

Strategic Planning Board

Agenda

Date:	Wednesday, 9th September, 2009
Time:	2.00 pm
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

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**

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 made a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 8)

To approve the minutes of the meeting held on 19 August 2009 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for the planning application for Ward Councillors who are not Members of the Strategic Planning Board.

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

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants/Supporters

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Rachel Graves
Tel: 01270 529742
E-Mail: Rachel.Graves@cheshireeast.gov.uk

5. **09/2058C - Proposed New Football Pitches, Changing Accommodation, Car Parking, Access and Floodlighting, Land off Hind Heath Road, Sandbach, Cheshire for Cheshire East Council** (Pages 9 - 20)

To consider planning application 09/2058C.

6. **Appeal Summaries** (Pages 21 - 32)

To note the Appeal Summaries

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 19th August, 2009 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor H Gaddum (Chairman)
Councillor (none)

Councillors A Arnold, D Brown, P Edwards, J Hammond, D Hough, J Macrae,
B Moran, C Thorley, G M Walton, S Wilkinson and J Wray

Officers Present

John Knight, Interim Head of Planning and Policy; Sheila Dillon, Senior Solicitor; David Malcolm, Development Control Manager; Philippa Lowe, Development Control Manager; Peter Hooley, Principal Planning Officer; Rachel Graves, Democratic Services Officer

91 APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Bailey and M Hollins.

92 DECLARATIONS OF INTEREST

Councillor J Hammond declared a personal interest in respect of application 09/1285C as he was a member of Haslington Parish Council who had been consulted on this application. In accordance with the code of conduct he remained in the meeting during the consideration of this item.

Councillor George Walton declared a personal interest in respect of application 09/1485C as he was on the Board of Cheshire and Warrington Tourism. In accordance with the code of conduct he remained in the meeting during the consideration of this item.

Councillor Paul Edwards declared a personal interest in applications 09/1686C, 09/1695C, 09/1738C and 09/1738C as he was the ward councillor. In accordance with the code of conduct he remained in the meeting during the consideration of this item.

93 MINUTES OF THE PREVIOUS MEETING

That the minutes of the meeting held on 24 July and 29 July 2009 be approved as a correct record and signed by the Chairman.

94 PUBLIC SPEAKING

RESOLVED:

That the procedure for public speaking be noted.

- 95 **09/0695M - DEVELOPMENT OF A CARE VILLAGE COMPRISING 58 BEDROOM CAR HOME (USE CLASS C2); 47 CLOSE CARE COTTAGES (USE CLASS C3); 15 SHARED OWNERSHIP AFFORDABLE DWELLINGS (USE CLASS C3); AND ASSOCIATED ACCESS ROADS, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY DEVELOPMENT, LAND ADJACENT TO COPPICE WAY, HANDFORTH, WILMSLOW, CHESHIRE FOR GREYSTONE (UK) LTD**

Note: Councillors Don Stockton and Paul Whiteley (Ward Councillors), Mr David Fehily (Objector) and Mrs Kathryn Yentham (Agent for the Applicant) attended the meeting and spoke in respect of the application.

The Board considered a report regarding the above application.

RESOLVED:

That the application be REFUSED for the following reasons:

- Contrary to Local Plan Policies GC7 (safeguarding land lying between the urban limits and the inner boundary of the Green Belt that may be required to serve development needs well beyond the plan period) and RT6 (open space allocated for recreational purposes) with no material considerations sufficient to justify a departure from policy.

- 96 **09/0708M - FORMATION OF NEW VEHICULAR ACCESS FROM COPPICE WAY AND ENGINEERING WORKS, LAND ADJACENT TO COPPICE WAY, HANDFORTH, WILMSLOW, CHESHIRE FOR GREYSTONE (UK) LTD.**

The Board considered a report regarding the above application.

RESOLVED:

That, in the light of the previous decision (application no. 09/0695M), the application be REFUSED as the application was premature to any approved planning permission.

- 97 **09/1285C - PROPOSED MANUFACTURING BUILDING ON THE FORMER B BLOCK SITE, INCLUDING ANCILLARY INFRASTRUCTURE COMPRISING SITE ACCESS ROAD, SECURITY GATEHOUSE, CAR PARKING AND AN INTERNAL FIRING RANGE, BAE SYSTEMS, LAND SYSTEMS MUNITIONS, RADWAY GREEN,**

ALSAGER, NR CREWE, CW2 5PJ FOR MR K MELLIS, BAE SYSTEMS PROPERTIES LTD

The Board considered a report regarding the above application.

RESOLVED:

The application be APPROVED subject to the following conditions:

- 1 Time limit on outline permission
- 2 Submissions of reserved matters
- 3 Details of materials to be submitted
- 4 Drainage and surfacing of hard standing areas
- 5 Landscaping – submission of details
- 6 Landscaping conditions – implementation
- 7 Decontamination of land
- 8 Decontamination validation report
- 9 Submission of a scheme for the provision and implementation of a surface water regulation system
- 10 Submission of a scheme for the management of overland flow from surcharging of the site's surface water drainage system
- 11 Submission of a scheme to dispose of foul and surface water
- 12 The following components of a scheme to deal with the risks associated with contamination shall be submitted:
 - The site shall be remediated in accordance with the approved remediation strategy and method statement, with no deviation from the strategy without prior written agreement from the Local Planning Authority
 - A verification plan providing details that the works set out within the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action
- 13 Implementation of ecological reports
- 14 Protection for breeding birds
- 15 Tree protection
- 16 Tree pruning/felling specification
- 17 Prohibition on burning materials on site
- 18 Limit on hours of work for piling operations

98 09/1485M - THREE STOREY EXTENSION TO PROVIDE A NET ADDITION OF 27 NO. BEDROOMS AND ASSOCIATED ADDITIONAL ON-SITE PARKING (RE-SUBMISSION OF 08/2233P), COTTONS HOTEL, MANCHESTER ROAD, KNUTSFORD, CHESHIRE, WA16 0SU FOR SHIRE HOTELS LTD

Note: Alison Freeman (Agent for the Applicant) attended the meeting and spoke in respect of the application.

The Board considered a report regarding the above application.

RESOLVED:

That the application be APPROVED subject to referral to the Government Office North West, the prior completion of S106 agreement in respect of a Travel Plan and the following conditions:

- 1 A03FP – Commencement of development (3 years)
- 2 A01AP – Development in accord with approved plans
- 3 A06EX – Materials as application
- 4 A01HP – Provision of car parking
- 5 A04HP – Provision of cycle parking
- 6 A07HP – Drainage and surfacing of hardstanding areas
- 7 A01LS – Landscaping – submission of details
- 8 A04LS – Landscaping (implementation)
- 9 Surface water drainage system
- 10 Provison for roosting bats and breeding birds
- 11 Arboricultural statement

99 09/1686C - PROPOSED FOODSTORE DEVELOPMENT WITH ASSOCIATED PARKING, SERVICING AND LANDSCAPING, AND ADDITIONAL A1, A2, A3 RETAIL UNITS AT LAND ADJACENT TO WHEELOCK STREET AND ST ANNS ROAD, PACE CENTRE, WHEELOCK STREET, MIDDLEWICH, CHESHIRE, CW10 9AB FOR TESCO STORES LTD AND BRIDEN INVESTMENTS LTD

Note: Councillor Simon McGrory (Ward Councillor), Mr Jonathan Williams (Middlewich Vision and Market Town Networks), Ms Alexandra Ashley (Objector) and Mr Dennis Rogers (Briden Investments) attended the meeting and spoke in respect of the application.

The Board considered a report regarding the above application.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1 A03FP - Commencement of development (3 years)
- 2 A01AP - Development in accord with approved plans
- 3 A02EX - Submission of samples of building materials
- 4 A07EX - Sample panel of brickwork to be made available
- 5 A10EX - Rainwater goods
- 6 A11EX - Details to be approved - wall plaque or other public art
- 7 A13EX - Specification of bonding of brickwork
- 8 A16EX - Specification of window design / style
- 9 A20EX - Submission of details of windows
- 10 A01LS - Landscaping - submission of details
- 11 A04LS - Landscaping (implementation)
- 12 A10LS - Additional landscaping details required
- 13 A16LS - Submission of landscape/woodland management plan

- 14 A05TR - Arboricultural method statement
- 15 A02NC - Implementation of ecological report
- 16 A06NC - Protection for breeding birds
- 17 A08MC - Lighting details to be approved
- 18 A17MC - Decontamination of land
- 19 A32HA - Submission of construction method statement
- 20 A26HA - Prevention of surface water flowing onto
highways
- 21 A30HA - Protection of highway from mud and debris
- 22 A01HP - Provision of car parking
- 23 A04HP - Provision of cycle parking
- 24 A05HP - Provision of shower, changing, locker and
drying facilities
- 25 A24HA - Provision / retention of service facility
- 26 A07HP - Drainage and surfacing of hardstanding areas
- 27 A13GR - Business hours (including Sundays)
- 28 A20GR - Hours of deliveries
- 29 A22GR - Protection from noise during construction
(hours of construction)
- 30 Details of decorative treatments to external timber cladding
etc to be agreed with LPA
- 31 Provision of off site landscaping
- 32 Incorporation of features for breeding birds
- 33 Provision of off site pond
- 34 Control over Pile Driving
- 35 Approval of details of CHP Plant
- 36 Additional details regarding attenuation in the service yard
area
- 37 Control over Floor Floating
- 38 Scheme for acoustic enclosure of fans etc to be submitted
and agreed
- 39 Acoustic screening to be provided to the satisfaction of the
LPA prior to the use of the store and car park
- 40 Development in accordance with submitted Air Quality
Assessment
- 41 Details of management of car park to be submitted and
agreed by LPA
- 42 Programme of Archaeological Work
- 43 Scheme for the management of overland flow from
surcharging of the sites surface water drainage to be
submitted and agreed by the LPA
- 44 Scheme for the Implementation of a surface water regulation
system to be submitted and agreed by LPA
- 45 Full details of off site highways works to be submitted and
agreed prior to commencement of development
- 46 Prior to first trading access from Wheelock Street, both
signalised junctions and bus stop improvements to be
provided to the satisfaction of the Council
- 47 Provision of a Staff Travel Plan

- 48 Construction of access off St Anns Road prior to the construction of any part of the development (excluding the access)
- 49 Ivy House to be converted to non residential use prior to the use of the Wheelock Street access and first trading at the foodstore
- 50 Removal of the proposed 'hook up' point and incorporation of this part of the site into the overall landscaping scheme for the site
- 51 Windows to the first floor bolck to be obscurely glazed

100 **09/1695C - CHANGE OF USE FROM C3 RESIDENTIAL TO USES A1, A2, A3 AND B1, 8 SOUTHWAY, MIDDLEWICH, CHESHIRE, CW10 9BL FOR BRIDEN INVESTMENTS LTD**

Note: Councillor Simon McGrory (Ward Councillor) and Mr Steve Holme (Briden Investments) attended the meeting and spoke in respect of the application.

The Board considered a report regarding the above application.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1 A03FP – Commencement of development (3 years)
- 2 A01AP – Development in accord with approved plans
- 3 A10GR – Change of use – no consent for external alterations
- 4 A13GR – Business hours (including Sunday) – A1 and A3 Use
- 5 A03MC – Cooking odour extraction equipment – A3 Use
- 6 Details of any additional parking to be agreed with the Local Planning Authority
- 7 Acoustic enclosure of any fans, compressors or other equipment with the potential to create noise

101 **09/1738C - CONSERVATION AREA CONSENT FOR DEMOLITION OF WALL ADJACENT TO IVY HOUSE, 51 WHEELOCK STREET, MIDDLEWICH, CHESHIRE, CW10 9AB FOR TESCO STORES AND BRIDENT INVESTMENTS LTD**

The Board considered a report regarding the above application.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1 A03CA – Standard Time Limit
- 2 A02CA – Demolition as precursor of redevelopment
- 3 A01AP – Development in accord with approved plans

102 **09/1739C - CHANGE OF USE FROM C3 RESIDENTIAL TO USES A1, A2, A3 AND B1, IVY HOUSE, 51 WHEELOCK STREET, MIDDLEWICH, CHESHIRE, CW10 9AB FOR TESCO STORES AND BRIDEN INVESTMENTS LTD**

The Board considered a report regarding the above application.

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1 A03FP – Commencement of development (3 years)
- 2 A01AP – Development in accord with approved plans
- 3 A10GR – Change of use – no consent for external alterations
- 4 A13GR – Business Hours (including Sunday) – A3 Use
- 5 A03MC – Cooking odour extraction equipment – A3 Use
- 6 Acoustic enclosure of any fans, compressors or other equipment with the potential to create noise

103 **BASFORD WEST DEVELOPMENT SITE**

The Board considered a report which advised Members of the principles of the outline planning permission for development at Basford West, explained the proposals, which were the subject of two reserved matters applications submitted pursuant to the outline planning permission and identified the issues that arose from these applications.

RESOLVED:

That the report be received and that a site inspection takes place prior to determination of the two reserved matters applications.

The meeting commenced at 2.00 pm and concluded at 4.55 pm

Councillor H Gaddum (Chairman)

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Application No.	09/2058C
Location:	Land off Hind Heath Road, Sandbach, Cheshire
Proposal:	Proposed new Football Pitches, Changing Accommodation, Car Parking, Access and Floodlighting
Applicant:	Cheshire East Council
Expiry Date:	30 September 2009

Date Report prepared: 1 September 2009

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle of development in the open countryside; impact on ecology and wildlife; access; impact on existing amenity levels and impact on privacy.

REASON FOR REPORT

This application has been presented to the Strategic Plans Board on the grounds that the development has significant public interest.

DESCRIPTION OF SITE AND CONTEXT

The site lies between Elworth and Sandbach and is to be accessed off Hind Heath Road. The land is currently divided into four parcels three of which are used for the growing of crops and the fourth is used for the grazing and stabling of horses.

All of the fields are bounded by native hedging which varies in height from approximately 2.0m to 4.0m. Additional hedging divides the fields with a few access points for agricultural vehicles to enter and pass between each area. These hedges along with the boundary hedges are interspersed with trees including some Oaks. The hedges are also supported by either post and rail or post and wire fencing.

On the eastern side of the site a small area of land shows signs of a water feature existing adjacent to one of the field boundaries with Bulrushes growing adjacent to the dividing field hedgerow.

DETAILS OF PROPOSAL

This application is for the development of 10 new football pitches, changing accommodation, a car park, new access off Hind Heath Road and floodlighting.

The proposed layout of the site is such that the car park will be situated to the south of the Wheelock Rail Trail whilst the pitches and changing room will be situated to the north.

PLANNING POLICY

National Planning Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG17	Sport and Recreation
PPS23	Planning and Pollution Control
PPG24	Noise
PPS25	Flood Risk

Local Plan Policies

PS3:	Settlement Hierarchy
PS6:	Settlements in the Open Countryside and the Greenbelt
PS8:	Open Countryside.
GR1	New Development
GR2-3	Design
GR4-5	Landscape
GR6-7	Amenity and Health
GR9-10	Accessibility, Servicing and Parking Provision: New Development
GR13	Public Transport Measures
GR14	Cycling Measures
GR15	Pedestrian Measures
GR16	Footpath, Bridleway and Cycleway Networks
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure: General
GR21	Flood Prevention
GR24	Wider Environmental Considerations
RC1	Recreation and Community Facilities: General
RC3	Nuisance Sports
RC10	Outdoor Formal Recreational and Amenity Open Space Facilities

RELEVANT HISTORY

Prior to 2000, a series of planning applications were submitted in the vicinity of the site. These related to the development of the industrial units surrounding Lodge Road and Hind Heath Road.

More recently, an application was approved (ref. 06/0771/FUL) for the development of two steel framed industrial buildings, each extending existing structures, at the eastern end of the Lodge Road estate close to the field in question.

A proposal for the development of the site for up to 400 houses was put forward through the SHLAA (Strategic Housing Land Availability Assessment) process but was not supported.

No other recent developments have taken place on the site which may impact on this application.

CONSULTATIONS (External to Planning)

Highways Officer

The Highways Officer has been in consultation with the applicant on the details of the proposed scheme. Issues raised relate to a number of matters amongst which the matter of connectivity to local facilities and the suitability of the Wheelock Rail Trail have been raised. In respect of these matters, the applicants are entering into further negotiations with the Highways Officer to clarify the nature of the impact of the development. The outcome of these discussions will be subject to an update report once the formal comments are received.

County Ecologist

The comments of the Councils Ecologist are awaited at the time of the preparation of the report and will be the subject of an update report

Environmental Protection Officer

The Environmental Protection Officer has raised no objection in principle to the application although a number of conditions have been suggested relating to the development of the facility and also the subsequent noise from compressors or other plant on the changing rooms and potential for light pollution.

Landscape and Arboricultural Officer

Concern has been raised on a number of issues. These relate to the potential impact on the trees surrounding the site, the loss of the hedgerows, the scale of the ball stop fencing surrounding the site and the overall impact on the character of the landscape.

OTHER REPRESENTATIONS

Natural England

Consideration has been given to the supplementary reports on protected species submitted by the applicant following the findings of the Extended Phase I Habitat Survey. As these reports give detailed information on the location and extent of the protected species identified in the Phase I Survey, they have not been placed on the general public file to ensure the species in question remain protected. The reports however have been made available to Natural England and the County Ecologist for consideration.

At the time of the preparation of the report, Natural England is in discussion with the Council Ecologist and final comments are awaited. These will be provided in an update report.

United Utilities

United Utilities have no objection in principle but have written to advise the applicants that a public sewer runs alongside the site. United Utilities advise that the sewer should not be built over and full access should be provided at all times. Comment has also been given on the drainage arrangements and that they would only adopt surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing certain conditions are met particularly in respect to the Council taking on responsibility for the scheme.

Wirral and Cheshire Badger Group

Although the group understands the motives for the proposed development, they have raised objection to the proposal on the grounds that the site has signs of badger activity and the proposed development would impact on the protected species.

Neighbours and Other Members of the Public

At the time of the preparation of the report, nearly 250 letters of comment on the application had been received. These were evenly split between comments from those in support or those objecting to the application.

The comments themselves predominantly have come from residents in the local vicinity of the site or people involved with the football club. Some additional comments have come from outside the local area although the respondents have shown an awareness of the issues faced.

The issues raised in respect of supporting the proposal are as follows:

- Current facilities are inadequate to meet demand
- Need for sports pitches in the Sandbach area
- The proposed facility meets the needs of Sandbach, Elworth, Ettily Heath and Wheelock
- The site has good road access from a number of directions

- The provision of these sporting facilities will have long term benefits for peoples well being
- The facility will provide youngsters greater opportunities

In respect of the objections raised, the following points were noted:

- Impact on the highway network
- Unsuitable roads to the site
- Will lead to unsafe parking along the surrounding roads
- Unsustainable location
- Impact on the wider ecology
- Impact on birds and other wildlife
- Loss of hedgerows
- Noise
- Light pollution
- Impact on existing privacy levels
- Detriment to the character of the area

In addition to general comments on the changes to the area, a number of objectors raised specific matters about impact to their property. Whilst these are noted, they are similar in format and the issues are taken collectively. Any instances of unacceptable impact on privacy would be considered to affect the wider scheme.

OFFICER APPRAISAL

Principle of Development

The key Local Plan policies in respect of this application are PS3: Settlement Hierarchy, PS6: Settlements in the Open Countryside and the Greenbelt, PS8: Open Countryside and RC10: Outdoor Formal Recreational and Amenity Open Space Facilities.

These policies echo the aims of national planning guidance as expressed through PPS1: Delivering Sustainable Development and PPS7: Sustainable Development in Rural Areas.

One of the Governments overarching principles relating to development is the need to ensure development is located in sustainable locations. To this end, PPS1 states that development should be in carefully-sited accessible locations in existing towns and villages where it benefits the local economy and/or community, maintains or enhances the character of the local environment and does not conflict with other planning policies.

The guidance goes on to state that the Governments overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

These objectives are carried through into the policies in the Local Plan, notably for this proposal PS8 and RC10 although these are by no means the only policies referring to the matter of sustainability. Policy PS8 seeks to resist development in the open countryside unless such development is for one of eight identified purposes. Of these, facilities for outdoor sports, recreation and tourism together with other uses of land which preserve the openness of the countryside and maintain or enhance its local character may possibly be allowed.

On first appraisal, it is recognised that the development of this land for a football club together with associated infrastructure (parking, lighting, club house etc.) will impinge on the openness of the area and for that reason; it could be taken that the development may represent a departure to the Local Plan.

Before coming to a decision on this point however, an understanding of the character of the site particularly in the context of the surrounding area needs to be made.

The topography of the area is such that the application site is gently undulating in form. The land rises from Hind Heath Road to the Wheelock Rail Trail Footpath before falling away again to the north east.

It is acknowledged that the area of land forms part of a wider, and very important, parcel of land that lies between the settlements of Sandbach and Elworth. This land however is closely surrounded by residential or commercial development to the north, east and west whilst to the south lies Hind Heath Road and beyond that the Cricket Club. Because of this, the outlook from the land in question is different from other areas of agricultural land further to the south, away from Sandbach or Elworth. This difference in character is at the heart of the appraisal as to whether the scheme will have a detrimental impact on the openness of the area.

In their comments, the Landscape and Arboricultural Officer highlights that the site falls within Eastern Lowlands Plains Wimboldsley Character Area as set out in the Cheshire Landscape Character Assessment 2009. This describes the area as a mix of small/ medium irregular or regular fields typically of medieval field pattern and partially of post medieval agricultural improvement. Reference is also made to a flat, large scale landscape with relatively few hedgerow trees or dominant hedgerows. The officer also notes that in the 1999 Landscape Assessment of Congleton Borough, the land was identified as being ordinary/ good quality landscape.

This appraisal however looks at land from a strategic viewpoint covering the whole County. Such a tool whilst beneficial in guiding strategic thinking about the direction of development of various settlements for years if not decades can sometimes be too crude for more detailed analysis of sites on a local level. This

is a similar problem faced by the agricultural land quality maps that are of more benefit in respect of regional planning.

Whereas most agricultural land is characterised by open fields interspersed with the occasional building or area of development, this site differs in that it is surrounded by development on most sides. The presence of the Lodge Lane industrial estate to the west and the housing along Abbey Road and Hind Heath Road alter the character of the site from one of open countryside to one of countryside set in the context of developed land. In your officers view, this is a fundamental difference and, in appraising the impact of development on the Local Plan policies should be given substantive weight.

This approach however should not be taken to say that any development irrespective of its scale form and character would be acceptable on this site but rather it identifies this as a special area of transition where some development can occur if sensitive to the surroundings and not too urban in form.

It should be noted that the site has already been subject to a small degree of development for equestrian purposes. This facility is located close to the Wheelock Rail Trail and comprises of a number of elements of a scale commonly seen in developed areas including the stable blocks and the fencing adjacent to the footpath.

On this basis, it is felt that the development in principle for leisure use would be in keeping with the character of the area and, subject to the details of the development could sit well in the landscape causing minimal impact to such a degree that the development would not represent a significant departure to the aims of the Local Plan or other planning policy.

Form of Development

The most significant element of development on the site would be the creation of the club house but the access road and parking as well as the pitches would also be visible to people passing along the Wheelock Rail Trail.

Whilst the pitches would have limited impact on the landscape the other elements would be noticeable. Given the context of the surrounding area this is not, in principle felt to be unacceptable. The clubhouse is a single storey structure, much lower than the neighbouring industrial units against which it will be read in the landscape. The car park and access will also be visible but again, they will not be seen in isolation as for say they would be on a truly countryside location but they will be read in the context of the Cricket Club opposite and the small industrial units accessed off Hind Heath Road to the west.

Fencing

The 10.0m high ball stop fencing surrounding the site is of note and is of particular concern in the opinion of the Landscape and Tree Officer.

It is felt that this will not only have an impact on the landscape but will also require significant crown lifting of the trees on the edge of the site. To this end, it is felt that of all the elements of the development, the ball stop fencing by virtue of its height in comparison to other features in the immediate landscape would appear as an unacceptable incongruous feature.

Balancing the needs for some protective fencing around the perimeter of the site to stop balls going onto adjoin land on too frequent a basis and the character of the landscape as set by the surrounding development and the hedgerows, a lower fence of 5.0m height would be more appropriate.

Details have been provided for the colour of the fencing (moss green) and this is felt to be acceptable.

Hedgerows

In respect of the hedgerows, the Landscape and Arboricultural Officer has noted that the development would result in the loss of some of the planting. Policy NR3: Habitats of the Local Plan identifies that if there are proposals for the loss of important hedgerows amongst other special habitats, this should only be allowed where there are overriding reasons for allowing the development or the likely effects can be mitigated against.

To identify whether the hedgerow is of importance as defined through the Hedgerow Regulations 1997, the shared services Archivist and Archaeologist has been asked to look at them. These comments will be provided in the form of an update to the report.

In considering the role of the trees around the site, the Landscape and Arboricultural officer has noted that two of the hedgerow trees are unsafe and whilst the Oak on the northern boundary of the site is in a prominent location it, like the other trees around the site are not exceptional.

In their comments, the officer has considered the impact that the development will have on the landscape. As the car park would initially involve the removal of approximately 210m of hedgerow along the Hind Heath Road frontage to allow the creation of the visibility splays, this would expose the area to be used for car parking more than is currently the case. Whilst there would be some replacement planting, it is the officers view that this would take time to mature and would not provide complete screening. Furthermore, it is felt that the lighting associated with the car parking would further exacerbate the views of the car park.

For the pitches, the impact on the landscape would vary, whilst there are proposals to replace the gaps in the existing hedge, a section some 740m is proposed to be removed together with some trees.

The loss of the hedgerow in the opinion of the Landscape and Tree Officer is a matter of concern and combined with the introduction of the new facilities on site will have an impact on the character of the area. The views of the site will differ from various vantage points and for the properties in the distance; the most important impacts will be from the lighting. For other people, especially those using the Wheelock Rail Trail, the nature of the building and boundary features will be more prominent.

Given the wider changes to the character of the area, the loss of the hedgerows within the site which is to be offset by the additional planting it is acknowledged that this is not a like for like replacement in terms of length of hedge lost and length replaced but is felt to be acceptable in this instance as the views from outside of the site will be of a stronger, more continual fence surrounding the field than is currently the case.

Ecology

Evidence has been submitted by the applicants to address the requirements of the EU Habitats Directive in respect of the protected species in the vicinity of the site.

It is believed that this information addressed the relevant issues raised but a detailed comment on this matter will be provided through the update report together with any necessary conditions in respect of recommended conditions if deemed necessary.

Flooding

Although the site is not in a recognised flood plain, as the site area is over 1.0 Ha, the applicants have submitted a Flood Risk Assessment. This has established that with the implementation of an appropriate sustainable urban drainage scheme (SUDS), the impact on existing Greenfield run-off rates will be comparable or better than existing. As a result there should be no detriment to neighbours or the surrounding ecology in respect of this matter.

Highways

The applicants have taken on board the comments of the Highways Officer and it is felt that in principal, the development is acceptable. The works to the entrance will need to be managed through a Section 278 Agreement and the applicants are aware of their obligations in this respect. Some additional work to the Wheelock Rail Trail in terms of lighting will be required but this can be addressed thorough a separate legal agreement should the scheme be approved.

Impact on Neighbours

The concerns of the neighbours cover two areas, impact on individual properties in terms of loss of privacy and impacts on amenity especially through noise and light pollution.

In dealing with the first matter, that of privacy, the Wheelock Rail Trail already offers a vantage point from which views can be obtained of some of the neighbouring properties. Whilst the development will provide some new points to view nearby dwellings from, the views gained from the car park or the pitches will be no different to that already possible. The pitches will bring people closer to the houses off Abbey Road but the distance from pitch edge to rear windows of the nearest houses are substantial being in excess of 250m and for those houses approximately half way along Abbey Road, the distance rises to approximately 380m, a distance comparable to the trip from Westfield Council Office to the centre of Sandbach.

The distances to the properties at Abbeyfield to the north, is far less (some 140m) but in this case the properties are screened from the pitches by a strong belt of trees around the site.

In light of these distances, it is felt that the impacts on privacy are minimal and would not justify refusal of the scheme.

In dealing with the second issues, that of amenity, this has been considered by the Environmental Health Officer. They have raised no objection in principle to the development but have suggested conditions in respect of noise from the club house and lighting together with controls on the development process.

The matter of lighting has been of particular concern to residents but it should be borne in mind that the neighbouring industrial development already benefits from lighting columns on the boundary of the site in direct view of the properties off Abbey Road. These units are not controlled to the same degree as the ones currently under consideration and would have a far more harmful impact on the landscape than his application.

The lighting for the pitch has been kept as far away from neighbouring houses as possible and it is felt that any harm would be negligible.

These conditions are felt to be appropriate and on this basis no objection is raised.

CONCLUSIONS AND REASONS FOR THE DECISION

In reviewing this application, consideration is again given to the principles set out in PPS1 and the Governments overarching principles relating to development is the need to ensure development is located in sustainable locations. The site is located adjacent to an existing settlement as opposed to the open countryside and, subject to securing an appropriate Travel Plan and improvements to the Wheelock Rail Trail, in a sustainable location. Also, whilst the development will be visible from a number of vantage points, it will not harm the landscape to an

unacceptable degree and accordingly maintains the character of the local environment and does not conflict with other planning policies.

In summary, it is felt that subject to the comments of the Councils Highways Engineer, Natural England and the Councils Ecologist, the proposed development will not have an unacceptable impact on the character of the surrounding area or cause unacceptable harm to neighbours. Furthermore, the proposed development would provide additional sports and recreation facilities in accordance with Policy RC10 of the adopted Congleton Local Plan First Review

Recommendation:

APPROVE subject to the following conditions:-

1. Standard timescale
2. In accordance with approved drawings
3. Samples /detail of materials on external elevations
4. Ball stop fencing to be no higher than 5.0m
5. Implementation and maintenance of landscaping
6. Construction management plan
7. Review of lighting when operational
8. Hours of use of floodlighting
9. Hours of working
10. Provision of car parking
11. Provision of cycle parking
12. Details of covered and secure cycle parking to be submitted and implemented
13. Drainage works to be implemented
14. Wheel Washing
15. Development in accordance with submitted Travel Plan
16. Sustainable Urban Drainage - scheme to be submitted
17. Protection from noise during construction (hours of construction)
18. Pile Driving
19. Dust mitigation during construction

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**STRATEGIC PLANNING BOARD
9 SEPTEMBER 2009**

APPEALS

Application Number: P08/0926

Appellant: Joan Barclay and David Barclay

Site Address: Land at Crewe Road, Hatherton, Nantwich, CW5 7QY

Proposal: Detached dwellinghouse

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 24th July 2008

Appeal Decision: Dismissed 4th August 2009

MAIN ISSUES:

The Inspector considered that there are three main issues in the appeal; the acceptability of the proposed development having regard to the planning policies that govern development of this type of location; the effect of the development on the character and appearance in the area in terms of the trees on the site that are subject to the TPO and the hedgerow on the site frontage; and the effect of the proposal on the living conditions of the prospective occupiers of the proposed dwelling.

INSPECTOR'S REASONS:

Hatherton is a hamlet which is centred generally at the crossroads formed by the B5071 Crewe Road, Park Lane and Hunsterson Road. There are a handful of dwellings of various age, size and design which are dominated, physically and visually by an area of mature woodland. The trees on the appeal site are subject to a Tree Preservation Order (TPO).

In relation to the first issue, the site is designated as open countryside by Local Plan policy NE.2 where there is general presumption against development unless it is essential for certain specific purposes such as agricultural, with the exception being where there is an opportunity for the infilling of a small gap with one or two dwellings in an otherwise built-up frontage. The Inspector notes that there is no criteria relating to visual matters in relation to infilling, and considered that the juxtaposition and siting of the dwellings along Crewe Road constitute a small, defined, built-up frontage as required under the justification for the Policy. The total length of the frontage from the crossroads to the north-western boundary of Oak View is some 170m, the individual frontage of these dwellings vary in length between 30m and 35m, the appeal site frontage is some 40m. The Council consider that a 40m wide site is not a small gap and especially as the distance between existing dwellings is some 60m. However, the Inspector considers that in this

particular context that it is both reasonable and realistic to conclude that the site generally reflects the dimensions of the neighbouring plots and as such constitutes a small gap within terms of Policy NE.2.

In relation to the second issues, the Inspector notes that there are mixed coniferous and deciduous trees on the site which are densely planted and have extensive crowns, it is contiguous with the other mature trees that form the woodland that enshrouds the settlement on its northern side and which provides it with its particular sylvan character and appearance, which is especially noticeable along Crewe Road, where the trees on the site mitigate the visual effects of the buildings in this rural location. The proposal involves removing a significant percentage of the trees on the appeal site, estimated by the appellants to be some 31%, which includes a number of health category C trees. The scheme also includes removing a substantial section of the existing natural hedgerow to provide an access to the highway with the necessary visibility splays. The Inspector states that the effect of the scheme would open up the site to the road, destroying the present sense of enclosure that is an integral part of the function and appearance of the woodland within the settlement, and considers that replacement planting set back from the road would not replicate the integrity and presence of the existing woodland as the built form of the new house and drive would be clearly described from the road and is therefore contrary to Local Plan policy BE.2.

In relation to the third issue, the Inspector states that the proposed dwelling would be set amongst the remaining trees and these trees are mature species with generally extensive crowns. The plans submitted were not accurate as they did not show the whole spread of the crowns of the trees. The Inspector states that it was evident on the site that because of their size and proximity the trees would provide a very high degree of shade to the habitable rooms of any design of dwelling placed there. The disposition of the remaining trees and intense shade provided would also preclude the establishment of a pleasant garden area in which the residents could enjoy outdoor living. 'The whole effect would be sombre and depressing, and to imply that some people would enjoy living in such an environment is somewhat specious'. The Inspector agrees with the Council that there would be pressure from prospective occupiers to remove trees to provide better living conditions, which is apparent from the clearance of trees from the adjacent property Oak View. The Inspector therefore considers the proposal to be unacceptable, and therefore dismissed the appeal.

The appellant submitted an application for partial award of costs against the Council. The application failed and no award of costs was made.

IMPLICATIONS FOR THE COUNCIL:

This is another excellent decision for the Council. In particular the Inspector considers the loss of a significant number of "Category C" quality trees to be unacceptable, because they were of group value within the landscape.

He also attaches considerable weight to the long term implications for the trees. Problems of overshadowing, detritus, overbearing influence of trees etc. can lead to early requests for pruning or felling works to otherwise healthy trees which would not be required if development had not been permitted immediately adjacent to them.

The costs decision is also an excellent outcome and of particular note, in that the inspector, supports the requirement for a full tree survey, even on an outline planning application. Furthermore, he considers that the Council adopted a perfectly reasonable approach in refusing to enter into protracted pre-application discussions having explained clearly to the applicant that, due to the presence of the trees, the site was unsuitable, in principle, for residential development.

Application No: 08/0929P

Appellant: Mr. Brian Jervis, Vale and Vale

Site Address: Apartment 11, Kingsbury House, St Hilary's Park,
Alderley Edge, SK9 7DA.

Proposal: Proposed balcony/terrace to apartment 11 – amendment
to approval 07/2393P

Level of decision: Delegation

Decision: Refused

Appeal Decision: Allowed

MAIN ISSUES:

Kingsbury House is situated in an elevated position, the north-west of the Alderley Edge Conservation Area. The site previously occupied a former school, which has since been replaced by the Kingsbury House Development. Alderley Edge is predominantly characterised by large dwellings set within spacious, well screened plots. Due to the elevated character of the site, the building is considered to be a landmark building in the area. The principle issues surrounding this appeal relate to the effect of the proposal on the character and appearance of the Alderley edge Conservation Area.

INSPECTOR'S REASONS:

Kingsbury House is of a sizeable scale and mass, requiring careful design to avoid issues of over dominance. To achieve such design objectives, a variety of features were introduced, to provide interesting and well balanced massing when seen from London Road.

A dominant feature, in views from the north, is an Italianate turret. In the councils view, the design of the existing gable feature to Apartment 11 is deliberately well proportioned to ensure the due prominence of the turret. In the inspectors opinion, the presence of a larger gable with a terrace in the roof area would not have a negative effect on the visual impact of the corner turret. The inspector considered the change on the gable pike and introduction of the roof terrace would give the roof a stronger presence when viewed from the north without harming the visual rhythm of the building's roof or the streetscene.

With reference to the Council's conservation area guidelines for residential extensions, the inspector considered that the proposal would respect the height, bulk and general form of the original building, remaining secondary to the original building.

The inspector concluded that the proposal would at least preserve the character and appearance of the Alderley Edge Conservation Area, compliant with the objectives of MBLP policies BE1, BE3 & BE12

IMPLICATIONS FOR THE COUNCIL:

Whilst disappointing, this is a site specific decision which raises no implications for other sites within the Conservation Area.

Application Number: 09/0871N

Appellant: Mr Kevin Harding

Site Address: The Limes, School Lane, Warmingham, Cheshire,
CW11 3QN

Proposal: Two storey front and rear extension and single
storey rear extension and demolish conservatory

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 4th June 2009

Appeal Decision: Dismissed 24th August 2009

MAIN ISSUES:

The Inspector considered that the main issue of the appeal was the effect of the proposal on the character and appearance of the area.

INSPECTOR'S REASONS:

The appeal site is situated within Warmingham, which the Inspector states is a linear village which stretches along School Lane, with the historic core centred on the church lying to the south of the appeal site. The housing is varied with some traditional cottages, a ribbon of established Council housing at the north-east end, and a modern cul-de-sac of detached houses by the River Wheelock.

The Inspector considered that the existing hipped-roof bungalow of The Limes and the adjacent similar property, Five Elms, add further to the mix of property types. The scale of the bungalows, the degree of set back of the two properties some distance from the road, and their heavily landscaped boundaries and gardens, results in low-key buildings in the street scene forming part of the overall sylvan character.

The Inspector states that the proposed two-storey addition to the property would significantly change the low-slung character by introducing a bulky central section and that the width and height of the first-floor element, including the roof, would be out of proportion with the smaller existing hipped roof elements at either end of the property. As a result it would be over-dominant and the upper storey would be clearly visible from School Lane, both along the frontage and from the northern approach, particularly during the winter months. The siting of the property and the softening effects of the surrounding vegetation would provide some mitigation. However this does not

outweigh the harm caused by the design of the first-floor which is inappropriate.

The Inspector also took into account that most dwellings in the village are higher than the appeal property and more easily visible in the street scene, and that the existing dwelling has no particular architectural merit. The Inspector considered that in this respect the principle of some increase in height of the building, possibly incorporating a central feature, may be acceptable, but the appeal scheme was unacceptable.

The Inspector considered that the lean-to single-storey extension would be small-scale and enclosed within the rear garden and therefore acceptable in isolation. However, he commented that the proposed two-storey extension would have an unacceptable impact on the character and appearance of the area and therefore conflict with Policy BE.2. The Inspector also concluded that the proposal would not respect the original dwelling or be subordinate to it and therefore, is also in conflict with Policy RES.11.

IMPLICATIONS FOR THE COUNCIL:

This is a good decision for the Council as the Inspector helped to define a subservient structure. The Inspector considered that the proposed development was too bulky and would over dominate the original property. The proposal would be highly prominent and would have an unacceptable impact on the character and appearance of the area. However, the Inspector did state that even though the application site was within the open countryside, some cognisance of the overall context should be taken into account when applying the policy and judging whether or not proposals would be subordinate. However the Inspector concluded that the proposal was contrary to Policies BE.2 and RES.11 of the Crewe and Nantwich Replacement Local Plan 2011.

It is also notable as it is the first appeal within the South Area to be determined under the new fast-track system. It is encouraging that despite the fact that the Council was unable to prepare a separate Statement of Case the outcome was favourable. This is testament to the quality of delegated reports produced by officers.

Application Number: P08/0462

Appellant: Mr M J Harris

Site Address: The Stables, Swanley Lane, Burland, Nantwich, Cheshire, CW5 8QB

Proposal: Extension to add another floor to a part of the property to provide two further bedrooms with en suite to No.1 and 2.

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 5th April 2008

Appeal Decision: Dismissed 11th August 2009

MAIN ISSUES:

The Inspector considered that the main issues of the appeal were the effect of the proposed development on the character and appearance of the converted stable building and the open countryside.

INSPECTOR'S REASONS:

The 'U' shaped former stable buildings are within the open countryside to the west of the settlement of Nantwich. The proposal site, formerly stables, are of a single storey height which have been converted to form two units of holiday accommodation. A number of minor alterations have been subsequently approved, including chimneys, a porch and conservatory on the southerly unit and permission exists to provide a similar conservatory on the adjacent unit to the north.

The Inspector notes that the appellant lives in one of the units and the other continues in use as holiday accommodation. The Inspector states that there has been no convincing evidence provided which suggests that the existing size of accommodation is unsuitable or unattractive for holiday let bookings.

The Inspector states that the alterations which have been undertaken since the original conversion are generally unobtrusive and modest in scale, and the building retains a simple character and appearance consistent with its former use as stables.

The Inspector considers that, the introduction of an entirely new floor above the existing building would not, harmonise or integrate with the existing character, scale or form of the building. The use of the bulls eye windows on

the front elevation would not reflect any immediately apparent local vernacular nor reinforce distinctiveness locally. The proposed first floor gable windows have a horizontal glazing pattern, which in combination with the rear chimney and additional porch type structure on the rear elevation would emphasise a more domestic appearance, and any sense of its former stable use would be lost. Furthermore, the extended building would have little in common with the original stable building which the development plan policies seek to protect.

The building sits in isolation on the eastern side of Swanley Lane and is physically and visually distinct from the group of dwellings to the south-west on the opposite side of the lane. The Inspector did not accept the appellants view that 'more is less' and that the proposed development would better relate visually to other two storey dwellings locally. He states that increasing the height of the building as proposed would emphasise its isolated position and make the resultant building much more prominent in the landscape sitting above the hedge, when viewed from the north and south.

The modest step in ridge line shown and the introduction of a slate roof would not sufficiently mitigate the harmful effects of the proposed development to the character and appearance of the building and the open countryside.

The Inspector states that the proposed development would fail to respect the design or form of the original building, which would be unacceptably harmful to the character and appearance of The Stables and conflicts with the requirements of Policies BE.2 and RES.11 of the Local Plan, and the proposed development would harm the character and appearance of the open countryside contrary to Policy NE.2.

The Inspector also notes that the appellant makes reference to another decision made by the Council which allowed a single storey building to be converted and enlarged. However this application was approved prior to the adoption of the current local plan and therefore is not a comparable case.

IMPLICATIONS FOR THE COUNCIL:

This is an excellent decision for the Council as the Inspector has highlighted the importance of design considerations in respect of additions and alterations to this converted stable block. It will assist the Council in resisting other proposals for inappropriate and overly domestic additions to converted rural buildings, which detract from their vernacular character. It also places weight on the former Crewe and Nantwich Borough Council's Extensions and Householder Development SPD and this prioritises the SPD as an important consideration in determining planning applications. The Inspector considers that the proposed development is contrary to the Policy aims of the Crewe and Nantwich Replacement Local Plan 2011 policies BE.2 and RES.11.

Application Number: P09/0163

Appellant: Mr W Tasker of Stonen Developments Ltd

Site Address: Rear of 'The Barns', Slaughter Hill, Haslington, Crewe, Cheshire, CW1 5UW

Proposal: Change of use of agricultural land to form extended domestic garden curtilages

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 3rd April 2009

Appeal Decision: Dismissed 4th August 2009

MAIN ISSUES:

The Inspector considered that the main issue of the appeal was the effect of the change of use on the character and appearance of the countryside.

INSPECTOR'S REASONS:

The appeal site lies within an area designated as 'Green gap' which adds to the importance of protecting the integrity of such land and justifies a stricter level of development control. The 2 dwellings have been formed from the recent conversion of an 'L' shaped former agricultural building and are currently being marketed for sale. The site lies to the north of The Barns in an area designated as open countryside and comprises a small part of a much larger field which wraps around the northern and western sides of the development. The eastern boundary is formed by a hedge alongside Slaughter Hill. The Inspector acknowledged that the land immediately to the north of the site currently has a somewhat 'scrappy' appearance and was not under cultivation at the time of the site visit. Nevertheless, he considered that there was nothing to suggest that the land could not be brought back in to agricultural use, or less worthy of protection.

The appellant proposed a hawthorn hedgerow to be planted on the boundary, and states that he would accept a condition reducing the height of the dividing fence. However, the Inspector states that regardless of restrictions imposed on the land the extended garden area would undoubtedly have a domestic appearance which would be harmful to the open quality of the surrounding countryside.

The Inspector states that the retention of the gap on the west side of Slaughter Hill between The Barns and Crewe Cottage to the north is particularly important in preventing erosion of the character of the countryside

and the Green gap, and whilst a gap alongside Slaughter Hill would still exist the reduction in its length would have a materially adverse impact on its integrity. The Inspector therefore concludes that the change of use would cause unacceptable harm to the character and appearance of the countryside, contrary to Policies NE.2 and NE.4 of the Local Plan.

The Inspector also notes that the appellant considered that the garden area provided with the permission for the converted barns was substandard for the size of the dwellings. The Inspector states that the garden sizes exceed the minimum standards advised in the Development on Backland and Gardens SPD by over 100% and therefore are considered to be adequate. The Inspector also states that in contrary to the view of the appellant, he does not consider that extending the domestic curtilage is essential for outdoor recreational and thereby an exception to Policy NE.2.

IMPLICATIONS FOR THE COUNCIL:

This is an excellent decision for the Council as the Inspector has highlighted the importance of the protection of the Open Countryside and Green Gap from domestic encroachment. It will assist the Council in resisting other proposals for inappropriate extensions to residential curtilage, which detract from the character and appearance of the Open Countryside. The Inspector considers that the proposed development is contrary to the Policy aims of the Crewe and Nantwich Replacement Local Plan 2011 policies NE.2 and NE.4.