDATIONS

APPROVE with conditions

- 1) Standard time limit**
- 2) Plans**
- 3) Materials as submitted**

Location plan



The Site

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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 1st June 2011

Report of: Adrian Fisher, Head of Planning and Policy

Title: 10/4422N – Application for Lawful Certificate for an Existing Use for Class B1 Light Industry at Swanley Mowers, Swanley Lane, Burland, CW5 8QB

1.0 Purpose of Report

- 1.1 This application is to be determined under delegated powers. However, a call in request has been made by Cllr Margaret Hollins on the grounds that *“the change of use from principally retail and storage to engineering is creating noise and fumes to neighbours in this residential area”*.
- 1.2 The decision on these applications is taken purely on factual information, without any regard to suitability or whether or not planning permission would have been granted. The legal test of the evidence is on “the balance of probability”. Therefore such applications are delegated from Council to Head of Planning & Housing, however given the level of interest in this site, the Head of Planning & Housing is seeking “consultation” only from the Southern Planning Committee to allow any views to be expressed.

2.0 Decision Required

- 2.1 To note the content of this report and to provide comment to the Planning Officer.

3.0 Site Description and Details of Proposal

- 3.1 The application site forms a single storey premises located within the Open Countryside. The structure is brick built with a corrugated roof. The building contains a retail and sales area to the front of the site, an office, workshop to the rear and an area of storage to the side. Residential properties are located on either side of the unit.
- 3.2 This application seeks confirmation from the Local Planning Authority that the building and associated land has been used for class B1 – light industry. The consideration is whether the use on site has been carried out continuously for a period of 10 years.

4.0 Proposals

Evidence Submitted by Applicant

- 4.1 A summary of the relevant evidence submitted is provided below.
- 4.2 A statement has been submitted to support the application. The statement outlines that the current occupants of the site are Swanley Mowers who specialise in the selling and repairing of lawn mowers of both domestic and agricultural use. There is a shop and showroom in which mowers and mower maintenance parts are displayed and sold.
- 4.3 The previous occupants of the property were Dairy Scope who operated from the site from 1985 to 2008. It is stated that Dairy Scope used the land for the repair and maintenance of dairy machinery, it is asserted by the applicant that the processes and business was essentially the same as Swanley Mowers save for a few subtle differences in the type of machines that are repaired. A letter from Dairy Scope has been submitted which states that prior to 1985 the building was used by a business who operated the same as the current Swanley Mowers. That letter goes on to state that Dairy Scope operated a servicing and testing facility and, in their opinion, consider that there has been a continuation of a similar process between Dairy Scope and Swanley Mowers. A further letter from Dairy Scope states that they utilised the premises for milking machine maintenance within the workshop area. A letter from a local resident has also been submitted to support the application. That letter states that in 1985 Dairy Scope purchased the property to run an agricultural pump, milking machine equipment and agricultural repairs and supplies. In their opinion Swanley Mowers continue to carry out a similar operation.
- 4.4 On the request of the Local Planning Authority, further information was provided in relation to the operations of Dairy Scope and Swanley Mowers. It was confirmed that the layout of the building (i.e. sales areas and workshop etc) has not altered. That correspondence also identifies that Dairy Scope operated from the premises with 2 service vehicles, 2 sales vehicles, 1 installation vehicle and 2 staff cars. It is stated that Swanley Mowers has one vehicle to collect and deliver mowers. It is also stated that Dairy Scope received 2-3 deliveries per day from articulated lorries. Swanley Mowers has small vehicle deliveries twice per week. It is stated that the salesroom would receive an average of 5 visitors per day. It is stated that visitors to Swanley Mowers would be 5-6 per week. It is stated that the intensity of activity has reduced between the two occupants.
- 4.5 The LPA requested reasoning behind why they consider the two industrial processes to be of the same use. In response the wording of the General Permitted Development Order with reference to industrial processes was quoted verbatim. However, this could be used to describe B1 (Light Industrial) or B2 (General Industrial) activities which are in separate use classes.

Representations made through consultation

- 4.6 Numerous representations have been received with regard to this application, below is a summary of the relevant comments.
- 4.7 A letter from John Crumplin Architects considers that the site has never been a nuisance to neighbouring properties, and consider that the activities conflict with B1 functions i.e. noise, fumes, vibration, hours of operation, testing of plant on a public road, obstructions caused by parking and deliveries. A letter from the neighbour claim that there has been a significant change in the nature of business at the site, a diary of activity (including extent of engine noise) was annexed. A further annex, which is a letter from the neighbour to the Local Planning Authority, states that the previous operation was as a storage and retail business with no servicing to machines or engines. The existing operation comprises services and repair resulting in significant noise, vibrations and fumes.
- 4.8 A letter from Mr Kendall, who states was the shop manager and then a service engineer for Dairy Scope, states that the property was used as a retail outlet and a base for service engineers. Only small workshop repairs were carried out at the Swanley site. Mr Kendall states that large noisy repairs were not carried out and that only a small vacuum pump was used. No fumes were extracted. Another former employee, Mr Inskeep, states that the noisiest equipment was a vacuum pump in connection of repair and supply of milking machinery, this was only occasional.
- 4.9 A representation from Mr Hazelton states that Dairy Scope was a storage and retail business and that there has been an adverse change resulting in fumes, noise and vibrations. Whilst a letter from Mr Robinson states that the Dairy Scope activity primarily involved the sale of products for dairy farmers and a large proportion of the floor was dedicated to storage. A letter from Old Shop Cottage, Swanley Lane, states that Dairy Scope were dairy equipment suppliers and that they did most of their business in the field maintaining and servicing dairy farm equipment.

5. Conclusion

- 5.1 The Committee is invited to *make comment* on the application, but should be aware that the planning merits of the activities being carried out at the site are not for consideration. Furthermore, the decision of whether a positive certificate should be issued shall ultimately be made by the Head of Planning and Housing.

For further information:

Portfolio Holder:

Officer: Declan Cleary – Senior Planning Officer

Tel No: 0300 123 5014
Email: Declan.cleary@cheshireeast.gov.uk

Background Documents:

Application 10/4422N