

Application No: 12/2551C

Location: Dingle Farm, DINGLE LANE, SANDBACH, CW11 1FY

Proposal: Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works

Applicant: The Bene of the Estate of J M Goodwin

Expiry Date: 14-Aug-2012

SUMMARY RECOMMENDATION: Approve subject to completion of a Section 106 Agreement and conditions.

MAIN ISSUES:

Principle of the Development

Amenity of Neighbouring Properties

Highway Safety

Ecology

Landscape and Trees

REASON FOR REFERRAL

The application has been referred to the Southern Planning Committee because it is a major development of more than 10 dwellings.

DESCRIPTION AND SITE CONTEXT

The application site comprises a part brownfield, part green field site accessed from Dingle Lane, which is in close proximity to Sandbach town centre. Contained within the site are a Grade II Listed farmhouse, barn and other ancillary buildings. Dingle Lane currently gives access through the site to Waterworks House, which currently has a planning application for 12 houses under appeal (12/1650C). Should this appeal be allowed, vehicular access to that site would be closed, but pedestrian access would still be available.

The site is designated as being within the Settlement Zone Line of Sandbach and partly within the Sandbach Conservation Area. To the west and south of the site is existing residential development.

DETAILS OF PROPOSAL

The proposal is for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of a barn into one dwelling and the construction of 11 dwellings together with associated garaging, car parking and landscaping works.

Part of the farmhouse adjacent to the access would be demolished in order to open up the access to the site and the adjacent barn would be converted to a dwelling. Four dwellings would be erected facing the barn to form a courtyard and two cottages would be erected to the rear of these, facing the access road. On the north western side of the access road five dwellings would be erected.

RELEVANT HISTORY

No relevant planning history relating to this site.

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

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

H13 Affordable and Low Cost Housing

GR1 New Development

GR3 Density, Housing Mix and Layout

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

GR22 Open Space Provision

NR1 Trees and Woodlands

NR2 Statutory Sites

NR3 Habitats

BH4 & BH5 Listed Buildings

BH8 & BH9 Conservation Areas

SPG1 Provision of Public Open Space in New Residential Development

SPG2 Provision of Private Open Space in New Residential Developments

SPD6 Affordable Housing and Mixed Communities

SPD14 Trees and Development

CONSIDERATIONS (External to Planning)

Environmental Protection:

Recommend conditions relating to the hours of construction, piling, contaminated land and an Environmental Management Plan. They have recommended refusal due to lack of information relating to loss of amenity due to noise generated from Old Mill Road.

United Utilities:

No objection.

Environment Agency:

None received at the time of report writing.

Highways:

The Strategic Highways Manager has assessed the application, undertaken site visits and taken into consideration the comments put forward by the objectors. The full assessment is contained within the Highways section of this report.

Green Spaces

None received at the time of report writing.

VIEWS OF TOWN COUNCIL

Object on the following grounds:

- Sections of the Listed Building should not be demolished
- Site access is inadequate for contractor vehicles and residents
- Traffic generation
- The number and height of the proposed housing is unacceptable
- Adverse impact on the character of the Conservation Area
- Adverse impact on the wildlife corridor
- Over intensive development
- Negative impact on neighbouring properties

OTHER REPRESENTATIONS

At the time of report writing, approximately 731 representations have been received relating to this application, in the form of individual and 'standard' letters that have been distributed and signed. These can all be viewed online on the application file. 712 were opposed to the development and 19 in favour. Of those in favour; several came from outside the local area. The objections express concerns about the following issues:

Land Use

- Need to preserve the green areas of Sandbach
- Impact on local infrastructure
- 'Eating' up of green fields
- Lack of jobs in Sandbach and danger of becoming a 'dormitory' town
- The development would destroy so much and not be sustainable
- Does not enhance the landscape character of the area
- Cheshire East can demonstrate a 5 year supply of housing land without this development
- The proposal does not constitute sustainable development as required by the NPPF

Highways

- The junction of Dingle Lane and other roads in the vicinity are already dangerous
- Traffic generation
- The traffic assessment is flawed and inaccurate and does not agree with the findings of a trips survey undertaken by residents
- The access will cause problems for other users of Dingle Lane
- Impact on a public right of way
- Increased risk to children, families and elderly people from increased traffic
- Cars would have to reverse onto Dingle Lane
- Danger to people who use the lane for recreational purposes
- Poor access for emergency vehicles
- Poor waste disposal arrangements
- Danger and disruption from construction traffic

Design

- Inappropriate design of the dwellings
- The scale of the development is out of character with the surrounding area

Ecology

- Adverse impact on the wildlife corridor
- Adverse impact on the significant amount of wildlife in the area

Heritage

- Adverse impact on the Listed Building and the Conservation Area
- Approval would set a precedent for the partial demolition of other Listed buildings
- More detail is needed on the demolition of part of the Listed Building
- The loss of a reminder of the farming heritage of Sandbach
- Detrimental impact on the setting of the Listed Building

Other

- Impact on public right of way
- The Listed Building could be sold without the need for development
- Inadequate notification of the application
- There is no demand for more housing in Sandbach
- Property ownership issues

Those in favour of the application made the following observations:

- The site would be a beautiful place to live when developed
- It is a sustainable site within walking distance of the town centre
- Development would ensure restoration of the Listed Building
- A lot of thought has gone into the design
- Lack of new good quality housing in Sandbach

OFFICER APPRAISAL

Principle of Development

National Planning Policy Framework

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy"

The National Planning Policy Framework published in March 2012, superseded a number of National Planning Policy Statements and consolidates the objectives set within them. The Framework sets out a presumption in favour of sustainable development.

The proposal is within the Settlement Zone Line of Sandbach where there is a presumption in favour of development and is also in a very sustainable location due to its proximity to the town centre. The proposal is therefore considered to be acceptable in principle.

Design and Layout

The proposals have been the subject of extensive negotiations between the applicant and the Council. These have resulted in a reduction in the amount of dwellings proposed, amended layouts and design alterations.

The proposal is now for 5 two-storey dwellings in what is being called 'Paddock View'. These would be constructed of traditional materials and be of a traditional design with gable features and stone detailing. Opposite the existing barn, 4 dwellings are proposed to create the feeling of a courtyard to a traditional farm complex and to the rear of these two cottages would be erected, facing 'Paddock View'.

As previously stated, the design and layout has been the subject of extensive discussions with the Council and the resultant amended plans are considered to be acceptable and would result in a development that would be in keeping with the character of the locality and the Conservation Area.

The Listed Building would undergo partial demolition to the gable adjacent to the access road and the existing barn is to be converted to one dwelling. These issues are discussed below.

Listed Building

The proposal originally put forward was for the demolition of all of an extension added to the building in the 19th century; however the Conservation Officer expressed concerns about this. Amendments have now been made to allow partial demolition of this part of the building.

Dingle Farm is a Grade II Listed Building, with a shippon to the side. The farmhouse dates from the 17th century and the shippon from the 19th century. The west wall would be taken down and re-built on a similar alignment to the existing wall. This would allow for the surviving timber frame to be revealed. Given that the element to be removed is a later addition to the building that is not half timbered but is a sham painted timber framed bay, it is considered that the partial demolition would be acceptable. A condition should be imposed requiring submission of a detailed method statement relating to the partial demolition and re-building of the wall in order to ensure that the building is protected and retained during this process.

As part of the proposals UPVC windows and plastic rainwater goods would be replaced with timber windows and metal rainwater goods and this is to be welcomed.

Conditions should be imposed to require submission of detailed drawings of all windows to be replaced and an amendment sought to the new ground and first floor windows, by reducing in size in order to minimise their visual presence in keeping with the character of the Listed Building.

The barn conversion would utilise existing openings in an appropriate way and would be largely acceptable. The large glazed area on the east elevations acceptable; however the glazing bar pattern is not considered to be in keeping with the style of the other windows proposed. Therefore a condition should be imposed requiring submission of window details showing appropriate glazing bars.

Now that the design and layout have been amended, it is considered that the development would not have any significant adverse impact on the character of the views in or out of the Conservation Area.

Affordable Housing

This application is for 12 additional dwellings, on a largely Brownfield site, within the Settlement Zone Line of Sandbach. As such there is no requirement within the local plan for the provision of affordable housing within the development.

Amenity

Concerns have been expressed about noise and disruption during the construction process. Whilst these concerns are understandable, the conditions recommended controlling the hours of construction, deliveries, piling and a construction method statement, will ensure that any disturbance would be limited to acceptable levels.

Having regard to the amenity of future residents, there would be adequate private amenity space and minimum separation distances would be met. In addition, a condition should be imposed requiring submission of a scheme for the protection of future residents from noise from Old Mill Road.

Highways

This development proposal is situated on a piece of land off the adopted end of Dingle Lane in Sandbach. It proposes the retention of the existing farmhouse plus the conversion of a barn to a residential unit and 11 additional new build units. This will give a total of 12 additional residential units for the site.

The developer would prefer the proposed access road to remain private and this is an acceptable position providing the site is built to an adoptable standard. To this end the Strategic Highways Manager has been negotiating an adoptable level of design on the internal layout for this site since December 2010.

Existing Access Route via Dingle Lane

Dingle Lane is a very old highway which has a junction with Well Bank served by good visibility in the leading direction but slightly restricted visibility in the non-leading direction however approach speeds are slow. The entry junction has an initial width of 6.75 metres but which then narrows quickly to a little over 3 metres as it passes No.4 Dingle Lane.

Immediately on the left, after No.4 is the junction into Dingle Bank which was originally private but which is partly made up and adopted since numbers 1 – 11 Dingle Bank were built some years ago. The junction of Dingle Bank with Dingle Lane is steep and currently has no give way junction marking with Dingle Lane.

Two site visits have been conducted: the first to make a general assessment of the site and the route of access to it and the second to observe the peak morning traffic flows at the junction with Well Bank.

On entering Dingle Lane the immediate narrowing and very short length prohibits the use of any material speed and it was found that 10 mph was a comfortable pace when entering. The turn into Dingle Bank is steep and this further slows progress. This junction mouth is wide and leads to an open area of carriageway which serves not just the more recent dwellings at 1 – 11, but also the rear of some of the terraced properties which front Well Bank and the other properties which are still served from the private length of Dingle Bank to the right and beyond.

Leaving Dingle Bank demands lower vehicle speed than entering. Descending the steep approach to Dingle Lane requires use of the brakes and as you near the bottom of the slope the view to the right through the narrowed section of Dingle Lane is opened to view, however the view to the left is only partially visible from the top of the incline and becomes more restricted as you near Dingle Lane before opening a limited view as you meet the edge of carriageway of Dingle Lane.

The Strategic Highways Manager has checked injury accident statistics and there are none for Dingle Lane or Dingle Bank.

Local Concern

It is evident from the representations on the LPA web site that there are a good number of expressed concerns amongst a significant number of objections to this development proposal.

Having read a selection of the letters of objection the main points arising are as follows:

- *'The narrowing to 2.75 metres within the development will lead to vehicles reversing towards the junction of Dingle Bank which will be a blind approach.'*

In fact the two ends of the narrowing have been designed under the guidance of Manual for Streets and will be intervisible. The priority is given to vehicles entering the site and therefore in the majority of instances the onus will be on a vehicle taking egress to give way or reverse if necessary. In any event, should a vehicle entering the site find a need to reverse there is sufficient room between the narrowing and the junction of Dingle Bank for two domestic vehicles to pass without the need to obstruct the Dingle Bank junction. In addition, site observations show the existing traffic from Dingle Bank joins Dingle Lane from a point in the junction mouth which is towards Well Bank. The Strategic Highways Manager finds that the likelihood of any conflict from such a reversing movement would be very unlikely – especially given the very low traffic generation from this site which is addressed later in this section of the report.

- *'Access for construction vehicles will be problematic.'*

It is agreed that the tight entrance to this site and the narrowing within the initial length of Dingle Lane are very narrow. These restricted points do however meet minimum dimensional requirements for a heavy commercial vehicle to pass. In any event the use of a construction management plan is a likely requirement should this site gain a planning permission and this could be tailored to ensure suitable delivery traffic is used and that the traffic is appropriately managed.

- *'There is the potential for vehicle damage to adjoining property.'*

Clearly this is a third party issue which would have to be managed via insurance policy mechanisms should such an event occur. The Authority's duty will be to agree a construction management plan and monitor that process.

- *'Pedestrian access to numbers 5 & 7 would be dangerous.'*

The pedestrian access from number 5 will not alter however there would be the new traffic from the development. The owner of number 5 has not made any reference to pedestrian access but has commented that reversing out of the drive will be more difficult and this would be the case however it would be no different and probably easier than reversing out of so many other private drives onto major roads which occurs throughout the Borough. This is not an unusual situation.

Internally to the site the pedestrian access to number 7 and the Strategic Highways Manager (SHM) observed: number 6, will be affected and it is likely that these properties have an established right of way onto what is currently the private section of Dingle Lane. The responsibility for dealing with these right of way issues will lie with the developer in the first instance and as far as the SHM is aware, no mention has been made regarding this issue.

'The junction of Dingle Bank with Dingle Lane is dangerous.'

The SHM observed from the site visit that when leaving Dingle Bank and entering Dingle Lane that a view is afforded of Dingle Lane, to the left from the top of Dingle Bank. This view then disappears before becoming a limited view again as a driver reaches Dingle Lane. The guidance from Manual for Streets (MFS) requires a visibility of just 9 metres for an approach speed of 10 mph, which is the observed speed from the site visit. For 12mph MFS requires 12 metres.

If a vehicle pulls out of Dingle Bank and turns right from the observed position for this movement at the site visit, a visibility distance of some 14 metres is available when looking to the left and this would cater for the observed traffic speeds for Dingle Bank/Lane. The turning movements at this junction could be regularised by the introduction of a suitably placed give way marking should this development proposal gain a planning permission.

- *‘Large vehicles have difficulty negotiating Dingle Lane.’*

In fact a photograph has been provided by an objector of a heavy commercial vehicle on Dingle Lane and it does show that the vehicle has its wheelbase within the carriageway before reaching the junction mouth of Dingle Lane with Well Bank where the junction is wide. The carriageway is 3 metres wide at this point which is wide enough to accommodate a heavy commercial vehicle.

- *‘On Thursday, car parking for the market frequently obstructs the junction of Dingle Lane with Well bank.’*

A photograph has been provided of an example of this parking and this probably manifests itself because Dingle Lane is not protected by appropriate traffic regulation orders. There is no reason why local traffic management orders cannot be provided and it could be required of the development proposal that a sum of money be provided and secured via a Section 106 agreement to provide for this type of traffic management. This would ameliorate the concern over on-street parking.

Traffic Generation

Including the properties which front Well Bank, there are some 20 properties which take vehicular access from Dingle Lane under the existing arrangements. If this number of units was assessed in the TRICS database it would show that traffic generation would currently be approximately 13 vehicle trips in the morning peak hour. Observations on site showed the traffic generation to be slightly less than this however 13 trips would be the industry recognised standard.

The new development would add approximately 9 more trips to that using the same method of analysis. This equates to one new vehicle every 6 or 7 minutes in the morning peak flow hour which is a negligible amount of traffic.

It is important though to take into account the local concerns and they have been discussed in detail above.

Highways Conclusion

This is a tight site and there are a number of objections from which the main highway concerns have been discussed earlier in these comments.

Despite the concerns the design offered does meet the current design guidance within the DfT document Manual for Streets.

The Strategic Highways Manager recognises that in general the site looks at first difficult and some doubt has been cast on its merits by objectors concerns. It is a fact however that the proposal does meet design standards and it is clear that the very low traffic generation will have a low impact on Dingle Lane.

Traffic conditions will be altered and that additional considerations will need to be managed by existing vehicle drivers and pedestrians. In considering the proposal the SHM has had to make a judgement on whether there is sufficient valid concern to warrant what would be a sustainable reason for refusal on highway grounds if this proposal went to inquiry and he finds that this is not the case.

The fact that the site is shown to meet standards, however tight, is considered to remove any likely highway position of objection. Paragraph 32 of the NPPF, confirms that the test is whether the impacts of development are severe. Given the above it is not considered that it is severe.

It therefore remains for the Strategic Highways Manager to recommend a number of conditions and informatives which would bring appropriate control to the development should a planning permission be granted for this development proposal.

These consist of all new construction including access roads being completed prior to first occupation of any of the dwellings, submission of a Construction Management Plan and submission of a detailed plan of give way junction marking to Dingle Bank.

Ecology - Protected Species & Nature Conservation

Sandbach Wildlife Corridor

The proposed development is adjacent to, but outside, the boundary of the Sandbach Wildlife corridor. It is considered that the potential impacts of the proposed development on the wildlife corridor are likely to be low.

Bats

Evidence of bat activity in the form of a minor roost of two relatively common bat species has been recorded within the buildings on this site. The usage of the building by bats is likely to be limited to single or small numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts at this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a negligible impact upon the conservation status of the species concerned as a whole.

The submitted mitigation proposals recommends the provision of a bat loft above the proposed garage block as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

It is considered that if planning consent is granted proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. The provision of the bat loft should be carried out in accordance with the submitted plans in terms of special features for bats.

Bluebells

Native bluebells are a Local Biodiversity Action Plan and hence a material consideration. This species was recorded around the field boundary of the northern block of the proposed development. The proposed development may have a localised adverse impact upon this species however the proposed boundary hedgerows potentially provide a suitable edge habitat for this species which may assist it to persist on the site.

Breeding Birds

The site has the potential to support breeding birds and evidence of house sparrow a BAP priority species was recorded in association with the barn on site. If planning consent is granted it is recommended that conditions be attached to safeguard breeding birds:

Badgers

Evidence of badgers foraging across the site has been recorded. The proposed development is therefore likely to lead to a localised loss of badger foraging habitat. It is considered that fruit trees should be incorporated in the boundary hedgerows to provide an additional seasonal food source for badgers to compensate for the loss of available foraging habitat.

Reptiles

Potential habitat for grass snake was identified on site. Whilst the presence of grass snake cannot be ruled out it is considered that this species is not reasonable likely to be present or affected by the proposed development and so no further survey effort is therefore required.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 (dated 16 August 2005) advises LPAs that:

"It is essential that the presence of protected species , and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

In the absence of mitigation / compensation, the proposed development would have a significant adverse impact upon bats through the loss of the habitat currently utilised by the bats.

Regulation 9(5) the 2010 Habitats Regulations places an obligation upon planning authorities to give consideration to European protected species in the exercise of their functions. The recent 'Whooley' and 'Morge' judicial reviews have clarified the position of planning authorities in respect of this legislation.

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, and then there would be no impediment to planning permission being granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The site includes a Listed Building that would be retained and would have features that have been lost in the past but would now be reinstated.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No development taking place

No development Taking Place

This may lead to the deterioration of the Listed Building

Favourable conservation status

In line with guidance in Circular 6/2005, appropriate mitigation should be secured if planning permission is granted. The proposed replacement mitigation is considered to be acceptable by the Councils' Ecologist.

Open Space Provision

No response has been received at the time of report writing. However the site is of a similar size to the application at Waterworks House (12/1650C) and is in very close proximity to this site. For that proposal contributions were required for amenity green space (£7,356.44) and children and young person's provision (£16,772.51), a total contribution of £24,128.95. These monies would be used at the nearby Sandbach Park.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The requirements for open space and highways contributions are considered to be in compliance with the CIL Regulations 2010.

Other Matters

Objectors have cited adverse impacts on the Public Right of Way; however this footpath does not pass through the site as defined on the definitive map.

CONCLUSIONS AND REASONS FOR THE DECISION

Having regard to the fact that the site is in such a sustainable location, in close proximity to the town centre and all its available facilities and services, it is considered to be in accordance with the NPPF's direction that the development can be approved without delay.

On balance it is considered that the impacts on the Listed Building and Sandbach Conservation Area are acceptable.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, highway safety, ecology and landscape and is accordingly recommended for approval.

RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement securing contributions of £24,128.95 for enhanced provision and maintenance of public open space and £10,000.00 for highway works.

1. Standard time limit.
1. Compliance with the approved plans.
2. Submission of materials.
3. Contaminated land Phase 2 investigation.
4. Submission and implementation of a tree protection scheme.
5. Submission and implementation of drainage scheme.
6. Submission of an amended landscaping scheme.
7. Implementation of landscaping scheme
8. Submission and implementation of boundary treatment scheme.
9. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0900 to 1400 Saturday with no working on Sundays or Bank Holidays.
10. Submission of details of the method, timing and duration of any pile driving operations.
11. Protection measures for breeding birds.

12. Submission and implementation of details for the incorporation of features suitable for use by breeding birds and roosting bats.
13. Submission of a scheme for protection of occupiers of the dwellings from traffic noise.
14. Submission of details ground levels and floor levels.
15. Submission of a method statement for the demolition and re-building of the wall of Dingle Farm.
16. Submission of detailed drawings showing the new windows at ground and first floor level at a reduced size.
17. Submission of detailed drawings showing appropriate glazing bars on the large glazed element on the eastern elevation of the barn conversion.
18. All internal and access roads shall be completed prior to first occupation of any of the new dwellings.
19. Submission of a construction management plan
20. Submission of detailed plan of the 'Give Way' junction to Dingle Bank.

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