

Southern Planning Committee

Agenda

Date:	Wednesday, 18th November, 2009
Time:	2.00 pm
Venue:	Lecture Theatre, Crewe Library, Prince Albert Street, Crewe, Cheshire CW1 2DH

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

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

1. **Apologies for Absence**

To receive apologies for absence.

2. **Code of Conduct - Declarations of Interest/Pre-Determination**

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

3. **Minutes** (Pages 1 - 4)

To approve the minutes of the meeting held on 28 October 2009.

4. **Public Speaking**

Please contact Julie Zientek on 01270 529641

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

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

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

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

5. **09/0481C Relocation of existing floodlit all weather sports facility, demolition of existing Oaklands Medical Centre and the construction of 2 separate buildings comprising a two-storey dental facility with pharmacy and a three-storey medical centre with associated access and parking. Oaklands Medical Centre, St Anns Walk, Middlewich, Cheshire, CW10 9FG for Mr Darren Oxley - Oakapple (Pages 5 - 20)**

To consider the above planning application.

6. **09/1037N Erection of Additional Stables, Extension of Existing Building and Erection of Haystore Oakhanger Equestrian Centre, Holmshaw Lane, Oakhanger, Nr Crewe, Cheshire, CW1 5XE for Mr G O' Shea (Pages 21 - 32)**

To consider the above planning application.

7. **09/0509C Construction of 90 bed nursing home (C2) Vale Mill, Priesty Fields, Congleton for Britannia Developments Cheshire Limited (Pages 33 - 44)**

To consider the above planning application.

8. **P09/2392C Application for Outline Permission for the erection of up to 37 Dwellings (Access Only) Land North of Crewe Road, Sandbach CW11 4QD for Hollins Strategic Land (Pages 45 - 58)**

To consider the above planning application.

9. **09/2718W Extension to the North and South of Cledford Junior School to accommodate the amalgamation of Cledford Infants and Junior School, to provide a single site primary school and an on site nursery, associated external works, landscaping and car parking Cledford County Junior School, George Vi Avenue, Middlewich, Cheshire, CW10 0DD for Mr Peter Broughton, Cheshire East Council (Pages 59 - 76)**

To consider the above planning application.

10. **09/2856C Proposed new dwelling 122 Sandbach Road North, Alsager, ST7 2AW for Mrs Rosemary Leese** (Pages 77 - 82)

To consider the above planning application.

11. **09/3100N New Dwelling Land Adj To Siloan, Marsh Lane, Ravensmoor, Cheshire for Mr & Mrs K Allman** (Pages 83 - 88)

To consider the above planning application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 28th October, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor B Dykes (Chairman)
Councillor G Merry (Vice-Chairman)

Councillors T Beard, M Davies, L Gilbert, B Howell, J Jones, S Jones,
R Walker and J Weatherill

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors A Moran and A Barratt

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer) and David Malcolm (Development Control
Manager – Sandbach Office)

Apologies

Councillors D Bebbington, S Furlong, A Kolker and S McGrory

**88 CODE OF CONDUCT - DECLARATIONS OF INTEREST/PRE-
DETERMINATION**

Councillor A Barratt, who was in attendance at the meeting, declared a personal interest in respect of application number 09/2624C on the grounds that he was a member of Odd Rode Parish Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor A Moran, who was in attendance at the meeting, declared a personal interest in respect of application number 09/1445N on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

89 MINUTES

RESOLVED – That the minutes of the meeting held on 7 October 2009 be approved as a correct record and signed by the Chairman.

90 09/1445N PROPOSED TWO STOREY SIDE EXTENSION AND FRONT CANOPY, 27 JACKSON AVENUE, NANTWICH, CHESHIRE FOR MRS S LIGHTFOOT

Note: Councillor A Moran (the Ward Councillor), Mr B Cull (objector) and Mrs S Lightfoot (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

1. Standard time
2. Plans
3. Materials as existing
4. Obscure Glazing to rear windows
5. Additional Parking Area to be of Permeable Surface
6. Remove PD for additional windows to side elevation

91 09/2624C DETACHED GARAGE (RETROSPECTIVE), HEATHLANDS COTTAGE, STREET LANE, RODE HEATH FOR MR STEPHEN GATER

Note: Councillor A Barratt (Ward Councillor) and Mr G Allen (agent) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That subject to the following conditions:

1. In accordance with plans
2. Alterations to the rear elevation within 3 months
3. Garage hereby approved to be ancillary to main dwelling
4. Garaging at ground floor to be retained and not converted to living accommodation
5. Materials/paint colour to match existing dwelling

the application be APPROVED contrary to the planning officer's recommendation for refusal. In the opinion of the Committee, the visual impact on the street scene is acceptable and the changes in dimensions over the approved scheme are not so great as to justify refusal.

92 09/2323N ERECTION OF PROPOSED SILAGE CONTAINER BUILDING, HOLLY FARM, WOODHOUSE LANE, BUERTON, CREWE FOR MRS J. DODD

The Committee considered a report regarding the above planning application.

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

1. Standard Time
2. Materials as specified
3. Approved Plans
4. Landscaping to be submitted including the planting of 5 native trees along the eastern boundary of the building
5. Landscaping to be completed and maintained
6. Prior to any further works on the site taking place, the full details of the structural retaining wall alongside Woodhouse Lane, including any timescale for implementation, shall be agreed in writing with the LPA. The scheme shall be implemented in full accordance with those agreed details.

93 09/2569C SUBSTITUTION OF HOUSE TYPES ON PLOTS 7-24C AND AMENDMENTS TO EXISTING APPROVED SITE LAYOUT TO FACILITATE THE CREATION OF PLOTS 7-24C (INCREASE FROM 19 TO 40 DWELLINGS), PLOTS 7-24C THE KINGFISHERS FINNEYS LANE MIDDLEWICH FOR P E JONES (CONTRACTORS) LIMITED

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the prior completion of a Section 106 Agreement to ensure compliance with the requirements of previous agreements

and the following conditions:

1. Development to commence within five years
2. Development in accordance with submitted plans
3. Scheme for protected buffer zone around TPO trees to be submitted and approved prior to development
4. No development to commence until a detailed arboricultural method statement providing comprehensive details of construction works in relation to trees
5. No development shall commence until a management plan for the woodland W1 has been submitted to and approved in writing by the Local Planning Authority
6. Samples of materials to be submitted
7. Details of construction of roads and accesses to be submitted prior to development.
8. Scheme for the disposal of foul and surface water incorporating sustainable drainage systems to be submitted prior to development.
9. Scheme for archaeological works to be submitted prior to development
10. Scheme for landscaping to be submitted
11. Implementation of landscaping scheme

12. Removal of permitted development rights as described in Schedule 2, Part 1, Classes A and E.

The meeting commenced at 2.00 pm and concluded at 3.05 pm

Councillor B Dykes (Chairman)

Planning Reference No:	09/0481C
Application Address:	Oaklands Medical Centre, St Anns Walk, Middlewich, Cheshire, CW10 9FG
Proposal:	Relocation of existing floodlit all weather sports facility, demolition of existing Oaklands Medical Centre and the construction of 2 separate buildings comprising a two-storey dental facility with pharmacy and a three-storey medical centre with associated access and parking.
Applicant:	Mr Darren Oxley - Oakapple
Application Type:	Full
Ward:	Middlewich, Congleton
Earliest Determination Date:	17 July 2009
Expiry Dated:	16 August 2009
Date Report Prepared:	18 September 2009
Constraints:	None

SUMMARY RECOMMENDATION

APPROVE subject to conditions and the completion of a S106 Legal Agreement.

MAIN ISSUES

The key issues for Members to consider in determining this application are:

Principle of Development

Policy

Sustainability

Design

Amenity; a) noise; b) light; c) contamination

Highways & Parking

Ecology

Flood Risk

1 REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the site area is 1.53ha and is therefore a small-scale major development. The application was also deferred from the meeting on 7 October for a Committee site visit, and clarification on highway matters and phasing of the sports pitch.

2 DESCRIPTION OF SITE AND CONTEXT

The application site lies towards the south of Middlewich Town centre and is accessed off St Ann's Road, a small street serving the existing Oaklands Medical Centre as well as the Middlewich Leisure Centre and part of Middlewich County High School. The site comprises of an existing Astroturf football pitch belonging to and operated by the Middlewich High School as well as the existing Oaklands Medical Centre building and car park. The site also

includes a parcel of scrubland towards the east directly behind the site belonging to the former 'Niddries Coaches' on Lewin Street. The site includes 'White Horse Alley' to the north which provides a pedestrian link between Lewin Street, Civic Way and St Anns Road.

With regard to the surrounding development, the site is bounded by residential properties to the northeast and east while Bembridge Court retirement home and recreational grassed areas used by Middlewich High School bounds the site to the south. A car park associated with Middlewich High School and Leisure Centre bounds the site to the west. Beyond the immediate surrounds of the site, Middlewich High School and Leisure Centre and associated grounds including tennis courts are located to the west and Middlewich Medical Centre, the Wych Centre, Middlewich Fire Station and residential gardens of properties located on Civic Way and Queen Street are located beyond White Horse Alley to the north. Residential premises off Lewin Street are located beyond the open scrubland to the east with residential properties off Ventr Close, Bembridge Drive and Sandown Close located within proximity to the site to the south. Residential properties are also located beyond the existing school and leisure centre building on St. Anns Road.

3 DETAILS OF PROPOSAL

Full planning permission is sought for the relocation of an existing floodlit all weather sports facility, demolition of the existing Oaklands Medical Centre and the construction of 2 separate buildings comprising a two-storey dental facility with pharmacy and a part three-storey Primary Care medical centre with associated access and parking. The key underpinning aim of the proposal is to bring together key facilities and services on site to provide a central hub for healthcare within Middlewich.

As the proposed Primary Care building would occupy part of the existing Astroturf sports pitch, this loss would be compensated by shifting the pitch approximately 20 metres further to the east occupying what is at present vacant scrubland. The proposed 3 storey building would face south in the direction of the existing Leisure centre and car park. Additional car parking would extend across the frontage and would then turn 90-degrees wrapping around the side of the building. The site of the existing Oaklands Medical centre building would make way for the new 2 storey dental facility and additional car parking.

4 RELEVANT HISTORY

None

5 POLICIES

Regional Spatial Strategy (RSS)

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP 3 Promote Sustainable Economic Development

DP 4 Make the Best Use of Existing Resources and Infrastructure

DP 5 Manage Travel Demand; Reduce the Need to Travel

Local Plan Policy

PS4 Towns

GR1 New Development

GR2 Design
GR4 Landscaping
GR6&7 Amenity & Health
GR8 Pollution
GR9 Accessibility, servicing and parking provision
GR10 Managing Travel Needs
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpath, Bridleway and Cycleway Networks
GR17 Car Parking
GR18 Traffic Generation
GR19 Infrastructure
GR20 Public Utilities
GR21 Flood Prevention
NR1 Trees & Woodland
NR2 Wildlife & nature Conservation
RC1 Recreational Facilities
RC11 Community Uses

Other Material Considerations

PPS1 'Delivering Sustainable Development'
PPS9 'Biodiversity and Geological Conservation'
PPG13 'Transport'
PPG17 'Sport and Recreation'
PPS23 'Land Contamination'
PPG24 'Planning & Noise'
PPG25 'Development and Flood Risk'

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

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

6 CONSULTATIONS (External to Planning)

Environmental Health:

The Environmental Health Division recommends the imposition of conditions restricting hours of construction and piling, and limiting access by Heavy Goods Vehicles to day time hours as well as prohibiting overnight parking. EH also recommend a condition requiring the submission of a scheme to control the discharge of light emanating from the proposed sports pitch flood lighting.

With regards to land contamination, the submitted desktop study and phase 1 investigation satisfy the requirements of the planning process and as such no further investigation or remedial works are deemed necessary.

Strategic Highways Manager:

The Transport Assessment gives a comprehensive view of the development and offers trip rates which are agreed and provides traffic impact figures on the surrounding highway infrastructure to demonstrate junction performance and likely queue lengths due to traffic impact. The junctions immediately local to the site are shown to work within capacity, and the A54/A533 junction (St Michaels Way/Leadsmyth Street), is shown to receive small numbers of traffic in peak flow hours which fall substantially below the 5% threshold rendering them negligible in design terms. The Strategic Highways Manager has therefore concluded that the projected traffic impact is acceptable and will not have undue effect on queue lengths and capacity at existing junctions. Due to the fact that the proposed Primary Care Centre is to replace two existing facilities, it is acknowledged that some of the traffic generation from the new development is mitigated by traffic generated by the existing facilities already using the highway network.

Access and Parking Proposals

The Transport Assessment does suggest that there is capacity on the existing Civic Way car park which is close to and would support the proposed development. This is disputed as an option for parking, as Civic Way car park is observed to be well used and with the advent of parking charges by Cheshire East Council, it would be less attractive to people wishing to visit the proposed development. In any event, it is not considered acceptable that this development should rely on existing authority off-street parking facilities, especially where those parking facilities are limited.

Seemingly in response to this view, the applicants have recently provided, via their consultants, a revised layout for parking on the site that offers an increase in provision to a level seen to be acceptable for the development (Jefferson Sheard Drawing: Ref 4051 No. 2010 Rev E). On this basis the Strategic Highways Manager accepts the offered levels of parking (108 spaces + 5 driver with disability), however the plan quoted above shows a high degree of tandem spaces which are not readily available for regular parking use. This is not acceptable and an alternate parking layout should be proposed which provides parking at these offered levels but which is readily accessible.

General Layout/Design Issues

In terms of facility, this proposal for a Health Centre will bring together; 2 local doctors surgeries, a pharmacy, a dentist's surgery and the existing Primary Care Centre. This is seen by the Strategic Highways Manager as a positive development where sustainable travel and combined trips are considered, and supports the development in this respect. The use of White Horse Alley however, will be increased with this development and the need for quality pedestrian accessibility and confidence in security has not been addressed apparently, in the general design proposals for the site. There is also an issue, regarding the proposed development layout and its impact; good or otherwise, on the general site area and the cohesive qualities of the proposals considering neighbouring facilities and establishments.

Taking a broader, more holistic view, the Strategic Highways Manager would wish to express concern that the proposed layout and building positions do little to maintain a cohesive environment for school activities and actually break the firm link between the sports pitches and the school/leisure centre. These issues, together with a pedestrian link,

quality lighting and passive surveillance should be addressed and enhanced by the development layout, not diminished by it.

Conclusion

The Strategic Highways Manager has no objection to the proposed development subject to the Conditions and Informatives.

Senior Landscape & Tree Officer (SLO):

Trees

The submission includes a tree survey. Whilst none of the trees are subject to TPO protection, and the condition of certain specimens is poor, they are all visible to the public and contribute to the character of the area. The proposals would involve the loss of 10 trees, including 2 mature Oak trees located to the south of the car park to the existing medial centre, younger trees to the front and rear of the building and a mature Ash tree to the west of the existing sports pitch. The SLO has concerns that the proposed development requires the removal of so many trees, particularly trees which the applicant's tree survey indicates are healthy and assessed suitable for retention. Whilst replacement planting is proposed, it would take many years for new planting to mature and make a contribution to the landscape.

Hedgerow/scrub

The proposed development would require the removal of established sections of managed hedgerow to the south of the existing sports pitch and a longer, unmanaged length to the east. Areas of scrub would be removed from the eastern boundary of the site. Whilst replacement planting is proposed, the loss of these features would be regrettable.

Landscape

The relationship between the re-located sports pitch and the eastern elevation of the proposed medical centre is questionable. No details have been provided regarding fencing to the pitch. Assuming that the pitch will have ball secure fencing, probably higher than the existing, the outlook from the ground floor of the building to the fence with only approximately 4.5 metres separation could be poor. Indicative external works proposals including soft landscape works are indicated on the submitted plan (reference 4051 A-2150C). Should the development be deemed acceptable, the proposals are reasonable.

Nature Conservation Officer (NCO):

The submitted surveys are acceptable. Whilst the potential occasional presence of small numbers of bats cannot be entirely ruled out this is normal with surveys of this type. The NCO advises that the LPA now has sufficient information to be reasonably satisfied that the proposed development will not have a significant adverse impact upon either bats or barn owls.

Sport England (SE):

The proposal has potential to provide further investment in an existing sports facility which because of its age will require further investment. However, in order to ensure that the facility will be sustainable in the longer term, SE recommends that a management and maintenance regime is put in place to cover the longer term running costs. Also because the existing facility is used outside of school hours during the evenings and weekends, in

order to ensure continuity of use, it will be imperative that the replacement facility is completed prior to any development associated with the new medical centre taking place on the existing pitch. The application also offers the opportunity to formalise community use arrangements by way of a Community Use Agreement. Subject to these arrangements, the proposal would not result in the loss of a playing field and therefore SE raises no objection.

Environment Agency (EA):

No objection to the development. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Further recommendations relate to the planting of solely native species as part of the landscaping, Sustainable Urban Drainage Systems (SUDS), and the attachment of informatives regarding bats and breeding birds.

Police Architectural Liaison Officer:

Various recommendations are made with regard to the internal layout of the building with particular regard to the GP practise areas that will be accessible to members of the public. Further recommendations include providing a barrier on the staff car park and providing speed bumps to prevent vehicle antisocial behaviour and the installation of CCTV to provide surveillance over the vulnerable areas are the buildings.

United Utilities (UU):

UU has no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. UU recommends that surface water should discharge to the soakaway/watercourse/surface water sewer. If surface water is to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate.

7 VIEWS OF THE MIDDLEWICH TOWN COUNCIL

Middlewich Town Council supports the proposed development in principle subject to the following concerns being addressed:

- There is concern that there will be an impact on the amenities of adjoining properties, particularly Bembridge Drive and Court and Rosemount by reason of noise and light pollution. This could be resolved if it was possible to reduce the size of the pitch and/or undertake noise reduction measures around the site and install floodlighting which reduces the impact of light pollution compared with the lighting on the existing pitch.
- It is suggested that there should be a s106 agreement to provide the installation of noise reduction measures such as double glazing to those properties bordering on to the all weather pitch.
- It is considered that a reduction in the operating hours of the all weather pitch would be desirable to reduce the impact on neighbours.
- Clarification is needed with regards to the methods of security to be adopted for the all weather pitch in view of its new location which will be hidden by the proposed medical centre.

8 OTHER REPRESENTATIONS

Letters have been received from the Manager of the nearby Brembridge Court Sheltered Housing, the owner of the site of the former Niddries Coaches, and residents from Rosemount Court. The main issues raised are:

- Potential noise nuisance generated from the relocation of the sports pitch.
- Potential light pollution from the proposed floodlighting.
- Stray balls ending up in neighbouring gardens.
- Vandalism & anti-social behaviour
- The size of the pitch will larger than the existing one and close to neighbouring boundaries.
- People may be encouraged to take shortcuts from Bembridge Court through to the sports pitches.

9 APPLICANT'S SUPPORTING INFORMATION

A full package of supporting information has been submitted with the applications including, Design and Access Statement, Noise Impact Assessment, Transport Assessment, Various Letters of Support, Flood Risk Assessment, Floodlighting Assessment, Phase 1B Geo-Environmental Risk Assessment and Ecological Report.

10 OFFICER APPRAISAL

Principle of Development

Policy PS4 of the development states that there is a general presumption in favour of development within settlement zones lines of provided that it is in keeping with the town's scale and character and does not conflict with other relevant local plan policies. Any development on land which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance.

The proposal would facilitate the expansion of the existing Oaklands health care centre as well as the upgrade and improvement of the existing all weather sports pitch belonging to Middlewich High School. In land use terms therefore, the uses are already established. With regard to the intensification of the use, the amalgamation of the existing healthcare centres would provide a centralisation of existing services that can be already be found within the Town and this centralisation would bring wider community benefits and would help to reduce present inequalities in health care service provision which is an agenda promoted by RSS policy DP2.

Policy

Policy GR1 of the development plan states that all development will be expected to be of a high standard, to conserve and enhance the distinctive character of the surrounding area and not detract from its environmental quality, and to have regard to the principles of sustainable development.

Additionally Local Plan Policy GR2 states that planning permission for development will only be granted where the proposal satisfies the following design criteria:

1. the proposal is sympathetic to the character, appearance and form of the site and the surrounding area in terms of: the height, scale, form and grouping of the building(s); the choice of materials; external design features, including signage and street furniture; the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally;
- 2 where appropriate, the proposal provides for hard and soft landscaping as an integral part of the scheme which is satisfactory in terms of: the balance between the open space and built form of the development; the relationship of proposed areas of landscaping to the layout, setting and design of the development; the screening of adjoining uses; maximising opportunities for creating new wildlife/ nature conservation habitats where such features can reasonably be included as part of site layouts and landscaping works;
- 3 where appropriate, the proposal respects existing features and areas of nature conservation, historic, architectural and archaeological value and importance within the site;
- 4 where appropriate, the proposal incorporates measures to improve natural surveillance and reduce the risk of crime;
- 5 where appropriate, consideration is given to the use of public art and the creation of public spaces to benefit and enhance the development and the surrounding area; the proposal takes into account the need for energy conservation and efficiency by means of building type, orientation and layout, sustainable drainage systems and the use of landscaping.

The policy further lists a number of criteria which proposals will be assessed against including, inter alia, design, landscape, amenity, accessibility, servicing, parking provision and traffic generation. Proposals will only be permitted if considered to be acceptable in terms of these criteria.

Sustainability

The site is located within a sustainable location where it is within close walking distance of local services and public transport links serving the wider area. Most notably there is a nearby bus stop situated on Lewin Street that is serviced by regular busses carrying passengers from the nearby towns of Sandbach, Winsford, Northwich and Crewe as well as larger nearby villages such as Holmes Chapel. The site itself is well connected with existing pedestrian routes namely the White Horse Alley connecting Lewin Street with St Ann's walk intersected by links with Civic Way. Consequently, the site is well positioned in terms of its connectivity and accessibility and the proposal would promote use of the existing footpath network particularly the 'White Horse Alley' which at present appears underused.

Design

The proposed 3-storey medical centre building would be positioned side on to St Ann's Walk and would have a wide frontage spanning some metres to facilitate the relocation of the all weather sports pitch. Although the main building would be wide, the width of the frontage would be successfully broken up by staggering the building line with a number of projecting features. Moreover, this broken up massing would provide legibility and would help to define the main entrance area thereby drawing the eye to the focal point of the building. The use of differing materials and the general character and appearance of the building would help to provide a landmark building. Although the building would be 3-storey in part, the majority would be 2 storeys helping it sit comfortably within its surroundings whilst

respecting the surrounding opens spaces and achieving a sense of prominence that this civic building deserves.

The general character of the building would be carried through to the proposed dental facility by incorporating similar design features and materials as that proposed on the main healthcare centre building. However, owing to its modest size and two-storey form, the dental facility would be read as a secondary building and also its lower height and positioning would help provide a hierarchy and would provide a step down adjacent to the southern site boundary.

Following discussions with the agent and architect, the proposed dental facility has been rotated on its axis by 90-degrees so that the area in front of the building is more open and so that the building does not interrupt views of the main 3 storey healthcare centre. This has two benefits, the first that it allow the principal building to establish its dominance thereby increasing view of its and making it more legible for the user, and secondly, the additional space has opened up the pedestrianised areas allowing for greater permeability.

Trees & Landscaping

The proposals would involve the loss of 10 trees, including 2 mature Oak trees located to the south of the car park to the existing medial centre, younger trees to the front and rear of the building and a mature Ash tree to the west of the existing sports pitch. Whilst none of the trees are subject to TPO protection, and the condition of certain specimens is poor, they are all visible to the public and contribute to the character of the area.

The relationship between the re-located sports pitch and the eastern elevation of the proposed medical centre is close. Assuming that the pitch will have ball secure fencing, probably higher than the existing, the outlook from the ground floor of the building to the fence with only approximately 4.5 metres separation could be poor. Nevertheless, on balance and after careful consideration, the harm in terms of nature conservation and public amenity would be outweighed by the community benefits resulting from a new healthcare facility and football pitch. However, conditions are recommended, including the submission, approval and implementation of a tree protection scheme as well as further details of landscaping including provision of replacement planting for those specimens to be removed.

Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight and visual intrusion.

With regard to the issue of residential amenity, the site is surrounded by residential premises to the northeast, east and the south. Distances in excess of the recommended 21.3m, advocated in Supplementary Planning Guidance Note 2 will be maintained between the proposed buildings and all of the neighbouring dwellings, and therefore any impact on privacy or sunlight would not be sufficient to justify a refusal. With regard to noise and light generated from the proposed relocation of the sports pitches, neighbours have expressed concern.

Noise

Given that there is an existing sports facility on the site, it is not considered that the proposed use would give rise to further material harm by reason of noise. Whilst the pitch is being moved slightly closer to some residential properties, the distances would not be significantly different from those that already exist. However, it is suggested that the hours of use are conditioned to prevent any undue harm late in the evenings. The Environmental Health Officer has examined the application including the noise impact assessment that was submitted more recently. In the absence of any objection, it is not considered that the existing noises levels would be exacerbated to a degree that would cause a significant reduction in the amenities currently afforded to the nearest residential uses.

Middlewich Town Council are generally supportive of the principle of the proposed development, however, they have suggested the use of a legal agreement or conditions aimed at securing the installation of double-glazing within the residential properties bordering the site to help attenuate any noise generated from the sports pitches. Whilst such measures can be implemented where *new* residential uses are being introduced within close proximity to uses generating noise, national planning policy advises that it is unreasonable to do so. "This is because the planning system can be used to impose conditions to protect incoming residential development from an existing noise source but, in general, developers are under no statutory obligation to offer noise protection measures to *existing dwellings* which will be affected by a proposed new noise source. Moreover, there would be no obligation on individuals with an interest in each dwelling affected to take up such an offer, and therefore no guarantee that all necessary noise protection measures would be put in place" (PPG24 Annex 1). In effect as the dwellings already exist, it would not be sustainable to impose conditions/legal agreement to require works to be done to those existing dwellings. The impact of the new pitch itself must be considered, and where appropriate controlled, having regard to those dwellings as is.

Light

The application is accompanied by a light impact assessment. Whilst this demonstrates that the light spillage from the proposed flood lighting will not exceed 5 lux at the rear of the nearest neighbouring dwellings and 50 lux for the adjacent Bembridge Court, conditions requiring a scheme to be submitted to further reduce this spillage could offer betterment over those levels proposed and the levels generated from the existing floodlighting. The Environmental Officer has viewed the application and has no objections to the lighting proposals subject to conditions aimed at minimising light spillage. These would specify the angle and position of lights to ensure no light spillage (zero lux) and the use of asymmetrical beams. Subject to conditions, the light emanating from the pitch could be controlled to reduce and improve existing levels.

Contamination

The contaminated land survey submitted with the application identified that a number of contaminants exist on the site. It confirms however that none of the levels identified exceed the thresholds within the CLEA guidelines before making a number of recommendations as to possible options for remediation. Following an assessment of this document, Environmental Health has confirmed that subject to the imposition of a condition to secure further information, they have no objection to the proposed development. It is therefore considered that the proposed development can satisfy the requirements of PPS23 'Planning and Pollution Control' along with local plan policy GR7.

Highways & Parking

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The site would be accessed via St Ann's Walk and would support the access and vehicle movements associated with the proposed health care centre, dental facility and pharmacy. In terms of capacity, the Transport Assessment demonstrates that the junctions near to the site and the A54/A533 junction (St Michaels Way/Leadsmyth Street) would receive small numbers of traffic in peak flow hours. The Strategic Highways Manager has therefore concluded that the projected traffic impact is acceptable and will not have undue effect on queue lengths and capacity at existing junctions. It is also important to note that some of the traffic generation from the new development is mitigated by traffic generated by the existing facilities already using the highway network within the Town.

Following concerns regarding the provision of parking, and the applicant's assertion that the local Civic Way car park could be relied on as providing additional parking, a revised parking layout has been received. The offered levels of on-site parking shown by the revised layout would deliver 108 spaces plus 5 disabled bays. The Strategic Highways Manager considers this level of provision to be acceptable for the development; however, the revised layout shows a high degree of tandem spaces which are not readily available for regular parking use. As such, Highways have recommended a condition be imposed requiring submission of revised car parking layout to show the provisions already identified (i.e. 108 spaces plus 5 disabled). It is clearly not an ideal situation to have tandem spaces, and represents a compromise to provide the desired number of spaces within what is a constrained site. It has however been indicated that the tandem spaces will be used solely for staff, which has been accepted by the practices and the PCT. Therefore, while a condition can be imposed to see if further tweaking can be achieved to the parking layout, Members should be aware that it may not change significantly from what has been proposed.

Turning to the requirements of pedestrians, as previously discussed the site is well connected with 'White Horse Alley'. Given that the proposed development would increase the number of users along this local footpath network, the highways division requires improvement works to be carried out to this network of paths. Having regard to the scale of development, and the increased demand that would be placed on White Horse Alley, it is considered that this would meet the tests of Circular 11/1995. Although concern has been expressed locally about the existing nature of White Horse Alley, it is considered that the improvements proposed (lighting, resurfacing and tidying/pruning of hedgerows) could offer significant benefits and make the path more user-friendly.

Elsewhere, the proposal includes two areas of cycle storage, the first directly in front (east) of the dental/pharmacy building and the second on the opposite of White Horse Alley alongside the north side elevation of the main health care centre. Whilst the latter cycle storage would be sensitively sited, the storage area proposed directly in front of the dental facility would impede pedestrian flow and would present make movement towards through the site towards the entrance of the main health care centre building less direct and potentially hazardous to those with mobility problems (i.e. wheelchair users, partially sighted etc.). Nonetheless, the positions of the cycle storage could be secured by condition.

Ecology

In view of the fact that the development would involve demolition, the removal of some trees specimens and scrubland, the existence of protected species needs consideration. In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted.

In an initial survey, the ecologist identified few habitats of priority interest on site and suggested that the loss of habitats such as scrub and hedges could be mitigated. Nonetheless, the report stated that it was not possible to determine the ecological value of the site, without further survey. In response to these conclusions, further surveys have been carried out and reported to the Council's Ecological Officer. The findings confirm that none of the trees or buildings to be removed support bat species or other species protected by law. However, some of the features of the building exhibited ideal potentially for supporting such species and as such precautionary recommendations are made. Subject to these being implemented, the requirements of PPS9 and the EC Habitats Directive are satisfied.

Flood Risk

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. Based on the information provided in the report it appears that the risk of flooding and the risk to controlled waters are low. The environmental setting of the site appears to be of low sensitivity with the underlying geology designated as non-aquifer. On this basis the Environment Agency raises no objections and it is considered that the proposal adequately addresses Flood Risk.

Phasing of Development

Understandably concerns have been raised about the phasing and timing of the development, and particularly the need to minimise the loss of the sports facility during construction. The developers have advised that as part of the land contract there will be an obligation for them to complete the pitch within 15 weeks of commencement of works on the site. However, the land contract is a completely separate matter from consideration of planning matters. Notwithstanding this, it is considered that a 'Grampian' condition can be imposed on any approval to ensure that prior to any work commencing on site that a scheme for the phasing of the development is submitted to and agreed with the Local Planning Authority. This will require the new sports pitch to be completed within the first element of the development thereby minimising the time that it is not available for use.

11 CONCLUSIONS

The proposed development does include some compromises as highlighted above. However, it should be noted that development would facilitate the amalgamation of 3 existing healthcare centres into one new modern facility and the provision of a new sports pitch. Both these would replace poor/ageing facilities with a development that would provide significant benefit to the local community. The scheme therefore would help to promote the health and educational interests of Middlewich and as such would bring wider community benefit. Whilst other parcels of land could be incorporated into the site area to provide a better relationship between the proposed sports facility and the health care centre building, these sites are not available and cannot be delivered. More generally there are no other suitable or alternative sites available within Middlewich, and as such the proposed

development and the proposed site is the most effective solution to providing this new state of the art facility.

With regard to other material considerations, the design of the buildings would sit comfortably within their surroundings in terms of their scale and would help to create their own civic identity through its pavilion style and distinctive elevational treatment. The impact on neighbouring residential properties by reason of light and noise pollution would not be significantly increased and could be minimised through the use of appropriate conditions. The site is accessible by a choice of means of transport and is in a sustainable location.

Taking all of the above into account, the scheme is deemed to be acceptable and in compliance with relevant development plan policies, regional and national policies and therefore Members are recommended to approve this application.

12 RECOMMENDATION

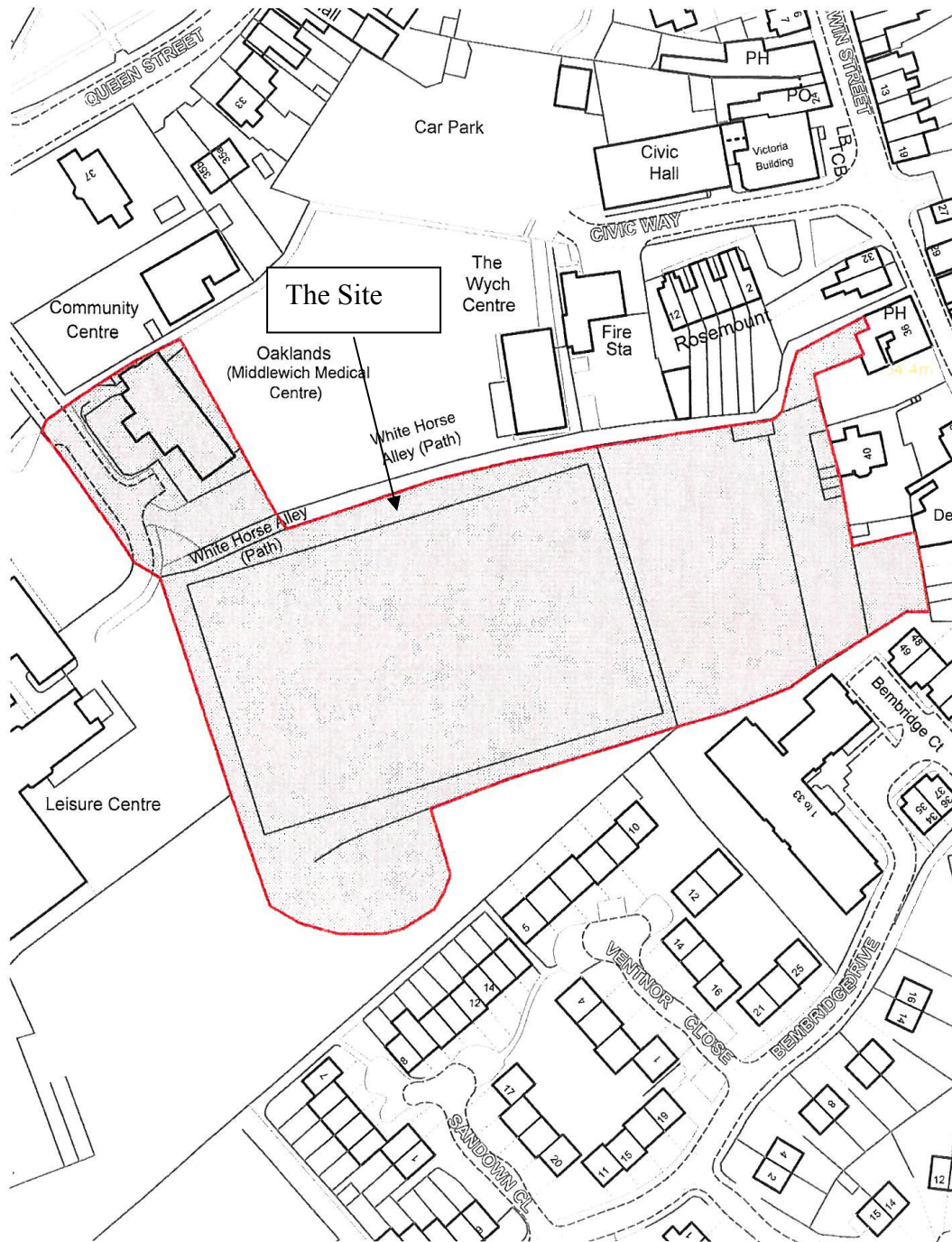
APPROVE subject conditions and to the prior completion of a S106 legal agreement to secure £2000 for local traffic management issues arising from the increased use of St Ann's Walk and to support the decriminalised parking initiatives.

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved/amended plans**
- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for**
 - the parking of vehicles of site operatives and visitors**
 - loading and unloading of plant and materials**
 - storage of plant and materials used in constructing the development**
 - the erection and maintenance of security hoarding**
 - measures to control the emission of dust and dirt during construction**
 - a scheme for recycling/disposing of waste resulting from demolition and construction works**
- 4. Prior to the commencement of any works on site a scheme for the phasing and timescales of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the new floodlit all weather sports facility (including surfacing, lighting and fencing) is constructed, completed and available for use within the first phase of development prior to first occupation of the dental facility/medical centre buildings. The scheme shall be implemented in full accordance with the approved details.**
- 5. Submission / approval and implementation of finished ground, floor and road levels, including cross sections and longitudinal sections.**
- 6 Submission / approval and implementation of suite of detailed design drawings for the proposed access and parking layouts, to be approved by the LPA. Parking provision will be provided at the levels offered on the Jefferson Sheard Drawing: Ref 4051 No. 2010 Rev E, though with a fully accessible layout and retained thereafter.**
- 7. Submission / approval and implementation of Scheme of Improvement works to be carried out to 'White Horse Alley' pursuant to condition no. 3.**
- 8. Submission / approval / implementation of removable bollards / gates to prevent unauthorised access to parking areas outside centre opening hours**

9. Submission / approval / implementation of design and position of cycle racks. Racks to be made available prior to first use of the buildings in accordance with the scheme of phasing to be agreed pursuant to condition no 3.
10. Submission / approval / implementation of any proposed CCTV installation
11. Submission / approval / implementation of details of landscaping to include replacement planting (Including replacements for 5 years and management method statement.
12. Submission / approval / implementation of scheme of tree protection measures during construction
13. Submission / approval / implementation of details of boundary treatments including gates and ball secure fencing, retaining walls.
14. Submission / approval / implementation of scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise.
15. Submission / approval / implementation of scheme of flood lighting detailing positions, angle of lights, type of beam, and zero lux spillage unless any variation is agreed.
16. Submission / approval / implementation of materials samples including surfacing of hardstandings.
17. Submission / approval / implementation of Sustainable Urban Drainage System (SUDS).
18. Submission / approval / implementation of refuse storage facilities.
19. Site to be drained on a separate system with only foul drainage connected into foul sewer
20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
21. Protection from noise during construction - hours of construction limited to:
Monday – Friday 08:00 hrs 18:00 hrs
Saturday 09:00 hrs 13:00 hrs
With no Sunday or Bank Holiday working.
22. Protection from Pile Driving – hours limited to:
Monday – Friday 08:30 hrs – 17:30 hrs
Saturday 09:30 hrs – 12:30 hrs
With no Sunday or Bank Holiday working.
23. No deliveries during construction shall be taken at or despatched from the site outside the hours of 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday. Therefore prohibiting overnight parking and early morning deliveries so reducing any unnecessary disturbance.
24. Hours of operation for all weather pitch shall be restricted to 8am-10pm Monday to Friday and 9am to 6pm Saturday, Sunday and Bank Holidays.
25. The roof void of the existing buildings to be removed shall be inspected during the removal of the roof coverings to check for the presence of any bat species by an ecologist with a Natural England bat survey licence. If bats are found at any stage of the work, then all works shall cease immediately and a scheme for their protection shall be submitted to the Local Planning Authority. The scheme shall include provisions for the timing of the approved development works, measures for the protection of bats during development and for the retention of the existing or the provision of an alternative habitat. The scheme will remain subject to the written approval of the Local Planning Authority. The approved scheme shall be

implemented in accordance with the approved details prior to any further works being carried out.

LOCATION PLAN: Cheshire East Council Licence No. 100049045



Planning Reference No:	09/1037N
Application Address:	Oakhanger Equestrian Centre, Holmshaw Lane, Oakhanger, Nr Crewe, Cheshire, CW1 5XE
Proposal:	1. Existing: Removal of Six Temporary Stables in Yellow Tented Structure (Area A) 2. Existing: Retrospective Detailed Planning Consent for Existing Three Stables Set Within Green Painted Steel Framed Lean To Building (Area B) 3. Proposed: Erection of Three New Stables in New Steel Framed Lean To Extension Building (Area C) 4. Proposed: Change of Use of Existing Implement Store at the Rear of Existing Steel Frame Building to Form Three New Stables (Area D) 5. Proposed: Erection of Three Isolation/Quarantine Stables (Area E) 6. Proposed: Erection of New Haystore in Form of a New Lean To Structure 10.7 x 15.24 Metres Extension Attached to the East Side of Existing Steel Frame Building (Area F)
Applicant:	Mr G O' Shea, Oakhanger Equestrian Centre, Holmshaw Lane, Oakhanger
Application Type:	Full
Grid Reference:	376346 354864
Ward:	Doddington
Earliest Determination Date:	3rd September 2009
Expiry Dated:	16th June 2009
Date of Officer's Site Visit:	30th July 2009
Date Report Prepared:	4th November 2009
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

Impact of the development on

- Principle of the development in open countryside
- Impact on landscape character and appearance of the area
- Impact upon highway safety
- Impact upon amenity of adjacent properties
- Impact upon water environment

1. REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the application has been called in by Cllr Walker due to concerns about the impact of the

development on neighbouring amenity and highway safety due to increased vehicle movements.

2. DESCRIPTION OF SITE AND CONTEXT

The site is located in open countryside and is accessed via a single track country lane. The site is used as a livery stables and riding centre. The site comprises a range of buildings including stables, covered riding area with attached "lean-to" messing facility, owners dwelling and separate groom's accommodation. In addition the site consists of outdoor manures and a horse walker together with areas of hardstanding including land to the east which was used as a vehicle parking area. In addition part of an approved stable building has been converted into a workshop which the owner states is used for maintenance and repair of items and vehicles associated with the centre. Finally a tented stable block has been erected to the east of the main building the subject of this application.

3. DETAILS OF PROPOSAL

The proposal comprises several elements and is in part retrospective. The proposal involves the creation of three new stables in an area described by the applicant as an implement store on the attached plans. The scheme also involves the erection of three new build isolation/quarantine stables and the extension of an existing building to form a further three stables and the extension of the same building to form a hay/implement store. In addition the applicant also seeks retrospective permission for an extension to an existing building which currently accommodates 3 stables and also for the change of use of part of an area of previously unused land which was subsequently constructed as a vehicle parking area. The applicant now seeks to retain a reduced area of this as hardstanding to allow its use to access the proposed hay/implement store. Lastly the applicant has included details of a recently constructed hay store close to the southern boundary of the site.

The proposed additional built form is largely contained to an existing brick and green sheet clad building located adjacent to the northern boundary of the site. The proposed extensions to this building would tie into the existing eaves and in the case of the additional stables would infill an area some 6.1m x 13.7m on the western side of the building. The eastern side of the building would be extended with a lean to measuring 11m x 13.7m and would be set back from the northern elevation of the building by some 9m. The proposed isolation/quarantine stables would be positioned to the west of the existing stable building and would measure 12.1m x 4.8m with a further canopy extending the building's width to approximately 6.3m. This building would have a monopitch roof with a maximum height of 2.5m. The extensions to the existing building would be finished in dark green profile sheeting to match the existing building. However, the applicant proposes to construct the isolation/quarantine stables in white painted rendered blockwork. Finally the additional haystore is located close to the southern boundary of the site and measures 9.4m x 4.42m with a maximum roof height of 3.45m. This hay store is constructed from timber posts and has a grey metal profile sheet roof. This building is open fronted and its rear elevation is part filled in with solid plywood panel.

4. RELEVANT HISTORY

P99/0520 – 19 Replacement and 7 additional stables, 26 stables and tack room and feed store. Approved 14th October 1999

P02/1076 – Manege Area. Approved 10th December 2002

P05/0326 – Single storey steel framed hay/implement store. Approved 26th April 2005

P05/1127 – Hay and Implement Store (re-submission of P05/0326). Approved 13th October 2005

P05/1567 – Retrospective application for 7 stables, tack room and horse shower with hay store. Change of use of agricultural land to garden, proposed car parking and horse manege. Withdrawn 31st January 2006

P06/0480 – The removal of topsoil and importation of hardcore to create a vehicle parking area. Refused 12th October 2006.

Enforcement notice number 277 was issued on the 7th March 2006 to require the cessation of use of land as a car park and removal of all hardcore used to construct the car park and re-instatement of land to its former condition. An appeal was lodged against the enforcement notice and was subsequently dismissed on the 18th October 2006

P07/0180 – Engineering operations to enable use of land as a field. Approved 8th January 2008. Appeal made against condition preventing use of land for storing/parking vehicles. This was subsequently dismissed on 11th December 2008.

P07/0182 – Change of use of part of existing building to stables and retention of Olympic manege. Approved 9th January 2008. Appeal made against condition preventing use of land for equestrian events, gymkhanas or other similar competitions. This was subsequently dismissed on 11th December 2008.

Breach of condition enforcement notice number 286 was issued on the 14th July 2008 to require the cessation of the use of the land for the maintenance/adaptation of motor vehicles or other engineering work. An appeal was lodged against this notice and was subsequently dismissed on the 3rd December 2008.

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

RSS

DP.7 (Promote Environmental Quality)

RDF.2 (Rural Areas)

MCR.4 (South Cheshire)

Local Plan Policy

NE.2 (Open Countryside)

NE.17 (Pollution Control)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
E.6 (Employment Development within Open Countryside)
RT.6 (Recreational Uses in the Open Countryside)

Other Material Considerations

PPS.1 (Delivering Sustainable Development)
PPS.7 (Sustainable Development in Rural Areas)
PPG.13 (Transport)
PPG.17 (Planning for Open Space, Sport and Recreation)

6. CONSULTATIONS (External to Planning)

Highways:

- Holmshaw Lane is very narrow with poor forward visibility and few passing places. Larger vehicles find it difficult to pass others due to the nature of the lane
- Any significant increase in vehicular movements of any size will have a negative impact along Holmshaw Lane and increase the potential risk of collisions
- This application will generate an increase of 3 members of staff, providing that this will be the only increase in vehicular movements at this location the highways authority has no objections
- Is it possible to condition this application with a view to restricting vehicular movements?

Comments on amended plans (addition of hay store):

- No objections

Environmental Health:

Do not object to the application

Public Rights of Way:

- Property is adjacent to public footpath Haslington No.47
- Appears unlikely that the proposal would affect the public right of way
- Advice note should be attached to any planning consent to ensure that developers are made aware of their obligations

7. VIEWS OF THE PARISH COUNCIL

Concerned that the application documents are neither complete nor up to date e.g. the highway report uses data from March 2006 which does not address the impact of the additional traffic to the Haslington Hall Conference and Wedding Centre which shares the access road and does not address the impact on the safety of users of public footpath 47.

The satnav route to Haslington Hall from the M6 directs traffic through Oakhanger and Holmshaw Lane. The proposals for the site appear to be over intensive and not sustainable, the density of buildings and lack of external grazing within the site raise concerns about animal welfare.

The access road to the site is predominantly single track with poor visibility. The site already appears to be used more intensely than is covered by valid planning consents.

Request that the application be refused due to concerns that the development is contrary to BE1 Amenity as it adversely affects the neighbouring properties with visually intrusive buildings in an area of open countryside together with dangerous levels of road traffic. The proposals contribute to the over-development of a constrained equestrian site to the detriment of the neighbouring community.

8. OTHER REPRESENTATIONS

Objections received from the occupiers of Oak Cottage, Holmshaw Lane; Greenfields, Holmshaw Lane; Rose Bank Cottage, Holmshaw Lane; Frogmere, Taylors Lane, Moss House Farm, Taylors Lane, Oakhanger

Main concerns are as follows:

- Existing building is an eyesore and any further development will make the site look like an industrial estate
- Holmshaw Lane is already overloaded with traffic and further stables will mean more vehicles
- Single track lanes and verges are already ruined
- Dangerous levels of traffic on Holmshaw Lane as existing
- Existing tented stables have been erected in breach of planning
- Implement store is used as a vehicle workshop
- Liquid effluent will be disposed of on the adjacent land
- Traffic will be generated by deliveries and disposal of manure
- Large horse pens would accommodate more horses and could include livery
- Building has continued during the application without issuing a stop order
- Additional hay store is some 100 metres away from the new stabling
- Equestrian centre has very little open pasture for grazing and horses are bussed to and from locations nearby. This creates multiple journeys and environmental impacts of these should be considered
- Site can be used as livery
- Additional fluid waste and pollution onto adjacent land
- Developments have created a precedent for allowing other businesses along Holmshaw Lane
- Substantial increase in noise disturbance to adjacent properties
- Large amount of airborne dust from the equestrian centre already
- More pressure on existing communities as business has outgrown the site
- No benefit to the local community. Jobs cannot be guaranteed and this is a poor exchange for the loss of green way of life
- Detrimental impact on house prices and quality of life
- No screening has been installed for the existing building
- Previous breaches of planning control at the site
- the proposed application is not necessarily limited to the claimed equestrian use but to accommodate expansion of the vehicle engineering business on the site
- Application should be refused and appropriate enforcement action taken where necessary
- Indoor school, the stables and small ménage are now under separate management
- Adjoining residential building occupied by the former proprietors is subject to an agricultural/business condition that would now require re-addressing in light of the changes of ownership

- Given the current business activity on the remaining site which is based around vehicle conversion and engineering, it would be difficult for the residential building to be occupied under the previous planning condition
- Proposals will bring the built form closer to the boundary with the adjacent residential property and will further expand a large building which is already beyond the original dimensions and not in its intended position dominating the skyline
- Any further development will overwhelm the adjacent property at Greenfields
- Approval of other such developments in the neighbourhood has created a precedent allowing other businesses of such heavy industrial nature to follow into the area and on to the site affecting environment and quality of life
- The Council has to follow its legal obligations in terms of outstanding enforcement and prevent any further developments on this site
- Updated land registry records indicate a significant proportion of the driveway access from Homshaw Lane to the Oakhanger Equestrian Centre is within the boundary of the property at Greenfields
- Correct southern boundary to Greenfields is from a point in the centre of the existing driveway opening then travelling in an easterly direction for a distance of eighty five feet before curving back to the existing boundary of Greenfields
- Subject to the correct boundary being re-established, the vehicular access to the equestrian centre site and all the businesses operating at the site will be severely restricted
- It is possible that no large vehicular traffic will be able to access the site from the Crewe direction along Holmshaw Lane and will have to approach from the Alsager direction putting further strain on the narrowest part of Holmshaw Lane
- It is debatable that safe and acceptable vehicular access will remain to the site from the Alsager direction to the equestrian Centre due to a previous extension constructed
- the Council has placed significant consideration on safe and reasonable access along, to and from Holmshaw Lane in both directions for previous planning applications at the site
- The site access to the equestrian centre will be compromised by the legal re-establishment of the correct southern boundaries to Greenfields
- In light of the above information all planning applications for the businesses at the equestrian centre should be refused on the basis of insufficient vehicular access
- Previous permissions have been based upon wrongly submitted information and these may now have to be reviewed.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Prepared by Peter Young Architect received 22nd April 2009)

Main points are:-

- Proposal seeks to eliminate the temporary six stables in the yellow tented structure and re-distribute these in two areas
- The Isolation/Quarantine stables would only be used for the care and rehabilitation of sick or infectious animals
- Not envisaged that this application will put a significant increase in the vehicular traffic using Holmshaw Lane beyond that which has existed for the past three or four years
- There has been no change in vehicular traffic entering and leaving the site since the traffic report provided by a traffic consultant last year
- Stables will be used for show jumping horses and not for livery purposes for the general public

- The proposal has no impact on the existing provision for parking within the site curtilage. There are presently three full time members of staff and six part time staff which will not be affected by the proposal
- The integration of the hay store, the removal of extraneous tanks and temporary structures and toilet block will give a massive overall environmental improvement to the site

Transport Statement: Prepared by Singleton Clamp & Partners – Consulting Engineers and Transportation Planners dated May 2009.

Main points are:-

- It is important to note that the stables will not be used for livery which would have been anticipated to attract traffic movements on a daily basis
- Width of Holmshaw Lane varies but it is generally of single track width. The width of verges also varies and there are a number of informal passing bays along its length
- Traffic survey was carried out at the site access on 9th March 2006 to determine the peak hour traffic flows on the local highway network
- The maximum traffic flows along Holmshaw Lane equates to around 1 vehicle per 3 minutes on average during 1600-1700 hrs
- The recorded flows represent the current level of flow on the lane and that Holmshaw Lane is lightly trafficked
- The proposals will not be used by the general public as the stables will not be used for livery purposes
- It is envisaged that the existing staffing levels on the site would be unlikely to alter although there is some scope in the future to require 1 additional groom
- As a worst case scenario there is potential for the application proposals to add 2 vehicular movements to Holmshaw Lane on a daily basis, with 1 inbound movement during the am peak and 1 outbound movement during the pm peak
- The anticipated worst case increase in flow would be unlikely to have any material impact upon Holmshaw Lane and indeed it is considered that the additional peak hour movement would be unlikely to be noticed by the casual bystander
- The additional traffic associated with the application proposals can be safely accommodated on the local highway network and therefore there can be no overriding highway objections to the application proposals

Letter from agent dated 2nd November 2009:

- Irrespective of transfer of ownership of land for the oakhanger riding school the applicant has always maintained his rights of unlimited access to the centre from Holmshaw Lane. Boundary information is referred to on the land registry title document no CH 394876.

10. OFFICER APPRAISAL

Principle of Development

The site lies outside a settlement boundary and is therefore defined as open countryside. Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 permits development essential for outdoor recreation within open countryside. Policy RT.6 (Recreational Uses in Open Countryside) of the Local Plan permits such uses provided that a series of criteria are met. These include, inter alia, that they do not harm the character or appearance of the countryside, that access roads are

suitable for the likely traffic generation, adequate car parking is provided, they can be integrated with other visitor attractions and that they can be accessed by a range of means of transport. The policy also requires that wherever possible, existing buildings should be re-used and that any new buildings should be sited close to existing buildings and should blend into the landscape.

The overarching national planning guidance is set out in PPS.7 and at paragraph 16 states that Local Planning Authorities (LPAs) should support other countryside-based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside. Paragraph 34 recognises that tourism and leisure activities can sustain many rural businesses, are a source of employment and help to support the prosperity of country towns and villages. The guidance states that local planning policies should be supportive of sustainable rural tourism and leisure which enrich but do not harm the character of the countryside. It goes on to advise that large scale tourism and leisure proposals should be carefully weighed up in terms of their advantages and disadvantages and that advice in PPG.13 should be followed in cases where high volumes of traffic may be generated. This also states that appropriate facilities should be allowed providing they do not detract from the attractiveness of the surrounding countryside. At paragraph 36 PPS.7 states that facilities requiring new buildings may be justified where they are required in conjunction with a particular countryside attraction and that there are no suitable existing buildings or developed sites available for re-use.

Paragraph 26 of PPG.17 provides further guidance in considering recreational proposals in rural areas and states that developments likely to attract large numbers of participants or spectators should be located in or on the edge of country towns. It also states that special justification is required if they are to be located in open countryside, although proposals for farm diversification should be given favourable consideration. Finally it states that all proposals should be designed and sited with great care and sensitivity to its rural location.

Relevant policies within the RSS also provide support for a more diverse economic base in rural areas and state that exceptionally development will be permitted in open countryside where its location cannot be accommodated elsewhere.

With this policy background it is considered that the principle of the proposed stabling development is acceptable in this location although further detailed assessment of the impact upon the character of the area, highway safety and neighbouring amenities is required.

Impact on landscape character

A public footpath (FP Haslington 47) runs through the site although the proposed development is unlikely to affect this route. A condition can be attached to ensure that the route of the right of way remains unaffected by the proposed development. The site comprises a range of existing buildings and is visible from the surrounding area although there are trees and hedgerows in adjacent fields which provide some screening of the site. However the easternmost part of the site is relatively open and comprises a ménage and paddock area. The majority of the existing and proposed buildings on the site are located in clusters. The proposed stabling would be located close to the existing built form and in the case of the proposed quarantine stables would be located in a small hardstanding area between the existing building and the rear curtilage boundary to the adjacent

residential property at Greenfields. Subject to the use of materials to match the existing built form it is not considered that the current proposal would result in an unacceptable visual impact upon the character and appearance of the area.

Highway Impacts

A key consideration in determining this application is the impact upon the local highway network arising from any additional traffic movements that would be generated by the development. The site is accessed via Holmshaw Lane which is a narrow mainly single track rural road and it is evident that verges are used as informal passing places.

The impact of traffic generated by the centre upon the local highway network has been considered as part of earlier planning proposals and including as part of the enforcement notice appeal for an earlier vehicle parking area which was constructed in order to enable the site to host organised horse shows. In that case the appeal Inspector concluded that the intensification of traffic arising from advertised horse shows had an unacceptable impact on traffic conditions in the locality. Considerable weight was attached to the concentrations of traffic movements from the horse shows with large numbers of vehicles arriving in peaks during the arrival and departure times. Accordingly the Inspector dismissed the appeal but also considered that the use of the centre for riding school livery purposes was not objectionable on traffic grounds.

The current proposal mainly comprises additional stabling and the applicant intends to stable private horses which will be trained at the centre by the applicant's partner. On this basis the additional stabling has been estimated to result in modest increases in vehicular movement to and from the site beyond that currently authorised. This is not considered to be a material increase in traffic generation from the site and whilst the limitations and condition of Holmshaw Lane is noted it is not considered that the development would give rise to grounds to refuse the application. The Parish Council have referred to other traffic generators along Holmshaw Lane including at the nearby Haslington Hall which has planning permission to host weddings and conferences. This is noted although again it is important to consider the minimal likely additional traffic generated by this current proposal and on this basis would not be reasonable to refuse the proposal. This is re-inforced by the earlier appeal inspectors conclusions in regard to the use of the site for riding school and livery purposes not giving rise to objection on traffic grounds (as traffic movement would be dispersed).

The Highway Authority have queried whether it is possible to attach a condition to restrict additional vehicular movements from the site. However, such a condition would not be enforceable and in any event any future developments would require the submission of further planning applications which would then need to be considered on their own merits.

Amenity

The application site is not located within a built up area although there are residential properties that adjoin the site and others located nearby. Concerns have been expressed in regard to the impact of further development at this site upon the amenity of the occupiers of these residential properties. It is pertinent to mention that the site has been subject to considerable enforcement investigations which in recent years have followed complaints regarding unlawful engineering/vehicle repairs taking place in part of the existing building adjacent to the rear of the property at Greenfields. Notwithstanding these investigations it is important that each proposal relating to this site are considered on their

own merits and in this case the applicant is seeking permission for additional stabling and also hay/implement store. The owner has been questioned in regard to the potential use of any part of the proposed development for engineering/repair works and has stated that any such works would be incidental to the operation of the centre and not as a separate commercial activity. The owner has stated that the proposed hay/implement store may also be used for such works.

A key issue in the enforcement investigations has been whether it is possible to take enforcement action against vehicle repairs/engineering activity on the site and a condition was attached onto the earlier permission for the existing building which sought to prevent vehicle repairs/engineering activity within that part of the building. However, following the service of a breach of condition enforcement notice against the carrying out of vehicle repairs the site owner appealed the notice on ground C (that the breach had not occurred). The Inspector dismissed the appeal although his report cast some doubt on the ability to enforce against engineering activity that was incidental to the centre. Legal advice was subsequently obtained from Counsel which confirmed that the condition restricting vehicle repairs can only be enforced if it is evidenced that there is a separate business activity taking place (amounting to a material change of use). If the owner is carrying out works ancillary to the main use as an equestrian centre (e.g. repairing fences or horse boxes operated by the centre) this would not amount to a material change of use.

The proposed use of the hay/implement store (labelled area F on the site plan) for ancillary repairs would be an improved position in regard to the proximity to existing residential properties than the existing facility which faces towards the property at Greenfields. The position of the proposed hay/implement store would be screened from the nearest residential property by the existing building and accordingly any noise generated within this part of the building would be shielded from the adjacent property. Notwithstanding this, following the applicants statement regarding the potential use of this part of the building it is considered reasonable to require this part of the building to be noise insulated to ensure that any noise impacts are reduced both in terms of the nearest residential property and also other properties to the south and east of the site.

The additional stabling would largely be contained within the extended part of the building and there would not be any openings into this building on the elevation facing towards the nearest residential property at Greenfields. Additionally the proposed quarantine stables comprise three boxes and although situated close to the rear boundary of the adjacent property it is not considered that the activity associated with this would result in undue noise and disturbance to the adjacent property. The Environmental Health department have also been consulted on the proposals and have raised no objection.

Impact upon Water Environment

The development included in this current submission is and will be constructed on existing hardstanding areas within the site and when considering the scale of that proposed is not considered to give rise to potential flooding/drainage issues which would warrant a refusal of the application.

Other matters

A representation received from occupier of the adjacent property at Greenfields has alleged that the applicant does not have control over all of the main access into the site and that the reinstatement of the correct legal boundary line would prevent vehicles from

accessing the site from the north. Land registry information has been acquired which shows a part of the access has been transferred from the ownership of the applicant to the current proprietor of the riding centre at the front of the site. Notwithstanding this the applicant has also confirmed that they have maintained unlimited access rights across this land. A remaining strip towards the northern side of the access is within the ownership of the applicant. Regardless of this as discussed above the proposed additional stabling is not considered to result in material increase in the number of vehicle movements from the site and accordingly this would not give grounds to refuse the current application.

11. CONCLUSIONS

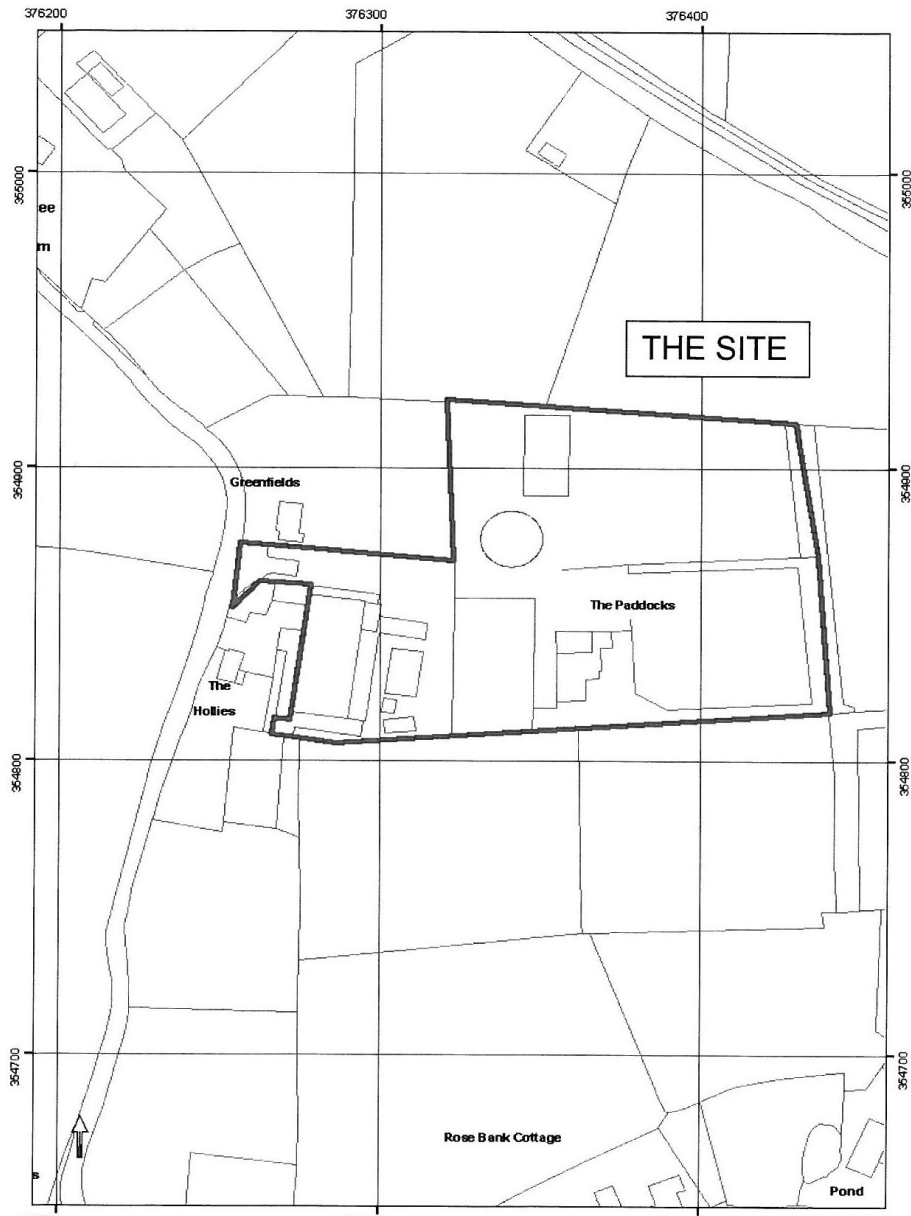
The principal of stable development at this established equestrian centre is considered acceptable. The proposal as submitted is not considered to result in significant adverse impact upon the visual amenity of the area and is not considered to result in significant adverse impact upon the local highway network or upon the amenity of nearby residential properties. It is not considered that the proposal would give rise to potential flooding of adjacent land.

12. RECOMMENDATION

Approve with Conditions:

- 1: Standard**
- 2: Materials**
- 3: Surfacing materials**
- 4: Landscaping**
- 5: Landscape implementation**
- 6: Protection of footpath**
- 7: Noise insulation of implement store**
- 8: Ancillary uses only – no separate commercial repairs/maintenance**
- 9: Manure storage**
- 10: Plans**

LOCATION PLAN:



09/1037N – Oakhanger Equestrian Centre Holmshaw Lane Oakhanger

N.G.R; - 376.356 354.857

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Not to Scale

Planning Reference No:	09/0509C
Application Address:	Vale Mill, Priesty Fields, Congleton
Proposal:	Construction of 90 bed nursing home (C2)
Applicant:	Britannia Developments Cheshire Limited
Application Type:	Outline
Ward:	Congleton Town West
Earliest Determination Date:	11 June 2009
Expiry Date:	13 July 2009
Date Report Prepared:	10 August 2009: Updated 8 November 2009

SUMMARY RECOMMENDATION:**Approve Subject to Conditions****MAIN ISSUES:****Impact of the street scene, flooding, impact on trees and wildlife, archaeology, access and parking.****1. SUPPLEMENTARY INFORMATION**

This application was initially brought before the Committee for determination on the 26th August. In light of comments from the Ecologist, a Phase I Habitat Survey was undertaken to assess for the presence of bats in line with current arrangements for such proposals.

During the time the survey was being undertaken, the ramifications of the judicial review into the Woolley vs Cheshire East decision were being acknowledged by the Council.

Although the application was due to go to committee, it was felt at the time that the judicial review required a greater degree of survey work than was previously expected. The applicants have respected this change in the level of proof requires and have submitted further information on the population of bats as appropriate.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- No satisfactory alternative and
- No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- A requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- A licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, it was noted that some evidence of bats was observed in the building but on closer analysis it was recorded that the level of activity was very low. The Council's Ecologist had the following comments to make on the new survey work:

"now feel that a reasonable effort has been made to determine the status of bats at this site."

Two potential roosts have been recorded on site, one in the cellar and one in the roof void of building B1. Based on the evidence recorded during the surveys it appears very unlikely that either of these roosts is of significant conservation importance and may well simply involve the occasional visit by single individual or small numbers of a relatively common bats species. Whilst it was originally suggested by the applicants ecologist that the cellar may support a hibernation roost of Daubenton's bat there does not appear to be any evidence to support this and no fresh evidence appears to have accumulated since the initial survey was undertaken. The loss of these two potential roosts will have an impact on bats, however the impacts is likely to be limited to the possible killing and injuring of any bats present during demolition.

The submitted bat survey contains acceptable outline mitigation proposals including the timing and supervision of the demolition by a licensed bat worker and the incorporation of a replacement roost in the form of a bat loft above one of the replacement buildings. The mitigation is acceptable and is likely to reduce the potential adverse impacts of the proposed scheme to a negligible level.

To ensure that these proposals are enforceable the location and dimensions of the bat loft and the location and number of bat boxes should be annotated on the submitted plans and an appropriate condition that the development should proceed in accordance with the recommendations of the submitted report should be attached to any permission granted."

The in addition to the above, the potential for breeding birds to occur on site has been reappraised. The Council's Ecologist has therefore recommended that two conditions are attached to any permission granted relating to the need for the incorporation of features into the scheme suitable for use by breeding birds including swifts and a detailed survey is required to check for nesting birds. These two conditions are appended to the end of the report.

2. REASON FOR REFERRAL

This application has been referred to the Southern Area Planning Committee by virtue of its scale as a major application.

3. DESCRIPTION OF SITE AND CONTEXT

The site is located in a predominantly residential area just to the south the Congleton town centre. The main accesses reached off Priestly Fields to the east, Vale Walk footpath to the north which links through to Swan Street on the western side of the site and to the south, a number of residential properties further along Priestly Fields.

To the west of the site lies the watercourse known as The Howty, which lies in a cutting. The watercourse is partly culverted to the northern end of the site before re-emerging just before the footpath to the northern boundary of the site where it then again passes underground.

The properties in the vicinity of the site are mixed in character with some traditional terraced properties to the west and south with more modern apartment blocks to the east. The properties towards the north are more diverse in character, although predominantly pre-war in terms of construction.

The site slopes down from the front facing Priestly Fields towards a flat area which is currently used for parking before dropping to a cutting for the brook. The site then rises again through a belt of trees before levelling off behind the properties that front Swan Street. The modern properties on the eastern side of Priestly Field are situated on a higher level than those on the application site due to a change in levels in the locality.

At present, the site is occupied by a manufacturing business, which is currently operational. This business benefits from frequent deliveries and collections from commercial vehicles which access the site from Priestly Fields. The existing buildings have a significant presence in the street scene.

4. DETAILS OF PROPOSAL

The proposed development is for Outline planning permission for a 90-bed care home. Due to the changing levels across the site, the frontage facing Priestly Fields will appear to be a two-storey property with additional accommodation in the roof space serviced by dormer windows and roof lights. The falling ground level, at the rear of the site, will facilitate the introduction of a lower ground floor.

In reality, the lower ground floor will have the same footprint as the rest of the property with the rooms facing the street being set slightly lower than the existing ground level and the main access leading in to the first floor. The principal access point will be at the lower ground floor at the rear off the parking courtyard.

The building is to be brick built with a tiled roof and is in a traditional design style with bay windows to the front and chimneys along the ridge line.

The principal pedestrian access to the property will be off Priestly Fields and a vehicular access will be gained close to the position of the existing access point to the northern edge of the site. The secondary access point to the southern end of the site which serves the neighbouring residential properties is also to be retained for third party use and to provide some parking for staff to the same level that currently exists for the industrial use on site.

The applicants have designed the layout of the site in conjunction with the Environment Agency. An 8.0m easement alongside The Howty has been allowed for to allow ongoing maintenance and clearance of the brook if necessary.

5. RELEVANT HISTORY

A previous application (reference number 08/0658OUT) was withdrawn by the applicants after discussion with the previous case officer. This scheme takes on board those comments.

6. POLICIES

National Planning Guidance

PPS1 Delivering Sustainable Development
PPS25 Development and Flood Risk

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP5 Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility
DP7 Promote Environmental Quality
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM2 Remediating Contaminated Land

Congleton Local Plan First Review

GR1 General Criteria For Development
GR2 Design
GR4-5 Landscape
GR6-8 Amenity and Health
GR9-10 Accessibility, Servicing and Parking Provision
GR15 Pedestrian Measures
GR21 Flood Prevention
NR1 Trees and Woodlands
NR3 Wildlife and Nature Conservation - Habitats
NR4 Non-statutory Sites
E10 Re-use of Redevelopment of Existing Employment Sites

7. CONSULTATIONS (External to Planning)

Environment Agency

No objection has been raised to the principle of development, following consultation with the developers at the pre-application stage. A number of conditions have been proposed to protect and enhance the ecological value of the site including the watercourse.

These conditions relate to the implementation of a landscape management plan, the protection and management of a buffer zone alongside The Howty brook and the opening up of the culverted section of The Howty. In addition an informative has been proposed to advise the applicants of their obligations under the Water Resources Act 1991 and Land Drainage Bylaws.

Natural England

In their comments of 8th June, Natural England have highlighted the need for detailed wildlife surveys of the site, especially along The Howty especially with regard to bats, water voles, badgers, barn owls and breeding birds.

In respect of this point, the applicants have submitted an ecological assessment undertaken by Ecology Solutions Ltd, to look at the protected species on site and identify appropriate methodologies, where necessary for ensuring there is no detrimental impact on the protected species.

In response to this report, Natural England has acknowledged the findings of the report. Due to the presence of a bat roost on site, they have recommended that further work be undertaken to establish the full extent of their presence on the site. They also advised that if the application were to be approved, a licence would be required from Natural England prior to the commencement of work on site.

8. VIEWS OF THE PARISH / TOWN COUNCIL:

At the time of preparation of the report, no comments had been received from the town council

9. OTHER REPRESENTATIONS:

Development Control Archaeologist

In response to a desk-based study produced on behalf of the applicant by a professional architectural historian, and submitted in support of the application, the Development Control Archaeologist has commented that the redevelopment of the site will lead to the loss of the historical evidence of the previous uses of the site.

To address this, the officer has recommended that a programme of archaeological mitigation should be carried out if planning permission is granted. This work should consist of the recording of the 19th-century mill building to Level II (as defined in the 2008 English Heritage guidance on building recording) together with a programme of targeted investigation where below-ground evidence for the features noted above may survive. This work can be secured by the following condition:

Senior Landscape and Tree Officer

In their comments of 4th June, the Senior Landscape and Tree Officer identified the need for a Phase 1 ecological survey together with a bat survey to ascertain the extent of

wildlife on the site and the impact that the development may have. This information was submitted by the applicant in response to these comments in the above-mentioned report

Highways

The Highways officer has considered the application in respect of the immediate access arrangements into and from the site and also the impact on parking in the vicinity of the site. In principle there is no objection to the scheme although additional details have been requested in respect of a staff Travel Plan.

Environmental Health

No objection in principle, although conditions have been suggested in respect of addressing contamination, air quality, noise, odour, lighting and the time of construction.

Neighbours

Six neighbours in the vicinity of the application have commented on the application. These raise concerns about the following

- Insufficient level of car parking
- Impact on the landscape and wildlife
- Potential flooding
- Loss of trees
- Potential to cause instability to the surrounding area
- Fumes from the vehicles in the area and extraction units from the care home
- Impact on neighbouring properties in terms of loss of light.

9. OFFICER APPRAISAL

Principle of Development

Prior to the consideration of the detailed aspects of this application, attention has to be given to the principle of development. The main aspect is whether the form of development is actually 'Use Class C2' development as opposed to generic C3 housing. This is important as C3 housing is subject to a wider range of planning policies in respect of matters such as the provision of public open space, education contributions and the provision of affordable housing.

A number of flatted communal living developments are presented as being 'Use Class C2' developments on the basis that they cater for people over a certain age band, often 55 or 60. These developments however often only provide scant regard to care facilities, primarily on site 24-hour nursing coverage and will offer instead larger self-contained two or three bedroom units.

This development however does provide the necessary facilities including onsite nursing, GP consultation rooms, shared lounges for residents and separate facilities for visitors.

On this basis, it can be concluded that the building will be orientated to the provision of ongoing extra-care to residents in need of such services and is a Class C2 development.

Design

The proposed building when viewed from Priesty Lane will have a strong street frontage with a central entrance door and four projecting bay sections, two on either side above. Along the roof line will be a series of gables. Whilst the property will be taller than the existing building and the neighbouring residential properties, it will be set back from the

street frontage. This will have the effect of diminishing the scale of the building when viewed from the public highway and its impact on the skyline will be comparable to that of the neighbouring properties which sit much closer to the kerb line.

Although the building will appear to be two-storey at the street frontage, the lower ground floor will extend to the full depth of the property. The front rooms will be set slightly lower than the existing ground level although the ground in front is to be opened up to provide appropriate amenity levels. The front door, whilst appearing at street level, will actually lead in to the first floor level

At the rear, the building will appear to be taller because of the fall in the land. This is offset by the fact that the area of land to the rear is open with no immediate overlooking from neighbours. The properties along Swan Street are on an elevated position compared to the site to the extent that even though the proposed building will be approximately twice the height of those properties fronting Swan Street, the ridge level of each building will become parable and the proposed care home will not dominate over the neighbouring properties due to the differences in floor level.

Whilst the building itself is of a significant scale, the presence of the existing building should be taken into account as a material consideration when considering this proposal.

Amenity

Although comment has been made that the proposed development will have a significant impact on the amenity levels of neighbouring residents, it should be borne in mind that the existing building already has a detrimental impact on the neighbour's amenity in respect of noise and disturbance from the industrial processes being undertaken at the premises and the proximity of the building to neighbours.

In essence, the proposed building will occupy a similar footprint of the structure that already exists on site and accordingly there will be little change to the physical character of development on the site. There will however be a change in the activity on site and it is anticipated that this will result in an improvement to existing amenity levels with the cessation of the manufacturing processes that currently exist on site.

In respect of impact on existing privacy levels and overshadowing, the proposed development will not have a significant detrimental impact on exiting properties in the area.

The Environmental Health Officer is of the view that subject to the use of appropriate conditions, any potential harm can be appropriately mitigated against.

Highways

Following consideration, the Highways Officer has commented that this scheme will have benefit in terms of traffic generation over the existing use. There has been some concern expressed by residents about the level and intensity of vehicle movements on site

It should be borne in mind that this proposal was for an extra care residential unit and accordingly, the level of car ownership would be lower than that normally associated with a standard residential establishment. In addition, the site benefits from close access to Congleton town centre which is approximately 300 m.

To ensure the satisfactory operation of the site, a staff Travel Plan has been requested. This work has been undertaken by the applicants and it is understood that this has been resolved. An update will be provided for committee.

Wildlife

The applicants have submitted information in the in respect of the protected species that may be on site. Whilst there is some evidence of bats and water voles, mitigation has been identified.

In principal it is felt that the redevelopment of this site can be undertaken. What is at question is the manner in which the development takes place and the timing of any development.

The applicants ecological study has shown that the cellar and other parts of the site have been inhabited by bats. Although outline mitigation measures have been proposed, the exact extent and nature of usage will need to be clarified through additional survey work prior to the finalisation of the mitigation strategy that will need to be submitted to English Nature in order to secure a licence prior to the commencement of development.

Loss of Employment

Although the site is currently used for employment purposes, the applicants identified that the site is poorly suited to this purpose principally due to the poor access on Priestly Fields, but also the form and configuration of the buildings.

In considering whether there would be a substantial planning benefit from an alternative use of this site consideration is given to the fact that following the completion of the development phase there will an improvement to the general amenity levels of neighbours in the area subject to the conditions set out by the Environmental Health Officer. In addition, The scheme will also improve the local environment by reducing the number of goods vehicles using Priestly Fields for deliveries.

In addition, whilst the proposed new development will be in the residential use class (Use Class C2), it will generate some employment for both full and part-time staff, which will partially offset the loss of existing employment on the site. For these reasons, it is therefore felt that there is no significant objection in policy terms to the proposed development.

Flooding and The Howty

Following consultation between the Environment Agency and the applicant, work has been undertaken to address concerns about the potential for flooding on the site or harm to the watercourse. As indicated, the Environment Agency have suggested a series of conditions in respect of this matter and is subject to these forming part of any decision notice, it is felt that no objection can be raised on this point.

Archaeology

Whilst there will be some loss of the historical usage of the site, this has been considered by the Development Control Archaeologist in light of the report submitted by the

applicants. The proposed use of a condition to ensure a programme of archaeological works is deemed to be appropriate in this instance.

10. CONCLUSIONS AND REASONS FOR THE DECISION

After consideration, it is felt that the design and appearance of the proposed building together with the access arrangements are acceptable subject to the conditions as set out below.

The proposed development is deemed to be in accordance with both local and national planning policies and will not have a detrimental impact on the character of the surrounding area or the Howty brook, which passes through the site. Accordingly, the application is therefore recommended for approval.

11. RECOMMENDATION: APPROVE subject to the following conditions

- 1. Submission of reserved matters**
- 2. Implementation of reserved matters**
- 3. Time limit for submission of reserved matters**
- 4. Development in accordance with submitted plans**
- 5. Samples of materials to be submitted**
- 6. Construction specification / method statement**
- 7. Noise assessment required**
- 8. Air quality assessment**
- 9. A scheme for the acoustic enclosure of fans and other machinery required**
- 10. Odour extraction system required**
- 11. Dust mitigation during construction**
- 12. External lighting to be agreed prior to development**
- 13. Protection from noise during construction (hours of construction)**
- 14. Time constraints on any pile driving**
- 15. Contaminated land desk-top assessment to be submitted**
- 16. Details of drainage**
- 17. Sustainable urban drainage -scheme to be submitted**
- 18. A scheme for the provision and management of a buffer zone alongside the brook**
- 19. A scheme to ensure finished floor levels of the proposed building are set no lower than 92.91m above Ordnance Datum (mAOD) to be submitted.**
- 20. Tree protection**
- 21. Tree pruning / felling specification**
- 22. Protection of breeding birds**
- 23. Details of landscaping to be submitted**
- 24. Implementation of landscaping**
- 25. Landscape and habitat management plan**
- 26. Bat mitigation/enhancement**
- 27. Woodland management plan**
- 28. All parking, access and traffic areas to be completed and marked out prior to first occupation.**
- 29. Cycle storage facilities for care home**
- 30. Implementation of a programme of archaeological work in accordance with a written scheme of investigation**
- 31. Provision of features into the landscaping scheme suitable for use by breeding birds including swifts.**

32. Prior to the commencement of any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.

LOCATION PLAN: Cheshire East Council licence no. 100018515



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Planning Reference No:	P09/2392C
Application Address:	Land North of Crewe Road, Sandbach CW11 4QD
Proposal:	Application for Outline Permission for the erection of up to 37 Dwellings (Access Only)
Applicant:	Hollins Strategic Land
Application Type:	Outline (Access only for determination)
Ward:	Sandbach
Earliest Determination Date:	6 November 2009
Expiry Dated:	3 December 2009
Date of Officer's Site Visit:	7 October 2009
Date Report Prepared:	8 November 2009
Constraints:	Open Countryside Wildlife Corridor

SUMMARY RECOMMENDATION:**REFUSE.****MAIN ISSUES:****The acceptability of the development in principle****Layout, design and street scene****Sustainability****Impact on neighbour amenity****Landscape and ecology****Highway considerations****Drainage and flood risk****1. REASON FOR REFERRAL**

This application has been referred to the Southern Planning Board as the scheme is a major development for over 10 houses.

2. DESCRIPTION OF SITE AND CONTEXT

The site lies to the south of Sandbach and is currently accessed from a small private track known as Zan Drive off Crewe Road that leads to the Zan Industrial Park.

To the north lies the Wheelock Rail Trail whilst to the east is open countryside and a Wildlife Corridor. To the south of the site is Zan Drive off which lies a number of residential properties, a small parking area in a copse of trees and the industrial estate whilst to the west are a number of residential properties and beyond that Crewe Road.

The site itself is relatively open comprising of a grazing paddock which is surrounded by trees and hedges. There are also the remnants of a former hedgerow that passes through the centre of the site and is marked by some small trees. The majority of the site to the west is relatively level but falls away to the east where it approaches a belt of trees that bound the site.

The site is also overlooked by a number of residential dwellings off Zan Drive and Crewe Road.

3. DETAILS OF PROPOSAL

Although the application is outline only with only access for detailed consideration, supporting information has been submitted to accompany the application together with an indicative layout.

It is intended that the development be mainly be served off a new access off Crewe Road with four dwellings being served from Zan Drive. The main development area is to have a main spine road running through the development off which a number of housing clusters will be served.

As the application is outline, full elevation details for all the properties has not been provided but two indicative sketches of the street scene facing the Wildlife Corridor to the east and Zan Drive to the south have been submitted. These sketches show the intended form of development as two storey dwellings with forward projecting gable ends built in a traditional style. The position of two key note buildings has also been indicated but as no plans or elevations have been provided for these buildings it is not possible to comment further on these elements of the scheme.

Although a parking area for 13 cars has been shown to the front of the properties off Zan Drive, no detailed parking arrangements have been shown for the other properties within the heart of the development area.

4. RELEVANT HISTORY

In 2000, outline planning permission (ref. 31927/1) was refused for the development of the site for housing. The following three reasons for refusal were given :

1. Imbalance of housing supply across the Borough,
2. The development would be unlikely to male a positive contribution to the character of the area and
3. The density of the development would be too low thereby conflicting with the advice in PPG3: Housing.

5. POLICIES

POLICIES

National Guidance

PPS1: Delivering Sustainable Development
PPS3: Housing

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP3 Promote Sustainable Economic Development

DP4 Make the Best Use of Existing Resources and Infrastructure
DP7 Environmental Quality

Congleton Borough Council Local Plan First Review

GR1 General Criteria
GR2 Design
GR3 Design
GR5 Landscape
GR6 Amenity and Health
GR10 New Development
GR18 Traffic Generation
PS3 Settlement Hierarchy
PS8 Open Countryside
PS4 Towns
NR1 Trees and Woodlands
NR4 Wildlife Corridor
E10 Re-use of Redevelopment of Existing Employment Sites
H1 General Scale of New Housing Development
H2 General Scale of New Housing Development
H6 Open Countryside
H13 Affordable and Low-cost Housing

6. CONSULTATIONS (External to Planning)

Environmental Health

No objection to the principle of development however four conditions have been recommended in respect of the following matters:

- Submission of a contaminated land Phase 1 Construction phase of development:
- Protection from noise during construction for neighbours
- Limit to hours of pile driving and
- Submission of an air quality survey

Strategic Highways Manager

The Strategic Highways Manager has viewed the detail of this application and finds that the application should, but does not, offer a Transport Statement in accordance with the DfT Transport Assessment Guidelines.

In terms of the access detail, the offered design does not comply with the design standards laid down in the Design Manual for Roads and Bridges.

In addition, the proposal to generate increased traffic from Zan Drive without suitable improvement is not acceptable. In any event the Strategic Highways Manager recommends that one junction should serve this site, if an acceptable design solution is available.

The detailed drawing of the proposed junction shows an access road of too high a standard to serve such a low number of dwellings, whilst the visibility splays are sub-standard and do not consider the vertical element.

Given the above concerns the Strategic Highways Manager must recommend refusal of this application on highway safety grounds and further on lack of technical documentation in support of the application.

Junction standard is too high still, giving over capacity.

Junction still fails to meet DMRB standards in a number of areas.

Zan Drive should not be used to serve any of the site.

English Heritage

No objection to the application.

Nature Conservation Officer

The Nature Conservation Officer has raised the following comments in respect of various protected species:

Bats

No evidence of bats roosting within the properties to be demolished was recorded, but bats were recorded foraging and commuting around the site and a mature ash tree at the entrance of the site off Zan Lane has potential to support a roost. This tree should be retained. If not then a further survey may be required to confirm bats are absent prior to the determination of the application.

The potential adverse impact of lighting on bats, which are a Biodiversity Action Plan (BAP) species and so a material consideration, has been highlighted in the submitted ecological survey which recommends that any lighting used during the construction or operation period should be directional and screened. I advise that a condition is attached to this application that the lighting scheme be agreed with the LPA.

In order to increase the potential for roosting bats the submitted report recommends that features for bats should be incorporated into the development. This should be secured by means of a condition as described below in the breeding bird section.

Badgers

A disused badger sett has been recorded in close proximity of the proposed development site. As there is no evidence of badgers being active on the site they do not currently present a constraint on the development. However, badgers are known to reuse abandoned setts and excavate new ones within a short time scale consequently the submitted ecological report recommends that the sett is re-examined prior to the commencement of development. I recommend that a condition be attached to this permission that any reserved matters application be supported by an additional badger survey be undertaken and submitted to the LPA.

Breeding Birds

A number of breeding birds have been recorded at the site. Two of these House Sparrow and Song Thrush are BAP priority species and so a material consideration. Both of these species are often closely associated with dwellings and gardens so provided the recommendations of the ecological survey report relating to the use of native species in the

landscaping scheme and the incorporation of specific bird boxes for house sparrow are fully implemented the proposed development should not have a significant adverse impact upon these species.

The officer has recommended that the following two conditions are attached:

- Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including House Sparrow, Swifts and Song Thrush.
- Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

Ponds

The proposed development would result in the loss of two small artificial garden ponds. Ponds are a Local and National BAP priority habitat and so a material consideration. Whilst garden ponds might not always have sufficient value to fall into this category in this instance the ponds have been recorded supporting two species of amphibians and the submitted report recommends that the loss of these ponds is compensated for through the construction of a replacement purpose designed wildlife pond. To avoid the potential loss of biodiversity through the destruction of these ponds I recommend that the indicative layout be amended to show the location of a replacement pond and the design of the pond should be agreed by the LPA. This matter may be secured through an appropriate condition.

Retention of habitats

There is a small coppice area present on site that has some nature conservation value. The retention of this area is recommended in the submitted ecological report. Confirmation that this area will be retained should be sought from the applicant.

Management of the site and the adjacent Sandbach Wildlife Corridor

The submitted ecological survey included proposals for the positive management of the adjacent designated wildlife corridor. These proposals are welcomed and if fully implemented will help deliver an overall gain for biodiversity from the proposed development in accordance with PPS9. As this area is outside the application boundary a Section 106 agreement may be required.

A condition requiring a management plan for the on site landscaping will also be required.

Landscaping

I assume a standard landscaping condition will be attached to any permission granted. This is required from a nature conservation perspective to ensure that appropriate species are planted.

United Utilities

United Utilities have confirmed they have no objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer.

Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

It has also been noted that a public sewer crosses runs at the rear 432-450 Crewe Road and we will not permit building over it and will require 24 hour access for maintenance and repair. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption". Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Spatial Planning

Planning policy comments have been provided on the application from the Spatial Planning section. They have addressed the following points:

Housing Supply

With the introduction of PPS3, the Council now has to ensure that it has a deliverable 5-year supply of land for housing and if this is not the case the Council should consider favourably suitable planning applications for housing. As stated above the RSS requests that there is the capacity for 300 dwellings per annum average, equating to 1500 dwellings over 5 years. The up to date housing supply figure for the Borough as of 30/06/09 is 1,460 dwellings (net), which includes; gross dwellings balance under construction (259), gross dwellings with planning permission (993), allocations (250), (Wheelock Mill has been discounted as this site is not considered as 'available now' in terms of PPS 3) and the loss of 42 dwellings. Therefore we have less than a five-year supply of housing against the RSS requirement. However, it also needs to be borne in mind that several applications, totalling 385 dwellings have recently been approved subject to the signing of Section 106 Agreements. This would bring the housing land supply total to 1,845 dwellings (5.6 years supply).

Affordable Housing Statement

The statement refers to an SPG, however this should state SPD (6). The statement has grouped together both affordable and low-cost housing, with 20% provision proposed, but these need to be dealt with separately. According to SPD6 the definition of affordable housing differs from that within the Local plan in that it no longer includes low-cost housing. The general minimum proportion of affordable housing for any site will normally be 30%. In addition the council will require the provision of an element of the market housing to be unsubsidised low-cost market housing, which would be a minimum of 25%. Therefore the proposed amount of affordable and low-cost housing is insufficient. The SPD suggests that there is a low proportion of terraced property as well as flats and rented accommodation. The price for terraced dwellings stated in the Statement is incorrect, it should be £110,540.

Housing Density

PSS3 makes reference to a housing density of 30 dwellings per hectare, which should be used as a guide until local densities are in place. At this density 41.7 dwellings would be provided. The proposal is for a density of 26.6dph.

Public Rights of Way Officer

The Public Rights of Way officer has written to confirm that the development will not affect any existing rights of way.

Senior Landscape and Tree Officer

The Officer has commented that there are a number of trees on/adjoining the site including a copse in the south east corner, trees adjoining the Wheelock walkway and trees in the Sandbach Wildlife corridor. In the absence of a tree survey, it is their view that insufficient information has been submitted in order for the LPA to fully determine the impact of the development on trees. From the indicative layout and my observations on site, it appears the development would potentially result in the loss of existing trees and vegetation considered to have local landscape and nature conservation value.

The development site extends into the Sandbach Wildlife Corridor. I cannot support any encroachment into this area. The applicants Design and Access Statement suggest that it is a cartographic error that the Wildlife Corridor boundary is drawn to include part of a grazed field. The officer has put forward an alternative view in that the position of the boundary was intended to secure complementary habitat and buffer to the adjacent woodland to the east.

Housing Research and Monitoring Officer

The Officer has commented in respect of the application as follows:

Local Housing Need

The supply and demand analysis shows an outstanding shortfall of affordable units within Sandbach. There is a significant shortfall of 2 and 3 bedroom houses and it is this shortfall which the Council would be seeking to reduce.

The housing waiting list shows a need for all property types in the Sandbach area but the number of 2 and 3 bed properties available for social rent are drastically below the demand on the waiting list.

Affordability

In line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) the Council would seek 30% of the site to be classed as Affordable Housing. This housing should be in line with the definition in PPS3 which includes social rented housing or intermediate affordable housing including shared equity schemes. Of this 30%, and in line with the recommendations in our Housing Needs Survey desktop review of 2006, we expect 50% to be social rented and 50% to be either shared ownership or discounted for sale.

Site layout

It is expected that the affordable units to be 'pepper-potted' throughout the site.

7. VIEWS OF THE PARISH / TOWN COUNCIL

At the time of the preparation of the report, no comments have been received.

8. OTHER REPRESENTATIONS

A number of letters of correspondence have been received from neighbours. One neighbour has commented that they support the application on the basis that the property they own 446 Crewe Road, is an unsightly property in a poor state of repair and its removal would benefit the street scene.

The other 13 letters however have opposed the application on the following grounds:

- Poor access front Zan Drive and Crewe Road
- Zan Drive is well used and serves 11 properties
- There is a demand for industrial units on the industrial estate which may be lost to development if this scheme is approved
- The design of the properties does not match the character of the area
- There is insufficient parking in the area already
- Crewe Road is a dangerous highway
- There are claims of badgers, bats and adders, all protected species on the site.
- Impacts on existing residential privacy and amenity levels
- Loss of an existing Greenfield site
- The site is designated a Green Belt
- The density of the development would be too high for that area
- The sewer along Zan Drive is insufficient to cater for the additional demand
- The loss of 444 and 446 Crewe Road would be detrimental to the street scene
- The decision is premature following the refusal in May 2000
- The Title Deeds for the properties in Zan Drive allow full access along the track for the residents.
- The development would have a detrimental impact on the neighbours at 448 Crewe Road
- The development would bring about unacceptable impact on local amenities including schools and doctors in terms of overloading existing services.

9. APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement: Sedgwick Associated

This document provides details on the history of the site, the surrounding context of the local area and the policy framework surrounding the development. The report also seeks to expand on the justification for the development proposed.

Ecological Survey and Assessment: Environmental Research and Advisory Partnership

The applicants have provided a desktop survey together with an Extended Phase 1 Habitat Survey for the site. This has looked at a number of protected species.

This work has identified no significant wildlife interests or constraints that would affect the principle of development nor would the proposal have an adverse impact on the adjacent Sandbach Wildlife Corridor.

Flood Risk Assessment: Bett Associates

This report has looked at the issue of floodwater runoff and the impact on neighbours. The site has been classified as Flood Zone 1 (low risk) in accordance with the guidance in PPS25: Flooding

To control runoff, the applicants have proposed the following three measures:

- Discharge to watercourse
- Ground infiltration and
- Outfall to the adopted sewer network

Ground Contamination Desk Study: Sedgwick Associates

The contamination survey has looked at the character of the site and any impact on possible future residential use of the site.

From the analysis undertaken, there is nothing to indicate that the site should not be developed for residential use. As this application is outline only, it is recommended that further survey work be undertaken once the final position and design of the buildings is known

10. OFFICER APPRAISAL

Principle of Development

At the heart of the application is whether the principle of development on the site can be accepted. Although the site is Greenfield in nature, part of which is outside the settlement zone line in open countryside one of the key considerations is whether the Council is in a position to meet its five years land supply targets.

Based on the findings of the Strategic Planning Officer, it is apparent that for the former Congleton Borough Council area is close to providing a 5 years supply of housing however this is dependant on the viability of the allocated sites in coming forward for development during the relevant period, if any of the sites cannot be delivered, then the Council may fall short of its 5 year target.

On this analysis, the principle of developing within the settlement zone line for Sandbach would be difficult to resist especially when it is considered that the regional housing targets are set as a minimum and not a maximum limiting the amount of development that can take place.

What is of more concern however is the element of development on the Wildlife Corridor outside the settlement zone line. Whilst this is relatively small parcel of land amount to just under 0.2 Ha and is not proposed for residential development, the proposal does seek to alter the character and nature of this parcel of land to one more associated with urbanisation. It has been described on the indicative layout plan as being transitional open space but given the number of dwellings proposed (37) it is likely that this would result in the space being used for formal recreation provision to meet the needs of the residents. This would consist of formally managed space mown and cleared on a regular basis far removed from its current form.

It is considered that the resultant layout would result therefore in the loss of the open countryside to residential development and the scheme would begin to encroach on the character of the open countryside to its detriment contrary to policy.

It is noted as well that the density of development at just under 27 dwellings per hectare (dph) falls slightly short of the 30 dph target set out in PPS 3. In paragraph 7.7 of the Design and Access Statement simply note this as being representative of the area. It is not clear if this is the wider area of Sandbach or just the immediate area surrounding the site but to simply echo existing levels with no contextual analysis of the area or explanation of why the development should not meet established national targets is a failure to make the best possible use of land.

If development is to take place on a greenfield site, then every suitable effort should be made through optimising densities without harm to neighbours to minimise the need for the take up further greenfield sites in the future. This will subsequently help to suppress any latent demand for housing land and control the future development of such sites to protect the semi-rural character and appearance of Sandbach and control the spread of urban sprawl into the countryside.

Contributions

In light of the quality of development being proposed, it is noted that limited attention has been given to the development meeting the requisite obligations as set out in policy to ensure that the scheme addresses any detrimental impacts that the scheme may have on the surrounding infrastructure.

In particular, it is noted that insufficient affordable housing has been provided on the site. Whilst recent appeal decisions show consideration should be given to market viability, no valuation exercise has been undertaken in this case.

The provision of only 7 units out of the 37 proposed falls short of the 30% expected. Furthermore, any provision should be split equally between social rented and equity share. This is not what is being offered by the applicant rather, they are just seeking to offer 3 units with no discount but at a lower cost than most dwellings due to their smaller size and just 4 units discounted against market housing at 40% below current market levels.

This is not felt to be sufficient to meet the policy requirements.

Layout, Design and Street Scene

As this application is outline with access only for detailed consideration, it may be unfair to critically analyse the layout set out on the indicative drawing. This scheme however does show the development coming forward in two distinct areas, that off Crewe Road and that off Zan Drive.

In looking at the Crewe Road accessed properties, it is felt that the layout could be carried forward to create an acceptable scheme. There are some question marks over whether sufficient garden/ circulation space would be allowed if the layout were slavishly adhered to but as this is outline scope would exist for the footprint of the buildings to be amended.

As mentioned above however is the issue of open space and how this would integrate into the scheme. Given that the principle of utilising land designated as open countryside and wildlife corridor would be unacceptable, this would mean that the layout would have to be comprehensively amended to incorporate the space into the scheme or the development would not be able to provide the required space. Either of these options is felt to be unacceptable.

Note is also made of the proposed four houses off Zan Drive which should necessitate the clearance of the existing copse of trees. These form a valuable landscape feature and in light of the comments of the Landscape officer and the absence of a tree survey, it is felt that this development would be unacceptably harmful on these grounds.

Amenity

As this is an outline application with layout reserved, it is not possible to state that the development will have an unacceptable impact on the amenity of the neighbouring residents at this time. There is some concern as expressed earlier however that the garden spaces for some of the proposed dwellings is limited and this may need to be reviewed in a detailed layout. At this time though, no substantive reason for refusal on this point could be sustained.

Landscape and Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and

- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will

need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, it is felt that it has not fully been proven that the development will not possibly cause some harm to protected species in particular bats through the loss of the trees and other species through the loss of the ponds. Insufficient detail has been provided to show that this can be achieved especially considering the demands that may arise if the public open space in to be incorporated into the area within the settlement zone line.

It is also felt that as no analysis of alternatives sites has been provided and the development itself is not of overriding public interest then the proposal at the current time does not meet the requirements of the EC Habitats Directive and cannot be supported.

Highways and Parking

The Highways Officer has looked at the proposal and has raised concerns with both access points.

His conclusion is clear in that the development fails to meet the required design standards in terms of the Crewe Road junction and that Zan Drive should not be used to serve any of the new housing.

Residents in the area have submitted photographic evidence of the character of the area showing extensive parking on nearby verges. Whilst this is not a permanent characteristic of the area dependant of residential occupancy levels, there is clearly the danger of visibility splays being compromised. It may be possible to use highway controls to regulate the parking in the area but this would not overcome the inherent design flaws in the area and the unsuitable nature of the access proposed between 442 and 448 Crewe Road.

Furthermore, the use of Zan Drive which is a private drive already serving 11 properties cannot be countenanced due to the potential for increased congestion. At the junction with Crewe Road, Zan Drive is single carriageway and the risks for causing traffic to back up onto Crewe Roads through traffic seeking to egress the site must be a factor in looking to ensure highway safety.

Drainage and Flood Risk

Although United Utilities have expressed their concerns over the need for the development to drain away through sustainable means, the applicants have sought to use a traditional approach of partially draining into sewers and the open watercourse.

Whilst some of the impacts can be addressed through conditions e.g. the use of petrol interceptors, it is felt that the overall approach fails to ensure a suitable sustainable drainage arrangement for the development proposed.

Consideration is given to the fact that this scheme is outline only but given that such drainage measure which may include attenuation tanks can have a significant impact on the layout of the site, it is felt that this matter should be addressed at the outline stage and not left in abeyance till the reserved matters stage when it may be too problematic to provide a suitable drainage scheme to address the concerns of United Utilities.

11. CONCLUSIONS

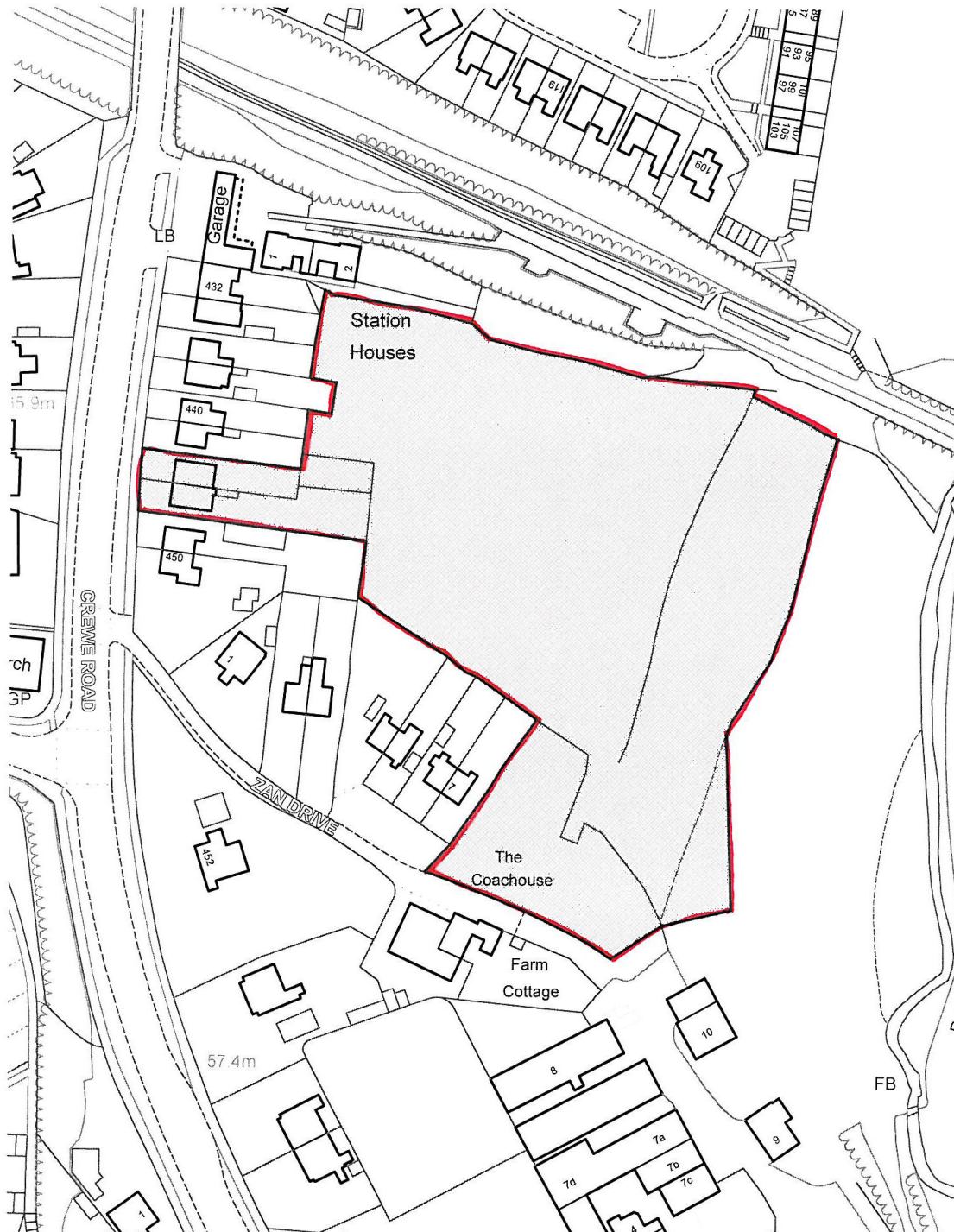
Having due regard to all other matters raised, it is considered that the proposal fails to comply with the relevant Development Plan policies, as set out above. Accordingly, it is recommended that the application be refused as set out below.

12. RECOMMENDATIONS

REFUSE subject to the following reasons:

- 1. The proposal would result in the loss of Open Countryside to residential development contrary to Policy PS8 of the Local Plan.**
- 2. The development would result in harm to the adjacent Wildlife Corridor by allowing residential development to encroach on the edge of the corridor contrary to Policy NR4 of the Local Plan.**
- 3. Insufficient evidence has been put forward to substantiate the proposed density of 27 dph which is below the recommended level of 30 dph in PPS3: Housing thereby resulting in inefficient use of land contrary to paragraph 69 of PPS 3.**
- 4. The proposed access arrangements would be harmful to existing highway arrangements potentially resulting in unacceptable highway safety contrary to Policy GR18 of the Local Plan.**
- 5. Insufficient evidence has been put forward to show that the proposed development would not result in a harmful impact on protected species contrary to the EU Wildlife Habitats Directive**
- 6. The applicant has failed to provide sufficient drainage details to show that the proposed development would not result in harmful surface water runoff rates contrary to Policy GR2 of the Local Plan**
- 7. The proposed development would potentially result in the loss of trees and hedgerows contrary to policy NR1 of the Local Plan.**
- 8. The development has failed provide sufficient affordable housing in the absence of a viability report contrary to Policy H13 of the Local Plan.**

Location Plan: Cheshire East Council Licence No. 100018515



Planning reference No:	09/2718W
Location:	Cledford County Junior School, George Vi Avenue, Middlewich, Cheshire, CW10 0DD
Proposal:	Extension To The North And South Of Cledford Junior School To Accommodate The Amalgamation Of Cledford Infants And Junior School, To Provide A Single Site Primary School And An On Site Nursery, Associated External Works, Landscaping And Car Parking
Applicant:	Mr Peter Broughton, Cheshire East Council
Application Type:	Full
Ward:	Middlewich
Earliest Determination Date:	30 September 2009
Expiry Date:	19 November 2009
Date report Prepared:	29 October 2009
Constraints	Protected area of open space Playing fields

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

The impact of the proposed development on:

- Protected Area of Open Space
- Design
- Renewable Energy and Energy Efficiency
- Highways and parking provision
- Safer routes and sustainable travel to school
- Drainage and flood risk
- Playing fields and sports provision
- Residential Amenity; Noise
- Residential Amenity; Light Pollution
- Nature Conservation
- Trees
- Landscape

1. REASON FOR REFERRAL

The proposal is classified as a 'small scale major development' due to its scale, and therefore, this application has been referred to the Southern Planning Committee for determination. Furthermore, Cheshire East Council is the applicant for this application.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is an existing school known as Cledford Junior School and is located within a Protected Area of Open Space as designated by the Congleton Borough Local Plan First Review. The School is situated approximately 1km to the south of Middlewich town centre and is encompassed by residential properties to the north, east and south, with Cledford Infant School located to the west. Long Lane South forms the northern boundary of the school, with George VI Avenue on the eastern boundary.

The school's playing field is located to the west and south of the existing junior school building, and is also allocated within the Protected Area of Open Space within the Local Plan. The topography of the site is relatively flat with the school building in a prominent position on the corner of Long Lane South and George VI Avenue, with the access from George VI Avenue. The north and east boundaries of the school also benefit from the presence of semi mature trees, which assist in screening the existing school and car park.

3. DETAILS OF PROPOSAL

The application has been made by Cheshire East Borough Council to seek planning permission to extend and adapt the existing junior school building to provide accommodation for the nursery and infant pupils from the neighbouring school. This proposal would enable the merger of the two schools, to form one 420 place all-through primary school on one site, as opposed to operating over two separate sites.

The proposal comprises of two main building elements. The first is a smaller single storey extension with a proposed floorspace of 278 m² (building 2) and is proposed to be constructed to link to the south of the existing school building and would accommodate Key Stage 2 classrooms. The second is a larger building with a proposed floorspace of 955 m² (building 1) which would be constructed to link to the north of the existing school and to follow the boundary of Long Lane South. Building 1 would be partly single storey and would provide classrooms for the relocated infants and nursery children (Foundation and Key Stage 1). Also, a double height (8.4m high) multi purpose activity community hall is proposed at the north eastern corner of the proposed extension, which would provide a link in between the existing building and the proposed new Foundation and Key Stage 1 classrooms.

The proposal also includes:-

- A 1.8m high paladin fence which would be installed on all road facing boundaries;
- An extension to the existing car park by an increase of 33 no. additional parking spaces (including 5 no. disabled spaces);
- A covered cycle shelter which would accommodate 10 no. bicycles
- Tree planting and landscaping, both hard and soft;
- Re-marking and re-draining the school's playing field for football provision;

- Extension to existing hard play area to provide a games court enclosed by a 2.75m high weld-mesh fence;
- Shade canopies and gazebos within the main play area, and also the infants, nursery and reception play areas;
- Low level fencing to define Foundation and Key Stage 1 stage play areas;
- Demolition of two existing demountable classrooms;
- A new vehicular (for construction and maintenance) and two new pedestrian access points from Long Lane South;
- Relocating existing bin store to accommodate recycling bins;
- An allotment to the south of the site;
- Relocating existing play equipment to create an adventure play area to the south of the proposed games court; and
- External lighting (security and car park lights) and CCTV (with no audible system).

4. RELEVANT PLANNING HISTORY

Various demountable class room permissions between 1991 – 1997

1994 – Two Classroom Extension (8/26337)

1995 – Small Extension to staff accommodation (8/27748/3)

5. POLICIES

National Planning Policy Statements/Guidance

PPS1: Delivering Sustainable Development

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG17: Planning for Open Space, Sports and Recreation

PPS22: Renewable Energy

PPS23: Planning and Pollution Control

PPS25: Development and Flood Risk

Regional Spatial Strategy

DP1 Spatial Principles

DP4 Make the Best use of Existing Resources and Infrastructure

DP7 Promote Environmental Quality

EM17 Renewable Energy

Congleton Borough Local Plan First Review

GR2 Design

GR4 Landscaping

GR5 Landscaping

GR6 Amenity and Health

GR7 Amenity and Health

GR14 Cycling Measures

GR15 Pedestrian Measures

GR17 Car Parking

GR18 Traffic Generation

GR20 Public Utilities

GR21 Flood Prevention

NR1 Trees and Woodland
NR2 Wildlife and Nature Conservation; Statutory Sites
NR9 Renewable Energy
RC2 Protected Areas of Open Space
RC10 Outdoor Formal Recreation and Amenity Open Space Facilities
RC11 Indoor Recreation and Community Uses

6. Other Material Considerations

Sport England Policy E5 Playing Fields

7. CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager does not object to the proposal subject to the inclusion of an informative, with regards to:

- All access construction adjoining the public highway to be constructed and integrated to a Cheshire East Council's specification and agreed with the LPA. This will be subject to a s278 Agreement under the Highways Act 1980 which would be signed by all relevant parties prior to the commencement of development on site.

The Environment Agency do not object to the proposal subject to the inclusion of an informative, with regards to land contamination issues and suggests that the applicant should follow the requirements of PPS23 and the Environment Agency Guidance on Requirements for Land Contamination Reports.

Environmental Health does not object to the proposals; no further work is required from a contaminated land point of view and the building works do not need any gas protection measures. An asbestos survey should be undertaken prior to any demolition to identify any possible sources of asbestos in the buildings; all recommendations made in the Land Contamination report should be undertaken.

The Safer Routes to School Team does not object to the proposals subject to a condition being attached to any decision notice requiring the school to complete a school travel plan that takes into account the school merger.

The Safer Routes to School Team have provided comments to try to encourage pupils and staff to travel to school more sustainably by providing a cycle path directly to the cycle parking facilities, and also to provide a pedestrian gate on the western boundary of the school grounds adjoining the existing infants' school site.

United Utilities do not object to the proposals subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/ watercourse/ surface water sewer and may require consent from the Environment Agency. Also, if surface water is allowed to be discharged to the public surface water system this may be required to be attenuated to a maximum discharge rate determined by United Utilities.

Sport England does not object to the proposals subject to the following conditions being attached to any decision notice:

- Drainage of the playing fields to be carried out in accordance with the submitted scheme by 31 December 2010;
- The submission of a management and maintenance scheme to include measures to ensure the sustained quality of the playing field, management responsibilities, a maintenance schedule and a mechanism for review;
- The submission of a community use scheme for the indoor and outdoor sports provision to be implemented 6 months after the completion of the development; and
- Removal of site compound and construction equipment within 2 months of the completion of the development, and the subsequent restoration of the playing fields within 3 months of their removal, or within the first planting season (whichever sooner).

The Environmental Protection Officer does not object to the proposal in terms of noise or light pollution subject to the following conditions being attached to any decision notice:

- The erection of a 1.2m high fence around the boundary of the proposed car park to protect properties from car headlight nuisance;
- Car park lighting to be operated by a timer facility outside daylight hours and shall not be used between the hours of 22.00hrs and 08.00hrs
- Security lighting to be operated by a timer facility and outside these times operated by motion sensors for security purposes; and
- Submission of a revised lighting scheme to address the above details and minimise light trespass from the car park lighting onto the highway.

The Nature Conservation Officer does not object to the proposal subject to a condition being attached to any decision notice to avoid any disturbance of breeding birds during site clearance works.

The Landscape Officer has concerns with regards to the location of the proposed extension at the north of the site and its proximity to the trees on the northern boundary of the site; the proposed extension may have implications on the long term viability of the relatively immature sized trees. As such, the Landscape officer does not consider that the proposal has fully taken into account the growth potential of these trees. However, if these trees are to be retained in the longer term, it is imperative that comprehensive protection is implemented as stated within the arboricultural implications assessment.

The Landscape Officer suggests that the tree planting scheme should be revised as some of the replacement trees proposed are not appropriate in their current locations.

The Arboricultural Officer concurs with the comments made by the Landscape Officer with regards to the need for greater separation between the proposed extension and the trees along the northern boundary of the site.

Furthermore, the Arboricultural Officer considers that there would be a potential impact on the tree root systems where the two new pedestrian and vehicular access points are proposed. Also, long-term problems could arise for the maintenance and future use of a new tarmac games court which is proposed to the south of the site, as it would be close to a belt of mixed species trees.

The Arboricultural Officer recommends that the location of the games court should be located further to the north, so that greater separation between the trees and the court is achieved, to prevent root damage to the surface, and to ensure the long term viability of the court.

With regards to the trees along the northern boundary that could be affected by the close proximity to building 1 and the new access points, a condition would be required to secure protection measures for retained trees in the form of a comprehensive arboricultural method statement that would include ground and root protection measures for all trees, complete with details of special construction measures where works encroach within tree root protection areas/ construction exclusion zones. The arboricultural method statement should also include provision for replacement tree planting should trees become damaged during the construction of the building. This would be secured by condition; species and location to be agreed prior to planting.

8. VIEWS OF THE PARISH / TOWN COUNCIL

At the time of writing the report, no comments have been received from Middlewich Town Council.

9. OTHER REPRESENTATIONS

One letter of representation has been received from a resident of Long Lane South. The representor does not object to the application as they do not consider the proposal would have a material impact upon them. However, they have made comments and suggestions regarding issues that are considered within this report including: -

- The increase in vehicles on site could give rise to noise from doors banging which could be attenuated by an acoustic fence on the boundary of the car park; and
- Lighting controls should be required to ensure that the proposed lights on the car park and proposed extension would not cause a statutory nuisance

10. APPLICANT'S SUPPORTING INFORMATION

The full planning application was accompanied by:

- Relevant plans/architectural drawings;
- Arboricultural Implications Assessment;
- Ecological Assessment including a Phase 1 Habitat Survey;
- Cledford Junior School Travel Plan;
- Renewable Energy Feasibility Study;
- Utilities Statement;
- External Lighting Controls Statement;
- Mechanical and Engineering Design Statement;
- Thermal and Energy Efficiency Statement;
- Site Compound and Access arrangements;
- Desk Study Assessment Report for Contaminated Land;
- External Services/CCTV and lighting drawing;
- External lighting information sheets and distribution information;
- Supporting Planning Statement;
- Design and Access Statement;
- Geo-Environmental Assessment Report;
- Flood Risk and Run-off Assessment;
- Drainage proposals Drawing;
- Design and Access Statement;

- Landscaping Proposals; and
- Tree/landscaping Planting schedule and specification

11. OFFICER APPRAISAL

Principle of Development

Cledford Primary School currently occupies two separate sites, with the junior wing at a site on George VI Avenue (the application site) and the nursery and infants' school at the neighbouring site to the west on Long Lane South. The infants' school site is smaller and, following the outcome of a feasibility study, it was not considered feasible to create a combined primary school on this site. Therefore, the decision was taken to apply for planning permission to extend the existing single storey junior school to accommodate the relocated infants' and nursery children.

This proposal forms part of Cheshire East Council's response to the 'Every Child Matters' Agenda and the Children Act 2004, and is part of a full review of all school provision across Cheshire; the Transforming Learning Communities (TLC) Initiative, which objectives are to remove surplus school places whilst meeting wider community needs where possible.

Whilst separate nursery/infant and junior schools have their own individual strengths, it is considered that an all-through primary school located on one site can incorporate these strengths, whilst also providing several additional benefits for the children which are outlined within the planning statement of the planning application. This proposal illustrates the Authorities commitment to improving the quality of education for all children by minimising the need for children to transfer between schools.

As the proposal utilises an existing school to accommodate a new all-through primary school, it is considered that the project meets the principles of Policy DP4 of the RSS as it makes use of existing resources and infrastructure.

Protected Areas of Open Space (Policy RC2)

The entire school site is allocated as Protected Area of Open Space as designated within the Congleton Borough Local Plan First Review. As the proposal is for an extension to the existing school, it is associated with the current use of the site, and forms extensions to existing buildings within the designated area.

The school grounds are not publically accessible at present. However, it is proposed that community access would be granted out of school hours thus providing opportunities to increase the community sports provision in the area. The existing open space would be vastly improved for the benefit of the school children and the wider community, which would result in improved use by providing new play areas, dedicated games courts and pitches. The proposal also includes improved drainage of the playing field which at present floods during excessive rain.

The footprints of the proposed extensions have been designed in such a way to minimise the loss of the open space provision so that the remaining open space can be maximised to its full potential. It is considered that the proposed improvements to the existing outdoor and indoor

facilities, and extended recreation provision for the wider community would offset the minor loss of open space which would result from the proposed extensions and therefore on balance, the proposal is in accordance with Policy RC2 'Protected Areas of Open Space' of the Congleton Borough Local Plan First Review.

Design

As stated above, the locations of the proposed extensions have been designed to minimise the loss of open space and sports provision to meet the requirements of Policy RC2, and also the requirements of Sport England which will be discussed below. The scale of the proposal is proportionate to the surrounding residential area; bungalows on George VI Avenue and two storey detached and semi-detached houses along Long Lane South.

Building 2, the smaller of the two extensions, is proposed to be single storey and constructed to link to the south of the existing school and has been designed to replicate the style of the previous extension at the school in 1994, with matching facing bricks and pitched tiled roof.

Due to its prominent location on the corner of Long Lane South and George VI Avenue, it is proposed to use a pallet of materials for Building 1 with the intention to provide a focal point for the area. For the northern elevation, which faces Long Lane South, it is proposed to use matching facing bricks, coloured render, timber cladding, and with aluminium cladding along the top of the activity community hall to break up and lighten this part of the elevation. The lower part of the community hall, the north east corner of the elevation would be rendered and, subject to condition, approved artwork inspired by the school children would be installed.

The materials proposed for the southern elevation which faces the external play space, includes coloured render and vertical timber cladding to emphasise the recesses in the building which form the covered play areas. Out of school hours the covered play areas would be secured by roller shutters providing safe and secure outdoor play equipment storage. Shade canopies and gazebos are also proposed to provide shade in the play areas. Should planning permission be granted details of all materials proposed including shade canopies, gazebos and roller shutters would be agreed by condition.

External doors and windows would be aluminium framed and polyester powder coated, and all existing windows and doors on site would also be replaced. Rainwater goods would be sourced to match the existing material, profile and colour.

It is considered in terms of design that the proposal is sympathetic to the character, appearance and form of the site and the surrounding area, and hard and soft landscaping are proposed which are integral to the scheme. CCTV is proposed to reduce the risk of crime, and the installation of art on the exterior wall of the community hall would enhance the development and provide a focal point for the area. As such, it is considered that the proposal is in accordance with Policy GR2 'Design' of the Congleton Borough Local Plan.

Renewable Energy and Energy Efficiency

To address the provisions within PPS22 and Policy EM17 of the RSS, the application was accompanied by a feasibility study of low and renewable energy technologies which considered various energy saving measures and renewable energy systems for inclusion within the project.

The study provided recommendations based on the energy use and requirements of the school including; lighting controls to reduce electrical load and consumption, solar thermal panels for hot water and photovoltaic panels for electricity generation.

It is proposed that the roofs over Building 1 would be single pitched facing south, allowing photovoltaic and solar thermal hot water panels to be fitted with the benefit of providing renewable energy and hot water for the school, plus providing educational tools for curriculum opportunities, emphasising the importance of renewable energy to the pupils of the school and surrounding community. Should planning permission be granted, specification details would be agreed by condition.

It is considered that the proposed solar panels would not have an unacceptable impact on the design of the building or residential amenity, and as such, the proposal accords with the provisions of Policy NR9 'Renewable Energy' of the Congleton Borough Local Plan First Review.

The proposal has also been designed to achieve a 'very good' BREEAM rating. The application was accompanied by a thermal and energy efficiency statement, confirming that the services would be designed to meet the requirements of Part L of the building regulations and the Chartered Institute of Building Service Engineers Guide F (energy efficiency in buildings).

Highways

As the proposal would involve the merger of two schools the impact on the highways network needs to be considered. Whilst the existing school children are currently accommodated on two separate sites, these sites lie juxtaposed, and therefore, it is considered that the merger would not generate any additional traffic for the surrounding highway network. As such it is considered that the proposal would be in accordance with Policies GR6 'Amenity and Health' and also GR18 'Traffic Generation' of the Congleton Borough Local Plan First Review.

As the proposal would involve the construction of a new vehicular access on to Long Lane South, (initially for construction vehicles, then subsequently for maintenance purposes), Cheshire East Council's Strategic Highways and Transport Manager requires that all construction adjoining the public highway to be constructed and integrated to a Cheshire East Specification and agreed with the Local Planning Authority subject to a section 278 agreement under the Highway Act 1980 which would be required to be signed prior to commencement of development, this would be conditioned.

Parking

The proposal would involve an extension of the existing car park area by the creation of 33 no. additional car parking spaces, including 5 no. disabled spaces, to provide parking provision for the visitors and staff of the school and the users of the community hall after school hours. The additional parking provision is considered to be in accordance with guidance set out in the Cheshire Parking Standards. As such it is considered to be in accordance with Policies GR6 'Amenity and Health' and also GR17 'Car Parking' of the Congleton Borough Local Plan First Review.

Safer Routes and Sustainable Travel to School

The junior school currently has a school travel plan which was submitted with the planning application. To encourage sustainable methods of transport for the children and staff of the new school, a condition would be attached to require the existing travel plan to be updated to account for the merger of the two schools, with a requirement for an annual review.

The proposal includes measures to encourage cycling to school by the provision of a 10 no. covered cycle store (specification details to be agreed by conditions) and as such, it is considered that the proposal meets the requirements of Policy GR14 'Cycling Measures' of the Congleton Borough Local Plan First Review.

The Safer Routes to School Team have suggested that a cycle path should be considered as part of the proposal to directly link to the cycle parking facilities. However, at present, the school require cyclists to dismount prior to entering the school gates and to push the cycles into the existing designated storage facilities. Furthermore, the proposed location for the new cycle storage area is immediately after the pedestrian entrance off George VI Avenue, so therefore it is considered that an additional path to link the entrance to the cycle facilities would not be necessary.

In terms of encouraging pupils and staff to walk to school, an additional pedestrian access has been proposed to link directly into the new infants building. This would offer a safe route into the new extension without conflicting with vehicles. As such it is considered to meet the requirements of Policy GR15 'Pedestrian Measures' of the Congleton Borough Council Local Plan First Review. The Safer Routes to School Team have suggested that an additional pedestrian gate should also be provided on the western boundary of the school grounds adjoining the existing infants' school site. However, as the future use of the infants' site is not yet certain, and would be subject to a planning application, it would not be appropriate to install an additional pedestrian gate in the western boundary as part of this planning application.

Drainage and Flood Risk

Drainage plans and a flood risk and run off assessment have accompanied the planning application. The Environment Agency and United Utilities do not object to the proposals.

United Utilities do not object to the proposal subject to the site being drained separately with only foul drainage connected into the foul sewer. Foul would discharge into the combined 255mm diameter foul sewer in George VI Avenue.

With regards to surface water drainage, it is considered that the use of soakaways are inappropriate for this site due to the presence of high silt content of the natural strata and poor soil infiltration rates. Therefore, it is proposed to regulate surface flows through an attenuation system to ensure that the land does not increase flows as a consequence of the development, together with an allowance for climate change. It is proposed that surface water run-off from the development would discharge into 300mm diameter surface water sewer in George VI Avenue.

Should planning permission be granted, a condition would be attached to ensure that drainage details and attenuation rates are agreed, prior to commencement of development.

It is considered that the proposal would be acceptable under the requirements set out in PPS25 and complies with the requirements of Policy 21 'Flood Prevention' of the Congleton Borough Local Plan First Review. Also, it is considered that the requirements of Policy GR20 'Public Utilities' of the Congleton Borough Local Plan First Review would be met once drainage details have been agreed by condition.

Playing Fields and Sports Provision

Sport England have been involved in pre-application discussions with regards to this scheme which has led to a number of alterations to the footprint of original scheme prior to submission, culminating in the proposal being put forward as per this application.

In terms of the impact of the proposal on the school's playing field, the main impact would arise from the proposed extension to the north of the existing school buildings (building 1); the footprint of which would extend onto part of the playing field to the west of the site. However, the extent of the encroachment onto the playing field has been reduced from the previous proposal that had been put forward at the pre-application stage.

As discussed above, the scheme proposes improvements to existing outdoor sports provision which would be available for community use. In addition to outdoor sports provision, the scheme proposes a marked indoor court capable of accommodating a badminton court within the proposed community hall. Furthermore, the school has agreed to enter into a community use agreement for the community hall and outdoor pitch.

During construction works, the site construction compound would also be located on part of the playing field. The impact on the playing field would only be for a temporary period, and, the entire playing field would not be used for the construction compound; the football pitch could be marked out on the remaining area of the playing field.

Therefore, whilst the proposed development would impact upon part of the existing playing field, it is considered that the proposed indoor and outdoor provision would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of playing fields on site. As such it is considered to be in accordance of Sport England Policy E5 Playing Fields, the provisions of PPG17, Policies RC10 'Outdoor Formal Recreation and Amenity Open Space Facilities', and RC11 'Indoor Recreation and Community Uses' of the Congleton Borough Local Plan First Review.

Sport England does not object to this application subject to conditions outlined above in relation to playing field drainage works to be completed by 31 December 2010, the submission and implementation of a management and maintenance scheme for the playing field, submission and implementation of a community use agreement, and also restoration of the playing field following the construction works.

Residential Amenity; Lighting

The proposal would provide additional lighting within the extended car park area, and also security lighting attached to the proposed extension buildings. The application was

accompanied by a lighting assessment which the Council's Environmental Protection Officer has assessed and does not object to the proposals subject to the following conditions:

- The erection of a 1.2m high fence around the boundary of the proposed car park to protect properties from car headlight nuisance;
- Car park lighting to be operated by a timer facility outside daylight hours and shall not be used between the hours of 22.00hrs and 08.00hrs
- Security lighting attached to the buildings to be operated also by a timer facility with motion sensors outside these times for security purposes; and
- Submission of a revised lighting scheme to address the above and minimise light trespass from the car park lights onto the highway.

Subject to the above, it is considered that the application is in accordance with the provisions of PPS23, Policy DP7 of the RSS and Policy GR7 'Amenity and Health' of the Congleton Borough Local Plan First Review.

Residential Amenity; Noise

A local resident has raised concerns in relation to the increase of vehicles and the potential increase noise from car doors shutting, and has suggested that an acoustic fence should be installed on the boundary around the car park.

The Council's Environmental Protection Officer has considered the application and has concluded that, due to the anticipated car park use being largely at school start and finishing times, and also the proposed low number of cars expected to use the car parking facilities during the evenings, the application would not give rise to unacceptable levels of noise, and therefore an acoustic fence would not be necessary in this instance. The opening hours of the community hall would be restricted to 22.00hrs. In relation to noise pollution, it is considered that the application is in accordance with PPS23, Policy DP7 of the RSS, and the provisions of Policy GR7 'Amenity and Health' of the Congleton Borough Local Plan First.

CCTV is proposed on site to provide surveillance for the whole site including the new and existing building. However, the specification provided within the application does not provide for loud speakers. Should planning permission be granted, a condition would be attached to prohibit the use of CCTV with an audible setting unless a further planning application is sought, for the avoidance of doubt, and in the interests of residential amenity of the surrounding properties.

Nature Conservation

The planning application was accompanied by an Ecological Assessment which included a Phase 1 Habitat Survey. The Council's Nature Conservation Officer has been consulted and confirms that there does not appear to be any significant ecological issues associated with the proposed development.

Should planning permission be granted, a condition would be attached to ensure that site clearance work of vegetation is avoided during the bird breeding season, to safeguard protected species in accordance with PPS9 and Policy NR2 'Statutory Sites' of the Congleton Local Plan First Review. Should this be required between 1st March and 31st August in any year, a detailed survey would be required to check for nesting birds.

Trees

There are a significant number of trees on the site, many of which make a useful contribution to the visual amenity of both the school and the surrounding area. The most prominent trees are on the site boundaries with the trees on the Long Lane South frontage on the northern boundary being particularly prominent. None of the trees are subject to TPO protection.

As part of the proposals, 13 of the 41 individual trees would be removed within the school site including some along the northern boundary. Also 2 of the 3 existing groups of trees are proposed to be removed, as indicated within the submitted arboricultural implications assessment.

Although the design of the new extension has retained the majority of the trees along the northern boundary of the site, it is considered that the location of the proposed extension (building 1) has not fully taken into account the growth potential of the trees along the northern boundary, which may, as a result have an impact on the long term viability and retention of these trees and may result in future losses. Furthermore, the construction of the proposed new pedestrian and vehicular access points could have an impact on the tree root systems, as these are proposed within construction exclusion zones.

It is considered that the site layout and the location of the proposed building has been put forward to ensure that the playing field and the protected open space is not encroached any more than necessary; to ensure that the proposal is in accordance with policy RC2 'Protected Areas of Open Space' and also the Sport England policy on playing fields. Therefore the layout has been proposed in such a way to take into account the constraints of the site. Whilst the proposed building is considered to be in close proximity to the trees and the access points would cross tree root zones, it is considered that with careful tree protection and site management and maintenance that the building and the site accesses could be accommodated in the proposed locations.

Therefore, should planning permission be granted, it would be imperative, for the long term viability of these trees and the building to ensure that a comprehensive tree protection plan is in place, to ensure that the trees are protected during construction. This would be achievable through a condition which would be imposed to require the submission of a comprehensive arboricultural method statement; including protection measures for all trees and details of special construction measures and ground protection measures where works would encroach within tree root protection areas. The arboricultural method statement should also include provisions for the event that additional trees need to be removed.

During construction, should it be considered expedient for the health and safety of the school, and its users that some of the boundary trees should be removed, it is considered that this would not be detrimental to the visual impact or amenity of the area as it is considered that the proposed development would be of a high quality design and standard. The site benefits from many existing mature trees which are in no danger of removal. Should additional trees be require to be removed, further tree planting on site would be required on a 1:1 basis, and species and location to be agreed by condition as part of the arboricultural method statement.

The Council's Arboricultural Officer highlighted the potential long term problems for a belt of mix species trees to the south of the site, where the new tarmac games court is proposed, as it

would be located in close proximity to these trees. Therefore, to ensure the long term use of the court, and for the health and safety of the users of the court, an alternative location has been proposed for the games court. The proposed site plan and landscape layout has been revised to show the location of the proposed school allotment to be adjacent to these trees; moved from the north of the games court to the south, thus creating greater separation between the belt of trees and the games court. Sport England has confirmed that this would be acceptable as it would have limited impact on the usable area of retained playing field at the site. As such Sport England has no objection to the re-sighting of the proposed games court.

Landscape

The proposals include both hard and soft landscaping as part of the redevelopment of the site. The submitted landscaping scheme includes Infants' and Nursery play areas, shrub planting, a raised allotment bed, a relocated adventure play area, a woodland path area, a wildflower area, shade canopies, gazebos, a seating area with planting, grass and tarmac areas, and replacement tree planting.

The County's Landscape Officer has considered the submitted landscaping scheme and considers it largely acceptable, however, advises that slight alterations to some of the suggested tree species would be required. Should planning permission be granted, a condition would be attached to require the submission of a revised landscaping scheme to take into account for these errors, and also, a condition would ensure satisfactory provision is made for the maintenance and aftercare of the site, in accordance with Policy GR4 'Landscaping' of the Congleton Borough Local Plan First Review.

12. CONCLUSIONS AND REASON(S) FOR THE DECISION

This application seeks planning permission to extend the existing Cledford Junior School to accommodate the neighbouring nursery and infants school on one site; providing an all-through primary school. It is considered that the design is of a high standard which incorporates renewable and energy efficiency technologies.

Whilst the application site is designated as a Protected Area of Open Space within the Congleton Borough Local Plan and the building would result in the loss of playing field area, the application includes improved indoor sports provision in the form of a community hall which would accommodate one badminton court, and also improved outdoor sports provision including maintenance and drainage of the playing field to allow increased community use. It is considered that these improvements would benefit the school and the wider community and would therefore compensate for the loss of open space and playing field.

It is considered that the proposal would not cause increased traffic movement, and has provision to encourage sustainable travel to school by the inclusion of cycle storage, pedestrian access points and the requirement to update and revise the school travel plan by condition.

Furthermore, it is considered that the proposed development would not; significantly increase flood risk, have an impact on nature conservation or residential amenity by increase in noise. Also, any increase in light attributed to the development could be controlled by condition satisfactorily so that it would not have a detrimental impact on residential amenity.

A balance has to be drawn between potential impact on trees and potential tree loss, and the protected area of open space and loss of playing fields. It is considered that, with a comprehensive tree protection plan; including protection measures for all trees and details of special construction measures and ground protection measures where works would encroach within tree root protection areas, that the proposed building 1 and access points could be accommodated on the site without causing a detrimental impact on trees, open space or playing fields.

Furthermore, should it be expedient to remove some of the trees along the northern boundary of the site it is considered that this would not be detrimental to the visual amenity of the area, as the proposed extension is considered to be of a high quality design. Any trees that would be lost as a result of this proposal would be replaced accordingly with appropriate species to be agreed and on a 1:1 basis and those that remain would be protected to avoid any damage to ensure the successful retention (as stated within the arboricultural method statement). None of the trees on site are subject to TPO protection and, the potential loss of trees does not warrant a significant reason for refusal.

It is considered that the proposal is in accordance with the provisions of the development plan as outlined above and there is no reason to refuse this application, therefore planning permission should be granted subject to the following conditions.

13. RECOMMENDATION: Approve subject to following conditions:

- 1. Approved plans**
- 2. Implementation time**
- 3. Written notification**
- 4. Art work for infants' activity/community hall**
- 5. Materials to match existing and to be agreed where necessary**
- 6. Details of shade canopies, gazebos and roller shutters**
- 7. Specification details of solar panels agreed**
- 8. Highways construction specification and signing of s278 prior to commencement of development**
- 9. Update and Revise School Travel Plan**
- 10. Details of cycle storage**
- 11. Site Drainage details agreed for attenuation rates**
- 12. Drainage of the playing fields by 31 December 2010**
- 13. Management and maintenance scheme for the playing fields**
- 14. Community Use Scheme for indoor and outdoor sports provision**
- 15. Playing field site restoration**
- 16. 1.2m fence around the boundary of the car park**
- 17. Restricted use of car park lights (not used between 22.00 and 8.00)**
- 18. Security lighting to be on a motion sensor**
- 19. Submission of revised lighting scheme to include the above and minimise light trespass on to the highway**
- 20. Hours of operation of the community hall no later than 22:00**
- 21. No audible feature on CCTV**
- 22. Site clearance works to avoid the bird breeding season**
- 23. Tree protection in accordance the arboricultural implications assessment**

- 24. Comprehensive arboricultural method statement to include protection measures for all trees and details of special construction measures where works encroach within tree root protection areas and additional Tree Planting where additional losses occur 1:1 with an appropriate replacement agreed**
- 25. Revise the submitted tree planting plan/landscaping plan**
- 26. Landscaping maintenance and aftercare**

Location Plan : Cheshire East Council Licence No 100018515



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Planning Reference No:	09/2856C
Application Address:	122 Sandbach Road North, Alsager, ST7 2AW
Proposal:	Proposed new dwelling
Applicant:	Mrs Rosemary Leese
Application Type:	Full Planning Permission
Ward:	Alsager
Earliest Determination Date:	2 November 2009
Expiry Date:	30 November 2009
Date Report Prepared:	3 November 2009

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

The key issues that Members should consider in determining this application are:

- Principle of Development
- Design and Visual Impact
- Amenity
- Highways
- Landscaping

1. REASON FOR REFERRAL

Councillor D. Hough officially requested that the application be determined by planning committee due to the proposals potential to impact upon the Astbury Mere.

2. DESCRIPTION OF SITE AND CONTEXT

The site relates to a substantial plot located to the north of Astbury Mere. Whilst a dwellinghouse isn't on the site at present, it is noted that a previous residence was demolished following permission for a replacement dwelling in July 2006.

The plot slopes down to the mere from a raised bank to the north and is bounded by a combination of mature trees and shrubs that vary in height from neighbouring properties and their garden areas. Access is gained to the site between dwelling numbers 120 and 124 Sandbach Road North.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a modern five bedroom, two-storey detached dwelling with attached triple garage.

The application is a resubmission of a scheme approved in 2008. The main difference between the two applications is the height of the development that has now increased by heights ranging from approximately 0.8 – 0.9 metres.

Other alterations to the dwelling include a number of small changes to the fenestration details of the property and the installation of light ducting positioned around the residential curtilage.

4. RELEVANT HISTORY

08/0040/FUL - Replacement single dwelling. Approved (March 2008)
07/1094/FUL - Replacement single dwelling. Withdrawn (December 2007)
06/0431/FUL - Replacement single dwelling. Approved (July 2006)

5. POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP7 Environmental Quality

Local Plan Policy

PS4 Towns

GR1 General Criteria

GR2 Design

GR6 Amenity and Health

H1 Provision of New Housing Development

H2 Housing Supply

H4 Residential Development in Towns

NR1 Trees and Woodland

NR6 Reclamation of Land

6. CONSULTATIONS (External to Planning)

Highways:

[04.11.2009] The Strategic Highways Manager has no objection to this application, subject to the following informatives being attached to any permission:

- Provision of vehicular crossings constructed in accordance with Cheshire East Council Highway Authority specification.

- The applicant must ensure that the chosen contractor makes formal agreement with Cheshire East Council Highway Authority via a Road Opening Notice under the Highways Act 1980.

Environmental Health:

[28.10.2009] The Environmental Division has no objection to the development subject to conditions being attached to any permission relating to land contamination and restrictive hours of construction.

Senior Landscape & Tree Officer:

[30.10.2009] The Senior Landscape and Tree Officer acknowledges that there is an existing approval for a dwelling on the same footprint. Should the current proposal be deemed acceptable, it is recommended that the same conditions in respect of tree protection, landscape etc.

The Officer highlights that a new element within the current proposals is ducting within tree root protection zones. Installation of this service could result in harm to tree roots. As trees on the boundary would provide valuable screening of the proposed dwelling, notwithstanding the details proposed, it is suggested that the location and installation of the ducting needs further consideration.

7. VIEWS OF THE PARISH / TOWN COUNCIL

[28.10.2009] Alsager Town Council has no objection to the application.

8 . OTHER REPRESENTATIONS

No further representations were received at the time of report preparation.

9. . APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement was submitted with the application that addresses issues relating to design, layout, scale, access, landscaping, appearance, and sustainability.

10. OFFICER APPRAISAL

Principle of Development

The proposal would be located in the same position of a previously approved dwellinghouse and as such would not give rise individually or cumulatively to housing supply totals. The proposal would therefore have no effect upon housing land supply figures and is acceptable in principle.

Design and Visual Impact

The design, location, and layout of the proposed dwellinghouse are the same as the details approved in application 08/0040/FUL and as such it is highlighted that the principle of the proposal has previously been accepted.

The current application seeks alterations to the height of the dwelling and fenestration details only. Such alterations are minor in nature and would have a minimal impact upon the appearance of the dwellinghouse.

Given that the dwellinghouse would not be visible from Sandbach Road North and viewed from the mere in the context of a wide range of dwelling types, it is not considered that the proposal would detrimentally impact upon the street scene.

Amenity

The proposal would be located in the same location as the dwellinghouse previously approved under application 08/0040/FUL where it was deemed that the impact upon neighbouring amenity was acceptable.

It is acknowledged that the proposal would be slightly higher than the previously approved scheme however; as the height increase is minor, any detriment to neighbouring amenity is significantly unlikely.

The minor amendments to fenestration details would not impact upon the privacy afforded to neighbouring properties given that significant distances exist between the proposal and such neighbouring properties.

Highways

The new development would be accessed via an existing access between 120 and 124 Sandbach Road North and in the absence of any objection from the Highways Authority; it is not considered that the proposal would be detrimental to highway safety.

Landscaping

There are no protected trees within the application site however; existing mature vegetation does provide valuable screening to and from neighbouring properties. As such it is considered necessary for such trees to be maintained and protected. This could be achieved by the submission of a landscaping scheme prior to the commencement of any development.

It is noted that the Landscape Officer had concerns relating to the location of light ducting within tree root protection zones however, an amended plan has been submitted to the Local Planning Authority which now ensures that the ducting would be located outside of tree canopy areas. The Senior Landscape and Tree Officer have confirmed such relocation is acceptable.

11. CONCLUSIONS

The proposal is a resubmission of a previously approved scheme subject to minor changes relating to height, fenestration detailing, and light ducting. Such changes are minor in nature and would have a negligible impact upon the character and appearance of the approved dwellinghouse. The proposal would not detrimentally impact upon the visual amenity of the area nor the privacy and amenity afforded to neighbouring properties. The proposal therefore complies with the relevant planning policies and is recommended for approval accordingly.

12. RECOMMENDATIONS

APPROVE subject to the following conditions: -

- 1. Standard time limit**
- 2. Plan numbers**
- 3. Removal of permitted development rights classes A-E**
- 4. Submission of all external materials and finishes**
- 5. Boundary treatment details to be submitted**
- 6. Decontamination of land**
- 7. Protection from noise during construction.**
- 8. Details of pile driving to be submitted**
- 9. Submission of a landscaping scheme**
- 10. Planting to be carried out in the first planting and seeding seasons**
- 11. Tree protection**
- 12. No excavations etc in approved tree protection area**
- 13. Submission of an Arboricultural method statement**
- 14. Details of precise position and levels to be submitted**

Location Plan: Cheshire East Licence No. 100018515



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Planning Reference No:	09/3100N
Application Address:	Land Adj To Siloan, Marsh Lane, Ravensmoor, Cheshire
Proposal:	New Dwelling
Applicant:	Mr & Mrs K Allman
Application Type:	Full Planning
Grid Reference:	362137 350616
Ward:	Cholmondeley
Earliest Determination Date:	29 th October 2009
Expiry Dated:	22 nd November 2009
Date of Officer's Site Visit:	12 th October 2009
Date Report Prepared:	3 rd November 2009
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Impact on Streetscene
- Impact on Amenity of adjacent properties
- Impact on highway safety

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Bailey has requested it to be referred to Committee due to design, impact on amenity and highways issues.

2. DESCRIPTION OF SITE AND CONTEXT

The application site forms domestic curtilage to the side property known as Siloan on Marsh Lane within the village of Ravensmoor. Ravensmoor does not benefit from a settlement boundary and the site is therefore located within the Open Countryside. The site is located between residential development consisting of a pair of two storey semi-detached dwellings and a pair of semi-detached dormer bungalow. The existing property of Siloan is accessed from Barracks Lane to the west of the site. Between the application site and the adjacent property, Wyvern, is a disused access, which is understood to have served a electric sub station which has now been removed.

3. DETAILS OF PROPOSAL

The application proposes the construction of a two-storey, three bedroom, detached dwelling. The property will be 'L' shaped with a projecting gable towards Marsh Lane. The dwelling will have a maximum height of 6.8m and maximum width of 8.5m. Original plans show the proposed dwelling to be accessed from Barracks Lane with the removal of the existing garage and the parking and turning areas for both the application site and Siloan to be provided to the rear of those properties.

4. RELEVANT HISTORY

No relevant on site planning history

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP). The relevant development plan policies are:

Local Plan policy

NE.2 Open Countryside
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
RES.5 Housing in the Open Countryside

Other Material Considerations

Local Development Framework – Development on Backland and Gardens

6. CONSULTATIONS (External to Planning)

Highways: If the proposed access is taken off Barracks Lane no highways objection as this is an existing access with low use. If the access is to be taken off Marsh Lane, visibility splays of 2.4m X 215m will be required as Marsh Lane is a classified road with a speed limit of 60mph. The above visibility splays can be reduced subject to the results of a speed survey in accordance with TA22/81. All proposed parking spaces must be a minimum of 2.4m X 4.8m. Any new or alterations to an existing access must be constructed to CEC specification and approved by the LPA. Subject the above being carried out, no highways objections.

Environmental Health (Contaminated Land): No objection subject to Phase I contaminated land survey to be submitted

7. VIEWS OF THE PARISH COUNCIL

None received

8. OTHER REPRESENTATIONS

Four Letters of objection received from 1 & 3 Barracks Lane, Wyvern and 5 Ravens Corner. The salient points raised being

- Proposed demolition of garage adjoins garage of 1 Barracks Lane
- Concern over volume of traffic using Barracks Lane
- Concern over where visiting vehicles would park
- Overlooking from upstairs windows

- Noise and disturbance from vehicles using the track, at present this is garden and causes no nuisance
- Close proximity of development to Wyvern would have a detrimental impact on sun terrace/patio through loss of light
- View would become a brick wall
- Loss of privacy
- Overdevelopment of site not in scale with surrounding development
- Overshadowing across whole of garden – would impact garden plants
- Development would spoil the overall character of the village

9. APPLICANT'S SUPPORTING INFORMATION

Short Design and Access Statement – Salient points being:

- Site complies with the infilling development within a string of residential development for one dwelling
- Plot can be development satisfactorily without interfering with the amenity of adjacent properties
- Adequate garden/amenity land will be available for both properties
- All habitable room windows facing front and rear to prevent overlooking and loss of privacy
- Dwelling has floor area of 134sqm
- Proposal is of similar size to adjacent properties
- Scheme of landscaping to be produced if approved
- Appearance will be similar to others in the area and will be constructed from brick and tile
- Access will be via Barracks Lane and with turning and parking to the rear.

10. OFFICER APPRAISAL

Principle of Development

Ravensmoor has no settlement boundary and is therefore located within the Open Countryside as identified by the Local Plan proposals map. Policy NE.2 allows for the infilling of a small gap within an otherwise built up frontage of 1 or 2 dwellings as an exception. The application site forms garden land to the side of a property known as Siloan. The land forms a gap of 14m between the properties of Siloan and Wyvern, which is considered to be a small gap. Marsh Lane at this location has an established built up frontage with a pair of semi detached properties either side of the application site, residential development continues in both a north east direction along this side of Marsh Lane and to the south west is the Farmers Arms PH. It is considered that this represents a built up frontage and the site is therefore a genuine opportunity for infilling. The development is therefore acceptable providing the scheme is in compliance with other Policies within the Local Plan.

Design

The dwelling is proposed to be sited between two pairs of semi detached properties, the building is shown to be sited slightly forward of Siloan however it will be behind the building line of Wyvern. It is considered that the dwelling is appropriately sited to respect the pattern of development and would not result in a prominent form of development in this respect.

The application proposes the construction of a two storey detached dwelling adjacent to a pair of two storey semi detached dwellings and a pair of 1.5 storey dormer bungalows. The height of the dwelling would be no greater than the adjacent Siloan and would not appear significantly greater than the dormer bungalows as these have high ridge levels and would be sited slightly forward of the proposed dwelling. The footprint of the dwelling and its surrounding curtilage would be similar to those dwellings within the immediate area. It is therefore considered that the proposed dwelling would respect the scale of surrounding development.

The surrounding area is characterised by a number of styles of dwellings of varying ages, with no apparent prevailing character. The proposed detached dwelling is fairly simple in design and proposes a forward projecting gable. It is considered that the construction of a two storey detached property in this location would have no significant detrimental impact on the character and appearance of the streetscene in this area of mixed character.

The proposed dwelling will satisfy the criteria for design set out in Policy BE.2.

Amenity

Policy BE.1 (Amenity) states that development should not have an adverse impact on adjoining properties through loss overshadowing, overlooking, visual intrusion or any other way.

The siting of the dwelling respects the building line of surrounding development. The adjacent property of Wyvern has an attached garage to the side of the dwelling and a kitchen door within its side elevation. The principal windows of that property are sited to the front and rear of the property it and also has an obscured glazed window at first floor level. The positioning of the proposed dwelling will mean that there will be no breach of the 45° standard from principal windows and would not therefore result in a loss of daylight to that property. The proposed dwelling is sited so that its rear wall is approximately 4m to the rear of Wyverns. The dwelling will be sited within close proximity to the boundary of Wyvern. The orientation of the buildings will mean that only a small area of private amenity space of that property will be overshadowed by the proposed development with a large area of the garden being unaffected by the development.

The principal windows to the front of the dwelling will be located over 40m from the principal windows of those properties opposite and would not result in a loss of privacy of those properties. To the rear there will be no direct facing principal windows. The first floor windows to the rear will be 12m from the rear boundary, beyond which is the private amenity space of No.3 Barracks Lane, it is considered that this is an adequate distance not to result in a significantly detrimental impact on the amenity of that property through overlooking.

The proposed access details as submitted will result in vehicles for both Siloan and the proposed dwelling being accessed off Barracks Lane with the parking and turning areas to the rear of those properties. It is considered that this would give rise to a significant detrimental impact on the amenity of No.3 Barracks Lane through noise and disturbance and would be unacceptable. Furthermore, these access arrangements would result in an erosion of the private amenity space of Siloan to an extent that would also be unacceptable. Although there is land to the front of the property which is used as garden this is not considered to be private due to its proximity adjacent to Marsh Lane.

Within the side elevation of Siloan are two ground floor windows which are understood to serve the kitchen of that property, this dwelling is within the applicants ownership. The siting of the application dwelling as proposed would result in poor relationship to these windows which could cause demonstrable harm through loss of light.

Highways

The submitted plans show the site to be accessed from Barracks Lane. It is considered that this would give rise to an unacceptable level of noise and disturbance on the amenity of No.3 Barracks Lane and little private amenity space remaining for Siloan.

A more suitable access would be from Marsh Lane and the Highways Authority have stated that an access could be supported provided that visibility splays of 2.4m x 215m are achieved. Discussions with the agent have confirmed that these visibility splays cannot be achieved but splays of approximately 120m can be. Whilst this indicative figure is below that requested from the Highways Authority the visibility achieved would be no worse than those existing properties that currently access Marsh Lane.

Other Issues

Environmental Health (Contaminated Land) require a Phase I survey to be carried out. This can be secured through an appropriately worded condition.

11. CONCLUSIONS

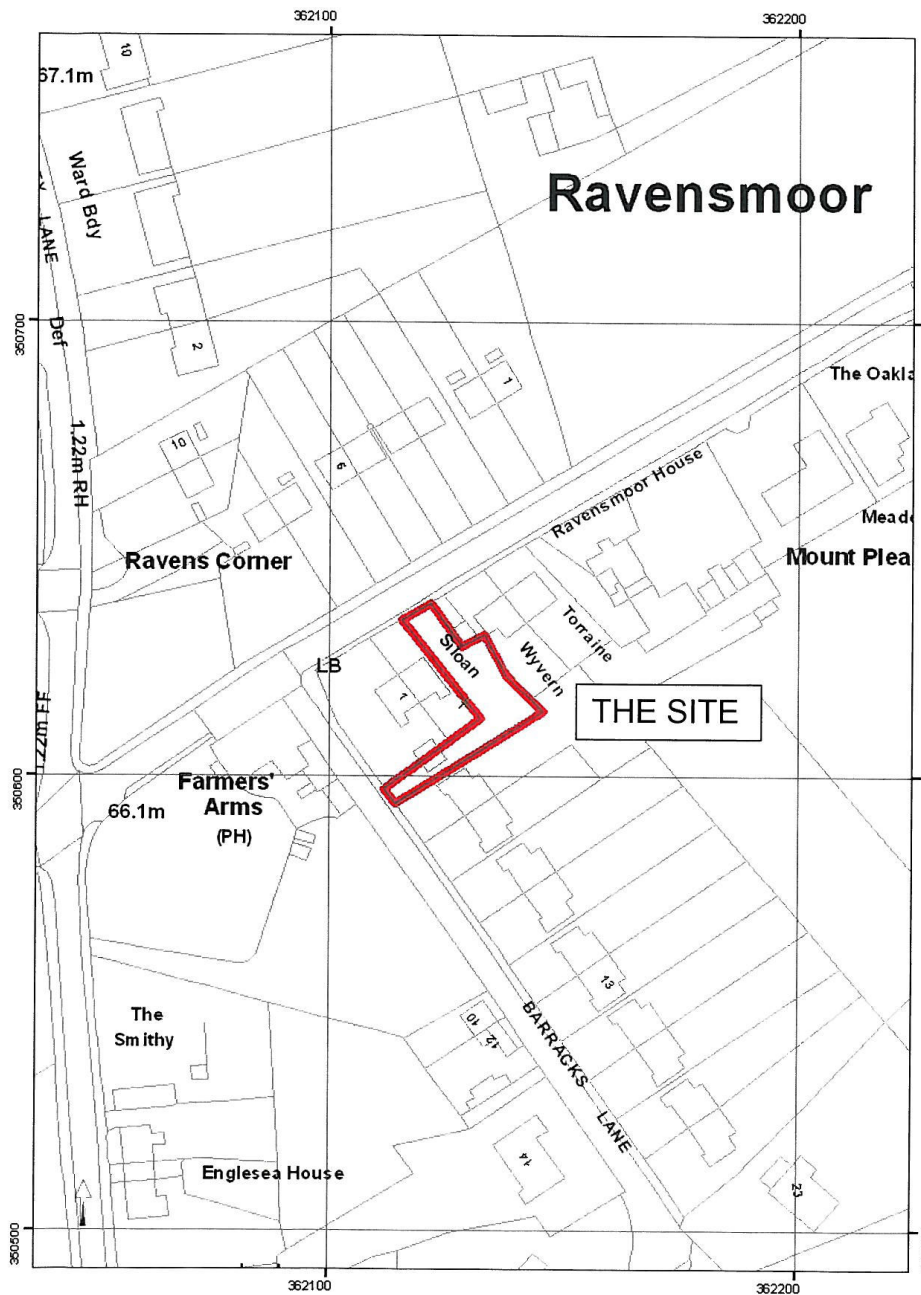
As submitted the proposed development by virtue of its access from Barracks Lane would result in a detrimental impact on the amenity of No.3 Barracks Lane through noise and disturbance, and Siloan through erosion of private amenity space. Insufficient information has been submitted to satisfy the Local Planning Authority that the proposed development can be satisfactorily accessed from Marsh Lane, which in doing could result in the re-siting of the proposed dwelling giving rise to further potential amenity issues on adjacent properties. Furthermore, within the side elevation of Siloan are two ground floor windows which are understood to be principal and the proposed development would therefore result in demonstrable harm on the amenities of that property.

12. RECOMMENDATIONS

REFUSE for the following reason

1. The proposed dwelling and adjacent dwelling, Siloan, would be accessed from Barracks Lane with their parking and turning areas to the rear of those dwellings, which is immediately adjacent to the boundary with the rear garden space of No.3 Barracks Lane. This arrangement would result in demonstrable harm to the amenity of No.3 Barracks Lane through noise and disturbance from vehicular movements. Furthermore, the proposals would result in an unacceptable erosion of the rear private amenity space of Siloan and the siting of the dwelling would represent an undesirable relationship with side facing ground floor principal windows causing harm to the amenity of that property. The proposed development would therefore be contrary to Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Location Plan



09/3100N – Land adjacent to Siloan Marsh Lane Ravensmoor

N.G.R.; - 362.132 350.617

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Not to Scale