

Southern Planning Committee

Agenda

Date:	Wednesday, 24th August, 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 - 16)

To approve the minutes of the meeting held on 3 August 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. **11/1484C Land off Windsor Place, Congleton: Construction of 12 dwellings, widening of Windsor Place and demolition of outbuildings/garages for Allied Homes (Cheshire Ltd) (Pages 17 - 26)**

To consider the above planning application.

6. **11/2648C Junction Of Rood Hill & Berkshire Drive, Congleton: 14.8m High Joint Operator Street Furniture Type Telecommunications Tower (Pages 27 - 34)**

To consider the above planning application.

7. **10/4973C Canal Fields, Hall Lane, Moston, Sandbach: Redevelopment of the Site to Provide 102 New Dwellings, Public Open Space and Associated Infrastructure, Including a New Access to Hall Lane for Bellway Homes Ltd (Pages 35 - 50)**

To consider the above planning application.

8. **11/2001N 10, Glendale Close, Wistaston CW2 8QE: First Floor Extension over Existing Garage to Side of Dwelling for Mr J Baker (Pages 51 - 56)**

To consider the above planning application.

9. **11/2556C Land Adjacent to 26, Millmead, Rode Heath, Cheshire ST7 3RX: Construction of Two Detached Houses as per Footprint Layout Indicated for Mr B Jarvest (Pages 57 - 62)**

To consider the above planning application.

10. **11/2241N Land South Of The Royal Oak, Main Road, Worleston: Outline Application for Residential Development, Associated Access and Landscaping Works for Mr R Hollinshead (Pages 63 - 72)**

To consider the above planning application.

11. **11/2051N Aston Lower Hall Farm, Dairy Lane, Aston Juxta Mondrum, Cheshire CW5 6DS: Proposed Extension to Agricultural Building for Cattle Housing for Mr J Thomasson** (Pages 73 - 78)

To consider the above planning application.

12. **11/2184N Foregate House, Wellington Road, Nantwich CW5 7BH: Extension to Time Limit on P08/0471-Demolition of Former Job Centre and Construction of 14 Apartments for Lothlorian Ltd** (Pages 79 - 84)

To consider the above planning application.

13. **11/2326N 2, Weston Court, Shavington, Crewe CW2 5AL: Advertisement Consent for Signage and External Graphics for Mr M Sutherland, MH & N Services Ltd** (Pages 85 - 90)

To consider the above planning application.

14. **11/2324N 2, Weston Court, Shavington, Crewe CW2 5AL: Convenience Store, Retaining Existing A1 Class Use (as application 7/16196). Shop Front to Accommodate External Automatic Teller Machine and External Air Conditioning Equipment on Flat Roof for Mark Sutherland, M H & N Services Ltd** (Pages 91 - 96)

To consider the above planning application.

15. **11/2530C Bath Vale Works, Bath Vale, Congleton CW12 2HD: Removal Of Condition 11 Imposed On Application for Approval Of Reserved Matters 10/1269C Relating To Sustainable / Energy Saving Features for Bovis Homes Limited** (Pages 97 - 102)

To consider the above planning 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, 3rd August, 2011 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, M Jones, A Kolker,
D Marren, M Sherratt and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Brown, S Corcoran, P Groves, A Moran and S Jones

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Rachel Goddard (Senior Lawyer)
David Malcolm (Southern Area Manager – Development Management)

Apologies

Councillors S McGrory, M A Martin, G Morris and D Newton

Councillor M Simon, who had called in application number 11/2001N,
submitted apologies for absence as she was unable to attend the meeting.

38 DECLARATIONS OF INTEREST

Councillor S Davies declared a personal and prejudicial interest in respect of application number 11/1030N on the grounds that he knew the applicant and objectors. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor P Butterill declared a personal interest in respect of application numbers 10/4924N, 10/4928N, 10/4925N and 10/4929N on the grounds that she was a member of Nantwich Town Council, which had been consulted on the proposed developments, she was a member of Nantwich Civic Society, and she had formerly lived in the area. In accordance with the code of conduct, she remained in the meeting during consideration of these items.

Councillor D Marren declared a personal interest in respect of application number 11/1559N on the grounds that the speaker was a former colleague. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor D Marren declared a personal interest in respect of application numbers 10/4924N, 10/4928N, 10/4925N and 10/4929N on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, he remained in the meeting during consideration of these items.

Councillor D Marren declared a personal and prejudicial interest in respect of application number 11/1662C on the grounds that the applicant was a family member. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor A Thwaite declared a personal interest in respect of application numbers 11/1484C and 11/0861C on the grounds that he had attended meetings as Ward Councillor, but that he had not expressed an opinion. In accordance with the code of conduct, he remained in the meeting during consideration of these items.

Councillor G Merry declared a personal interest in respect of application numbers 11/1722C and 11/2018C on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, she remained in the meeting during consideration of these items.

Councillor A Moran, who was in attendance at the meeting, declared a personal interest in respect of application numbers 10/4924N, 10/4928N, 10/4925N and 10/4929N on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, he remained in the meeting during consideration of these items.

Councillor D Brown, who was in attendance at the meeting, declared a personal interest in respect of application numbers 11/1484C and 11/0861C on the grounds that he was a member of Congleton Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, he remained in the meeting during consideration of these items.

Councillor S Corcoran, who was in attendance at the meeting, declared a personal interest in respect of application numbers 11/1722C and 11/2018C on the grounds that he was a member of Sandbach Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, he remained in the meeting during consideration of these items.

39 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 13 July 2011 be approved as a correct record and signed by the Chairman.

40 11/1559N 2, BROOKVIEW CLOSE, WISTASTON CW2 6WB: SIDE TWO STOREY EXTENSION FOR MR L HEATH

Note: Mr B Cooper (objector) attended the meeting and addressed the Committee on this matter.

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

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

1. Standard time
2. Approved plans
3. Materials to match existing dwelling
4. Obscure glazing to windows overlooking Brookview Close

41 11/1030N 6, OAK VILLAS, NANTWICH ROAD, WRENBURY CW5 8EL: OUTLINE APPLICATION FOR NEW DWELLING FOR MR P PROBIN

Note: Having declared a personal and prejudicial interest in this application, Councillor S Davies withdrew from the meeting during consideration of this item.

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

The Principal Planning Officer reported that under the heading 'Principle of Development' in the report 'the settlement boundary for Bunbury' should read 'the settlement boundary for Wrenbury'.

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

1. Commencement of Development
2. Submission of Reserved Matters
3. Time Limit for Submission of Reserved Matters
4. Materials to be submitted and agreed
5. Surfacing Materials to be submitted and agreed
6. Landscaping scheme to be submitted and agreed
7. Landscape Implementation
8. Drainage Scheme to be submitted
9. Details of Boundary Treatment
10. Reserved Matters Design to show no windows to habitable rooms in side elevations
11. Bin Storage to be provided
12. Hours of Construction - 08:00 to 18:00 Mon to Fri, 09:00 to 14:00 Sat, not at all on Sunday or BH
13. Removal of all PD
14. Any windows in roof space to be within front or rear elevations

15. Bungalow only
16. Dwelling to be sited no closer than 12m to front boundary
17. Access to be a shared access for No.6 and proposed dwelling
18. Details of access to be submitted
19. Dwelling shall be sited at least 1.5m from boundary with No.6 Oak Villas

42 11/1722C GWENSTAN, 14, SMITHFIELD LANE, SANDBACH, CHESHIRE CW11 4JA: DEMOLITION OF EXISTING HOUSE AND ERECTION OF 5NO TWO STOREY HOUSES FOR MR S BOURNE, BRIGHOUSE HOMES (SANDBACH) LIMITED

Note: Councillor S Corcoran (Ward Councillor), Mr D Smith (objector) and Mr S Bourne (applicant) attended the meeting and addressed the Committee on this matter.

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

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

The form and layout of the proposed development would have an adverse impact on the character of the area, contrary to policies GR1 (General Criteria) and GR2 (Design) of the adopted Congleton Borough Local Plan First Review (2005).

43 11/1484C LAND OFF WINDSOR PLACE, CONGLETON: CONSTRUCTION OF 14 DWELLINGS, WIDENING OF WINDSOR PLACE AND DEMOLITION OF GROUP OF DOMESTIC OUTBUILDINGS/GARAGES FOR ALLIED HOMES (CHESHIRE) LTD

Note: Councillor D Brown (Ward Councillor), Ms C Proudlove (objector) and Mr E Embrey (applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be DEFERRED to allow the proposed 'back to back' housing to be reviewed with the applicant, and to enable planning officers to provide further information regarding the refusal of a previous application for development on this site.

44 11/0861C LAND OFF CANAL ROAD, CONGLETON: ERECTION OF 17 DWELLINGS, ASSOCIATED WORK AND VEHICULAR ACCESS AND SINGLE GARAGE FOR CANAL VILLA FOR WAINHOME DEVELOPMENTS

Note: Councillor D Brown (Ward Councillor) and Mr R Beard (objector) attended the meeting and addressed the Committee on this matter.

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

RESOLVED:

(a) That the application be APPROVED subject to the prior completion of a Section 106 agreement to secure:

1. Contribution of £31,424 towards public open space and CYPP and ongoing maintenance of the facilities.
2. Delivery of 4 No. 2 bed dwellings for social rent

and the following conditions:

1. 3 year time limit
2. Development in accordance with submitted plans inc. access
3. Hours restriction – construction including delivery vehicles.
4. Hours restriction - piling activity.
5. Contaminated land Phase 1 to be submitted
6. Drainage - surface water and sewerage to include SUDS.
7. Landscape scheme and Management Plan to be submitted
8. Landscaping to include native species for ecological value
9. Implementation of landscaping
10. Survey for breeding birds and protection during breeding season
11. Incorporation of features into the scheme suitable for use by breeding birds.
12. Submission of landscape management plan to include details of planting, habitat creation, maintenance, boundary treatments and replacement pond.
13. Tree protection with adherence to Arboricultural Method Statement
14. Submission/approval and implementation of a programme of remedial works to retained trees.
15. Site specific details of no dig construction for footpath
16. Submission/approval of levels
17. Materials to be submitted to and approved
18. Provision of a pedestrian and cycle link from the development onto Canal Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority
19. Removal of permitted development rights classes A-E for plots 10-17 inclusive
20. Removal of permitted development rights for openings for plots 1, 2, 4, 5, 7, 8, 9, 10, 14 and 17

21. Obscured glazing within southeast facing side elevation of plots 7 and 8.

(b) That the Head of Planning and Housing be requested to consider allocating the public open space contribution to the 'Water Tower' site.

- 45 **10/4924N THE ROOKERY, 125, HOSPITAL STREET, NANTWICH, CW5 5RU: TWO STOREY BUILDING COMPRISING TWO SEMI DETACHED HOUSES ON LAND PRESENTLY OCCUPIED BY SINGLE STOREY STORAGE BUILDING PLUS A TWO STOREY EXTENSION TO THE REAR CORNER OF THE ROOKERY BUILDING (STORAGE BUILDING AND EXTENSION TO BE DEMOLISHED) PLUS NEW PORCH ON NORTH ELEVATION OF THE ROOKERY BUILDING FOR MR P FIELD, ROCKERMANS FURNITURE**

Note: Councillor A Moran (Neighbouring Ward Councillor) and Mr M Greenwood (objector) attended the meeting and addressed the Committee on this matter.

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

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

1. Standard 3 years
2. Development in accordance with the approved plans
3. Implementation of a programme of archaeological work in accordance with a written scheme of investigation which is to be submitted by the applicant and approved in writing by the LPA
4. Materials to be submitted to the LPA and approved in writing
5. All windows and doors to be timber
6. Window reveal of 50mm to be provided
7. Black metal rainwater goods to be provided
8. Remove PD rights for extensions/outbuildings/fencing
9. Landscaping scheme to be submitted to the LPA and approved in writing
10. Landscaping scheme to be implemented
11. Tree protection measures
12. Hand dig construction under the canopy of the Copper Beech tree
13. Works to the Copper tree to be approved in writing by the LPA
14. Access alterations to be provided before the dwellings are first occupied
15. No windows to be inserted in the gable end of unit 2
16. The parking provision shown on the approved plans to be provided prior to occupation of the dwellings
17. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.

18. Phase 1 Contaminated Land to be submitted for approval prior to the commencement of development
19. Details of any external lighting to be submitted to the LPA and approved in writing
20. All glazing facing Hospital Street shall be non-openable except for the provision of fire escape as per building regulations.
21. All habitable rooms facing Hospital Street should benefit from an air management system to provide all ventilation requirements.
22. Dust management plan to be submitted prior to the commencement of development for approval and then implemented
23. Development to be carried out in accordance with the recommendations contained within the bat survey

46 10/4928N THE ROOKERY, 125, HOSPITAL STREET, NANTWICH CW5 5RU: LISTED BUILDING CONSENT FOR TWO STOREY BUILDING COMPRISING TWO SEMI DETACHED HOUSES ON LAND PRESENTLY OCCUPIED BY SINGLE STOREY STORAGE BUILDING PLUS A TWO STOREY EXTENSION TO THE REAR CORNER OF THE ROOKERY BUILDING (STORAGE BUILDING AND EXTENSION TO BE DEMOLISHED). PLUS NEW PORCH ON NORTH ELEVATION OF THE ROOKERY BUILDING FOR MR P FIELD, ROCKERMANS FURNITURE

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

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

1. Standard 3 years
2. Development in accordance with the approved plans
3. Materials to be submitted to the LPA and approved in writing
4. All windows and doors to be timber
5. Window reveal of 50mm to be provided
6. Black metal rainwater goods to be provided

47 10/4925N THE ROOKERY, 125, HOSPITAL STREET, NANTWICH CW5 5RU: TWO STOREY BUILDING CONTAINING TWO FLATS ON LAND PRESENTLY OCCUPIED BY A SINGLE STOREY STORAGE BUILDING (TO BE DEMOLISHED) FOR ROCKERMANS FURNITURE

Note: Prior to consideration of this application, the meeting was adjourned from 4.30pm to 4.40pm for a break.

Note: Councillor A Moran (Neighbouring Ward Councillor) attended the meeting and addressed the Committee on this matter. Mr M Greenwood (objector) had registered his intention to address the Committee on this matter but did not speak.

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

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

1. Standard 3 years
2. Development in accordance with the approved plans
3. Implementation of a programme of archaeological work in accordance with a written scheme of investigation which is to be submitted by the applicant and approved in writing by the LPA
4. Materials to be submitted to the LPA and approved in writing
5. All windows and doors to be timber
6. Window reveal of 50mm to be provided
7. Black metal rainwater goods to be provided
8. Remove PD rights for extensions/outbuildings/fencing
9. Landscaping scheme to be submitted to the LPA and approved in writing
10. Landscaping scheme to be implemented
11. Tree protection measures
12. Hand dig construction under the canopy of the Copper Beech tree
13. Works to the Copper tree to be approved in writing by the LPA
14. Access alterations to be provided before the dwellings are first occupied
15. Obscure glazing to be provided in the first floor windows in the western elevation of the development
16. The parking provision shown on the approved plans to be provided prior to occupation of the dwellings
17. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.
18. Phase 1 Contaminated Land to be submitted for approval prior to the commencement of development
19. Details of any external lighting to be submitted to the LPA and approved in writing
20. All glazing facing Hospital Street shall be non-openable except for the provision of fire escape as per building regulations.
21. All habitable rooms facing Hospital Street should benefit from an air management system to provide all ventilation requirements.
22. Dust management plan to be submitted prior to the commencement of development for approval and then implemented
23. Development to be carried out in accordance with the recommendations contained within the bat survey

48 10/4929N THE ROOKERY, 125, HOSPITAL STREET, NANTWICH CW5 5RU: LISTED BUILDING CONSENT FOR TWO STOREY BUILDING CONTAINING TWO FLATS ON LAND PRESENTLY OCCUPIED BY A SINGLE STOREY STORAGE BUILDING (TO BE DEMOLISHED) FOR ROCKERMANS FURNITURE

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

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

1. Standard 3 years
2. Development in accordance with the approved plans
3. Materials to be submitted to the LPA and approved in writing
4. All windows and doors to be timber
5. Window reveal of 50mm to be provided
6. Black metal rainwater goods to be provided

**49 11/0358N NEW FARM, LONG LANE, WETTENHALL CW7 4DW:
EXTENSION TO EXISTING CARAVAN PARK TO PROVIDE 10
SEASONAL PITCHES AND 13 TOURIST PITCHES (23 TOTAL) FOR
MR M ROWLAND**

The Committee considered a report regarding the above planning application.

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

1. Standard Time Limit
2. Plans
3. Surfacing Materials
4. Drainage
5. No External Lighting
6. No Additional Structures including raised platforms, terraces or sheds shall be erected or placed on the site without the prior consent of the Local Planning Authority.
7. Remove additional pitches within 3 months if no longer required
8. Landscaping submitted
9. Landscaping implemented
10. Length of Caravans not to exceed 7m, excluding tow bar
11. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, registration numbers of towing vehicles and shall make this information available at all reasonable times to the local authority.
12. Limit the number of caravans on site at any one time to a maximum of 40
13. Limit length of stay to no longer than 28 days
14. Hours of Construction restricted to 08.00 to 18.00 hours on Monday to Friday, 0900 to 1400 hours on Saturday, with no work at any other time including Sundays and Public Holidays

**50 11/0573N LAND ADJACENT, MINSHULL LANE, CHURCH MINSHULL
CW5 6DX: THE ERECTION OF POULTRY HOUSE AND FEED HOPPER
WITH ASSOCIATED ACCESS ROAD AND HARDSTANDING FOR MR
IAN HOCKNELL**

Note: Parish Councillor D Wallis (on behalf of Church Minshull Parish Council), Mr D Carr (objector) and Mr M Ludlam (agent 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, a written update and an oral update by the Southern Area Manager - Development Management.

RESOLVED – That the application be DEFERRED:

- (a) for a Committee site inspection to enable Members to assess the impact of the proposed development on the open countryside and on neighbouring residential amenity;
- (b) to enable officers to obtain Counsel opinion on whether the proposed business is an agricultural or industrial process.

**51 11/1498C IVANHOE, HOLMES CHAPEL ROAD, BRERETON,
CONGLETON CW12 4SP: DEMOLITION OF EXISTING BUILDINGS
AND REDEVELOPMENT OF THE SITE FOR 11 DWELLINGS
(INCLUDING 3 AFFORDABLE UNITS) WITH ASSOCIATED
LANDSCAPING AND ACCESS IMPROVEMENTS FOR CRANFORD
ESTATES LTD**

Note: Councillor M Sherratt left the meeting prior to consideration of this application.

Note: Mr P Garner (agent on behalf of the applicant) had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report 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 comprising 2 social rented units and 1 shared ownership unit.
- financial contribution of £6501.02 towards the enhancement and maintenance of the Local Nature Reserve at Brereton Heath
- financial contribution (£14822.66) towards the off-site enhancement and maintenance of community space at School Lane, Brereton Green
- ecological mitigation/maintenance

and the following conditions:

1. Standard
2. Plans
3. Materials to be submitted and approved
4. Obscured glazing to first floor window in south elevation of plot 5
5. Submission of contaminated land investigation
6. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
7. Details of the method, timing and duration of any pile driving operations to be submitted and approved
8. Landscaping to be submitted and approved
9. Implementation of landscaping
10. Implementation of boundary treatment
11. Provision of carparking
12. Construction of access
13. Details of special constriction techniques for driveway to Plot 11
14. Scheme of tree protection to be in accordance with TEP plan 03B
15. No works within protected area
16. Updated badger survey to be undertaken prior to the commencement of development
17. Protection of breeding birds.

**52 11/1542C 131, CONGLETON ROAD NORTH, SCHOLAR GREEN ST7
3HA: CHANGE OF USE FROM GARAGE/SHOP, WORKSHOP/ CAR
SALES AND DORMER BUNGALOW TO
WAREHOUSE/SHOWROOM/RETAIL/TRADECOUNTER AND 4
EMPLOYMENT UNITS FOR MR K OLIVER, WHARF PLUMBING AND
HEATING SUPPLIES**

Note: Councillor A Thwaite declared a personal interest in respect of the above application on the grounds that he had been a customer of the company. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

The Committee considered a report regarding the above planning application.

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

1. Time limit
2. Development in accordance with approved plans
3. Submission/approval of external materials
4. Submission/approval of details of vehicular accesses
5. Hours of construction – 0800 to 1800 Mon – Fri, 0800 to 1300 – Sat, no working on Sundays and public holidays

6. Submission/approval of details of any piling
7. Hours of operation – as detailed in the application
8. Submission of a Phase I contaminated land survey
9. Tree protection
10. Submission of a landscaping scheme
11. Implementation of landscaping scheme
12. Submission/approval of boundary treatments
13. Compliance with recommendations in the ecology report
14. Protection of birds during breeding season
15. Retail sales to be limited to an area of 214m², and as indicated on the approved plan.

53 11/1662C LAND OFF ALEXANDRIA WAY, CONGLETON BUSINESS PARK, CONGLETON CW12 1LB: ERECTION OF 1 NO. 3 STOREY EXTENSION TO GLADMAN HOUSE AND 9 NO. 2 STOREY DETACHED OFFICES. PLUS ASSOCIATED PARKING, BIN STORES, AIR CONDITIONING UNITS AND SERVICES FOR MR KEVIN EDWARDS, GLADMAN DEVELOPMENTS

Note: Having declared a personal and prejudicial interest in this application, Councillor D Marren withdrew from the meeting during consideration of this item.

Note: Mr C Still (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 APPROVED subject to the following conditions:

1. Time limit
2. Development in accordance with the approved plans
3. Prior approval of materials
4. Submission and approval of landscaping scheme
5. Implementation of approved landscaping scheme
6. Submission/approval/implementation of a scheme of boundary treatments
7. Submission/approval/implementation of details of 20 secured cycle stands
8. Submission/approval/implementation of a travel plan
9. Submission/approval of a Phase II contaminated land survey
10. Hours of construction
11. Details of piling
12. Noise levels
13. Protection of birds during the breeding season
14. Retention of hedgerow and provision of 2m buffer on the northern boundary

54 11/2001N 10, GLENDALE CLOSE, WISTASTON CW2 8QE: FIRST FLOOR EXTENSION OVER EXISTING GARAGE TO SIDE OF DWELLING FOR MR J BAKER

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development on neighbouring residential amenity.

55 11/2018C SAXON CROSS, 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 B8. CONSTRUCTION OF A SINGLE-STOREY OFFICE BUILDING AND WAREHOUSE BUILDING. NEW HARD LANDSCAPING ASSOCIATED WITH THE PROPOSED DEVELOPMENT, INCLUDING RELOCATION OF VEHICULAR ACCESS FOR MR JONATHAN BOLSHAW, BOLSHAW INDUSTRIAL POWDERS

The Committee considered a report regarding the above planning application.

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

1. Standard time limit 3 years
2. Materials to be submitted to the LPA and approved in writing
3. Surfacing materials to be submitted to the LPA and approved in writing
4. Prior to the commencement of development a Contaminated Land Assessment shall be submitted to the Local Planning Authority and approved in writing and any remediation measures shall be implemented
5. Condition to specify the approved plans
6. The car/HGV parking shown on the approved plans to be provided before the unit hereby approved is first occupied
7. Cycle parking facilities to be submitted to the LPA and approved in writing
8. Shower facilities to be submitted to the LPA and approved in writing
9. Drainage details to be submitted to the LPA and approved in writing
10. Details of oil interceptors to be submitted to the LPA and approved in writing
11. External lighting to be submitted to the LPA and approved in writing
12. No external storage
13. Bin Storage details to be submitted to the LPA and approved in writing
14. Landscaping to be submitted to the LPA and approved in writing
15. Landscaping to be completed

16. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays, with no work at any other time including Sundays and Public Holidays.
17. Details of any pile driving to be submitted to the LPA and approved in writing
18. Prior to the development coming into use, the applicant shall submit to the local planning authority a travel plan demonstrating how they will ensure that vehicle movements associated with the development (staff cars, deliveries and HGV movements) from the site will be managed to ensure that traffic congestion within the air quality management area will not be adversely affected.
19. Prior to first occupation the new access and visibility splays will be constructed to completion in accordance with approved plans
20. Prior to first occupation the existing access will be permanently closed and the highway kerb line reinstated at the edge of carriageway
21. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
22. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
23. The proposed development to proceed in accordance with the recommendation made in the submitted Updated Ecological Appraisal dated May 2011 and the submitted letter from fpcr dated 27th June 2011.

56 11/2069C 36, PIKEMERE ROAD, ALSAGER, STOKE ON TRENT, CHESHIRE ST7 2SF: TWO DETACHED HOUSES WITH GARAGES FOR MR DAVID TEAGUE

Note: Councillor S Jones (Ward Councillor), Mr M Williams (objector) and Mr D Whitney (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 and a written update.

RESOLVED – That the application be APPROVED subject to 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 of scheme of protection for trees ,shrubs and hedges
5. Submission of method statement relating to the construction of the driveway and drainage
6. Works shall stop should protected species be found
7. Limits on hours of construction
8. Limits on hours of piling
9. Submission of details of boundary treatments
10. Removal of permitted development rights
11. Submission of details of floor levels
12. Submission of landscaping scheme
13. Implementation of landscaping scheme

57 ALBANY MILL, CONGLETON

The Committee considered a report regarding a proposed variation to the Section 106 Agreement attached to planning permission 06/1414/FUL.

RESOLVED - That the Borough Solicitor be requested to prepare a Deed of Variation in respect of the Section 106 Agreement attached to planning permission 06/1414/FUL, as follows:

- (a) to omit Renew Land (Albany Mill) as a party to the Section 106 Agreement;
- (b) to change the tenure of Block C from Discounted for Sale housing to Shared Ownership;
- (c) to include the option that Great Places could offer all the shared ownership units on the development as rent to buy for up to 5 years, if there is not sufficient market for the shared ownership units.

The meeting commenced at 2.00 pm and concluded at 6.30 pm

Councillor G Merry (Chairman)

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Planning Reference No:	11/1484C
Application Address:	Land off Windsor Place, Congleton.
Proposal:	Construction of 12 dwellings, widening of Windsor Place and demolition of outbuildings/garages
Applicant:	Allied Homes (Cheshire Ltd)
Application Type:	Full Planning Permission
Ward:	Congleton East
Registration Date:	28 th March 2011
Earliest Determination Date:	23 rd June 2011
Expiry Date:	27 th June 2011
Date report Prepared	11 th August 2011
Constraints:	Conservation Area Tree Protection Orders Protected Open Space

SUMMARY RECOMMENDATION: Approve with conditions, subject to the completion of a Section 106 Agreement relating to financial contributions to offsite provision of public open space.

MAIN ISSUES:

- Principle of the Development
- Housing Need
- Highways and Parking
- Amenity
- Design and Layout
- Landscaping and Trees
- Protected Species
- Impact on the Conservation Area
- Public Open Space Contributions

REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee, as the scheme is a major development of more than 10 dwellings.

PREVIOUS MEETING

At the Planning Committee meeting held on 3rd August 2011, members resolved to defer this application in order allow negotiations to address concerns regarding the 'back to back' housing and for further information on how this application addresses the reasons for refusal of the previous applications.

The four 'back to back' dwellings have been replaced with 2 semi-detached dwellings, which would have almost identical elevations to the previous proposal and the block would move 4m to the north to increase the rear garden size. This alteration has also enabled the distance between the TPO trees and the end plot on the western boundary to be increased by 2m.

The result of these changes is that there would be a reduction in units from 14 to 12 and the consequent reduction in spaces in the private parking court (4 spaces), which would give a small increase to the open space provision.

Having regard to the previous history on the site, the report that was before Committee on 3rd August wrongly stated that application number 08/0042/FUL, was refused, it was in fact withdrawn. The reason it was withdrawn was due to concerns about the design and its impact on the Park Lane Conservation Area.

Application number 05/1085/FUL was refused only on the grounds of the oversupply of housing and this was upheld at appeal. In addition the Inspector was satisfied that it would preserve the character and appearance of the Park Lane Conservation Area and would retain important trees and boundary vegetation.

Application number 05/0481/FUL was withdrawn following a recommendation to refuse on the grounds of oversupply of housing and failure to demonstrate that there would be no adverse effect on healthy trees of amenity value.

Application number 36538/3 was refused on the grounds of oversupply of housing, inappropriate form and layout, detrimental impact on trees and loss of protected open space.

There is currently a shortfall of housing land in the borough; therefore this reason for refusal no longer applies. It is considered that the current proposal is of a form and layout that would preserve the character and appearance of the Conservation Area and that there would be no adverse impact on the health of trees of amenity value. Some public open space is to be retained and a contribution to offsite provision would be secured by Section 106 Agreement. It is therefore considered that the previous reasons for refusal and appeal dismissal have been addressed and that the development should be approved.

Having regard to the issues discussed above, the recommendation for approval of this application still stands.

DESCRIPTION AND SITE CONTEXT

The site is located within the settlement zone line of Congleton and is also partly within the Park Lane Conservation Area. The site comprises part of the rear gardens of several properties that front onto Park Lane, an area of open space, some garages and the carriageway on Windsor Place.

DETAILS OF PROPOSAL

This application is for the demolition of outbuildings and garages, the erection of 12 dwellings and the widening of the carriageway at Windsor Place in order to provide a suitable access to the proposed dwellings. An area of public open space will be retained to the front of the site.

The dwellings would take the form of two blocks of four terraced properties to either side of a pair of semi-detached dwellings and one pair of semi-detached properties would be sited adjacent to the proposed new access off Windsor Place. The terraced and semi-detached properties would be 2.5 storey with dormers and roof lights and the others 2 storey.

There would be a private parking court to the front of the dwellings, with an area of public open space forward of this.

RELEVANT HISTORY

36538/3	2003	Refusal for 11 dwellings
05/0481/FUL	2005	Withdrawn application for 7 dwellings
05/1085/FUL	2005	Refusal for 7 dwellings (Appeal dismissed)
08/0042/FUL	2008	Refusal for 12 dwellings

POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS5 Planning for the Historic Environment
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS23 Planning and Pollution Control

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
L5 Affordable Housing
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

GR10 New Development & Travel
GR18 Traffic Generation
NR1 Trees & Woodlands
GR22 Open Space Provision

SPG2 Provision of Private Open Space in New Residential Developments

OTHER MATERIAL CONSIDERATIONS

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.*

The Government has also stated that there should be a presumption in favour of sustainable development. This states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

OBSERVATIONS OF CONSULTEES

Environmental Protection:

Recommend conditions relating to land contamination and hours of construction and piling.

Environment Agency:

No objections.

United Utilities:

No objections subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer.

Strategic Highways Manager:

Significant pre-application discussion has taken place and this has involved both the internal layout and required improvements to Windsor Place and drainage issues. The developer is committed to providing the improvements to Windsor Place and there is sufficient highway land available for the improvement to be completed. These works will include identified works to third part points of access which are affected by the proposed works to Windsor Place. All of the highway works related to this development can be managed by Cheshire East Council Highway Authority under Section 38 of the Highways Act 1990.

Conditions are recommended requiring submission and approval of a detailed suite of plans for the improvement works to Windsor Place and completion of the widening of Windsor Place prior to first occupation of the dwellings.

Greenspaces:

There is a deficit of both amenity green space and play provision so both will be required. From the proposed site layout Drawing No.3565/04 Rev.D, dated February 2011 and based on 14 dwellings of 2 and 3 bedrooms contributions from the developer would be sought for Townsend Road Play Area and Amenity Green Space.

Amenity Green Space

Enhancement	£2,007.54
Maintenance	£4,493.50

Children & Young Persons

Enhancement	£3,479.66
Maintenance	£11,343.00

VIEWS OF TOWN/PARISH COUNCIL

No objections.

OTHER REPRESENTATIONS

Nine letters have been received relating to this application expressing the following concerns:

- Highway safety
- Impact on protected species
- Development should be sited on 'brownfield' land
- Loss of green spaces
- Loss of the garages on the site
- Disruption caused by construction traffic
- Garden grabbing
- Proposed houses are out of character with the area
- Increased car use

- Visual impact on the Conservation Area
- Impact on protected trees
- Impact on ecology
- Loss of public open space
- Drainage

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the settlement zone line of Congleton where Policy PS4 states that there is a presumption in favour of development provided it is in keeping with the local character and scale and does not conflict with other policies of the local plan.

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. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within the Borough.

Highways and Parking

The proposal includes improvement works to enable the widening of the carriageway on Windsor Place and the Strategic Highways Manager is satisfied that these improvements can be achieved in order to provide satisfactory access to both the site and the existing properties on Windsor Place. Several of the objectors have expressed concerns about highway safety in relation to this application. However given the expert advice of the Strategic Highways Manager, it is not considered that a refusal on highway safety grounds could be justified.

Ecology - Protected Species & Nature Conservation

In broad terms the site has some nature conservation value in the local context, however none of the habitats present are particularly uncommon or are likely to be species rich. The site is however likely to support breeding birds, some of which, Bullfinch, Dunnock and Song Thrush, are Biodiversity Action Plan Priority Species and hence a material consideration. It is therefore considered necessary to impose conditions to safeguard breeding birds:

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. Having regard to this proposal, the required separation distances would be fully complied with and the residential amenity

space provided for the new dwellings would be satisfactory. The nearest residential property to the proposals would be The Trees on Windsor Place, which would be set back 18m from the semi-detached dwelling on plot 1. There would be no principal windows facing that property, nor would there be any significant overshadowing.

There would be some overshadowing of garden space to the rear of the dwelling at the western end of the site, however it is not considered that this would be of such a detriment in order warrant refusal of the application.

Having regard to the residential amenities of neighbouring properties, it is important that conditions are imposed to limit the hours of construction and any piling that may be required. Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity and in compliance with Policy GR6.

Design and Layout

The proposal is for 12 dwellings in the form of two terraces of 4 dwellings, a central pair of semi-detached dwellings and 1 pair of semi-detached dwellings.

The houses on plots 1 and 2, 3 to 6 and 9 to 12 (house types A and C) would have a ridge height of 10.5m and allude to the character of the properties that face onto Park Lane without attempting to copy and mimic them. They would have some presence and stature and would tend to carry along the smaller ones (house type B) which would not be as imposing. It will be important that good quality materials and details are secured by condition to ensure that the appearance of the buildings is acceptable.

Subject to suitable materials being secured by condition, the proposal is considered to be in compliance with Policies GR1 and GR2.

Landscaping and Trees

There are a number of trees both within and close to the boundary of the site. There are also lengths of formal hedging within the site and a prominent section of overgrown hedge to the north that forms the boundary with the area of public open space. Whilst trees within the site are not of particular significance, it is considered that the hedges and boundary trees contribute to the character of the Conservation Area.

There are a number of TPO trees located on land within the curtilage of the property to the west of the site. These trees overhang the application site.

Several trees within the site would require removal in order to accommodate the proposed development, however these are not considered to be of significant value. With regard to the trees that are identified as being retained, the layout respects the recommended root protection areas. The Red Oak on the western boundary does overhang the site and could cause some overshadowing to gardens, however it is not considered that this would be of such significance as to warrant refusal of the application.

The development would be highly visible from the area of public open space to the north of the site and it is recommended that a condition requiring a full landscaping scheme be submitted for approval in writing and then fully implemented, in order to ensure that the site is adequately landscaped. Full details of boundary treatments should also be secured by condition.

Impact on the Conservation Area

The site is partly contained within the Park Lane Conservation Area and as such its impact on that is an important consideration in determining the application.

The part of the site within the Conservation Area predominantly comprises a series of back gardens, originally belonging to the frontage houses on Park Lane, but always separated from them by a small back access lane.

It is not considered that the development of this site would have a significant adverse impact on the character of the Conservation Area, provided that the general leafy character of the spaces is preserved. This view is backed by the specialist advice of the Councils Conservation Officer.

Public Open Space Contributions

The site will have a small area of public open space, however the Greenspaces Department of the Council states that there is a deficit of both amenity green space and play provision. As such they require contributions to offsite provision. The contributions required are detailed in the consultee response in the report and would total £21,323.70 for enhancement and maintenance of the Townsend Road play area and amenity green space.

Other Matters

Some concerns have been expressed about the loss of the garages to people who use them. However it is not for the Council however to control how these privately owned garages are used.

CONCLUSIONS

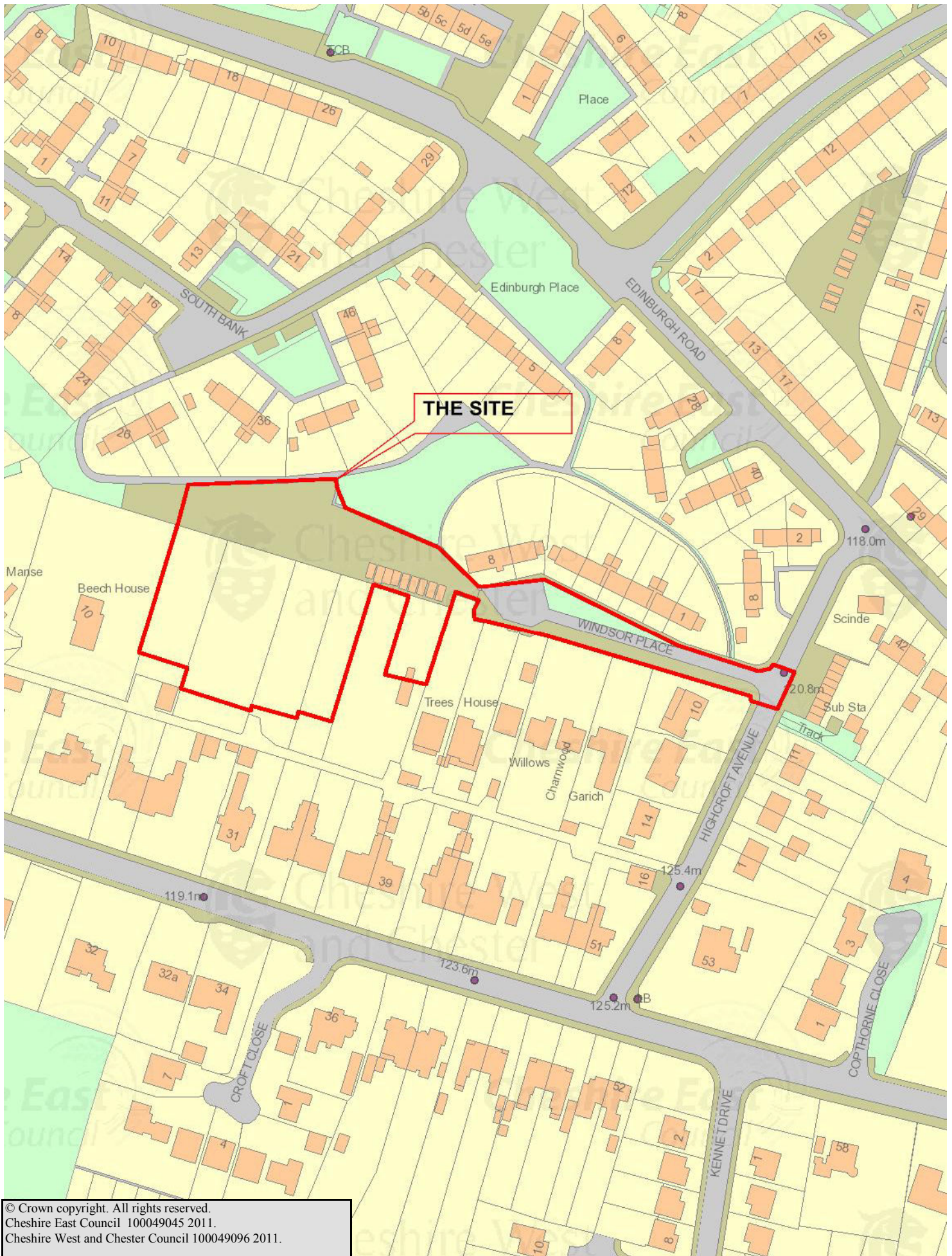
In conclusion, the proposed development complies with the relevant policies contained within the adopted local plan, in relation to design, amenity, highway safety, the historic environment and ecology. It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION:

Approve subject to the prior completion of a Section 106 Agreement 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. All brickwork constructed with English Garden Wall bonding**
- 5. Submission of details of chimney stacks and pots**
- 6. All rooflights to be set flush with the roof plane**
- 7. Submission of full details of the finish to the dormers**
- 8. Rainwater goods to be metal finished in black or another dark colour to be agreed with the LPA**

9. All fenestration to be set behind a reveal of 100mm over a shallow stone sill
10. All windows and doors fabricated in timber and painted or opaque stained
11. Full details of fenestration to be submitted for approval
12. Submission and implementation of detailed design and construction specification for the works to Windsor Place and the internal part of the site
13. Completion of the carriageway works to Windsor Place prior to first occupation of the dwellings
14. Measures for the protection of breeding birds
15. Submission of details for the incorporation of features for use by breeding birds
16. Submission of a scheme of landscaping of the site
17. Implementation of approved landscaping scheme
18. Submission and implementation of details of boundary treatments
19. Submission and implementation of a tree and hedge protection scheme
20. Submission of a detailed drainage scheme
21. Submission of a Phase 1 land contamination survey
22. Limits on hours of construction
23. Limits on hours of piling



Application Number	11/2648C
Proposal	14.8m High Joint Operator Street Furniture Type Telecommunications Tower
Location	JUNCTION OF ROOD HILL & BERKSHIRE DRIVE, CONGLETON
LDFC	17-Aug-2011
Expiry Date	05-Sep-2011
Constraints	Agricultural Land URBAN Wind Turbine Dev Safeguarding Area Primary Surveillance Radar PSR 200m Air Quality Planning High priority military low flying area likely to raise considerable and signific Congleton Local Plan Local Plan Area Congleton Local Plan Inset no.1 Congleton Local Plan Congleton Settlement Zone Line

1. REASON FOR REFERRAL

This application has been called in to Southern Planning Committee by Cllr Baxendale on the grounds of street scene and highways safety:

“Regardless of the decision by the highways officer, I maintain that there will be a serious obstruction to visibility at the junction if the mast is placed there. I therefore would like this to be called in and decided by the planning committee”

2. DESCRIPTION OF SITE AND CONTEXT

The application site is an area of highway verge on the northern side of Rood Lane near to the junction with Berkshire Drive. It is wholly within the Congleton settlement zone. Rood Lane is one of the main approaches to Congleton from the north and the immediate surrounding area is predominantly residential.

3. DETAILS OF PROPOSAL

This is an application under Part 24 Schedule 2 of the General Permitted Development Order for prior approval of the siting and appearance of a 14.8 metre telecommunications tower 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 street furniture type column finished in galvanised grey. The radio equipment cabinet would be green.

This application follows a previous refusal of full planning permission for a 19.8 metre high telecommunications tower and associated equipment on the same site. That application was refused for the following reason:

‘The proposed development by reasoning of its height in this prominent location within a largely residential area would represent a visually incongruous insertion that would adversely affect the visual amenity of the area. The proposal is therefore contrary to Policies E19 and GR2 of the Congleton Borough Local Plan 2011 First Review 2005.’

This application differs from the previous proposal in the following way:

- The overall height has been reduced to 14.8 metres.

- The proposal includes a non-standard reduced shroud size at 3.2 metre in height.
- Due to the reduction in height this application is submitted under Part 24 Schedule 2 of the General Permitted Development Order for the Council's determination concerning prior approval of the siting and appearance. The previous application was for full planning permission.

4. RELEVANT HISTORY

- 11/0431C 19.8M High Joint Operator Street Furniture Type Telecommunication Tower, 1no Equipment Cabinet, 1no Meter Cabinet and All Ancillary Development, refused 28th March 2011.

5. POLICIES

Adopted Congleton Borough Local Plan First Review 2005:

- PS4 Development within the 'Settlement Zone Line' of towns
- E19 Telecommunications
- GR1 General Criteria for New Development
- GR2 Design
- GR6 Amenity
- Supplementary Planning Guidance Note 9: Telecommunications Development.

Other Material Considerations

- PPG8: Telecommunications
- Code of Best Practice on Mobile Phone Network Development (ODPM 2002)

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager

The Strategic Highways and Transportation Manager has assessed this application and offers the following comments:

- The location of this apparatus will be outside the visibility splays and therefore will not comprise highways safety.
- In view of the above, there are no highways objections.

Environmental Health

It is the role of national agencies such as the Independent Expert Group on Mobile Phones (IEGMP) and the Health Protection Agency (HPA) that incorporates National Radiation Protection Board (NRPB) to assess the pro's and con's of relevant research and provide, to central government, an expert balanced view relating to the legislative framework of the UK as a whole.

We then at a local level take our lead from guidance provided, typically regarding this topic, :- PPG 8 (Telecommunications) which states that local planning authorities should not implement their own precautionary policies with respect to these installations. Determining what measures are necessary for protecting public health rests with the Government. “

Given the above and providing the applicant can demonstrate that the installation meets the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure limits, there would be no health grounds for refusing the application.

7. VIEWS OF THE TOWN COUNCIL:

Object on the following grounds:

Siting of communication box could cause a visual obstruction to drivers entering Rood Hill and was therefore a potential hazard

8. OTHER REPRESENTATIONS:

Letters of objection have been received in relation to the proposal from the occupiers of:

- 5 Kent Drive, Congleton
- 16 Daisybank Drive, Congleton
- 2 and 9 Wellington Close, Congleton
- 41 Rood Hill, Congleton
- 5 Hampshire Close, Congleton
- 4 and 7 Somerset Close, Congleton
- 3 and 54 Berkshire Drive, Congleton
- 6 Dorset Close, Congleton

In addition a petition to urge the Council to deny planning permission with 149 signatures has been received.

In summary the objections relate to:

- It will have an adverse impact on the local landscape character and visual amenity;
- The equipment will obstruct visibility of vehicles exiting Berkshire Drive and will increase danger at an already dangerous junction;
- The applicant should pay for traffic lights to be placed at the junction of Berkshire Drive and Rood Hill;
- Detrimental effect on health of local residents;
- It is close to residential properties and safety of telecommunications towers is unproven;
- A large number of properties will be in the main radial beam;
- Possible increase in size in the future;
- It will spoil views and look out of place;
- The mast is not necessary signal is excellent already;
- House prices in the area would be effected;

9. APPLICANT'S SUPPORTING INFORMATION:

- Declaration of Conformity with ICNIRP Public Exposure Guidelines;
- Discounted Site Information;
- O2 and Vodafone Response to Potential Community Concerns;
- General Background Information on Radio Network Development for Planning Applications;
- Health and Mobile Phone Base Stations document;
- Site-specific Supplementary Information;
- Operational Background document;
- Supporting Technical Information for O2 and Vodafone showing coverage plots;
- EMF Advisory Unit Fact Sheet Series: How it Works;

- Mobile Operators Association factsheet: Third Generation – 3G.

10. OFFICER APPRAISAL

Principle of Development

Telecommunications code system operators enjoy general planning permission under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order allowing them to carry out development subject to certain exclusions and conditions without the need to make a full planning application. Certain development under Part 24 is conditional on the operator making an application for the local planning authority's determination concerning prior approval of siting and appearance. 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.

This is an application for prior-approval under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order. The proposal is considered to be permitted development as set out in Class A of Part 24 and therefore the prior approval procedure is correct.

Need & Siting

Government guidance aims to facilitate new telecommunications development, and consideration needs to be given as to whether all suitable alternative locations have been explored. PPG8 and Policy E19 of the Local Plan encourage mast and site sharing and encourage the use of existing buildings and structures. The search area contains mainly residential properties 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; Tesco Superstore, Congleton Retail Park, Congleton Business Park, NW Water Treatment Works, Congleton Park, Eaton Bank Trading Estate, Congleton Ambulance Station, The Grove Inn, Vauxhall Garage, various street furniture locations, agricultural land north west of target area and agricultural land south/west of Hillfields Close. These options were discounted for various reasons, although the topography of the area is a particular constraint in finding a suitable solution within the designated search area which could address the present coverage deficit.

Prior to this resubmission the applicant has re-surveyed the area however no further suitable sites were identified nor were existing sites previously discounted shown to now be available or appropriate.

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

In addition it is recognised that this mast will offer site sharing as it will provide coverage for two operators negating the need to provide additional masts to cover the 3G network.

Design and Streetscene

The proposed telecommunications tower has been designed as a slim monopole solution to mimic other street furniture. This design is considered to be a sympathetic solution in a highway verge location such as this and reduces the visual impact of the equipment within the streetscene. It should however be noted that in the immediate vicinity the lampposts are older concrete type poles although there are the newer type galvanised street lamps within close proximity along Rood Lane.

The telecommunications tower would be higher than other street furniture in the locality however it would be seen against a backdrop of trees from some positions. It is considered that the reduction in height from the previously scheme and reduction in shroud size would significantly reduced the prominence of the telecommunications tower and at 14.8 metres high it would not have an unacceptable impact on the townscape or visual amenity of the area. Whilst it is accepted a telecommunications tower of this height would be visible in the streetscene it is not considered it would be a visually incongruous feature in the surroundings. Additionally PPG8 strongly encourages the sharing of masts and this proposal would accommodate two operators with a total of 6 no. antenna which would negate the need to provide additional masts elsewhere in the locality.

Health Considerations and Amenity

With regard to any perceived health risks, PPG8 states:

'...it is the Governments firm view that the planning system is not the place for determining health safeguards. It remains central Governments 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 effect of the emissions from mobile phone network operators on the site. It is not considered therefore, that health considerations could form the basis of a sufficient reason for refusal.

Objections have been received relating to the impact of the proposal on property value. It is not for the planning system to protect the private interests of one person against the activities of another and PPG8 notes *'the material question is... whether the proposal would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected.'* The impact of the development on property value could not form the basis of a reason for refusal in this case.

Highway Safety

Objections have been received relating to the siting of the mast and associated equipment cabinet in relation to Berkshire Drive and its impact on visibility and therefore highway safety. Comments received have stated that this junction is already dangerous and this proposal would worsen the situation. Current injury accident records show only one injury-accident in the last five years in the vicinity of this junction but not related to its turning movements. The

current junction is therefore seen to be operating safely. Nonetheless concerns raised relating to a reduction in visibility due to the development must be carefully considered and where such development is considered to result in a detrimental impact on highway safety it should be refused. The mast would be sited approximately 2 metres back from the kerb and the equipment cabinet approximately 3 metres back. The Strategic Highways Manager has raised no objections to the proposed siting of the mast and has stated the proposal would be outside the visibility splays. In this position it is not considered that either the mast or the equipment cabinet would obstruct visibility for vehicles exiting Berkshire Drive to the detriment of highway safety. As a result it is considered the proposal would not raise significant highway safety implications that could justify a reason for refusal.

11. CONCLUSIONS

The siting of base stations 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 a number of reasons, primarily the local topography. The significance of the proposed development as part of the national network is a material consideration. 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. The telecommunications tower and associated equipment cabinet would sit outside the visibility splay at the Junction of Berkshire Drive and Rood Lane and therefore it is not considered a reason for refusal on highway safety grounds could be sustained.

12. RECOMMENDATIONS

That details of siting and design are required and such details are approved subject to conditions.

Conditions:

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



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Application No: 10/4973C

Location: CANAL FIELDS, HALL LANE, MOSTON, SANDBACH

Proposal: Redevelopment of the Site to Provide 102 New Dwellings, Public Open Space and Associated Infrastructure, Including a New Access to Hall Lane

Applicant: Bellway Homes Ltd

Expiry Date: 29-Apr-2011

SUMMARY RECOMMENDATION

Approve subject to conditions and the prior signing of a S106 Agreement

MAIN ISSUES

Principle of Development
Development Viability
Nature of Affordable Housing Provision
Design, Character and Impact
HSE Related Matters
Residential Amenity
Highway Safety and Accessibility
Environmental Health Related Issues
Trees and Landscaping
Flood Risk and Drainage
Ecology

REASON FOR REPORT

The application proposes a small-scale major residential development in excess of 10 units.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a 3.76ha parcel of land known as Canal Fields located approximately 2.5km to the southwest of Sandbach Town Centre and within the defined Settlement Zone Line of the adopted Local Plan.

The site comprises a mix of previously developed and Greenfield land and is known to be contaminated as a result of the sites former industrial use.

The former industrial buildings no longer remain and the site now appears largely overgrown with scrub and vegetation, although several areas of the site contain mounds of rubble and spoil. The site also contains a large pond and a number of trees, particularly to the canal bank adjacent to the pond.

In broad terms, the site is contained within a narrow parcel of land that runs south to north and which is served by a single access point on Hall Lane. The site extends for approximately 600m in length before it meets the boundary of the Fodens Test Track site. It sits on a gently undulating platform which varies in width from 100m at its widest point to only 20m at its narrowest.

The site is enclosed to the east by the raised embankment of the West Coast Main Line and to the west by the Trent and Mersey Canal. The canal sits on a lower level within a shallow cutting before levels drop away further still into the open countryside, Red Lane and Sandbach Flashes. Fodens test track is located to the north and Hall Lane and United Phosphorus to the south.

DETAILS OF PROPOSAL

The application as originally submitted sought full permission to redevelop site to provide 102 New Dwellings, public open space and associated infrastructure including a new access to Hall Lane. However, following an objection from the HSE, the layout of the houses was revised which resulted in a reduction in the number of units reduced to 101-dwellings.

In terms of proposed housing mix, the scheme seeks to deliver mix of two-storey housing comprising 7no 2-bed homes, 77no 3-bed homes and 17no 4-bed homes arranged between mews, semi-detached and detached houses.

Due to difficulties in terms of viability, the applicants propose to deliver only 20% affordable housing (comprising intermediate housing) or 10% affordable housing (again comprising intermediate housing) but with a financial contribution of £174,292 towards education provision and £33,857 for improvements towards either pedestrian routes or children and young persons play provision.

In terms of open space provision, the proposed layout makes provision for a total of approximately 0.45ha which includes part retention of an existing pond to provide a landscape feature and Sustainable Drainage System (SuDS).

Access to the site would be gained by a newly constructed priority controlled junction and ghost-island right turn facility. The scheme also proposes to signalise Hall Lane beneath the railway bridge, reduce the carriageway to a single lane and create a formal pedestrian route.

RELEVANT HISTORY

Whilst the site has an extensive history associated with former and proposed industrial use as well as various proposed leisure schemes associated with the canal, the following planning applications are considered most relevant to the determination of this application:

36829/1: Outline planning permission for residential development granted by the Planning Inspectorate following an appeal against non-determination by Congleton Borough Council. Appeal submitted 5th March 2004.

07/0494/OUT: Outline planning application for residential development. Resolution to grant planning permission subject to a S106 Agreement for 30% affordable housing, payment of education contribution and payment of an open space contribution for enhancement and maintenance of POS. The S106 however remains unsigned.

08/1442/FUL: Full application for residential development comprising 120 dwellings.
Application withdrawn.

POLICIES

National Policy

PPS1 'Delivering Sustainable Development' and supporting documents
PPS3 'Housing'
PPS5 'Planning for the Historic Environment'
PPS9 'Bio-diversity and Geological Conservation'
PPG13 'Transport'
PPS23 'Planning and Pollution Control'
PPG24 'Planning and Noise'
PPS25 'Development and Flood Risk'

Regional Spatial Strategy

DP1 'Spatial Principles'
DP2 'Promote Sustainable Communities'
DP3 'Promote Sustainable Economic Development'
DP4 'Make the Best Use of Existing Resources and Infrastructure'
DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'
DP6 'Marry Opportunity and Need'
DP7 'Promote Environmental Quality'
DP9 'Reduce Emissions and Adapt to Climate Change'
RDF1 'Spatial Priorities'
RT2 'Managing Travel Demand'
RT9 'Walking and Cycling'
EM1 'Integrated Enhancement and Protection of the Regions Environmental Assets'
EM2 'Remediation Contaminated Land'
EM5 'Integrated Water Management'
EM11 'Waste Management Principles'
EM16 'Energy Conservation and Efficiency'
EM18 'Decentralised Energy Supply'
MCR4 'South Cheshire'

Local Plan Policy

PS4 'Towns'
GR1 'New Development'
GR2 'Design'
GR3
GR4 'Landscaping'
GR6 'Amenity and Health'
GR7 'Amenity and Health'
GR8 'Amenity and Health'
GR9 'Accessibility, Servicing and Parking Provision'

GR10 'Accessibility, Servicing and Parking Provision'

GR14 'Cycling Measures'

GR15 'Pedestrian Measures'

GR17 'Car Parking'

GR18 'Traffic Measures'

GR19 'Infrastructure'

GR20 'Public Utilities'

GR21 'Flood Prevention'

NR1 'Trees and Woodlands'

NR4 'Non-statutory Sites'

NR5 'Enhance Nature Conservation'

H13 'Affordable Housing'

E2 'Employment Commitment'

Other Material Considerations

- SPD6 'Affordable Housing and Mixed Communities'
- Interim Planning Statement: Affordable Housing
- Interim Planning Statement: Release of Housing Land
- 2010 'Strategic Housing Market Assessment'(SHMA)
- Strategic Housing Land Availability Study (SHLAA)
- Department for Transport: 'Manual for Streets'
- Circular 11/95 'Planning Conditions'
- Circular 05/2005 'Planning Obligations'
- Chief Planning Officer Letters re the abolition of RSS.
- Advice Produced by the Planning Inspectorate for Use by its Inspectors. Regional Strategies
- Draft National Planning Policy Framework
- DCLG 'Planning for Growth'
- Hind Heath Road Appeal Decision June 2011

CONSULTATIONS (External to Planning)

Environment Agency:

No objection to the proposed development subject to a number of conditions.

United Utilities:

No objection providing that the drainage strategy detailed within the Flood Risk Assessment is rigidly adhered too.

Natural England:

Consider that insufficient information has been submitted in respect of the potential impact of the development on Sandbach Flashes SSI.

In response, a detailed submission was made by the applicant's ecologist to which no response had yet been received from Natural England. An update will therefore be provided to Members in this respect.

Network Rail:

Detailed response submitted to advise on the various conditions which should be imposed on the scheme if approved and also requesting a financial contribution towards a range of possible improvements to Sandbach Railway Station.

British Waterways:

No objection subject to a number of conditions, minor alterations to the proposed scheme and financial contribution towards improving access to the Trent and Mersey Canal pedestrian access.

Health and Safety Executive:

Initial response, based on the first layout, advised against approving the development due to the developments proximity to the consultation zones surrounding the United Phosphorus plant.

However, following a new assessment based on the revised layout, they do not advise against and have therefore withdrawn their objection.

Brine Subsidence Board:

As an area previously affected by brine subsidence precautions would be needed against brine subsidence damage.

Sustrans:

Sustrans consider that the linear nature of the site and single point of access will result in an increase in traffic onto a minor road and require any pedestrian or cycle journey to exit the site onto Hall Lane. As a result Sustrans are concerned that the layout will not encourage sustainable modes of travel. They consider that a bridge across the canal is needed at the northern end of the site to allow journeys up to Sandbach Railway Station in particular. The scheme should provide for appropriate cycle and buggy storage and should ensure road limits are restricted to 20mph.

Highways:

No objections to the proposed highway arrangements to Hall Lane which reflect a long-standing previously approved design and allow for safe access and egress for vehicles.

However, the Strategic Highways Manager has raised numerous concerns in relation to the poor quality of the first site layout in terms of the scheme failing to correctly apply the principles of Manual for Streets and the fact that the scheme does not offer any method of facilitating the physical connection between the application site and the Fodens Test Track site.

The latest amended plan does to a large degree offer a better layout design which is acceptable to the Strategic Highways Manager however the other aspect of legible adoptable highway boundary is not addressed in the amended layout. A condition should therefore be attached to any permission which may be granted for this development proposal to clearly define the adoptable highway boundary.

Public Rights of Way Team:

No objection because the scheme does not affect any Public Rights of Way.

Countryside Access Development Officer:

The proposed development presents an opportunity to improve walking and cycling opportunities in the area for both travel and leisure purposes in accordance with the Rights of Way Improvement Plan. The officer recommends that a financial contribution is secured in order to allow for improvements to the access onto the canal towpath via a disabled access ramp particularly as improvements to the surface of the towpath are planned to provide an all weather leisure and transport route.

Education:

Request a financial contribution of £178,187 to address the impacts of development of the provision of education within the area. Based on the revised layout, a smaller contribution of £174,292 would be required.

Greenspace Section:

No objection.

Amenity Greenspace

Observations relating to the existing shortfalls in the levels of Amenity Greenspace accessible to the proposed development having regard to local standards but that the scheme also makes a 340m² over provision of Amenity Greenspace (although this includes some incidental verge which would need to be deducted but excludes the pond area which would need to be transferred to a private management company).

Children and Young Persons Provision

Whilst sufficient provision exists within 800m of the site, the accessibility to those areas is difficult and the scheme would therefore need to make on-site provision to meet local standards. At present the scheme only includes a LAP facility but would need to make provision for a LEAP facility. A financial contribution of £94,326 would also be sought from the developer to cover maintenance for a 25-year period.

Environmental Health:

No objection to the proposed development subject to a number of conditions covering matters relating to contaminated land, remediation, implementation of noise mitigation and control over hours of operation and piling activities.

VIEWS OF SANDBACH TOWN COUNCIL

- Sandbach Town Council objects to the application due to the poor access. The site is over-developed for one access point and does not provide suitable pedestrian routes.
- No objection to the specified revised amendments but strongly reiterate their original observations regarding the poor access.

OTHER REPRESENTATIONS

One objection has been received to the proposed development from the resident at 1 Needhams Bank on Red Lane. The main grounds for objection are as follows:

- Visual intrusion, loss of privacy and unrequired noise;
- The land would benefit from development other than houses;
- Unacceptable traffic increase to Hall Lane and Red Lane;

- Impact on wildlife; and
- Questions whether Sandbach needs the development.

APPLICANT'S SUPPORTING INFORMATION

Topographical Survey, Plans, Elevations and Design & Access Statement
Planning Statement (including affordable housing, open space & heritage assessment)
Financial Viability Appraisal
Transport Assessment
Geo-Environmental Assessment Report
Supplementary Geo-Environmental Investigation Report
Remedial Specification (re Contaminated Land)
Air Quality Assessment
Environmental Noise Study
Vibration Impact Assessment
Heritage Statement
Flood Risk Assessment
Ecological Surveys

Additional supporting information

Supplementary Viability Appraisal June 2011
Revised Site Layout, Site Sections and Elevations
Supplementary Ecological Report to Natural England

OFFICER APPRAISAL

Principle of Development

The principle of residential development on the site is acceptable having regard to the advice contained within PPS1 and PPS3 in terms of the site previously developed status and location within the Sandbach settlement zone. Furthermore the site is identified within the SHLAA as being suitable, available and achievable and therefore falls to be considered as a deliverable site in PPS3 terms. The site will therefore make an important contribution to the five-year housing land supply both across the borough and within Sandbach itself as well as contributing to the provision an appropriate mix of housing within the Sandbach area having regards to the requirements of the SHMA.

Members must also note that in the absence of five year housing land supply within the borough, paragraph 71 of PPS3 requires that applications for housing must be considered favourably providing they meet the objectives PPS3 paragraph 69.

In terms of local plan policies, the sites location within the Sandbach settlement zone means that there is presumption in favour of development under policy PS4 providing the proposal does not conflict with other policies within the local plan, is in keeping with the towns scale and character, and is appropriate to character of its locality in terms of use, intensity and scale.

These matters are considered in more detail throughout the report.

Development Viability

As originally submitted, the application sought to demonstrate that the scheme could only support the delivery of either 5% affordable housing (based on a 65/35% Social Rented/Intermediate split) or 10% affordable housing if based on entirely intermediate housing. Neither of these options however made provision for any other obligations such as an education contribution.

The report submitted to support the applicant's case, which was prepared on their behalf by DTZ Manchester, tested a range of viability scenarios and reached the following conclusions:

- 30% affordable housing split between shared ownership and social rented delivers only 9.8% profit and a negative site value of - £1,149,000.
- 10% affordable housing comprising shared ownership housing delivers a profit of approx £ 3.06m (17%) but a negative site value of -£94,000.
- 5% affordable housing split as 35% social rented and 65% shared ownership delivers a profit of approx £3.1m (17.3%) but a negative site value of -£84,000
- With 0% affordable housing provision the scheme delivers a profit of £3.3m (18%) but a positive site value of £166,000

Following consideration of this report however, and the consultation responses received from the various consultees, officers were not satisfied with the level of affordable housing provision or indeed the failure to provide any form of contribution particularly in respect of education provision. Officers therefore entered into negotiations with the applicant's to secure an improved offer comprising one of the two scenarios listed below:

- A) Delivery of 20% affordable housing comprising two and three bed intermediate houses; or
- B) 10% affordable housing comprising two and three bed intermediate houses, but with a financial contribution of £206,440 to cover the necessary education contribution (£174,292) with the remainder being available for improvements to pedestrian accessibility or enhancing play provision in the area.

In making this offer, the applicants supported their case with a revised appraisal which demonstrated that the applicants had reduced their profit level to only 13% to improve the offer to the Council and that this figure was well below the accepted industry standard of 17.5% – 20%; a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Communities Agency.

Following receipt of the revised appraisal, the Council instructed Savills to undertake an independent review of the applicant's evidence. The professional advice to the Council is that the applicant's report is robust and demonstrates that 30% affordable housing is not viable on this site at the present moment in time. Furthermore, despite differences in professional opinions over the residual value (i.e. the amount of money available to provide affordable housing), it was found that the applicants offer of 20% (or 10% plus a financial contribution) reflected what the scheme could reasonably deliver.

Whilst it is clearly unfortunate that a higher level of affordable housing cannot be delivered in accordance with the requirements of SPD6 and the Interim Housing Policy, policy H13 and the Interim Housing Policy do advise that the Council will consider the economics of provision when assessing affordable housing provision. Furthermore, the guidance contained within 'Planning for Growth' makes it clear that Councils will be expected to consider the impact of planning obligations on the viability of development and that such issues amount to important considerations.

A further important consideration stems from the recent Hind Heath Road appeal decision where one of the main reasons for the Secretary of State dismissing the appeal was due to the fact that the Council could demonstrate a five year supply of deliverable sites within the Sandbach area, of which Canal Fields was one such site. Refusal could therefore have a potentially damaging effect on the housing land supply within both Sandbach and the Borough and thus our ability to defend future appeals.

On that basis, it therefore remains for Members to consider the nature of the offer from the applicants and which option they wish to secure from the following two options:

- a) 20% affordable housing (all Intermediate housing) with no other financial contributions; or alternatively
- b) 10% affordable housing comprising intermediate housing and an additional financial contribution of £174,292 towards education provision and £33,857 to be spent by the Council on enhanced public open space and/or pedestrian accessibility within the immediate area.

It is officers view that option B should be secured having particular regard to the education contribution and the need to off-set the very specific impact that 101 2, 3 & 4 bed homes would have on school capacity. However, if Members took a different view, this would require a minor adjustment to the proposed heads of terms and would need to be made clear prior to the committee resolution.

Nature of Affordable Housing Offer

Notwithstanding the shortfall in affordable housing provision discussed in the previous section, officers consider that the delivery of 2-bed and 3-bed intermediate housing (which forms the basis of the revised offer) would contribute to addressing housing need within the Sandbach area having regard to the evidence within the 2010 SHMA. The applicants have also indicated they would be prepared to deliver all the affordable units prior to the occupation of the 50th open market unit which officers consider would be represent an acceptable solution.

Renewable Energy and Code for Sustainable Homes

Whilst officers would normally expect new housing schemes to provide an element of renewable energy or meet a code for sustainable homes standard, the existing resolution to approve does not contain any requirement for such provision and the viability appraisals for the current application have therefore been prepared on that basis. The applicant's have therefore advised that if the Council sought to impose such conditions on the development,

that this would adversely affect the ability to deliver the specified levels of affordable housing and/or the ability to provide financial contributions.

Whilst this is clearly an unfortunate position, the presence of the 2007 resolution is clearly a material consideration and on that basis it is considered that conditions in respect of either renewable energy or code for sustainable homes could not be attached to this scheme.

Design, Character and Impact

In overall terms, and notwithstanding the fact that a much more innovative and responsive layout and design could be achieved, officers consider that the scheme is acceptable.

The layout secures built frontage onto the Trent and Mersey Canal Conservation Area and ensures that the amenity greenspace areas are directly overlooked. It also includes dual aspect units which ensure that units turn the street corners where appropriate and provide active frontage to the streets.

In terms of elevational treatment, the plans demonstrate a traditional approach to design utilising decorative brick and soldier courses, stone cills and a variety of door casings to offer some variety to public elevations.

The Strategic Highways Manager has voiced some concerns in respect of the design and treatment of the carriageways within the site which do not fully adopt guidance within Manual for Streets. However, it is considered that some of these concerns may be capable of resolution by way of condition and at the time any S278 is agreed when a detailed highways treatment and specification would be agreed. The scheme does however make provision for an attractive canal side amenity space and pond and delivers a new pedestrian link into the adjacent Test Track site; a link that will play an important role in terms of pedestrian connectivity between the various housing sites as they built out in the coming years.

A concern has been raised by officers in respect of the parcel of land which separates the site frontage and the Trent and Mersey Canal. Whilst officers sought to facilitate an agreement between British Waterways and the applicant's, it was clear that British Waterways were not prepared to allow the land to be included within the scheme without significant cost to the applicant's or alternatively the requirement to enter into a lease, both of which would adversely affect viability. On that basis officers have little choice but to exclude it from any further deliberations.

Taking all the above factors into account however, as well as the need to ensure that the site is delivered in respect of the housing land supply, officers consider that the scheme would meet the requirements of PPS1 and PPS3 as well as the design guidance within RSS and policies GR1, GR2 and GR3 of the adopted Local Plan,.

Amenity Greenspace

The proposed layout makes provision for a number of areas of amenity Greenspace and includes an attractive waterside feature which will be landscaped and enhanced from an ecological perspective. The level of space provided also ensures an over-provision and it is not therefore necessary to secure a financial contribution towards amenity greenspace. Similarly, there is no requirement for a management contribution because the Council would

not adopt the area; rather it would need to be passed over to a management company, the details of which would need to be secured by way of any S106 Agreement.

In respect of children and young person's play provision, the current scheme does not include any form of provision despite the fact that Streetscape have indicated a LEAP is required. Given the relationship between the application site and the adjacent Fodens sites however, where play provision will be secured and be accessible to future residents, it not considered appropriate or necessary to secure additional provision on this site. Furthermore, it is proposed to include a clause within the S106 Agreement which could allow for the remaining £33,857 financial contribution to be spent on play provision within the immediate area if deemed appropriate and once further details on the test track site are known.

Taking these factors into account, it is considered that the proposed development meets the requirements of the Interim Guidance Note on Public Open Space.

HSE Related Matters

The application site lies within the inner, middle and outer consultation zones of the United Phosphorus plant, a HSE designated hazardous installation. In this respect, whilst the original layout generated an 'advise against' recommendation, the revised layout adjusted the number and position of houses in respect of the consultation zones with the result that the HSE confirmed they now 'do not advise against' the proposed development.

Residential Amenity

In overall terms, officers are satisfied that the proposed development would comply with the appropriate adopted standards and the requirements of GR1 (iii), GR2 (I) (D), GR6 and GR7 providing appropriate conditions were imposed on the development.

Whilst a better relationship between the proposed houses and the railway line could clearly be achieved, the applicant's survey successfully demonstrates that noise can be appropriately mitigated through higher standards of glazing and ensuring that houses in close proximity to the railway are positioned gable on or with minimal habitable rooms facing the railway. Because the scheme rigidly adheres to this advice, Environmental Health has no objection and considers that the scheme meets the requirements of PPG24 and policies GR6 and GR7 of the Local Plan.

In terms of the letter of objection, the scheme would have little impact on the amenity of properties on Needham's Bank. The scheme makes provision for separation distances in excess of 40m which ensures that privacy would be maintained to an appropriate standard. Any noise from the residential development would clearly be wholly compatible with existing residential uses on Needham's Bank. Hours of construction and details of piling could also be suitably controlled to ensure any temporary disruption could be suitably controlled and restricted outside reasonable hours.

Highway Safety and Accessibility

The Strategic Highways Manager is satisfied that the proposed access arrangements and scheme for signalisation of the Hall Lane rail bridge offers a robust and acceptable design solution from a highway safety perspective. The scheme replicates a long-standing, previously approved design and there are no grounds on which the proposed access arrangements could therefore be reasonably refused. This proposed site access

arrangements therefore comply with the requirements of local plan policies GR1, GR9 and GR18 and could be secured by way of appropriate condition on any permission.

In terms of vehicular movements, the Strategic Highways Manager is satisfied that the level of movements associated with the proposed development, can be safely accommodated within the existing highway network which includes consideration of any impact on J17 of M6 junction, on which there would be very little impact. The scheme does not therefore require any form of contribution towards any proposed junction upgrades at J17.

In addition to the concerns identified within the previous section on design, the Strategic Highway Manager is concerned that the scheme fails to make full provision for the creation of a formal link between the application site and the Fodens Test Track site. In this respect, whilst the scheme includes a small footpath connection at the northern most point, it does not make provision for the physical structure or a financial contribution towards implementation of a scheme into the Test Track site. However, officers consider that this can be overcome by way of a S106 Agreement which has the effect of securing 'landing rights' for a new bridge which would need to be delivered by any future developer of the test track site. Taking this factor into account, the lack of a contribution from the developer or provision of the physical infrastructure is not considered to amount to a reason for refusal.

Environmental Health Related Matters

In terms of the remaining matters, Environmental Health are satisfied that the proposed development would meet the requirements of policies GR1, GR6, GR7 and GR8 as well as the requirements of PPS23 in terms of contaminated land.

In the case of air quality, the level of vehicular movements associated with the proposed redevelopment are not considered to present any issues that conflict with any designated AQMA's and that issues surrounding dust and emissions during construction could be appropriately addressed by way of a condition on any permission.

In terms of contamination, whilst further investigations are needed, the contaminated land officer is satisfied that the site is suitable for residential development and that the additional survey work and remediation strategy can be secured by a suitably worded condition. This is also reflected in the advice of the Environment Agency in relation to the issues of contamination and controlled waters in proximity to the site notably the canal and the various water bodies associated with Sandbach Flashes.

Trees and Landscaping

Whilst the site does not include a detailed tree survey, the trees within the site are not subject to any form of protection by way of TPO and could therefore be removed by the applicants without the consent of the Council.

We also consider that a more comprehensive, well design landscape scheme could be drawn up, particularly in terms of the relatively poor quality landscape design to the railway boundary. This is a matter that can be covered by an appropriately worded condition however and on that basis it is considered that redevelopment of the site would not present any issues in terms of loss of landscape features that would warrant refusal of the scheme and complies with the requirements of Local Plan policies GR1 (II), GR2 (II) and NR1.

Flood Risk and Drainage

The applicant's Flood Risk Assessment identifies that the site lies within Flood Zone 1 and that the main risk of flooding is from the canal (should a breach occur) and flooding from the proposed scheme itself because of the substantial increase in impermeable areas that would result. The scheme therefore makes a number of recommendations to address this risk which include adjusting finished floor levels to approximately 0.7m above the canal, restricting outflows of the drainage system, incorporating soakaways into the design and implementing a SuDS system to utilise the retain pond as part of a wider soakaway system (which would be subject to private management arrangements).

It is therefore considered that the scheme, subject to the imposition of conditions requested by the Environment Agency to secure implementation of agreed measures and submission of further details in relation to certain aspects of the site drainage scheme, would satisfy the requirements of PPS25 'Development and Flood Risk' and local plan policies GR20 'Public Utilities' and GR21 'Flood Prevention'.

Ecology

In overall terms, whilst the site contains a number of important features including ponds, various grass land types, reed beds and swamp areas, the proposed development would not impact upon any designated sites of conservation value.

In terms of protected species, the various reports found no evidence of any protected species within the site other than the potential breeding birds which can be protected by condition. Whilst the site contains a variety of species including reptiles, frogs, toads and Smooth Newts none of these are fully protected or act as an impediment to development. Moreover, they could be appropriately protected by way of suitable protection measures during construction, through retention of landscape features and implementing a habitat management in line with the applicant's ecologist's recommendations.

Whilst the scheme in its current form does not fully implement the survey recommendations, for example failing to include scrapes in the sand and implement acid grassland to the south of the site, it does include most other recommended features. As such, it would be possible to secure the final comprehensive scheme by way of an appropriately worded condition.

At the time of writing the report, there were still a number of outstanding issues in respect of the impact of foul water from the scheme and the capacity of the local waste water treatment facility to cope which Natural England were concerned could harm the adjacent Sandbach Flashes SSSI. In this respect however, a previous planning permission for residential development on this site has been approved (albeit pending completion of a S106 Agreement) and no objection has been raised by United Utilities in respect of the capacity of the sewers or waste water treatment plant. Officers are therefore confident that the additional information supplied by the applicant's ecologist and forthcoming meeting with

Natural England with resolve any outstanding issues and an update will therefore be provided to Members.

Subject to the resolution of this issue, officers are satisfied that the scheme would comply with the requirements of PPS9 and Local Plan policies GR1 (ix), NR3, NR4 and NR5 and that protected species could be appropriately protected during construction by way of suitably worded conditions.

CONCLUSION AND REASON FOR THE DECISION

The principle of development in its current form is acceptable and should be supported. Whilst the scheme cannot deliver 30% affordable housing, the viability evidence clearly demonstrates that the applicants position is robust and emerging guidance clearly emphasises the importance of providing developers with flexibility when it comes to planning obligations. Significant weight must also be given to the need to deliver housing sites such as this in order to maintain the housing land supply and the fact that the proposed affordable housing would make a valuable contribution to meeting the identified housing need.

Whilst the layout and design of the scheme does not fully utilise the potential of the site, it is considered that the scheme would not conflict with the requirements of PPS1, PPS3 and other design based policies. However, the importance of delivering the site for housing and maintaining an adequate housing land supply must also be weighed in the balance in favour of the proposals.

The layout of the scheme has been revised to avoid unacceptable risk to future residents and as a result the scheme has an acceptable relationship with the 'Hazardous Installation' consultation zones.

The proposed development will provide a safe site access and the level of vehicular movements associated with the scheme is acceptable and can be accommodated within the highway network.

It is therefore recommended that planning permission be APPROVED subject to conditions and the prior signing of a S106 Agreement in respect of the following areas:

-

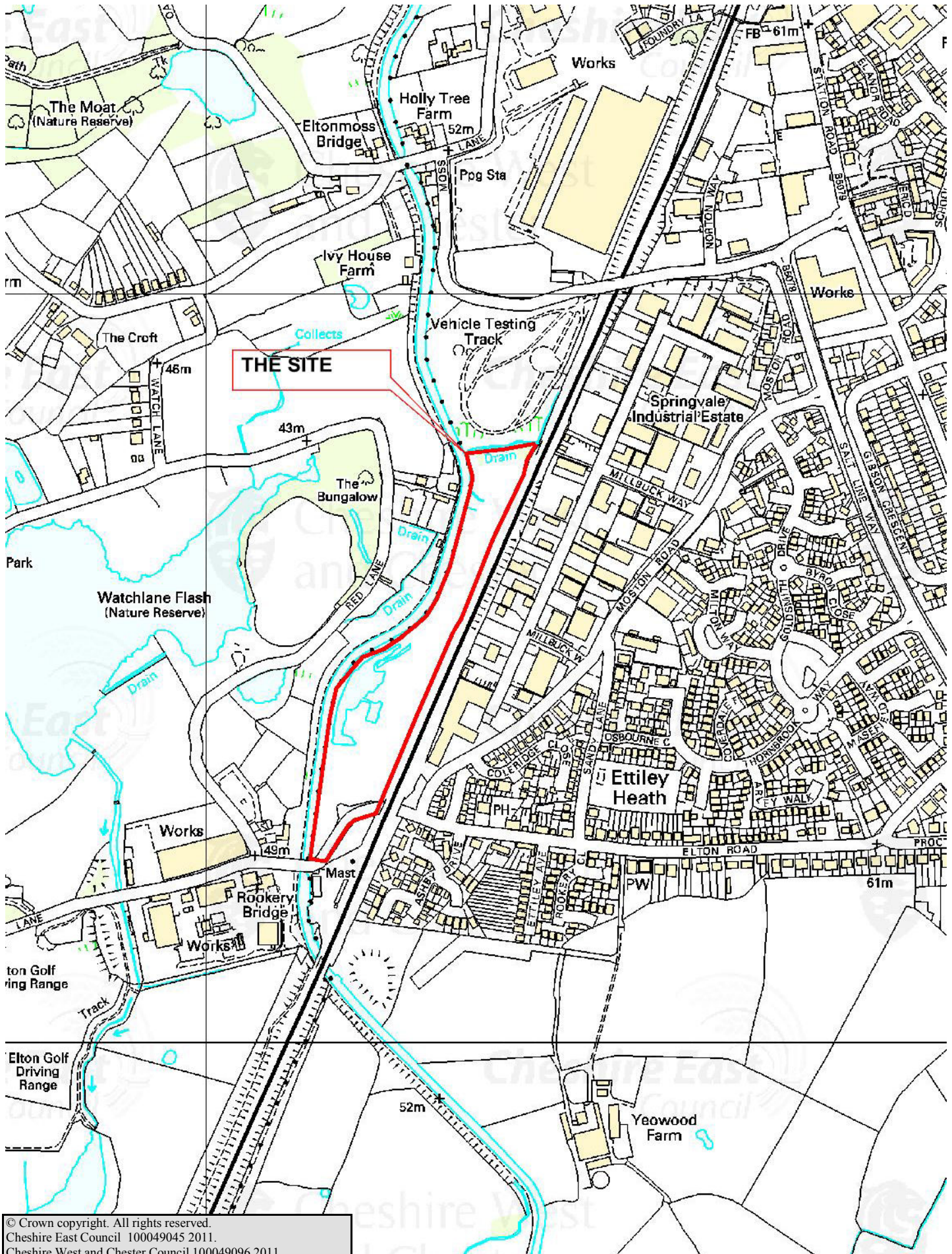
Proposed S106 Heads of Terms

- Secures 10% affordable housing comprising two and three bed intermediate houses
- A financial contribution of £206,440 comprising £174,292 towards education provision and with the remaining sum of 33,857 being used for improvements to pedestrian accessibility and/or enhancing play provision within the immediate vicinity of the site.
- Overage provision to capture any uplift in value with any additional sums paid to the Council to invest back into affordable housing provision within the borough.

- Secures the landing and access rights for any pedestrian footbridge and/or footpath and from the adjacent Fodens Test Track site for any future residential or office development on the site.
- Secures the precise details for a management company in respect of the on-site amenity greenspace, SUDS systems and ponds.

Proposed conditions

1. Time Limit
2. Development in accordance with the approved plans and site levels
3. Precise details of materials, windows and boundary treatments to be submitted and agreed prior to the commencement of development
4. 100mm reveals to windows
5. Implementation of new access to base course prior to the commencement of any other development on site
6. Secure access arrangement and improvement to Hall Lane rail bridge in accordance with approved plans
7. Precise details of internal highway layout, arrangement and proposed materials to be submitted and agreed prior to the commencement of any development.
8. Prior to first development the developer will provide an amended site layout which clearly defines a legible adoptable highway boundary to the satisfaction of the Local Planning Authority
9. Finished floor levels
10. SUDS system and surface water in accordance with submitted scheme
11. Precise details of scheme to manage flood risk
12. Precise details of scheme to manage overland flow
13. Scheme for removal of Australian swamp stonecrop
14. Precise details of scheme to protect pond during construction and future management plan
15. Landscape management plan
16. Contaminated land and remediation
17. Scheme and implementation of noise mitigation measures
18. Landscaping details
19. Landscaping Implementation
20. Detailed scheme for ecological enhancements, implementation and future management
21. No development shall commence until a detailed scheme for street furniture, street lighting and railings and boundary treatments to public areas and amenity greenspace has been submitted and agreed
22. Removal of PD rights



Application No: 11/2001N

Location: 10, GLENDALE CLOSE, WISTASTON, CW2 8QE

Proposal: First Floor Extension over Existing Garage to Side of Dwelling

Applicant: Mr J Baker

Expiry Date: 22-Jul-2011

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Procedural Matters;
- Principle of Development;
- Design; and
- Amenity

REFERRAL

Members may recall that this application was discussed at the previous committee meeting. However, it was deferred for a site visit in order to assess what impact the proposal may have on neighbouring amenity. The application was originally called in by Cllr Simon on the grounds of 'over domination of neighbouring property and visual intrusion on neighbouring property resulting in loss of light'.

DESCRIPTION OF SITE AND CONTEXT

The applicant's property is a relatively modest two storey detached property located at the end of a cul-de-sac and is constructed out of facing brick under a concrete tile roof. Located at the side of the property is a single storey outrigger, which is well set back from the front elevation by approximately 4.5m and projects out 4.5m beyond the rear elevation. The applicant's rear garden is relatively large and is enclosed by a 1.8m high close boarded timber fence. The applicant's property is flanked on three sides by other residential properties and the access road on the remaining elevation. The application site is located in a wholly residential area and is within the settlement boundary of Crewe.

DETAILS OF PROPOSAL

This is a full application for a first floor side extension at no. 10 Glendale Close, Wistaston. The proposed extension will measure approximately 3.6m wide by 3.6m deep (at the widest points) and is 5m high to the eaves and 6.1m high to the apex of the pitched roof (as measured from ground level). The front elevation of the proposed extension is set back approximately 4.5m and the rear elevation ties in with the host property.

RELEVANT HISTORY

P05/0402 – Demolition of Existing Garage and Erection of Single Storey Side and Rear Extension – Approved – 13th May 2005

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

PPS1: Delivering Sustainable Development

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage Utilities and Resources)

RES.11 (Improvements and Alterations to Existing Dwellings)

Other Material Considerations

SPD - Extensions and Householder Development

CONSIDERATIONS (External to Planning)

None Consulted

VIEWS OF THE PARISH / TOWN COUNCIL

Wistaston Parish Council raised no objections on the above planning application, however, having viewed the proposed extension from the rear first floor of 38 Langdale Road, it shows us that the existing plan we were sent is incorrect.

The property at number 10 Glendale Close does not have a detached garage as shown but already has a large ground floor extension with integral garage. This we are informed is the original garage but the recent attached extension already reaches the boundary of 38 Langdale Road.

In our view the proposed first floor development at 10 Glendale Close will over dominate 38 Langdale Road.

OTHER REPRESENTATIONS

One letter of representation received from the occupiers of no. 38 Langdale Road. The salient points raised are:

- The visual intrusion from our kitchen and bedroom windows will result in loss of light; and
- The over dominance of part of our property will cause loss of amenity in our rear garden.

APPLICANT'S SUPPORTING INFORMATION

No supporting information submitted with the application

OFFICER APPRAISAL

Procedural Matters

The objector makes reference to the location plan submitted with the application is incorrect. According to the submitted location plan the applicants garage is clearly shown detached from the host property. However, following a site visit the case officer can confirm that the original garage has been demolished and replaced with a single storey side extension, which is attached to the side of the applicants property. The case officer advised the applicants agent about the discrepancy and requested whether there was a more up to date location plan. However, the agent has confirmed that the submitted location plan is the most up to date and has been provided directly from Ordnance Survey. Whilst the case officer acknowledges there is a small discrepancy in the location plan it is not considered that neighbours have been unduly prejudiced and there is insufficient justification to warrant a refusal.

Principle of Development

The principle issues surrounding the determination of this application are whether the development would adversely impact upon the residential amenity of neighbouring properties and would respect the pattern, character and form of the surroundings, in accordance with policies RES.11 (Improvements and Alterations to Dwellings), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The main thrust of the Local Plan policies is to achieve a high standard of design, respect the pattern, character and form of the surrounding area, not adversely affect the street scene by reason of scale, height, proportions or materials used.

Development Control guidance advocated within PPS 1 places a greater emphasis upon Local Planning Authorities to deliver good designs and not to accept proposals that fail to provide opportunities to improve the character and quality of an area. It is the opinion of the case officer that this proposal does not detract from the character of the host property and will not have a detrimental impact on the appearance of the area and is accordance with advice stated within PPS 1.

The recently adopted SPD entitled 'Extensions and Householder Development' is another material planning consideration. This document builds upon guidance given above and advocates good quality design

Design

The proposed extension will be erected above the existing single storey extension, which is located at the side of the applicants dwellinghouse. According to the submitted plans the proposal will measure 3.6m wide by 3.6m deep and is 6.1m high to the apex of the pitched roof (as measured from ground level). The eaves of the extension are at the same level as the eaves on the host property, whilst the ridge of the extension will be set down from the ridge of the host property. It is considered to be good design practice for most extensions to appear subservient to the host property, it is considered that the proposed extension achieves this aim, given that the ridge is set down and whole of the proposed extension is set back and the width of the extension is not disproportionately large in relationship to the host property. According to the application forms the proposed extension will be constructed out of facing brick under a tile roof and this will be secured by condition, if planning permission is to be approved.

On the front elevation of the extension will be a large window with exposed cill details. The glazing bar pattern, proportions and scale of the proposed window are similar to the existing windows on the host property. Overall, it is considered given the design and proportions of the proposed fenestration will not appear as alien or obtrusive elements, which would otherwise have a detrimental impact on the character and appearance of the host property. According to the submitted plans no apertures are proposed on the side elevation of the proposed extension. Located above the proposed window is projecting gable element similar to the existing property and a string course is proposed on the front elevation, which helps to break up its massing. On the side elevation of the existing outrigger facing no. 9 Glendale Close a personnel door is proposed with projecting canopy. No other apertures are proposed and it is considered prudent to withdraw permitted developments to prohibit any new openings.

It is not considered that the proposed extension would dominate or overwhelm the existing dwelling, or be read as a particularly prominent or obtrusive feature and as such the proposal complies with policy BE.2 (Design Standards).

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest residential properties which may be affected by the proposal are no's 9 and 11 Glendale Close and 38 and 40 Langdale Road.

The proposed extension will have a marginal impact on the residential amenities of the occupiers of no. 9 Glendale Close, which is located to the east of the applicants property. This

property (no. 9) is at a slight angle in relationship to the applicants dwellinghouse. It is considered given the design and orientation of the proposal will not result any loss of privacy or over domination and the proposal complies with Policy BE.1 (Amenity).

It is considered that the proposal would have a negligible impact on the residential amenities of number 11 Glendale Close, which is located to the west of the applicants property. According to the submitted plans it is noted that the whole of the proposed extension would be screened by the host property, which will help to mitigate any negative externalities.

Located to the south of the application are no's 38 and 40 Langdale Road and there is a distance of approximately 9m and 10.5m (respectively) separating the rear elevations of these properties from the rear elevation of the applicants property. It is noted that the applicants property is located to the north of these two properties and it is considered given the orientation and juxtaposition of the properties the proposal will not result in over shadowing or have a over bearing impact. As previously stated there are no windows proposed in the rear or side elevations of the proposal and a condition removing PD rights will be attached to the decision notice.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development would not significantly impact upon the surrounding neighbouring amenity and the design of the proposal is in keeping with the character of the host dwelling and the street scene and therefore complies with Policies RES. 11 (Improvements and Alterations of Existing Dwelling), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained within PPS 1: Delivering Sustainable Development.

Approve subject to conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Remove PD Rights**



Application No: 11/2556C

Location: Land Adjacent to 26, MILLMEAD, RODE HEATH, CHESHIRE, ST7 3RX

Proposal: Construction of Two Detached Houses as per Footprint Layout Indicated

Applicant: Mr B Jarvest

Expiry Date: 01-Sep-2011

SUMMARY RECOMMENDATION: Approve with conditions.

MAIN ISSUES:

- Principle of the development
- Highways
- Layout and scale
- Impact on the amenities of neighbouring properties
- Amenities of future occupiers
- Landscaping

REASON FOR REFERRAL

Called in by Councillor Rhoda Bailey on the grounds that: *"This development would involve the acquisition of council amenity land for vehicular access, and could have a detrimental effect on the visual aspects of this already developed area."*

DESCRIPTION AND SITE CONTEXT

The application site was previously part of the garden of 26 Millmead and also comprises a small parcel of Council owned amenity land. It is designated as being within a village inset in the Green Belt in the adopted Local Plan. The surrounding development comprises semi-detached dwellings to the east, a church to the north and a relatively new residential development on the opposite side of Sandbach Road, to the west. There are several trees on the site; however none of these are the subject of preservation orders.

DETAILS OF PROPOSAL

This is an outline application, with details of the access, layout and scale being determined at this stage, with appearance and landscaping being reserved for later approval.

The proposal is for two dwellings, which would be sited in such a way as to appear as a continuation of the existing properties on Millmead. As this is an outline application full details of the appearance of the dwellings is not provided, however the submitted scale parameters show that they would be a maximum of 11m deep at the longest part, 6.5m wide with a maximum ridge height of 8m.

Access would be taken from Millmead by way of a shared drive adjacent to number 26 Millmead. This would involve the purchase of small parcel of Council owned amenity land.

A previous application was refused in 2002 (34871/3), for a large detached dwelling facing on to and accessed from Sandbach Road. The reasons for refusal were that the dwelling would appear out of character with the scale and character of the existing form of development and adverse impact on highway safety because the access would be on to Sandbach Road.

RELEVANT HISTORY

34781/3 2002 Refusal for the erection of 5 bed detached dwelling

POLICIES

National Guidance

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

PS5 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H1 – Provision of new housing development

H2 – Housing supply

H4 – Residential development in towns

SPG2 –Private Open Space

Other Material Considerations

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;*
- (i) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (ii) 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);*
- (iii) 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;*
- (iv) Ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development. This states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

CONSIDERATIONS

Environmental Health:

None received at the time of report writing.

Highways:

This development requires a properly constructed vehicular crossing with construction in accordance with Cheshire East Council Highways specification. It is also noted that the proposed access will likely be impeded by the telegraph pole, however it is the responsibility of the applicant to arrange for that utility apparatus to be moved. Traffic generation from two dwellings will not have a material effect on the traffic conditions on Mill Mead.

The S.H.M. therefore recommends that any permission which may be granted for this application be accompanied with the following informative:

Informative:- The applicant/developer will provide a properly constructed vehicular crossing in accordance with CEC specification, and enter into a Section 184 Agreement with CEC under the Highways Act 1980.

United Utilities:

None received at the time of report writing.

VIEWS OF TOWN/PARISH COUNCIL

None received at the time of report writing.

OTHER REPRESENTATIONS

3 representations have been received relating to this proposal expressing concern over the following issues:

- Increase in traffic and parking
- Limited visibility for drivers and pedestrians using the footpath
- Loss of amenity land
- Development out of keeping with the character of the area

OFFICER APPRAISAL

Principle of Development

The site is designated as being within a village inset in the Green Belt where development is permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with other policies in the local plan.

Having regard to this proposal it is considered that the dwellings would be appropriate to the character of the local area due to their scale, form and siting, therefore the proposal is considered to be acceptable in principle.

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. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within Borough.

Highways

Several of the objectors have expressed concerns relating to highway safety, traffic generation and parking provision. It is noted however that the Strategic Highways Manager has not objected to the proposal, subject to an informative requiring construction of the access to Cheshire East Highways specification. It is therefore considered that a refusal on the grounds of adverse impact on highway safety could not be sustained.

Layout and Scale

The proposal is for two dwellings facing on to the turning head of Millmead. The dwellings would follow the building line around the turning head resulting in a satisfactory layout.

The scale of the dwellings is considered to be in keeping with adjacent properties in terms of footprint and ridge height which would be a maximum of 8m in height. The scale of the dwellings is therefore considered to be acceptable.

Amenity

Having regard to neighbouring amenity, the property that would be most affected by the proposal is 26 Millmead. This dwelling would be 5m away from the side elevation of number 26 at its closest point. As this is an outline application with the appearance of the dwellings being a reserved matter, it is not yet known where windows would be sited, however it would be possible to design a layout that did not include windows on the side elevation facing number 26 Millmead. It is therefore considered that there would not be any significant

adverse impact on the residential amenities of neighbouring properties or those of future occupiers.

Having regard to the amenities of future occupiers of the proposed dwellings, it is considered that the usable amenity space provided for each dwelling would be in compliance with SPD2 and would be acceptable.

Landscaping

The site is bounded by mature hedging that affords it extensive screening which is to be largely retained. It is considered that the retention of this screening will mean that when viewed from Sandbach Road, the street scene will be little changed. It is considered that a condition should be imposed requiring measures for the protection of the boundary hedges.

Other Matters

It should be noted that the fact that the proposal involves the acquisition of Council owned land, is not a factor that could be considered as part of the determination of the application.

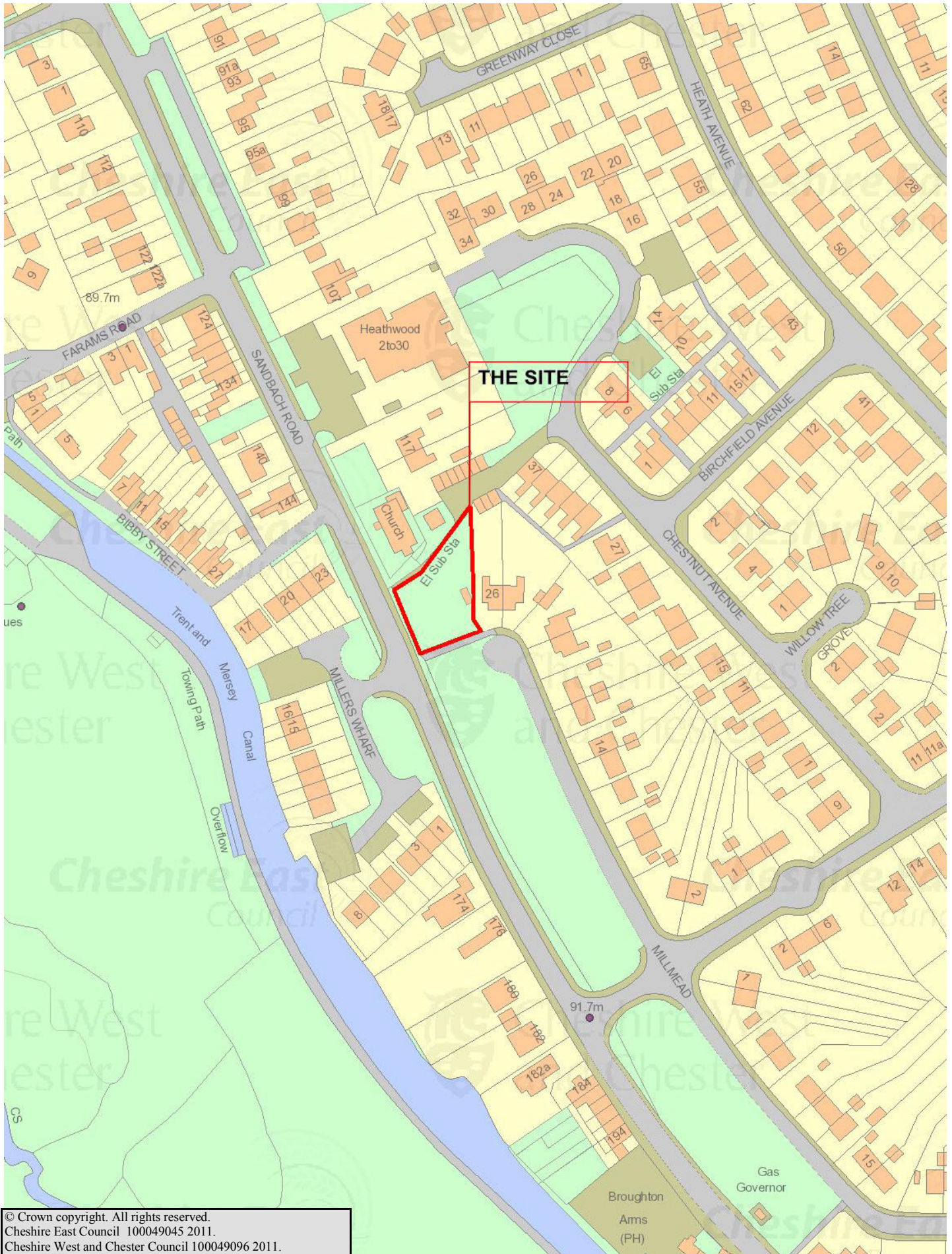
CONCLUSIONS AND REASONS FOR THE DECISION:

In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

RECOMMENDATION:

Approve subject to the following conditions:

1. Application for reserved matters approval within 3 years
1. Commencement of development within 3 years of this permission or 2 years of approval of the last of the reserved matters, whichever is the later
2. Development in accordance with agreed drawings
3. Submission of details/samples of external materials
4. Submission of detailed drainage scheme
5. Limits on hours of construction
6. Limits on hours of piling
7. Submission of landscaping scheme
8. Implementation of landscaping scheme
9. Submission of details of boundary treatments
10. Hedgerow protection scheme



Application No: 11/2241N

Location: LAND SOUTH OF THE ROYAL OAK, MAIN ROAD, WORLESTON

Proposal: Outline Application for Residential Development, Associated Access and Landscaping Works

Applicant: Mr R Hollinshead

Expiry Date: 07-Jul-2011

SUMMARY RECOMMENDATION

Approve with Conditions and subject to the completion of a section 106 agreement for the provision of affordable housing on site

MAIN ISSUES

- Principle of Development
- Impact on Character and Appearance of Streetscene
- Impact on the Amenity of Neighbouring properties
- Impact on Highway Safety
- Other Matters – Community Facilities, Drainage

REASON FOR REFERRAL

This application was to be dealt with under the Council's scheme of delegation. However, the application has been called in by Cllr Jones to consider the environmental impact, design and whether the proposal is within current Crewe and Nantwich Regulations.

DESCRIPTION OF SITE AND CONTEXT

The application site forms land attached to the existing Royal Oak Public House within the settlement boundary for Worleston. The site comprises part of the existing beer garden and parking area to the south of the public house, and also land between the public house beer garden and residential properties to the south which is grazing land. Fronting Main Road is a hedgerow whilst the rear boundary is also vegetated. There is a pond located in the south eastern corner of the site.

DETAILS OF PROPOSAL

This is an outline application with all matters reserved. The application proposes the construction of five dwellings. Whilst all matters have been reserved an indicative layout has been submitted to demonstrate how the site could be developed. The indicative layout shows three detached dwellings and a pair of semi detached dwellings. Two dwellings would be accessed from individual driveways whilst a further access is proposed which would serve the remaining three dwellings. All properties would be two storey in height.

RELEVANT HISTORY

10/2597N – Outline Planning application withdrawn for Residential Development, Associated Access and Landscaping Works on 25th October 2010

P03/1168 – Outline planning application refused for Residential Development (8 Dwellings) on 17th October 2003.

P95/0420 – Outline application for residential development refused on 24th August 1995.

7/15544 – Planning permission approved for Extension to beer garden and new boundary fence on 5th October 1988.

7/15358 – Planning permission approved for extension to public lounge on 9th June 1988.

POLICIES

Local Plan Policy

- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- BE.6 (Development on Potentially Contaminated Land)
- RES.2 (Unallocated Housing Sites)
- RES.4 (Housing in Villages with Settlement Boundaries)
- TRAN.9 (Car Parking Standards)
- CF.3 (Retention of Community Facilities)

Other Considerations

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS7 – Sustainable Development in Rural Areas

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

CONSULTATIONS (External to Planning)

Strategic Highways Manager – Main Road has a 30mph speed limit with good forward visibility. The proposed accesses will be able to meet the correct visibility. The shared surface access is over designed and should be constructed as a vehicular crossing only. An amended plan will be required for Highways approval.

United Utilities – No objection. Should be drained on a separate system with only foul drainage connected to foul sewer.

Environmental Health – Royal Oak has a license for live music until 11:30pm and recorded music to 12am every night of the week. There are currently no live bands or DJ's performing at these premises. Consequently no noise assessment is required. Suggest conditions relating to external lighting, hours of construction, pile driving, and bin storage.

With regard to land contamination it is noted that residential properties are a sensitive end use. As such an informative has been suggested that the developer inform the LPA of any land contamination if encountered during construction.

Campaign for the Protection of Rural England – The proposed development could undermine the viability of an important village amenity. The land classification of the field has not been disclosed.

VIEWS OF THE PARISH COUNCIL

Object to proposed development. The Royal Oak is an integral part of the village, the loss of the beer garden would remove the one area in the village where people in the village can socialise and relax. The loss of parking facilities which is used by passing trade and local residents would result in considerably more on road parking.

The two storey dwellings are not in keeping with the existing bungalows on that side of the road and not in keeping with the character of the village. Concern that this is the first stage of a larger development for the site (pub marketed on web). Development should be geared towards providing affordable housing,

OTHER REPRESENTATIONS

Fourteen letters of objection received from Hillcrest, Aston Grove Farm, Station House, and 59, 80, 85, 87, 89, 91, 95, 97, 103 and 116 (x2) Main Road, the salient points being:

- Insufficient infrastructure in village would not sustain development
- Flooding, United utilities admit system is inadequate
- Accesses would cause strain on already busy road
- Speed limit often ignored
- Opposite very busy shop
- Some residents use pub car park, if lost they will be forced to park on road
- Loss of beer garden/village amenity
- Access road gives impression of future development
- Development not in keeping with village/bungalows
- Should be providing affordable housing

- First phase of a larger development
- Internet advert for the sale of the pub
- Ponds in village contain eggs of Great Crested Newts
- Visually overbearing and overlook cottages, loss of privacy
- Excessive development for site
- Pair of semi detached bear no resemblance to other three
- Angled building line will cause car parking problems
- Loss of trees and hedgerows
- Noise and traffic nuisance caused from pub to proposed dwellings
- Governments presumption in favour of sustainable development – promotes economic activity and allow communities to have a greater say in the way their immediate environment is planned – proposal at odds with this
- Contrary to national planning guidance
- Little prospect of young people being able to afford these houses

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Tree Survey

Protected Species Survey

OFFICER APPRAISAL

Principle of development

This is an outline planning application with all matters reserved. The main consideration is therefore whether the construction of 5 dwellings would be acceptable in principle. The site is located within the settlement boundary for Worleston. Policy RES.4 allows for residential developments in such locations provided that they are of an appropriate scale for the village. It is considered that the construction of 5 dwellings would be a proportionate addition to the village and is of a scale in numeric terms which would not appear out of context. It is therefore considered that the proposed development would be acceptable in principle. However there are other considerations which need to be considered at this stage relating to the provision of affordable housing,

Affordable Housing

Policy RES.7 of the Local Plan states that in settlements with a population of 3,000 or less affordable housing will be required to be provided on proposals of 5 units or more, and exceptionally for proposals of more than one unit where there is a proven need. The Affordable Housing Interim Planning Statement which has been adopted indicates at 3.7 that for all sites in rural areas which have a population of less than 3,000 the Council will negotiate for the provision of an element of affordable housing on all sites of 3 dwellings or more, and the general minimum proportion of affordable housing required will be 30%. There is a need for affordable housing in Worleston. The Strategic Housing Market Assessment 2010 shows that there is a requirement for 25 additional affordable homes in the Minshull area which

Worleston is included in for the purposes of the SHMA 2010 located with the biggest shortfall being for 3 bed units. There has been very little affordable housing delivery in the Minshull area since 2005. There is a proven need for affordable housing in the area and therefore the scheme will require the provision of affordable housing. As the proposal is for 5 units it is considered that this can be secured through on-site provision for 30% of the dwellings to be affordable, this equates to 2 dwellings. The applicant has confirmed that there are agreeable to providing affordable housing and this can be secured through a section 106 agreement.

Impact on character and appearance of the streetscene

Whilst the application is in outline with all matters reserved an indicative layout has been submitted. The proposed layout demonstrates that 5 dwellings could comfortably be sited on this land without appearing out of place or context with the village.

Worleston has a mixture of house types and ages ranging from two storey terraced properties, detached properties and semi detached bungalows. The latter would be sited immediately to the south of the proposed development. Whilst those properties are single storey, there are two storey properties directly opposite and the Royal Oak PH is also a two storey property. It is therefore considered that two storey dwellings would be appropriate on this site and would not appear out of character with the village. A condition to ensure that the dwellings are no higher than two-storey is considered to be appropriate.

The indicative layout demonstrates a staggered building line. The southern property would be in line with No.80 whilst the northernmost property would be in line with the public house. This is considered to be an acceptable building line.

Concern has been raised that the scale of the dwellings would be out of character with the village which is noted. This is an outline application and the design and appearance of the dwellings could be subject to change as part of any reserved matters application.

Impact on the amenity of neighbouring properties

The indicative plan shows a relationship between proposed dwellings and those on the opposite side of Main Road which would reflect the existing relationship of properties within the village and would be acceptable.

The plan shows that the southernmost dwelling would be over 1m from the boundary of No.80 and 5m from the flank elevation. Given the size of the curtilage of No.80 it is considered that the proposed dwelling would not be overbearing, again a condition to restrict the height would be appropriate.

Again the submitted plans are indicative and could be subject to change. The layout does however demonstrate that the proposed development could be accommodated on the site without causing any detrimental harm to the amenities of nearby properties or between the proposed dwellings.

As the site is located adjacent to a public house there is potential for nuisance to be caused to the occupants of the proposed dwellings. Environmental Health have considered that no

noise assessment would be required and as the pub is not utilising its license there would be no disturbance to the properties from noise.

Environmental Health have requested conditions be attached to any approval for details of external lighting to be submitted, restriction of construction hours, details of pile driving and refuge details. These can be secured by condition.

Impact on Highway Safety

The indicative plan shows two accesses serving the two southernmost dwellings and a further shared access to serve the three northernmost dwellings. The Strategic Highways Manager has confirmed that the site has good visibility and that the proposed accesses shown on the indicative plan would achieve the required visibility splays for this 30mph road. The indicative plan also shows that all vehicles could enter and exit the site in a forward gear. Concern was however made that the access serving the proposed three dwellings is overdesigned. Access is a reserved matter and amended details can be secured as part of a reserved matters application.

An adequate number of parking spaces can be secured for each dwelling.

Whilst access is a reserved matter it is clear that the dwellings can be satisfactorily accessed.

Impact on Protected Species

The application has been supported by a Phase One habitat survey for Great Crested Newts. The survey identifies that no Great Crested Newts were recorded as being present and therefore would not pose a constraint to development.

The Councils ecologist identifies that bats could be present within the trees within/adjoining the site. The indicative layout demonstrates that the trees would be retained, however this is an indicative layout which could be subject to change. A condition has therefore been suggested that these trees be retained and if they are required to be removed then a detailed bat survey be submitted.

The site has the potential to support breeding birds, including House Sparrow, and conditions are therefore suggested for surveys to be carried out if works commence during the breeding season. The House Sparrow is a biodiversity action plan priority species and therefore details should be submitted to incorporate features into the scheme.

Within the application site is a pond which is a Biodiversity Action Plan priority habitat and is shown to be retained. A condition is suggested for details of the enhancement of the pond.

Hedgerows are also priority habitats. The scheme would require the removal of the roadside hedgerow. Notwithstanding this a landscaping scheme could secure hedgerow planting to mitigate for its loss and a condition to this end is suggested.

Other matters

Concern has been raised with regard to the loss of the beer garden and parking. There is adequate additional parking to the north of the public house and there has been no concern raised by the Strategic Highways Manager. With regard to the loss of the beer garden whilst this is regrettable the public house itself would be retained and there is no policy objection as the community facility would be retained.

It is considered that the site can be satisfactorily drained and there has been no objection raised from United Utilities.

CONCLUSIONS AND REASON(S) FOR THE DECISION

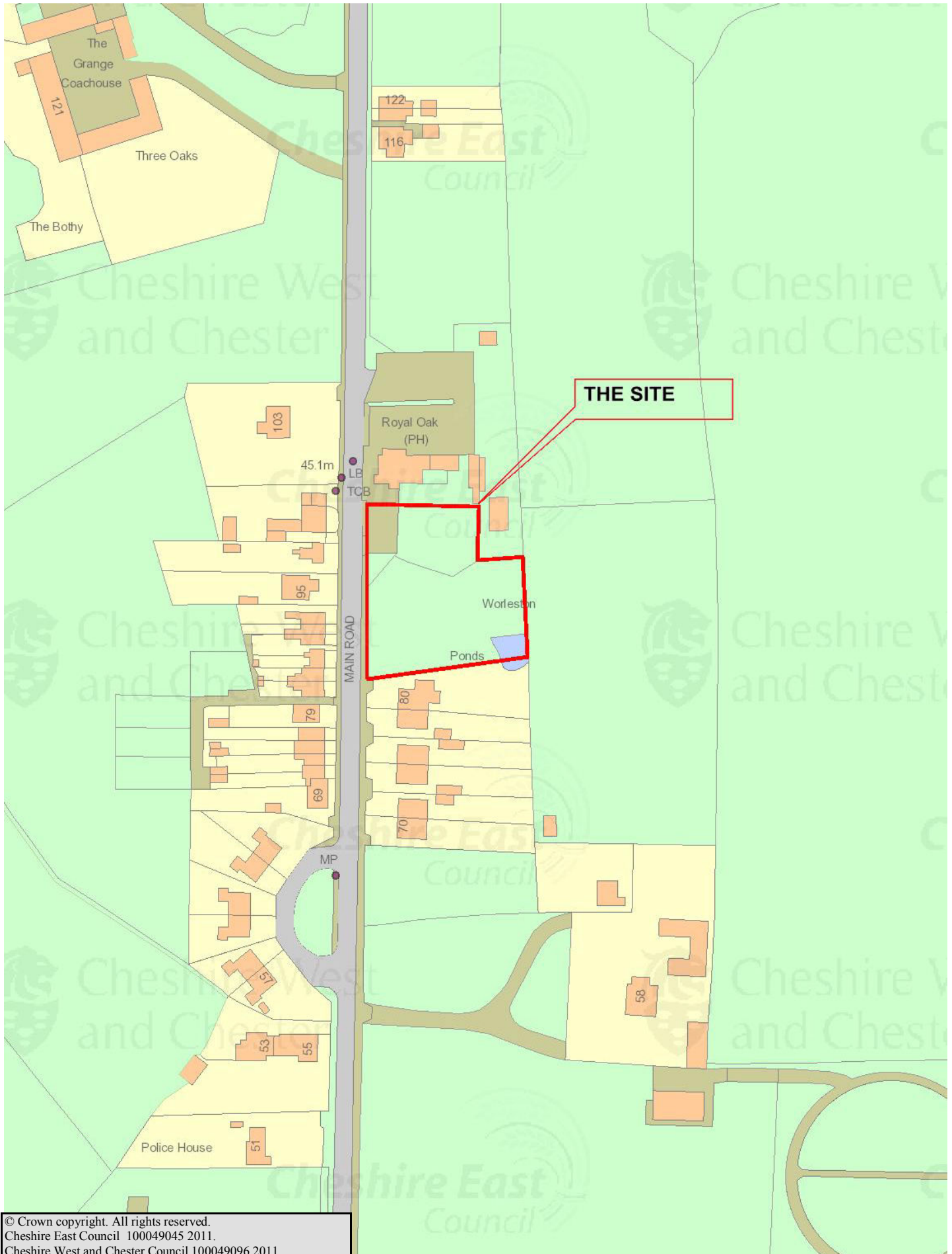
The proposed dwellings would be sited within the settlement boundary for Worleston which is acceptable in principle. It is considered that the proposed development can be carried out on the site without causing harm to the character and appearance of the streetscene, the amenity of neighbouring properties or highway safety, through the submission of a satisfactory reserved matters application. The proposal is therefore in compliance with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), RES.2 (Unallocated Housing Sites), RES.4 (Housing in Villages with Settlement Boundaries), TRAN.9 (Car Parking Standards), RT.1 (Protection of Open Spaces with Recreational or Amenity Value), RT.2 (Equipped Childrens Playspace), CF.2 (Community Facilities) and CF.3 (Retention of Community Facilities) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

Approve subjection to the completion of a s.106 agreement to secure on-site provision of affordable housing and subject to the following conditions:

- 1) Commencement of Development (Outline)**
- 2) Submission of Reserved Matters**
- 3) Time Limit of Submission of Reserved Matters**
- 4) Materials to be submitted and approved**
- 5) Surfacing Materials to be submitted**
- 6) Boundary treatment**
- 7) Removal of PD for extensions**
- 8) Drainage to be submitted and approved**
- 9) Height limitation – no greater than two storeys**
- 10) Landscaping scheme to show a replacement hedgerow to Main Road Boundary**
- 11) Pond to be retained details of its enhancement to be submitted with landscaping reserved matters application**
- 12) If works carried out during bird breeding season, survey to be carried out and submitted**

- 13) Details of enhancement features for House Sparrow to be submitted prior to commencement of development**
- 14) Landscaping scheme to demonstrate the retention of trees, if removed detailed bat survey required**
- 15) details of external lighting to be submitted and approved**
- 16) Construction Hours**
- 17) Details of Pile Driving**
- 18) Details of the storage of bins/refuge to be submitted and approved.**



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Application No: 11/2051N

Location: ASTON LOWER HALL FARM, DAIRY LANE, ASTON JUXTA MONDRUM, CHESHIRE, CW5 6DS

Proposal: Proposed Extension to Agricultural Building for Cattle Housing

Applicant: Mr J Thomasson

Expiry Date: 19-Sep-2011

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Impact on Streetscene/Open Countryside
- Impact on Amenity of adjacent properties
- Impact on highway safety
- Impact on Public Rights of Way

REASON FOR REFERRAL

This application is to be determined by the Southern Planning Committee as it forms agricultural floorspace that exceeds 1000sqm.

DESCRIPTION OF SITE AND CONTEXT

The application site forms an existing working dairy farm which is located within the Open Countryside as defined by the Local Plan Proposals Map. The farm is a large complex comprising primarily large modern agricultural buildings. The surrounding landscape is primarily agricultural in nature with fields defined by hedgerows and hedgerow trees. The topography of the landscape is generally flat.

DETAILS OF PROPOSAL

This application proposes an extension to one of the existing agricultural buildings. The extension would be 24.384m in length and 43.3m in width and would have a floor area of 1055.8sqm. Height to eaves would be 4m and 11m to the ridge of the roof. The walls would comprise of part concrete and part timber boarding walls and fibre cement roof, with rooflights.

RELEVANT HISTORY

10/1125N – Planning permission approved for Proposed Agricultural Hay, Straw and Farm Implements Storage Building on 16th August 2010.

09/1202N – Planning permission approved for Proposed Agricultural Calf Rearing Building on 15th July 2009.

P07/0152 – Planning permission approved for Cattle Shed on 11th April 2007.

P06/1295 – Planning application withdrawn for erection of a cattle shed on 27th November 2006.

P03/1499 – Planning permission approved for Agricultural Building on 3rd February 2004.

P98/0223 – Planning permission approved for Agricultural storage building on 28th May 1998.

P96/0634 – GDO determination for agricultural building on 1st November 1996.

P95/0366 – GDO determination for Agricultural storage building on 15th May 1995.

7/10089 – Planning permission approved for Steel framed agricultural building on 14th July 1983.

POLICIES

The development plan includes the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Local Plan Policy

BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
NE.2 Open Countryside
NE.14 Agricultural Buildings Requiring Planning Permission
RT.9 Footpaths and Bridleways

National Policy

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPS7: Sustainable Development in Rural Areas

Other Material Considerations

Draft National Planning Policy Framework

CONSULTATIONS (External to Planning)

None

VIEWS OF THE PARISH COUNCIL

None at time of writing report

OTHER REPRESENTATIONS

None

APPLICANT'S SUPPORTING INFORMATION

None

OFFICER APPRAISAL

Principle of Development

Development for agricultural purposes is acceptable in principle providing it is required for agricultural purposes and is essential to the agricultural operation or to comply with welfare regulations. The proposed extension is required as farming buildings on one of the farms which the applicant rents is no longer available for cattle accommodation. The proposed development would also ensure the expansion of a large agricultural enterprise. The draft National Planning Policy Framework states that there is a presumption in favour of sustainable development and that there should be support for the sustainable growth of a rural enterprise. It is considered that the buildings are essential for the purposes of agriculture and as such is acceptable in principle, furthermore this would be a sustainable form of rural development.

Consideration also needs to be given to the impact on the surrounding landscape, be of satisfactory design, and have regard to the amenities of nearby residential properties and highway considerations. In this instance consideration also needs to be given to the impact on protected species, public rights of way and hazardous installations.

Impact on Landscape/Open Countryside

The application proposes the construction of an extension to an existing agricultural building which would have a total floorspace of 1055sqm. The building would extend from an existing largescale building by 24m at a width of 43m. The extension would be seen within the context of existing buildings on the farm complex and as such is appropriately sited and would not cause a significant encroachment into the open countryside. There is a public right of way (Aston FP5) 35m to the west of the application site. Due to the scale of the existing complex the proposals would not be out of context to the site or cause detrimental harm to the surrounding landscape when viewed from the Public Right of Way.

The design of the buildings, which are of modern utilitarian style, are considered to be appropriate to the rural setting and would not be readily converted to a residential dwelling. The proposed slurry store is also considered to be of appropriate design.

Impact on the Amenity of adjacent properties

The nearest property which is not within the farming complex is located over 400m to the east of the proposed extension, between which is the farm complex. The proposals are of significant distance from the neighbouring properties not to cause harm to their amenity through loss of daylight or overbearing. Given the siting and distance there would be no significant harm through noise and disturbance, and odour.

Impact on Highway Safety

There would be no alterations to the site access which is considered to be appropriate.

Impact on Public Right of Way

The proposals would be 35m from public footpath Aston Footpath 5 to the west. There would be no obstruction or impact on the free flow of the PROW resulting from this development.

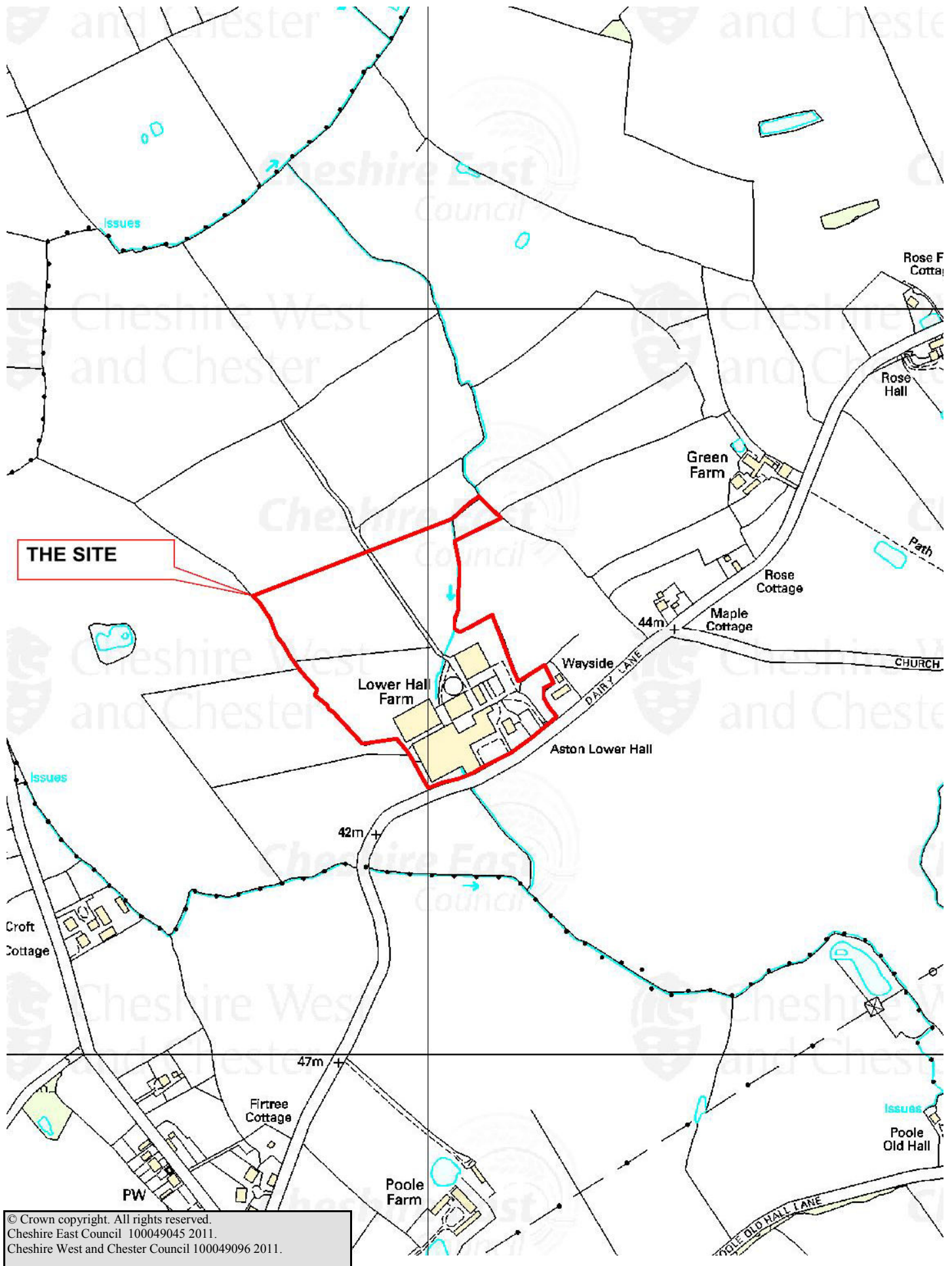
CONCLUSIONS

The proposed development is of an agricultural nature which is essential for the enterprise and is considered to be acceptable in principle. It is considered that there would be little demonstrable harm caused to the character and appearance of the landscape. There would be no demonstrable harm caused to the amenity of neighbouring properties, highway safety or public right of ways. The proposed development is therefore considered to be in compliance with Policies BE.1 Amenity, BE.2 Design Standards, BE.3 Access and Parking, BE.4 Drainage, Utilities and Resources, BE.5 Infrastructure, NE.2 Open Countryside, NE.14 Agricultural Buildings Requiring Planning Permission, and RT.9 Footpaths and Bridleways of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard Time Limit**
- 2. Approved Plans**
- 3. Materials as submitted**



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Application No: 11/2184N

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

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

Applicant: Lothlorian Ltd

Expiry Date: 05-Sep-2011

SUMMARY RECOMMENDATION**Approve with conditions****MAIN ISSUES**

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

REASON FOR REFERRAL

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

DESCRIPTION OF SITE AND CONTEXT

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

DETAILS OF PROPOSAL

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

RELEVANT HISTORY

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

P08/0471 - Demolition of Former Job Centre and Construction of 14 No Apartments – Approved 29th July 2008

P06/0872 - Demolition of Existing Job Centre and Construction of Three Storey Apartment Building Containing 12 Apartments – Approved 23rd October 2006

P05/0602 - Demolition of Former Job Centre and Construction of Nine Apartments – Approved 23rd August 2005

P05/0260 - Demolition of Former Job Centre and Erection of 9 Apartments (resubmission P05/0094) – Withdrawn 18th May 2005

P05/0094 - Demolition of Former Job Centre and Erection of 10 Apartments – Withdrawn 21st February 2005

POLICIES

Local Plan policy

RES.2 (Unallocated Housing Sites)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

NE.9 (Protected Species)

NE.17 (Pollution Control)

National policy

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS9 (Biodiversity and Geological Conservation)

PPG13 (Transport)

PPS23 (Planning and Pollution Control)

Other Material Planning Considerations

Supplementary Planning Document on Development on Backland and Gardens

Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

Draft Interim Policy on the Release of Housing Land

‘Planning for Growth’

‘Presumption in Favour of Economic Development’

Draft National Planning Policy Framework

CONSULTATIONS (External to Planning)

Nantwich Civic Society: No comments received

Environmental Health: Note requested in relation to contaminated land

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

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

VIEWS OF THE TOWN COUNCIL

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

OTHER REPRESENTATIONS

No representations received at the time of writing this report.

APPLICANT'S SUPPORTING INFORMATION

No supporting information

OFFICER APPRAISAL

Principle of Development

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

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

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

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

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

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

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

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

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

CONCLUSIONS

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

RECOMMENDATIONS

Approve subject to conditions

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

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



Application No: 11/2326N
Location: 2, WESTON COURT, SHAVINGTON, CREWE, CW2 5AL
Proposal: Advertisement Consent for Signage and External Graphics
Applicant: Mr M Sutherland, MH & N Services Ltd
Expiry Date: 18-Aug-2011

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The impact upon the character and appearance of the streetscene
- The impact upon amenity
- The impact upon highway safety

REASON FOR REFERRAL

Councillor David Brickhill has called in this application to Southern Planning Committee for the following reasons:

'the appearance of the unit will be substantially changed and provide a loss of amenity to neighbouring residents and a distraction to motorists on a dangerous bend on a hill with a T junction.'

DESCRIPTION OF SITE AND CONTEXT

The application unit faces east, fronting onto Crewe Road, Shavington within the Shavington Settlement Boundary. The unit is currently a vacant shop, to the rear of which, are residential flats.

DETAILS OF PROPOSAL

Revised plans have been submitted for the erection of 7 signs in relation to a 'Nisa Local' convenience store.

The main sign would be the Fascia sign. When scaled from the submitted plans this sign would measure 4.5 metres in width, 1.1 metres in height, 0.3 metres in depth and would be positioned approximately 3.1 metres above ground floor level. The sign would be constructed from aluminum and acrylic and would have yellow and blue text on a white background. The sign would be externally illuminated and fixed to the roof with a bracket.

The other 5 signs would be constructed from vinyl and would have either a white or yellow background with blue or yellow text. These signs would be affixed to the principal and side elevation of the shop at various locations to advertise the shop name, the opening times, an overview of the products for sale and to advertise the cash machine.

RELEVANT HISTORY

P01/1032 – Proposed alterations to shop entrances to create disabled access – Approved 5th December 2001

P94/0510 – COU ex workshops/shops to form 6 residential flats –Refused 25th August 1994 (Appeal allowed January 1995)

P94/0942 – COU of existing workshops/shops and subdivision of existing residences to form 6 residential flats (amended scheme) – Approved 15th December 1994

P93/0327 – Extension and re-modeling – Refused 24th June 1993

P92/0867 – Extension and re-modeling – Refused 18th December 1992

P92/0214 – Provision of car parking area – Refused 21st May 1992

7/20027 – Formation of car parking area – Refused 26th September 1991

7/16196 – COU from Class A2 to Class A1 – Approved 15th November 1988

7/14195 – Illuminated sign – Approved 24th June 1987

7/13997 – COU from shop to office – Approved 19th March 1987

7/11045 – COU to office accommodation – Approved 7th June 1984

7/08884 – Alterations to shops, first floor made into flats – Approved 10th June 1982

7/07871 – 1 illuminated projecting sign – Approved 6th April 1981

7/07698 – COU butchers shop to fried fish and chip shop – Refused 26th February 1981

POLICIES

National policy

PPG19 - Outdoor Advertisement Control

Local Plan Policy

BE.19 – Advertisements and Signs

CONSULTATIONS (External to Planning)

Highways – No objections

Environmental Health – No objections

VIEWS OF THE PARISH COUNCIL

Shavington-cum-Gresty Parish Council – No objections

OTHER REPRESENTATIONS

9 Letters of objection to this application have been received from local residents. The key concerns raised relate to the following issues;

1. Parking issues
2. Highways issues
3. Opening Hours
4. Sign not in keeping with village
5. The presence of a convenience store at this location

APPLICANT'S SUPPORTING INFORMATION

Details of the signage

OFFICER APPRAISAL

Principal of Development

The proposal seeks advertisement consent for the erection of 1 externally illuminated fascia sign and 6 non-illuminated vinyl signs in relation to a new 'Nisa Local' Convenience Store located within the Shavington Settlement Boundary. This type of development is acceptable in principle providing that the signage adheres with policy BE.19 of the Local Plan.

Advertisements and Signs

Policy BE.19 of the Local Plan, advises that proposals for signs will be permitted provided; they would not have an adverse effect on the character of the streetscene or the building, they are not above ground floor fascia level, they do not obscure important architectural features, do not introduce excessive illumination, are discreet and provide no threat to public or highway safety.

In response to this policy, there is an adjacent hair and beauty salon business named Hairporium with signage so it is not considered that the proposal would appear incongruous within the streetscene as there is another example adjacent to the development.

The position of the fascia sign, although above ground floor level, would still be positioned in an acceptable location on a single-storey roof canopy, just 0.5 metres above the ground floor level and 0.2 metres below the ridge.

It is considered that the signage would not cover up any important architectural features. The fascia sign would cover a section of roofing, and the vinyl signs would cover up either wooden boards or glazed panels.

With regards to illumination, the original application included an internally lit fascia board. Following negotiations between the applicant and the Council, the applicant has agreed to amend the plans to ensure that the fascia sign is externally illuminated as per the adjacent hair and salon business. As a result, because this illumination would be inward facing, it is considered that its impact would be greatly reduced and acceptable in line with the adjoining business.

Although it is accepted that the proposal is not discreet, it is considered that it is typical for a business of this type which already has planning permission to operate from this premises.

Highways have raised no objections to the proposal, suggesting that they are satisfied with what has been applied from a highway safety perspective.

As a result, it is considered that the proposed signage is in accordance with Policy BE.19 (Advertisements and Signs) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Other Matters

In response to the issues raised by local residents and the reasons for the committee 'call in'. One of the main concerns raised were in relation to parking and highways issues. Parking and the knock-on highways issues have not been considered in this application as this application solely relates to the signage. In relation to the distracting nature of the signage, highways have been consulted on this specific application and are satisfied with the safety aspects.

With reference to the issues relating to opening hours and the actual presence of the convenience store in this location, again, because this application relates solely to the signage, this aspect is not considered.

With regards to the concerns raised about the signage not being in keeping with the village setting, this issue has been considered within the report. Although the signage is not discreet in nature, it is considered typical for such a use. In addition, the only illuminated aspect of the sign would be externally illuminated reducing the overall impact of the signage on the general streetscene.

CONCLUSIONS

The proposed signage is of a design and construction that is appropriate for this location. The proposal would not have an unreasonable impact on character of the streetscene, would not include excessive illumination for its location and would not impact highway safety. As such, the proposal conforms to Policy BE.19 (Advertisements and Signs) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

APPROVE subject to the following conditions

1-5 Standard Advert Conditions

6. Plans



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Application No: 11/2324N

Location: 2, WESTON COURT, SHAVINGTON, CREWE, CW2 5AL

Proposal: Convenience Store, Retaining Existing A1 Class Use (as application 7/16196). Shop Front to Accommodate External Automatic Teller Machine and External Air Conditioning Equipment on Flat Roof

Applicant: MARK SUTHERLAND, M H & N SERVICES LTD

Expiry Date: 18-Aug-2011

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The impact upon the character and appearance of the streetscene
- The impact upon amenity
- The impact upon highway safety

REASON FOR REFERRAL

Councilor D. Brickhill has called in this application to Southern Planning Committee for the following reasons:

1. Noise from the air conditioning units would disturb the neighbours
2. The cash machine will give rise to loitering and robbery
3. The Bollards will obstruct a right of way

DESCRIPTION OF SITE AND CONTEXT

The application unit faces east, fronting onto Crewe Road, Shavington within the Shavington Settlement Boundary. The unit is currently a vacant shop, to the rear of which, are residential flats.

DETAILS OF PROPOSAL

Revised plans have been submitted for an integrated ATM machine, 4 concrete bollards and air conditioning equipment.

The proposed ATM machine would be positioned on the principal elevation of the shop unit which is the western elevation. The machine would measure approximately 0.6 metres in

width, 0.6 metres in height and would be positioned approximately 0.9 metres above ground floor level.

The proposed concrete bollards would be inserted into the pavement in front of the shop in 2 sets of 2. The first set of 2 would be set either side of the main entrance door of the shop and the second set of 2 would be positioned either side of the proposed ATM machine. Each bollard would be constructed from concrete and would measure approximately 0.9 metres in height and 0.2 metres in width.

The proposed air conditioning units would be positioned on the roof of the shop on the southern elevation. 3 units would be positioned adjacent to each other and combined would measure approximately 2.6 metres in width, 0.3 metres in depth, 1.7 metres in height would be positioned approximately 3.2 metres above ground floor level.

RELEVANT HISTORY

P01/1032 – Proposed alterations to shop entrances to create disabled access – Approved 5th December 2001

P94/0510 – COU ex workshops/shops to form 6 residential flats –Refused 25th August 1994 (Appeal allowed January 1995)

P94/0942 – COU of existing workshops/shops and subdivision of existing residences to form 6 residential flats (amended scheme) – Approved 15th December 1994

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7/07871 – 1 illuminated projecting sign – Approved 6th April 1981

7/07698 – COU butchers shop to fried fish and chip shop – Refused 26th February 1981

POLICIES

National policy

PPS1 – Sustainable Development

Local Plan Policy

BE.1 – Amenity

BE.2 – Design Standards

BE.18 - Shop fronts and advertisements

CONSULTATIONS (External to Planning)

Highways – No objections

Environmental Health – Concerns regarding the potential noise pollution that would be generated from the air conditioning units

VIEWS OF THE PARISH COUNCIL

Shavington-cum-Gresty Parish Council – Object to the proposal due to concerns regarding the potential noise that would be generated by the air conditioning units and its impact on nearby residents. They also recommend that the hours of operation should be set to 7am to 10pm as per other convenience stores in the village.

OTHER REPRESENTATIONS

Grove House, 91 Crewe Road, Shavington – Object to the Change of Use of this store because of parking issues, threats to local residents, the proposed hours of operation, deliveries causing highway's issues and general use of the unit as a convenience store.

4 Weston Lane, Shavington – Object to the new cash machine because of potential highway's issues, the lack of parking at the site, and the noise that would be created by the air conditioning units.

APPLICANT'S SUPPORTING INFORMATION

Details of the air conditioning units

OFFICER APPRAISAL

Amenity

Policy BE.1 of the Local Plan advises that development will be permitted provided that it would not impact adjacent properties by reason of '*overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.*'

With regards to all aspects of this proposal, none of these developments would impact neighbours by way of overshadowing or overlooking.

In relation to the ATM machine, due to its small size (0.81 metres squared), it is not considered that the proposal would have a detrimental impact upon the visual amenity of the site and Environmental Health have raised no objections with regards to noise.

With reference to the proposed bollards, none of these issues apply.

With regards to the proposed air conditioning units, Environmental Health have raised concerns regarding the potential noise they may generate and how this could potentially impact nearby neighbours. This issue has also been raised by local residents and is one of the main reasons this application has been called in to committee.

Environmental Health have requested a condition be added to the decision notice, should the application be approved, requesting that the noise of the units be limited to no more than 5

decibels below the existing background noise. The applicant would need to measure this existing noise level prior to the commencement of the development.

Also within Policy BE.1 of the Local Plan, it is advised that development will be permitted provided that it does not generate such traffic levels that the development would prejudice the safe movement of traffic on surrounding roads.

This is one of the other main reasons of objection raised by local residents.

Highways have been consulted on this application and they raise no objections to the development suggesting that they are satisfied with the proposal from a highway safety perspective. Furthermore, there is an existing parking bay positioned outside of the proposed ATM machine. With regards to the bollards, it has been negotiated between the Council and the applicant that these should be sited closer to the shop than originally proposed, reducing their level of obstruction on the pavement. The bollards would be positioned just 0.2 metres from the shop front.

As a result of the above, it is considered that the proposal fails to adhere with policy BE.1 of the Local Plan.

Design

The designs of all 3 aspects of this application are deemed to be appropriate to the purpose they would serve.

With regards to the ATM machine and the bollards, these developments would be relatively small in nature and as a result, it is not considered that they would have a detrimental impact upon the streetscene by reason of its scale, height, proportions or materials used, which would be typical for such developments.

In relation to the proposed air conditioning units, because they would not be positioned on the principal elevation, but to the side of the dwelling, it is not considered that they would have a detrimental impact upon the streetscene by reason of its scale, height, proportions or materials used, which again, would be typical for such a development.

As a result, it is considered that the proposal would adhere with policy BE.2 of the Local Plan.

Shop Fronts

Policy BE.18 of the Local Plan advises that proposals for the replacement or the rebuilding of shop fronts shall be permitted providing that; existing traditional shop features are retained, the design of the developments are in harmony with the character of the building and streetscene in general, it would not result in a loss of important design features and would be constructed from materials that are compatible with the visual character of the locality.

In response to this policy, due to the small scale of the proposals, it is not considered that any traditional shop features would be lost and the general shop front design would be generally maintained. In addition, the materials used in the development of these features would be appropriate to the purpose they would serve.

As such, it is considered that the proposal adheres with policy BE.18 of the Local Plan.

Other Matters

In response to the issues raised by local residents and the reasons for the committee 'call in', I shall address each of these issues in turn.

One of the main concerns raised were in relation to the potential noise created by the air conditioning units. As discussed, the level of noise emitted from these units would be limited by condition to a figure lower than the existing background noise. As such, once conditioned, it is considered that the level of noise emitted would be reasonable.

With regards to the new ATM machine giving rise to loitering and robbery, the machine would be located on an open main road in a generally quiet suburban area, which is well lit and not secluded in any particular way. As such, it is not considered that the proposal would have such a significant impact by way of crime and disorder to warrant refusal of this application.

In relation to the bollards obstructing the public right of way, highways have no objection to the positioning of these bollards from a highway safety perspective. Furthermore, these bollards have been moved closer to the shop than originally proposed further reducing their obstructiveness.

With reference to the parking and highways issues and the concerns surrounding the hours of opening, these have been primarily raised due to the proposed use of the shop which is not considered as part of this application.

CONCLUSIONS

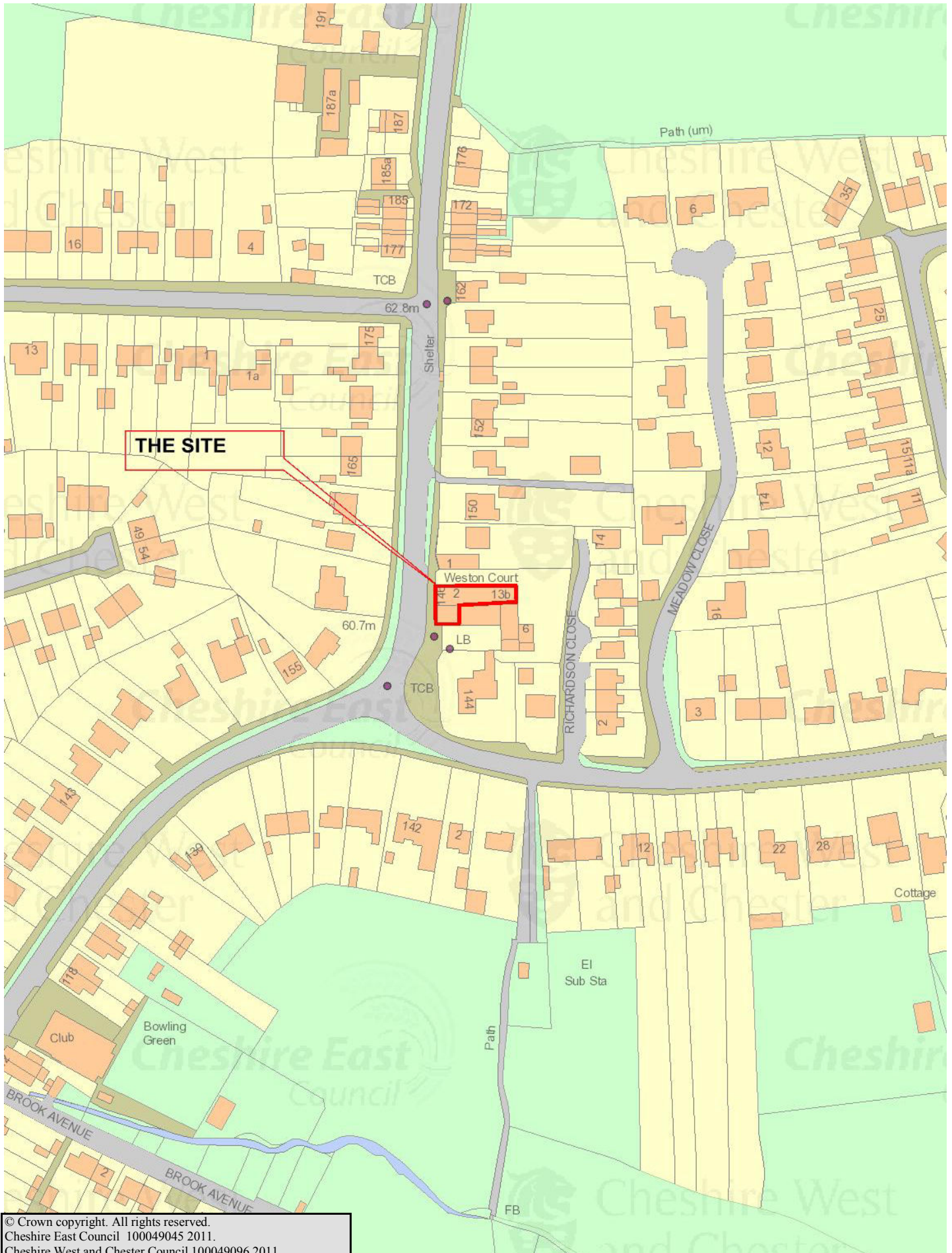
The proposed developments would be appropriately designed and would not have a detrimental impact upon neighboring amenity or the existing shop front.

As a result, it is considered that the proposal complies with Policies BE.1 (Amenity), BE.2 (Design Standards) and BE.18 (Shop Fronts and Advertisements) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Noise restriction of air conditioning units to 5 db(A) below existing background noise**



Application No: 11/2530C

Location: BATH VALE WORKS, BATH VALE, CONGLETON, CW12 2HD

Proposal: Removal Of Condition 11 Imposed On Application for Approval Of Reserved Matters 10/1269C Relating To Sustainable / Energy Saving Features

Applicant: Bovis Homes Limited

Expiry Date: 24-Aug-2011

SUMMARY RECOMMENDATION

Approve subject to Section 106 Agreement and conditions.

MAIN ISSUES:

- **Compliance with the tests in Circular 11/95**

REFERRAL

The application has been referred to Southern Planning Committee because it relates to a previous decision made by committee.

SITE DESCRIPTION

The site is located approximately 1.5km to the north east of Congleton town centre in an area of open countryside. It is broadly rectangular and orientated in a north western – south eastern alignment. The existing buildings on the site were previously used for industrial purposes and covered most of the site. These have now been demolished and the site is now undergoing redevelopment. The site itself, which slopes up gradually from the entrance, lies in a river valley, the sides of which are steeply sloping and heavily treed. The site area is approximately 10.07ha. It is accessed off Brookhouse Lane, which roughly follows the southern boundary of the site.

DETAILS OF PROPOSAL

Outline planning permission was originally granted in June 2008 for residential redevelopment of the site for 130 dwellings, with 20% affordable housing. (07/0596/OUT refers). A subsequent outline application (08/1317/OUT) for 130 dwellings was refused on 7th November 2008, because the developer sought to reduce the extent of affordable

housing provision to 5%. A subsequent appeal against that decision was allowed, and outline planning permission granted, on 28th April 2010.

A reserved matters application seeking approval for details of access, appearance, landscaping, layout and scale was approved on 24th November 2011. The permission was subject to a number of conditions. Condition no.11 stated:

Within three months of the date of this permission a detailed specification for all the sustainable / energy saving features to be incorporated in the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for at least 10% of the energy requirements of the building to be obtained from decentralised and renewable or low-carbon sources. The approved features shall be installed and fully operational prior to the first occupation of the development and shall thereafter be retained unless the Local Planning Authority gives written consent to any variation.

Reason: To comply with Policy EM18 (Decentralised Energy Supply) of the North West of England Plan: Regional Spatial Strategy to 2021.

This application seeks to remove that condition.

RELEVANT PLANNING HISTORY

07/0596/OUT - Outline planning permission for up to 130 dwellings, provision of public open space, highway improvements and associated works – Approved 23rd June 2008.

08/1317/OUT - Outline Planning Application for demolition of existing buildings and erection of up to 130 dwellings, provision of public open space, highway improvements and associated works.- Refused 7th November 2008 – Appeal Allowed

10/1269C – Reserved Matters for Erection of 126 No. dwellings, provision of public open space and associated works – Approved 24th November 2011

PLANNING POLICIES

Regional Spatial Strategy

Policy EM18 (Decentralised Energy Supply)

OBSERVATIONS OF CONSULTEES

Environmental Health - No objection

Natural England - No comment

Public Rights of Way Unit- It appears unlikely that the proposal would affect the public right of way

Environment Agency – No comment

United Utilities - No objection

VIEWS OF THE PARISH / TOWN COUNCIL

No objection

OTHER REPRESENTATIONS

A letter of representation has been received from Bath Vale Farm, making the following points:

- More insulation is no substitute for 10% renewable energy when we have a carbon crisis.

APPLICANT'S SUPPORTING INFORMATION:

- **Supporting Letter**

OFFICER APPRAISAL

Advice on the use of conditions can be found in "Circular 11/95: Use of Conditions in Planning Permission". According to the circular, "*Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42. In brief, these explain that conditions should be:*

- i. necessary;*
- ii. relevant to planning;*
- iii. relevant to the development to be permitted;*
- iv. enforceable;*
- v. precise; and*
- vi. reasonable in all other respects."*

The Circular continues by stating at para.15 that "*the same principles, of course, must be applied in dealing with applications for the removal of a condition under section 73 or section 73A: a condition should not be retained unless there are sound and clear-cut reasons for doing so.*"

Therefore, in order to determine whether the condition serves a useful purpose it is necessary to examine it in the light of these tests.

The stated reason for the condition was to comply with Policy EM18 (Decentralised Energy Supply) of the North West of England Plan: Regional Spatial Strategy to 2021. This policy states that all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

However, the developer has pointed out that the RSS was in place at the time of the outline approval and the inspector did not see fit to impose a renewable energy condition. It should not therefore be added at this stage. Furthermore, the outline consent included conditions relating to minimum requirements in terms of Code for Sustainable Homes and energy saving measures to be incorporated into the design.

Therefore, the Inspector that granted the outline approval, clearly considered the issue of sustainability. He clearly did not consider it necessary to impose conditions relating to the 10% renewable requirement but ensured that a sustainable development could be achieved through the imposition of the Code for Sustainable Homes standards instead.

These points were reported and the recommendation amended verbally by the Planning Officer at the committee meeting on the 24th November 2011. However, this change to the resolution does not appear to have been minuted and therefore the approved minutes of the resolution made at the meeting of 24th November 2011 include the renewable energy condition. Consequently planning permission has had to be issued in accordance with the approved minute. Nevertheless notes taken by officers, the Borough Solicitor and the applicant's agent confirm that this verbal amendment was made at the meeting.

CONCLUSIONS

The condition in question is considered to be unnecessary as the sustainability requirements of the site will be met through the Code for Sustainable Homes requirement. It is also considered to be unreasonable to retain the condition given that the RSS was in place at the time of the outline approval and the inspector, having clearly given consideration to the issue of sustainability, did not see fit to impose a renewable energy condition

Circular 11/95 makes it clear that any condition which fails to meet all of the following tests: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects should not be imposed. The application is therefore recommended for approval subject to a Deed of Variation to the Section 106 Agreement to reference the new permission and the same conditions as the previous approval, with the exception of condition 11 which will be omitted.

RECOMMENDATION

APPROVE subject to completion of a Deed of Variation to the Section 106 Agreement to reference the new permission

And

The following conditions

- 1. Plans**
- 2. Materials**
- 3. Boundary Treatment**
- 4. Internal layout details**
- 5. Contaminated land**

- 6. Updated Tree Canopy Plan**
- 7. Updated Landscape Plan**
- 8. Implementation of Landscaping**
- 9. Removal of Permitted Development Rights**
- 10. Construction of Access**

