

Southern Planning Committee

Agenda

Date:	Wednesday, 6th January, 2010
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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 - 6)

To approve the minutes of the meeting held on 9 December 2009.

4. **Public Speaking**

Please contact Julie Zientek on 01270 686466

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

A 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. **09/0930C Two residential units to rear of 38 Pikemere Road, on existing rear garden land, 38 Pikemere Road, Alsager for Mr Andrew Chatterton** (Pages 7 - 14)

To consider the above planning application.

6. **09/3455C Two detached houses with garages, 36 Pikemere Road, Alsager for Mr & Mrs P Bolden** (Pages 15 - 20)

To consider the above planning application.

7. **09/1663C The construction of 10 new affordable houses and new access road, land adjacent Poolwood Cottages, Holmes Chapel Road, Somerford for Plus Dane Group** (Pages 21 - 28)

To consider the above planning application.

8. **09/3140N Excavation of a Fishing Pool, land south of Wybunbury Mere, Wrinehill Road, Hough, Crewe for Mr A. Worthington** (Pages 29 - 36)

To consider the above planning application.

9. **09/3239C New pre-fabricated learning centre and associated car park, Holmes Chapel Comprehensive School, Selkirk Drive, Holmes Chapel, CW4 7DX for Mr Jeff Sharp** (Pages 37 - 42)

To consider the above planning application.

10. **09/3337C Demolition of Existing Industrial Unit, Clearance of Site and Redevelopment by the Erection of Residential Units, Training Centre, Hill Street, Sandbach, Cheshire, CW11 3JE for Mr Clarke** (Pages 43 - 52)

To consider the above planning application.

11. **09/3921C Proposed Two Pairs of Semi-Detached Dwellings, Associated Parking and Landscaping, land to the rear of 155, Heath Road, Sandbach, Cheshire, CW11 2LE for Mr C Lowe** (Pages 53 - 60)

To consider the above planning application.

12. **Section 106 Agreement for Planning Application for Residential Development on land off Barony Road, Nantwich** (Pages 61 - 64)

To consider proposed alterations to the Definitions and Interpretation in the Section 106 Agreement for the affordable units currently under construction in Barony Road, Nantwich.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 9th December, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors T Beard, D Bebbington, M Davies, S Furlong, L Gilbert, J Jones,
S Jones, A Kolker, R Walker and J Weatherill

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor A Moran

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer), David Malcolm (Southern Area Manager -
Development Management) and Rosamund Ellison (Principal Planning
Officer)

Apologies

Councillors B Howell and S McGrory

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

Councillor S Jones declared that in calling in application numbers
09/0930C and 09/3455C she had expressed an opinion and therefore
fettered her discretion. Councillor Jones exercised her separate speaking
rights as a Ward Councillor and withdrew from the meeting during
consideration of these items.

Councillor A Moran, who was in attendance at the meeting, declared a
personal interest in respect of application number 09/3256N 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.

104 MINUTES

RESOLVED – That the minutes of the meeting held on 18 November 2009
be approved as a correct record and signed by the Chairman.

105 **09/0930C TWO RESIDENTIAL UNITS TO REAR OF 38 PIKEMERE ROAD, ON EXISTING REAR GARDEN LAND, 38 PIKEMERE ROAD, ALSAGER FOR MR ANDREW CHATTERTON**

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor S Jones withdrew from the meeting during consideration of this item.

Note: Councillor C Burgess (on behalf of Alsager Town Council) and Mr A Chatterton (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 DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on the neighbouring residential properties.

106 **09/3455C TWO DETACHED HOUSES WITH GARAGES, 36 PIKEMERE ROAD, ALSAGER, FOR MR & MRS P BOLDEN**

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor S Jones withdrew from the meeting during consideration of this item.

Note: Councillor C Burgess (on behalf of Alsager Town Council) and Mr M Williams (objector) 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 DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on the neighbouring residential properties.

107 **09/2675N DEMOLITION OF A SINGLE STOREY TEACHING/AMENITY BLOCK AND ERECTION OF A NEW TWO STOREY FOOD CENTRE OF EXCELLENCE TO FACILITATE BUSINESS INNOVATION AND RESEARCH AREAS, REASEHEATH COLLEGE, MAIN ROAD, WORLESTON, NANTWICH, FOR REASEHEATH COLLEGE**

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
4. Surfacing materials
5. Landscaping scheme
6. Implementation of landscaping
7. No activities in field containing ancient monument
8. Implementation of drainage works
9. Scheme for external lighting
10. Work to proceed in accordance with recommendations for bat and birds and advice to personnel in bat survey
11. Site (including trees) to be checked for nesting birds if development commences in bird nesting season
12. Details of source separation, recycling and storage of waste for Food Centre
13. Travel Plan plus additional cycle parking facilities if necessary
14. No demolition or works of any description until a Waste Audit is submitted in relation to the demolition of the existing areas of the rebuilding and recycling/ re-use of materials as far as reasonably practical
15. Development to incorporate the sustainable development measures specified in the Design and Access Statement

108 **09/3083N TO CONVERT EXISTING TWO-STOREY DWELLING HOUSE, TO FORM TWO SELF-CONTAINED APARTMENTS (ONE AT GROUND FLOOR LEVEL AND ONE AT FIRST FLOOR LEVEL), 33 LUNT AVENUE, CREWE, CHESHIRE, CW2 7LZ, FOR MRS DEBORAH TAYLOR**

Note: The Principal Planning Officer reported that the Highway Authority had confirmed that it had no objection to the proposed development.

The Committee considered a report regarding the above planning application.

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

1. Standard
2. Approved Plans
3. Bin Storage as shown on plan to be provided and retained
4. Cycle Storage to be provided and retained
5. Sound Insulation to Building Regulations standards to be submitted and approved
6. Parking as shown on plan to be provided and retained
7. The rear bedroom of the dwelling to be used as the living room of the first floor unit.

109 09/3256N ERECT NEW (A1) SHOP AND (A2) USE - TWO AND SINGLE STOREY BUILDING, COCOA YARD, NANTWICH, CHESHIRE, CW5 5BL FOR MR A. BUTLER

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

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

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

The development, by virtue of its scale, form and setting and particularly the adjacent buildings and spaces around it, would result in a cramped form of development which would be detrimental to the character and appearance of this particular part of the Nantwich Conservation Area. To allow the development would be contrary to policy BE.7 (Conservation Areas) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

110 09/1663C THE CONSTRUCTION OF 10 NEW AFFORDABLE HOUSES AND NEW ACCESS ROAD, LAND ADJACENT POOLWOOD COTTAGES, HOLMES CHAPEL ROAD, SOMERFORD, FOR PLUS DANE GROUP

Note: Councillor N Alcock (on behalf of Somerford Parish Council) and Mr J Ashall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED

- (a) for a Committee site inspection so that Members can assess the impact of the proposed development.
- (b) to enable officers to supply further details regarding the local need for affordable housing.

111 09/3428C REPLACEMENT OF EXISTING STEEL FACED REAR DOOR TO PHARMACY WITH STEEL SECURITY DOOR, 28 WHELOCK STREET, MIDDLEWICH, FOR L. ROWLAND & CO. (RETAIL) LTD

The Committee considered a report regarding the above planning application.

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

1. Commence development within 3 years
2. Development in accordance with agreed drawings
3. Submission of details/samples of external materials and finishes including requirement to clad the external facing door with timber

The meeting commenced at 2.00 pm and concluded at 3.30 pm

Councillor B Dykes (Chairman)

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Planning Reference No:	09/0930C
Application Address:	38 Pikemere Road, Alsager.
Proposal:	Two residential units to rear of 38 Pikemere Road, on existing rear garden land.
Applicant:	Mr Andrew Chatterton
Application Type:	Full Planning Permission
Ward:	Alsager
Registration Date:	25 th June 2009
Earliest Determination Date:	11 th August 2009
Expiry Date:	19 th August 2009
Date report Prepared	21 st December 2009

SUMMARY RECOMMENDATION: Refuse on the grounds of adverse impact on trees and unsatisfactory living conditions due to dominant trees and hedges causing significant shading.

MAIN ISSUES: Principle of the development, impact on trees, layout and design.

1. REASON FOR REFERRAL

Called in by Councillor S Jones for reasons of overdevelopment of the site and adverse impact on neighbouring properties.

PREVIOUS MEETING

At the Planning Committee meeting held on 9th December 2009, members resolved to defer this application in order to undertake a site visit.

A revised plan has been submitted for consideration which sites the proposed dwellings further from the trees and an update addressing the impact this will have should be available for Committee on 6th January 2010.

Further information has been submitted relating to Great Crested Newts and it is hoped that an update on this matter can also be reported for Committee on 6th January 2010.

Negotiations were also being pursued by the Council with the applicants and the applicants of the neighbouring application at number 36, with regard to submitting a revised application with a shared access. It appears however that agreement cannot be reached on this matter between the two parties. The application therefore needs to be assessed on its individual merits.

2. DESCRIPTION AND SITE CONTEXT

The application relates to a site, which is currently part of the large rear garden of 38 Pikemere Road, Alsager. The land is designated in the local plan as being within the

settlement zone line of Alsager. Committee should be aware that there is a current application for approval of reserved matters for two dwellings on the neighbouring property, number 36 Pikemere Road, reported elsewhere in this Agenda.

3. DETAILS OF PROPOSAL

The proposal is for the erection of two residential units in the rear garden of 38 Pikemere Road, Alsager. They would consist two large detached dwellings with detached double garages. Access would be taken adjacent to the boundary with number 36 Pikemere Road.

4. RELEVANT HISTORY

07/0111/FUL Approval for porch 2007
22388/3 Approval for garage extension 1990
18584/3 Approval for extensions 1987
13783/3 Approval for garage 1981
9914/3 Approval for extension 1979
8097/1 Refusal of outline application for dwelling and garage 1978

5. POLICIES

National Guidance

PPS1 – Delivering Sustainable Development
PPS3 – Housing

Congleton Local Plan 2005

PS4 – Plan strategy
GR1 - General criteria for new development
GR2 - Design
GR6 – Amenity & health
GR9 - Highways safety & car parking
H1 – Provision of new housing development
H2 – Housing supply
H4 – Residential development in towns

6. CONSIDERATIONS (External to Planning)

Environmental Health:

The desk top assessment concluded that there were no issues relating to contaminated land, having studied this it is not envisaged that any further issues would arise in relation to the potential for contaminated land within this application, based upon the applicant's submitted information.

Conditions are recommended relating to the hours of construction and piling.

Highways

Initially recommended refusal of this application as the access would not meet the desired standards, subsequently a revised plan was submitted and the Strategic Highways Manager

has agreed the proposed access subject to informatives relating to the vehicular crossing and entering into a S278 agreement.

Senior Landscape and Tree Officer

Biodiversity

The submission includes an Ecological Scoping survey by Apex Ecology dated June 2009. The survey included a habitat assessment and inspection of a garage and a pond for their potential to support protected species. The site is assessed as having potential for bats, breeding birds, Great Crested Newts, hedgehog and invertebrates.

Bats - No evidence found in the garage of roosting bats but some potential for access identified. The local area is considered to provide good foraging. A precautionary approach is recommended for demolition of the garage.

Breeding birds - It is recommended that any clearance works be timed to avoid the breeding season.

Great Crested Newts (GCN) - A large ornamental pond is situated in the centre of the site. Common frogs are recorded as using the pond. The pond is considered suitable for GCN. The report recommends a search of the local biological records centre to ascertain if there is a known population of GCN in the locale and states that dependant upon the search results, a judgement can be made as to whether the pond requires a targeted GCN survey. The ecologist suggests that alternative pond provision be included in the development.

I have found no evidence that a search of the local biological records centre has been undertaken and in the absence of comprehensive survey for GCN, it is not possible for the LPA to assess the potential impact on the protected species. The application is deficient in this respect.

Trees

There are a number of trees on and adjoining the site and the submission includes an arboricultural survey and constraints report. Trees on land to the west and east of the site are subject to TPO protection although trees on the site are not protected. Several trees on site are classed in the arboricultural survey as being highly desirable or desirable to retain. The report concludes that due to their location, the trees have a moderate visual amenity. The arboriculturalist recommends that any development should be so located so that it does not breach the root protection zones. Whilst the report includes details of tree crown spreads, these are not reflected accurately on the site plan.

The proposed site layout would be likely to impact on a young Oak tree on the eastern boundary close to the proposed new driveway, and a Silver Birch tree in the rear garden would be removed in order to accommodate plot 1. The house on plot 2 would be within the crown spread and root protection area of an Elm tree in the south east corner of the site and the garage on the same plot would be within the crown spread and root protection area of a mature Elm tree off site but close to the southern boundary. In addition to likely impact on retained trees, the two mature Elm trees would dominate and cause significant shading to the rear gardens and rear elevations of the two plots with direct impact on the amenities of occupiers. A tall conifer hedge identified for retention also casts shades the rear gardens to the proposed plots.

Although glimpsed views of the upper crown of the Elm trees can be obtained from roads in the vicinity, none of the trees are considered sufficiently prominent to be of such significant public amenity value as to merit the protection of a TPO. Nonetheless, I consider the layout to be unsympathetic to existing trees and it does not accord with the applicant's own arboriculturalist's advice. Further it does not accord with guidance in BS 5837:2005 Trees in relation to construction or CBC SPD 14: Trees and Development.

7. VIEWS OF TOWN/PARISH COUNCIL

The Town Council has concerns regarding over intensification of the site and possible un-neighbourliness from the proposed development overlooking bungalow properties in College Road.

The Town Council ask for site inspection before any decision is made.

8. OTHER REPRESENTATIONS

One letter objection has been received in relation to this application raising the following issues:

- Proximity of large building adjacent to the boundary
- Loss of privacy
- Damage to trees
- Proximity of the properties resulting in loss of privacy
- Overdevelopment of the site

9. APPLICANT'S SUPPORTING INFORMATION

- Contaminated land survey
- Ecological scoping survey
- Arboricultural survey and constraints report
- Design and Access Statement

10. OFFICER APPRAISAL

Principle of Development

This application seeks a development of 2 detached dwelling houses in the rear garden of 38 Pikemere Road. The site is designated as being within the settlement zone line of Alsager and as such the presumption is in favour of development, provided that the development complies with the relevant policies in the adopted Local Plan. Policies H1 and H2 relate to housing land supply and distribution. There has been for some years an over supply of housing within the borough when compared with Structure Plan targets. Local Plan policy H1 sought to limit housing development to 200 units per annum. However with the introduction of Planning Policy Statement 3 the Council now has to ensure that it has a deliverable five year supply of land for housing and if this is not the case the Council should consider favourably suitable applications for housing. In the absence of any objection from the Spatial Planning Section on housing land supply grounds; it is considered that the development is acceptable in principle.

Highways

Initially the Strategic Highways Manger recommended refusal of this application on the grounds that the access would not meet the required standards. Subsequently amended plans have been submitted that address the issues raised and it is now considered that the proposal would not have an adverse impact on highway safety and would be in compliance with Policy GR9. The proposed scheme can co-exist with the outline approval at No.36.

Ecology - Protected Species & Nature Conservation

An objection is raised on the grounds that insufficient information has been submitted in support of this application. An ecological scoping survey was submitted that concludes that there was no evidence of bats in the garage, but a precautionary approach is recommended during demolition of the garage. It is also recommended that any clearance works take account of the breeding bird season.

Having regard to the issue of Great Crested Newts, the report states that the pond is capable of supporting the species and recommends a search of the local biological records is undertaken and dependant on the results a targeted survey for Great Crested Newts may have to be undertaken. There is no record of a search being undertaken and no comprehensive survey has been submitted, therefore it is not possible to assess potential impacts on the species

Landscape

The site contains several trees, none of which are protected and in addition there are trees subject to protection orders on land to the west and east. The arboricultural assessment rates several of the trees as highly desirable or desirable to retain and recommends that development should be located not to impact on root protection zones. However whilst the report contains details of crown spreads these are not accurately reflected on the site plan. The Senior Tree and Landscape Officer states that the house on Plot 2 would be within the crown spread and root protection area of an Elm tree within the site and the garage to this plot would be within the crown spread and root protection area of a mature Elm tree off site. It is considered that two mature Elm trees would dominate and cause significant shading to the rear gardens and rear elevations of both plots to the detriment of the amenities of the occupiers. In addition the tall conifer hedge which is identified as being retained, shades what would become the rear gardens of these plots.

Having regard to the issues identified above, it is considered that the proposal is not in compliance with the advice given in the arboricultural assessment, nor does it comply with BS5837:2005 or SPD14: Trees and Development.

Layout

The proposal is for two detached dwellings, both to the rear of the existing dwelling. Both plots would be within 10m of the rear boundary of the site, with the garage to Plot 1 forward of the proposed dwelling and the garage to Plot 2 to the rear of and between the two properties. Access would be taken from one of the existing accesses adjacent to number 36. It is considered that this layout would result in the creation of dwellings with a low level of residential amenity due to the overshadowing by mature trees and hedges. In addition it is considered that the proposal would create a cramped form of development on the site contrary to Policies GR1 and GR2.

Appearance

Both dwellings would be two storey with half-hipped roofs. Plot 1 would have two gables to the front elevation, with a single gable and two dormer windows to the rear elevation. Plot 2 would have a single gable and single dormer to the front elevation with the same to the rear. In terms of design they would not be out of keeping with the area as there is such a large variety of property types in the vicinity, the proposal is therefore considered to be in compliance with Policy GR2 in terms of appearance.

Impact on the Amenity of Neighbouring Properties

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking. The properties to the rear are approximately 40m from the boundary of the site and therefore there would be no significant impact on their residential amenities. The dwelling proposed on Plot 1 would be sited in excess of 40m of 9 Bedford Road and in excess of 22m from 38 Pikemere Road and it is considered that these distances would allow for an adequate level of residential amenity for all three properties, in compliance with Policy GR6. To the east is number 36 Pikemere Road, which has a conservatory to the rear and concerns have been expressed regarding loss of privacy to this part of the property. The window would only be approximately 16m away from the proposed conservatory, however it is considered that that given the angles of view involved there would not be a significant loss of privacy to the property.

11. CONCLUSIONS AND REASONS FOR THE DECISION

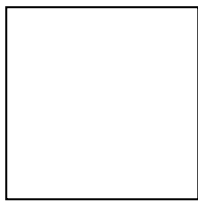
In conclusion, it is considered that the proposal fails to provide an acceptable level of residential amenity to future occupiers by virtue of overshadowing from the trees and hedge and would appear to be a cramped form of overdevelopment. In addition insufficient information has been submitted in order to assess the potential impact on protected species, therefore the application is recommended for refusal.

12. RECOMMENDATION:

Refuse for the following reasons:

- 1. The development would not offer an adequate level of residential amenity due to overshadowing by trees and hedging**
- 2. The proposal would represent a cramped form of development**
- 3. Insufficient information has been submitted to assess the impact of the development on Great Crested Newts**





Planning Reference No:	09/3455C
Application Address:	36 Pikemere Road, Alsager.
Proposal:	Two detached houses with garages.
Applicant:	Mr & Mrs P Bolden
Application Type:	Reserved Matters Application
Ward:	Alsager
Registration Date:	19 th October 2009
Earliest Determination Date:	7 th December 2009
Expiry Date:	14 th December 2009
Date report Prepared	21 st December 2009

SUMMARY RECOMMENDATION: Grant reserved matters approval subject to conditions

MAIN ISSUES: Whether the layout, appearance and scale are acceptable.

1. REASON FOR REFERRAL

Called in by Councillor S Jones for reasons of overdevelopment of the site and the adverse impact on neighbouring properties.

PREVIOUS MEETING

At the Planning Committee meeting held on 9th December 2009, members resolved to defer this application in order to undertake a site visit.

Negotiations were also being pursued by the Council with the applicants and the applicants of the neighbouring application at number 38, with regard to submitting a revised application with a shared access. It appears however that agreement cannot be reached on this matter between the two parties.

2. DESCRIPTION AND SITE CONTEXT

The application relates to an 'L' shaped area of garden sited to the rear of numbers 34 and 36 Pikemere Road, Alsager. The site is within the settlement zone line of Alsager and the surrounding development consists of a mixture of residential dwellings.

3. DETAILS OF PROPOSAL

The proposal seeks reserved matters approval for two detached dwellings on the site. The access has already been approved at the outline stage and this application seeks approval for the appearance, layout and scale of the development.

4. RELEVANT HISTORY

08/0210/OUT - Outline approval for two dwellings 2008

5. POLICIES

National Guidance

PPS1 – Delivering Sustainable Development

PPS3 – Housing

Congleton Local Plan 2005

PS4 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H1 – Provision of new housing development

H2 – Housing supply

H4 – Residential development in towns

6. CONSIDERATIONS (External to Planning)

Environmental Health:

Request conditions relating to contaminated land and hours of construction and piling.

Highways

No comments have been received at the time of report writing, however the access was agreed at the outline stage and as such it is considered that highways issues were adequately addressed at that stage.

7. VIEWS OF TOWN/PARISH COUNCIL

The Town Council has concerns regarding over intensification of the site and , unneighbourly development in respect of the bungalows on Cedar Avenue and insufficient access for emergency vehicles.

8. OTHER REPRESENTATIONS

Three letters of objection have been received from the occupiers of 45, 47 and 49 College Road, expressing concerns over loss of privacy, flooding and that the properties would not be in keeping with the surrounding development.

In addition a letter has been received from the occupiers of 38 Pikemere Road, raising concerns over the size of the properties, impact on the amenities of existing properties, impact on trees, disturbance from the service road, highway safety and problems with pavements being blocked on recycling day.

9. APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement

10. OFFICER APPRAISAL

Principle of Development

The principle of siting two dwellings on this site was established at the outline stage in 2008.

Highways

The access to the site was approved at the outline stage and as such is considered to be acceptable.

Appearance

The two dwellings, which would be of a similar design to number 36 Pikemere Road and would be constructed using traditional materials, which should be submitted for approval. Both would have small conservatories and integral garage. In terms of design they would not be out of keeping with the area as there is such a large variety of property types in the vicinity, the proposal is therefore considered to be in compliance with Policy GR2 in terms of appearance.

Scale

Both properties are two storey with a roof height of 8.6m for house 1 and 8.3m for house 2. They would be of a similar scale to number 34 Pikemere Road and smaller than numbers 36 and 38. It is considered that the scale of the dwellings would be in keeping with the mixture of dwellings in the vicinity. Concerns have been expressed that the houses would dominate the bungalows to the rear, however given the distances between the properties; it is not considered that it would be reasonable to refuse the application on these grounds.

Layout

The proposal is for two detached dwellings to the rear of numbers 34 and 36 Pikemere Road. The garages would be integral and they would be accessed from a driveway alongside number 36, it should be noted that this access has already received consent at the outline stage. The layout is very similar to that submitted in indicative form at the outline stage except that house 2 has been 'handed' in order to avoid adverse impact on the Silver Birch tree within the boundaries of 38 Pikemere Road.

Impact on the Amenity of Neighbouring Properties

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking. The properties to the rear are approximately 22m from the boundary of the site and a distance in excess of 29m would be maintained between the dwellings. It is therefore considered that there would be no significant impact on the residential amenities of those properties. The side elevation of house 1 would face number 4 Grig Place and it is considered that the first floor windows in this property should be fitted with obscured glazing in order to ensure the privacy of that neighbouring dwelling.

Landscape

Details of landscaping have not been submitted with this application however it is considered necessary to impose the conditions relating to trees shrubs and hedges that were imposed on the outline consent.

11. CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion it is considered that the development, subject to the suggested conditions, would not be detrimental to the visual amenities of the area, or the living conditions of adjacent occupiers, accordingly approval of this application is recommended.

12. RECOMMENDATION

Approve subject to the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission of scheme of protection for trees ,shrubs and hedges**
- 5. Submission of method statement relating to the construction of the driveway and drainage**
- 6. Should evidence of any protected species be found during construction works shall stop**
- 7. Limits on hours of piling**
- 8. Submission of details of boundary treatments**



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Planning Reference No:	09/1663C
Application Address:	Land adjacent Poolwood Cottages, Holmes Chapel Road, Somerford.
Proposal:	The construction of 10 new affordable houses and new access road.
Applicant:	Plus Dane Group
Application Type:	Full Planning Permission
Ward:	Congleton Rural
Registration Date:	4 th June 2009
Earliest Determination Date:	10 th August 2009
Expiry Date:	2 nd September 2009
Date report Prepared	17 th December 2009
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Defer for further information

MAIN ISSUES:

- Principle of the development, impact on protected species, affordable housing need and design.

1. REASON FOR REFERRAL

Major development.

PREVIOUS MEETING

At the Planning Committee meeting held on 9th December 2009, Members deferred the application for a site visit. Concerns were also expressed relating to what evidence the Council had which demonstrated that there was a need for this type of housing in the parish of Somerford and how this information had been gathered. In addition an explanation of how the Section 106 Agreement would operate was requested.

At the time of writing further information from housing and policy was being collated, and therefore a fuller report will now be prepared for the 27 January 2010 meeting.

2. DESCRIPTION AND SITE CONTEXT

The application relates to a field 0.48 hectares in size, situated to the west of Congleton, there is an existing stone boundary wall to the front of the site which is to be retained but broken into in order to gain access. Adjacent to the site are 4 domestic dwellings and Youngs Animal Feeds and Industrial Units. The land is designated in the local plan as being within the open countryside.

3. DETAILS OF PROPOSAL

The proposal is for 10 affordable houses for rent and shared ownership and the applicant is the Plus Dane Group, which is a registered social landlord. The dwellings would take the

form of 2 bedroom semi-detached properties of a simple repetitive design with gardens to the front and rear, accessed from Holmes Chapel Road.

4. RELEVANT HISTORY

None

5. POLICIES

National Guidance

PPS7 – Sustainable development in Rural Areas

PPS9 – Biodiversity and Geological Conservation

Congleton Local Plan 2005

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

PS8 – Open Countryside

H1 & H2 – Provision of New Housing Development

H13 – Affordable and Low Cost Housing

H14 – Rural Exception Sites

GR1 – New Development

GR2 & GR3 – Design

GR6 – Amenity and Health

GR9 – Parking and Access

GR22 – Open Space Provision

SPG1 – Provision of Public Open Space in New Residential Development

SPG2 – Provision of Private Open Space in New Residential Developments

SPD6 – Affordable Housing and Mixed Communities

6. CONSIDERATIONS (External to Planning)

Housing:

Having spoken to a representative from the proposed RSL, it is anticipated that the development will include an element of both social rented and shared ownership accommodation. There is a demonstrated need identified through our housing needs waiting list for 2 bedroom social rented houses in Congleton. Whilst I would question the viability of shared ownership in the current market, I can appreciate that the market may change and that when the site is developed there may be a need for this product.

I am willing to support a mixed tenure development on this site.

Environmental Health:

Require that prior to commencement of development a scheme for sound insulation at the properties is submitted for approval by the Local Planning Authority. The information submitted relating to land contamination meets the requirements of the planning process and no further assessment is required, however should adverse ground conditions be discovered during construction then the developer should contact the Environmental Health Department. Conditions should be imposed limiting hours of construction and pile driving.

Cheshire Police Crime Reduction Advisor:

The fences in the front gardens should be a minimum of 900mm. All boundaries directly abutting the parking areas should be visually permeable (e.g. railings) so that the vehicles can be overlooked from the houses. The private space of each dwelling should be enclosed. Any communal alleyways running to the rear of dwellings should be gated at their outer-most point, to prevent unauthorised access to these hidden, vulnerable areas. Defensible planting should be considered at the gable end of the property to reduce the vulnerability of this area.

United Utilities:

No objections provided that the site is drained on a separate system with only foul drainage connected to the foul sewer. Surface water should discharge to the pond/lake as stated on the application form.

Highways:

A satisfactory design has been achieved which meets the required standards and is acceptable. A condition should be imposed requiring a detailed suite of design plans for the proposed access road and junction.

Senior Landscape and Tree Officer:

There is one existing Ash tree on the site, and an Oak close to the northern boundary. Subject to protection measures, there should be no impact on the Oak. The Ash tree is likely to be affected by the proposed main access and realignment of the boundary wall. The tree is not exceptional and its loss would not have significant impact on visual amenity. Replacement planting could mitigate the loss.

The submission does not include details of proposed landscape and gives minimal detail of boundary treatments. Strengthening of the boundaries to the north and west with hedge planting would be desirable and particular consideration needs to be given to the eastern boundary of the plot adjacent to the access road. In addition, the existing stone boundary wall to Holmes Chapel Road is a prominent feature and the proposal to form 9 individual pedestrian accesses through the wall is a concern. On Holmes Chapel Road this style of wall is a common feature possibly related to a former estate. It would be preferable to retain this feature with as few breaks as possible.

Nature Conservation Officer:

The ecologist who undertook this survey is known to me and despite his often unconventional report writing style he is very well qualified and experienced in undertaking this type of survey. Whilst, the time of the year means that a full survey cannot be undertaken in accordance with the natural England guidelines I feel that enough evidence has been gathered between this and the earlier survey (and my own visit to the site) for the Council to be satisfied that great crested newts are not 'reasonably likely to be present or affected by the proposed development'.

Included with the report is a plan showing the location of two new ponds. The construction of these additional ponds would lead to a significant gain for nature conservation from the proposed development in accordance with PPS9, particularly as ponds are now a Local and National Biodiversity Action Plan priority habitat.

Natural England

Natural England objects to this application on the grounds that there could be an adverse impact on the River Dane SSSI, because of drainage of surface water into Loach Brook. In addition they point out that consent under S28E of the Wildlife and Countryside Act would be needed for any discharge into this area. The drainage report states that there could be an alternative by using the adjacent pond and it is recommended that if consent is granted a condition is imposed requiring this method to be used.

University of Manchester (Jodrell Bank):

Request that measures for electromagnetic screening be implemented in the construction of the dwellings.

7. VIEWS OF TOWN/PARISH COUNCIL

The Council feel this would put even more pressure on the A54 where there are already many serious accidents. The road is very busy and another access they feel would not be suitable from a safety point of view. Somerford has little infrastructure and no village facilities to offer people coming into the area. Young people they do not feel would be encouraged into the area as there no public house, no shop or post office.

8. OTHER REPRESENTATIONS

Three letters objection have been received in relation to this application raising the following issues:

- The development is isolated from existing services
- Highway safety
- Impact on trees
- Impact on wildlife
- Lack of public transport
- Building over drains from Somerford Farm which pass under the site
- Disruption to the rural environment
- Inadequate drainage
- Loss of a feeling of security
- Property devaluation

9. APLLICANT'S SUPPORTING INFORMATION

- Contaminated land survey
- Bat, Barn Owl and Nesting Bird Survey
- Great Crested Newt Assessment
- Drainage Assessment
- Code for Sustainable Homes Pre-Assessment Report
- Highway Statement
- Design and Access Statement

10.OFFICER APPRAISAL

Principle of Development

This application seeks a development of 10 affordable houses on a site within the open countryside; the developer is the Plus Dane Group, which is a registered social landlord.

Residential development would not normally be acceptable on a site such as this, however Policy H14 allows for such developments if they can be demonstrated to meet a local need, comprise a site close to existing or proposed facilities, comprise a small scheme, the scale, layout and design of which is appropriate to the locality, consist in its entirety of low cost housing in perpetuity in partnership with an RSL and be supported by a housing needs survey. In the case of this proposal is supported by a housing needs survey, is small scale and of a suitable design and could be retained as low cost housing in perpetuity by entering into a Section 106 Agreement. The Housing Needs Survey was carried out in October/November 2008 and this identified a recognised need for 23 affordable for rent houses in the Parish of Somerford. In addition Dane Housing have stated that there are 21 applicants for 2 bedroom houses in the Somerford Parish area.

With regard to being close to existing or proposed services and facilities, the site is in close proximity to Congleton and the facilities and services available would be within a short distance of the site. In addition it is proposed in the Highway Statement that a new bus stop to serve the existing Rural Rider bus service is to be provided and this could be secured in the Section 106 agreement.

The Spatial Planning Section has commented that if housing need can be confirmed that the proposal is acceptable in affordable housing terms. In addition they do not consider that approval of the application would materially affect the housing land supply figures.

Having regard to the issues outlined above it is considered that the proposal is acceptable in principle.

Highways

The Strategic Highways Manager states that negotiations have taken place with the applicant's highway consultant regarding the design and geometry of the proposed junction, the road design and layout and the definition of an adoptable boundary, he concluded that a satisfactory design has been achieved which meets the required standards and is acceptable. Having regard to this advice it is considered that the proposal is acceptable in terms of highway safety.

Affordable Housing

The proposal is for 10 new affordable houses, which would, be a mixture of social rented and shared ownership. As outlined in the section relating to the principle of the development, Policy H14 allows for developments such as this if a local housing need can be demonstrated, and this advice is also given in PPS7. The Housing Department have stated that they are aware of a need for properties of this type and that they would support the proposal. Having regard to the compliance with local and national policy and the support of the Housing Department, it is considered that the proposal is acceptable; it is recommended that a condition be imposed requiring the developers to enter into a Section 106 Agreement

Ecology - Protected Species & Nature Conservation

Reports were submitted with the application relating to Great Crested Newts, bats Barn Owls and nesting birds. No evidence of bats or Barn Owls were found and the report makes reference to the need to take measures to avoid disturbing nesting birds. With regard to Great Crested Newts, the original submission surveyed the pond/lake to the north of the site but not the one to the west and this was considered to be necessary to make an informed

assessment. A subsequent report was submitted which concluded that there are no habitats capable of supporting Great Crested Newts in the vicinity of the application site and that no further surveys are required. The Nature Conservation Officer has stated that the Council is satisfied that this is the case.

Layout

The proposal is for a row of semi-detached cottages, which would face onto Holmes Chapel Road, with an access road located at the eastern end of the site. The access road would lead to the rear of the properties where parking would be to the rear of the gardens and behind it would be an area of open space for play and recreation.

Appearance

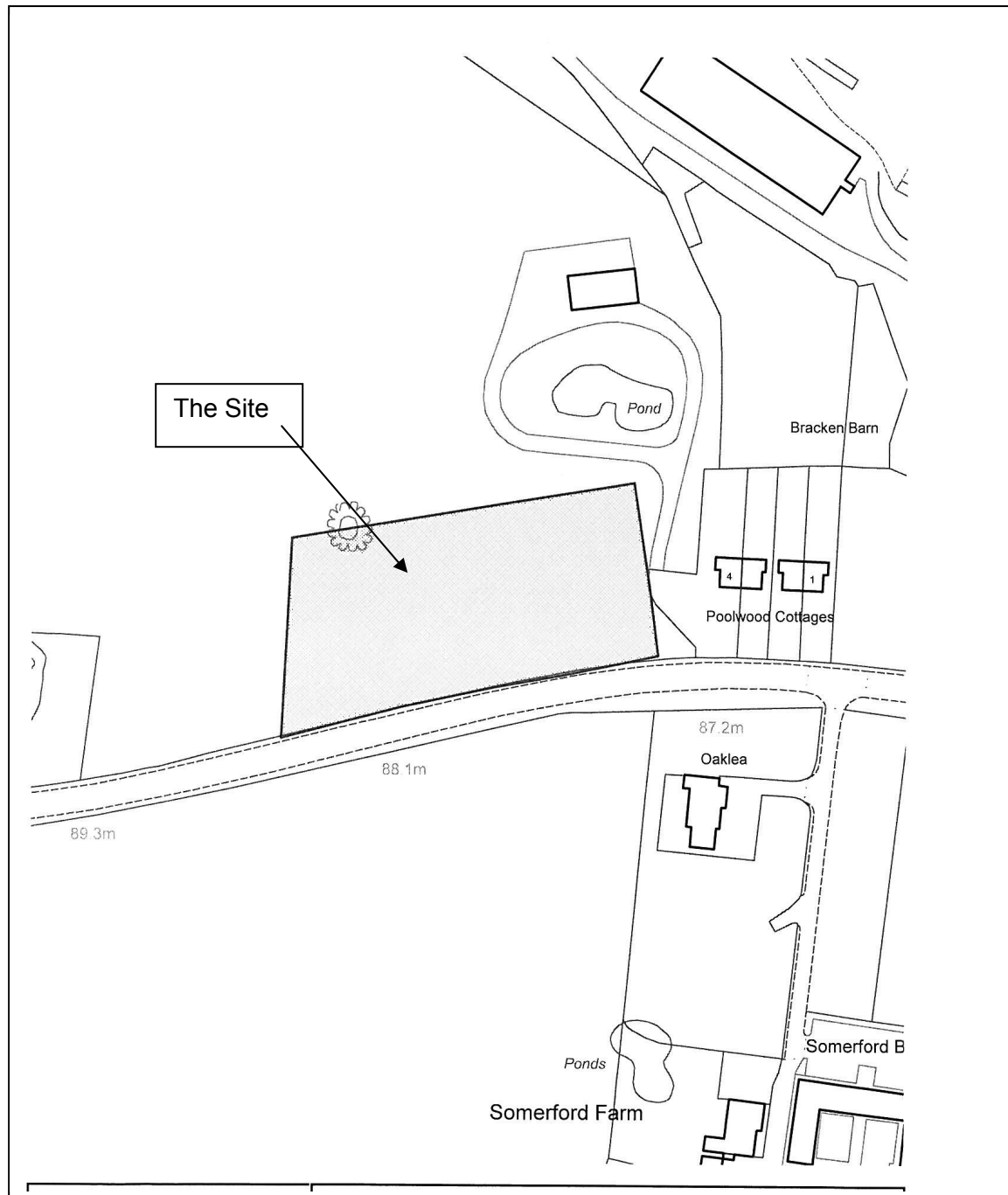
The proposal is for a row of semi-detached properties of a simple design similar to that of early 20th century rural council housing. It is considered that the repetition of a simple design and absence of 'landmark' features, would allow these buildings to sit reasonably quietly in the background and the natural materials would work well to integrate the housing unobtrusively into the background rural landscape. It is considered that subject to approval of the external materials used in the construction of the development, that the design of the buildings is acceptable.

Impact on Existing Amenity Levels

The nearest residential property to the application site is number 4 Poolwood Cottages, which is situated to the east. This property would be in excess of 28m from the proposed new dwellings and as such it is considered that there would be no significant impact on the amenities of this or other residential properties in the vicinity.

11. RECOMMENDATION

DEFER for further information.



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Planning Reference No:	09/3140N
Application Address:	Land South of Wybunbury Mere, Wrinehill Road, Hough, Crewe
Proposal:	Excavation of a Fishing Pool
Applicant:	Mr A. Worthington
Application Type:	Full Planning
Grid Reference:	370353 349577
Ward:	Doddington
Earliest Determination Date:	23 rd December 2009
Expiry Dated:	11 th January 2010
Date of Officer's Site Visit:	1 st December 2009
Date Report Prepared:	15 th December 2009
Constraints:	Wybunbury Conservation Area

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Impact of the development on:-
- The living conditions of neighbouring properties
- Design and Impact upon the Conservation Area
- The impact upon the Wybunbury Moss and Cobbs Moss & Wybunbury Mere
- The impact upon protected species
- Highway implications

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Walker has requested it is referred to Committee for the following reason;

Members may wish to consider the effect of this development on the nearby Wybunbury Moss and adjacent land and the impact on highway safety and Wrinehill Road due to increased vehicle movements.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located on the northern side of Wrinehill Road within the Open Countryside and Wybunbury Conservation Area. The application site is located within Flood Zone 3; to the north of the site is Cobbs Moss and Wybunbury Mere which is a Site of Biological Importance, 500 metres to the north-east is Wybunbury Moss which is a Ramsar Site, Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA). The application is part retrospective and the fishing lake has now been excavated although the earth which was dug from the site has not been removed, a vehicular access is located onto Wrinehill Road.

3. DETAILS OF PROPOSAL

This is a full planning application for the excavation of a fishing lake of 2000sq.m which is to be used for private use only.

4. RELEVANT HISTORY

The site has no planning history

5. POLICIES

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP7 – Promote Environmental Quality

EM1 (A) – Landscape

EM1 (C) – Natural Environment

EM1 (C) – Historic Environment

Local Plan Policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.7 – Conservation Areas

BE.16 – Development and Archaeology

NE.5 – Nature Conservation and Habitats

NE.6 – Sites of International Importance for Nature Conservation

NE.8 – Sites of Local Importance for Nature Conservation

NE.20 – Flood Prevention

RT.6 – Recreational Uses in the Open Countryside

Other Material Considerations

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

PPS9 – Biodiversity and Geological Conservation

PPG15 – Planning and the Historic Environment

PPS25 – Development and Flood Risk

6. CONSULTATIONS (External to Planning)

Highways: No objection provided the fishing pool is in private use but concerned over the removal of soil from the site

Ecology: The protected species survey undertaken in support of the application appears to have been undertaken to an acceptable standard and does not identify any significant ecological issues. Furthermore Natural England do not anticipate there being any significant impacts upon the Wybunbury Moss Ramsar, SSSI and SPA site, similarly there does not appear to be any likely potential impact upon the adjacent Sites of Biological Importance providing that the pond is 4m from the boundary with the SBI and there is no

inflow or outflow into the SBI. Conditions regarding no inflow/outflow into the SBI, nesting bird mitigation and landscaping are required.

Natural England: The proposal lies close to Wybunbury Moss but it is our opinion that the proposed development will not materially or significantly affect it. The Local Planning Authority should consider the impact of the proposed development on the Site of Biological Importance and protected species. Provision of artificial nest sites at selected points within the development should be made to provide alternative nesting sites and to compensate for the loss of any nesting sites.

Archaeology: It should be noted that two Scheduled Monuments (SM 13439 and SM 13438) lie in close proximity to the proposed works. Both sites consist of earthworks and represent the remains of medieval moated sites which are under statutory protection. The application also makes clear that they are under separate ownership from the area of the proposed fishpond. There should, therefore, be no danger of any intrusion into the protected areas. It might be helpful, however, to inform the applicant of the sites' status in order to ensure that requests are not made to park vehicles or store temporarily materials or spoil on either site.

Environment Agency: Object to the proposed development as submitted because no assessment of the risks to the Site of Biological Importance (SBI) Cobbs Moss and Wybunbury Mere (Grade A) has been provided and we recommend that the planning application should be refused on this basis. The SBI is adjacent to the site location. The pond itself is only approximately 1.5 metres away from the SBI. In some areas the work has already encroachment into the SBI. The SBI is a wet woodland and so the pond and any work on the site could affect the hydrology of the area affecting the SBI.

7. VIEWS OF THE TOWN COUNCIL

Hough & Chorlton Parish Council: No comments received at the time of writing this report

Wybunbury Parish Council: No comments received at the time of writing this report

8. OTHER REPRESENTATIONS

No representations received at the time of writing this report

9. APPLICANT'S SUPPORTING INFORMATION

Planning Statement and Design and Access Statement (*Produced by Hinson Parry*)

- Prior to the applicant purchasing the land in 2007 it was managed as intensive grassland under agricultural production. Since 2007 the land has been managed for conservation and environmental benefit
- The applicants aim by excavating the fishing pool and producing the surrounding wetland meadow is to encourage diversity in the local habitat
- Once the pool has matured and naturalized it will be stocked with native fish species. The pool is to then be used for private fishing by family members and maintained as a natural and bio-diverse habitat
- The fishing pool would cover an area of approximately 70m east to west by 32m north to south and it to be 2m deep at its deepest point. A small island will be located to the centre of the pool

- The broken edge of the pool, its island and shallow gradient help to make the pool appear as natural as possible
- The fishing pool will provide environmental and conservation benefits

Drainage Assessment (Produced by Clear Environmental Consultants)

- Excavation at the pond at this site will have minimal impact on the local hydrology as the pond has filled from groundwater sources and does not have any inflow/outflow connectivity to the local watercourses
- Whilst the site is located partially within Flood Zone 3, the pond does not lead to any loss of flood storage as the pond sits below the natural ground level. There is no increase in drained area at the site, therefore there is no increase in flood risk at the site or surrounding areas
- It is recommended that a minimum 4-5m wide margin be retained between the pond and the adjacent watercourses to allow access for maintenance works to these watercourses
- All spoil that results from the excavation of the pond should be removed from the site to ensure that there is no increase in ground levels that could lead to the loss of flood storage or could impede flood flow routes
- The perimeter of the pond should be planted with native wetland species with both taller and marginal plants and lower grasses and herbs that will provide habitat enhancement and water treatment benefits

Ecological Scoping Survey (Produced by Clear Ecology and dated November 2009)

- The site was formerly agricultural land and with the construction of the pond and with sympathetic management the ecological potential of the site has been improved. It is not considered that any protected species have been impacted upon as a result of pond construction
- At the time of the survey there was no evidence to support the presence of badgers, Great Crested Newts, Otters, Kingfishers, reptiles, Water Vole or White Clawed Crayfish. It was considered that bats may use the pond as potential foraging for invertebrates and that bird species may utilise the area of woodland beyond the northern and eastern boundaries of the site
- Disturbance to the trees should be avoided. Woodcrete construction bat roosting boxes could be erected, the planting of native species could be incorporated within the landscaping designs to improve foraging habitats
- It is recommended that any further clearance works that may impact upon breeding birds should be undertaken outside the main bird breeding season. Should nesting birds be found once works are underway an appropriate buffer should be enforced around the nest until the birds have fledged.

Letter in response to the objection raised from the Environment Agency

- At this stage the excavation of the fishing pool is not complete and the pond is not representative of the plans submitted. The edge of the pool is to be at least 4m from the adjoining land and the northern bank of the pool is still to be finished
- The Drainage Assessment accompanying the application recommends that there should be a 4-5m wide margin be retained between the pond and the adjacent watercourse. It is the intention to maintain this distance
- The completed pool will have no inflow or outflow of surface water as it will be bunded and left to naturally establish with wetland flora when the excavation is complete and it will have minimal impact on the surrounding SBI
- Although the fishing pool is not likely to be stocked for several years and stocking levels will be very low. The pond is to be for private use only amongst the family of the applicant, there will be no feeding of fish, no fish pegs and the pond will be left to naturalise.

10. OFFICER APPRAISAL

Principle of Development

The site lies within the Open Countryside, Conservation Area and Flood Zone 3 and is in close proximity to a Site of Biological Importance, Wybunbury Moss National Ramsar Site, SSSI, and SPA and two Scheduled Monuments.

The principal of a fishing pool is considered to be an acceptable form of development within the open countryside and the development will need to meet the requirements of Policy RT.6 (Recreational Uses in the Open Countryside). Policy RT.6 allows recreational uses within the open countryside where they meet a number of criteria including;

- they do not harm the character and appearance of the countryside
- they do not harm sites of nature conservation, historic or archaeological importance
- there is safe vehicular access to the site
- the access roads are suitable for the likely traffic generation

Design and impact upon the Conservation Area

The fishing pool has a broken edge with an island and shallow sides which help to give the pool a natural appearance which would not be out of character in this area of Cheshire. The visual impact will be limited given that the pond is a flat feature and the proposal will not have a detrimental impact upon the character and appearance of the Wybunbury Conservation Area providing that the mounds of earth which have been excavated from the site are removed which is the intention of the applicant. A condition will be attached to ensure that the earth mounds are removed from the site.

Amenity

The nearest residential property is approximately 150 metres from the fishing pool. Given the nature of the use which does not raise any noise issues and the size of the pool it is considered that the proposal would not have a detrimental impact upon residential amenity.

Highways

The Highways Engineer has raised no objection to the proposed development due to the fact that the fishing lake would be used for private use only and would not be used a commercial fishing lake.

The Highway Engineer has raised concerns over the removal of soil from the excavation of the lake and the highway implications this may cause. However this would be a one off event only lasting a few weeks at most, and as a result this issue would not warrant the refusal of this planning application.

Ecological issues

The main issue in the determination of this planning application is the impact of the proposal upon protected species and the nearby Wybunbury Moss and Cobbs Moss and Wybunbury Mere.

Wybunbury Moss lies 500 metres to the north-east of the site of the site. Wybunbury Moss is designated a Phase 1 Meres and Mosses Ramsar Site and a Special Area of Conservation. This designated site is part of The Meres and Mosses of the North West Midlands which form a nationally important series of open water and peat land sites. These have developed in the natural depressions in the glacial drift left by the ice sheets which covered the Cheshire-Shropshire plain some 15,000 years ago. The majority lie in Cheshire and North Shropshire with a small number of outlying sites in Staffordshire and Clwyd.

Wybunbury Moss is one of the finest examples in the country of a 'schwingmor' and supports an outstanding assemblage of invertebrates. Evidence suggests that the origin of the lake basin was a secondary process associated with the solution and subsidence of the underlying salt bearing strata. The central floating raft of sphagnum and diverse bog communities is surrounded by fen and mixed woodland.

As part of this application Natural England has been consulted as required by Regulation 48 (3) of The Conservation (Natural Habitats, & c.) Regulations 1994, Wildlife and Countryside Act as incorporated by the Countryside and Rights of Way Act 2000, and they have concluded that the proposed development will not materially or significantly affect Wybunbury Moss.

Cobbs Moss and Wybunbury Mere is a Site of Biological Importance (SBI) and lies directly to the north and east of the site. This site is composed of two distinct areas; Wybunbury Mere is very wet broadleaved semi-natural woodland of mainly willow and alder with fern, Cobbs Moss is wet semi-natural mixed woodland with Birch, bramble, nettle and fern. In terms of the impact upon this the Cheshire East Ecologist has raised concerns over the proposal and the Environment Agency has objected on grounds that the site is closer to the SBI than shown on the submitted plans and that there is an overflow from the fishing pool into the SBI. The applicant's agent has responded to the comments made by the Environment Agency and has stated that the fishing pool is not complete but once completed the bank of the pool will be 4m away from the SBI and there will be no inflow or outflow of surface water as it will be bunded and left to naturally establish with wetland flora. This response has been forwarded to the Environment Agency and their comments will be reported as part of the update report, whilst the Cheshire East Ecologist is satisfied that this will address the initial concerns subject the submission of an amended plan showing the pond in relation to the boundary with the SBI.

The protected species survey has indicated that bats may use the new pond for foraging and that birds may nest on the site. All wild birds, their nests eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended) during the nesting season. To ensure that there is no impact upon nesting birds conditions will be a condition will attached to ensure that any further works are carried out outside the bird breeding season and that a scheme for additional bird nesting and bat roosting is agreed and provided.

Archaeology

The site lies outside the Wybunbury Area of Archaeological Potential but within close proximity to two Scheduled Monuments. The Cheshire Archaeologist has been consulted and considers that there would be no danger of any intrusion into the protected areas given that these are not within the ownership of the applicant. However an informative will

be attached to inform the applicant of the sites' status in order to ensure that requests are not made to park vehicles or store temporarily materials or spoil on either site.

Flood Risk

The pond is located within a Flood Risk Area and given that the pond is not raised it is considered that the proposal would not raise any flood risk issues. Furthermore the Environment Agency has not objected to the application on Flood Risk grounds.

11. CONCLUSIONS

The proposed development is considered to be acceptable in principal and would not have a detrimental impact upon the Wybunbury Conservation Area, residential amenity, highway safety, flood risk, archaeology or Wybunbury Moss. However at the time of writing this report negotiations were continuing over the impact upon the Cobbs Moss and Wybunbury Mere SBI, it is not considered that this issue would result in the refusal of this application and the results of the ongoing discussions regarding this issue will be reported as part of the late report.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1 Standard**
- 2 Landscaping to be submitted and approved**
- 3 Landscaping to be implemented**
- 4 Plans**
- 5 A scheme of Bird and Bat boxes to be provided**
- 6 Further works shall not commence within the bird breeding season without the submission of an up to date ecological survey**
- 7 The soil mounds should be removed from the site within 1 month of the date of this permission**
- 8 No overflow/discharge into the adjacent SBI**

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	09/3239C
Application Address:	Holmes Chapel Comprehensive School, Selkirk Drive, Holmes Chapel, CW4 7DX
Proposal:	New pre-fabricated learning centre and associated car park
Applicant:	Mr Jeff Sharp
Application Type:	Full Planning Permission
Grid Reference:	375406 366734
Ward:	Congleton Rural
Earliest Determination Date:	18 November 2009
Expiry Date:	12 January 2010
Date Report Prepared:	17 December 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
- Neighbouring Privacy and Amenity
- Highway Safety

1. REASON FOR REFERRAL

The application is for a small-scale major development, as the proposal would have a floor area between 1 and 2 hectares.

2. DESCRIPTION OF SITE AND CONTEXT

The application site forms part of a grassed open area within the grounds of Holmes Chapel Comprehensive School. The site lies mostly within the Settlement Zone of Holmes Chapel however it does encroach slightly into the Open Countryside and is designated as a Protected Area of Open Space/Recreational Facility.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a pre-fabricated building and an associated car park. The building would provide a teacher training facility for South Cheshire and the car park would provide an extension of an additional 40 spaces to the existing car park area.

4. RECENT PLANNING HISTORY

Retention of temporary classroom. Approved 2000

New classroom block. Approved 2001

Access road and car park for 38 vehicles and external lighting. Approved 2003

New science laboratory. Approved 2003

Extension of classroom. Approved 2004

Construction of new dining facility. Approved 2005

Store extension. Approved 2006
2 single storey extension. Approved 2007
Astroturf pitch. Approved 2008

5. POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP7 Environmental Quality
RDF2 Rural Areas
L1 Heath, Sport Recreation, Cultural, and Educational Services Provision

Local Plan Policy

PS5 Holmes Chapel Plan Strategy
PS8 Open Countryside
GR1 General Criteria for Development
GR2 Design
GR6 & GR7 Amenity & Health
GR9 Accessibility and Parking Provision
GR21 Flood Prevention
RC1 Recreation and Community Facilities – General
RC2 Protected Areas of Open Space
RC11 Indoor Recreation and Community Uses

6. CONSULTATIONS (External to Planning)

Highways:

[09.11.2009] The Strategic Highways Manager has no comment or observation to make on the application.

Environmental Health:

[04.11.2009] The Environmental Division does not raise any objection to the development however, recommends that conditions relating to the protection from noise during construction and details of external lighting be submitted to the Local Planning Authority.

7. VIEWS OF THE PARISH / TOWN COUNCIL

[13.11.2009] Holmes Chapel Parish Council has no objection to the proposal providing that there is adequate screening and any new lighting would not have a detrimental effect upon residents of Mardale Court. It was noted that neighbours views should be taken into account.

8. OTHER REPRESENTATIONS

Three letters of representation were received during the consultation period. Concerns raised include: -

- There should be no further lighting on the site as the existing provision is sufficient;
- The proposal should include features to deter unauthorised nuisance ball games and other activities;
- The opportunity should be taken to improve traffic management on Selkirk Drive as at present cars park anywhere and the highway code is a secondary consideration;
- The proposal should not increase flood risk elsewhere and not be detrimental to drainage on the site.

9. APPLICANT'S SUPPORTING INFORMATION

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

10. OFFICER APPRAISAL

Principal of Development

Proposals for the development of community facilities are acceptable in principle within the Holmes Chapel Settlement Zone Line subject to the scale and nature of the development and its impact upon highway safety and neighbouring amenity.

It is noted that a small area of approximately 10 square metres of car parking would extend into land that is designated as Open Countryside. In such cases, development is acceptable in principle subject to the impact upon the character of the surrounding area.

Design and Visual Impact

The proposal would be located on a parcel of land bounded by a residential estate to the north, Open Countryside to the west, and the remainder of the school premises to the east and south.

The proposed pre-fabricated building would be of a simple, small-scale design and sited in line with an existing detached school building. The proposed tarmac car parking would be large in area but located immediately adjacent to an existing car park area.

It is acknowledged that the scale of the development is quite significant. However, due to the location and siting of the proposal when viewed from the wider Open Countryside area to the west, and public vantage points to the north and east, it would not appear obtrusive due to the proposals close relationship with existing school buildings and car park. As such the proposal would not appear detrimental to the visual amenity of the surrounding area or the surrounding Open Countryside and it is considered that the character will be maintained.

With regard to any lighting that may be required to illuminate the proposed car parking it is noted that the existing car park already benefits from lighting and as such any additional lighting would not appear incongruous.

Neighbouring Privacy and Amenity

A residential estate is located immediately north of the application site. With regard to any additional lighting, the Environmental Health Division have noted no objection subject to the submission of any lighting details and that any lighting is to be erected and directed as to avoid any nuisance. Given that proposal would be located a minimum distance of approximately 20 metres from the development, it is considered that lighting could be accommodated without causing significant harm to the amenities of such properties.

It is acknowledged that the proposal would result in an intensification of a car parking on the site however, given the distance of approximately 20 metres between the site and neighbouring properties and a proposed landscaping belt between the two, it is considered that any impact upon privacy or amenity would be negligible.

It is appreciated that concerns were raised relating to potential nuisance from sports and other activities however, given that the existing use is a field which could also accommodate such activities, it is not considered that this would be a reasonable refusal reason.

Highway Safety

In the absence of any objection from the Strategic Highways Manager, it is considered that the proposal would be acceptable in terms of highway safety.

Representations were made which highlighted that cars do not park in accordance with the Highway Code on Selkirk Drive however, it is noted that illegal parking could only be controlled by the Local Police Department, not the Local Planning Authority.

Other

Landscaping

New landscaping is proposed between the proposal and neighbouring properties to the north. As this would provide a useful belt between the two to negate any impact of the development it is considered reasonable to condition any consent requiring the submission of full details to the Local Planning Authority prior to the commencement of development.

Flooding

Due to the large area of hard standing proposed and as it is indicated within submitted forms that the proposal would drain into mains sewers, it is considered reasonable to condition the materials of the car parking to be permeable in order to ensure that the scheme does not result in unsatisfactory drainage on the site.

11. CONCLUSIONS

It is acknowledged that the proposal would result in a significant car parking area however, on balance, it is considered that the benefit that a teacher training facility and the suitability of the proposals appearance would outweigh any concerns relating to the scale of the development. Additionally the proposal would be of an acceptable design and appearance and when viewed from the wider area would not be detrimental to the visual amenity of the Open Countryside. The proposal therefore complies with the relevant regional and local planning policies and is recommended for approval accordingly.

12. RECOMMENDATIONS

APPROVE subject to the following conditions: -

- 1. Standard time limit**
- 2. Plan numbers**
- 3. Submission of all external materials and finishes for pre fabricated building**
- 4. Car park materials to be permeable and details of such to be submitted prior to the commencement of development**
- 5. Protection from noise during construction.**
- 6. Submission of a landscaping scheme**
- 7. Planting to be carried out in the first planting and seeding seasons**
- 8. Full details of any lighting to be submitted prior to the commencement of development**

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	09/3337C
Application Address:	Training Centre, Hill Street, Sandbach, Cheshire, CW11 3JE
Proposal:	Demolition Of Existing Industrial Unit, Clearance Of Site And Redevelopment By The Erection Of Residential Units
Applicant:	Mr Clarke
Application Type:	Outline with all matters reserved.
Ward:	Sandbach
Earliest Determination Date:	17 December 2009
Expiry Dated:	11 January 2010
Date Report Prepared:	17 December 2009
Constraints:	None

SUMMARY RECOMMENDATION:

REFUSE on grounds of loss of an employment site.

MAIN ISSUES:

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

- Background
- Principle of Residential Development and Housing Land Supply
- Loss of Employment Land
- Noise
- Highways
- Public Open Space Provision
- Ecology

1. REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the proposal is a small-scale major development.

2. DESCRIPTION OF SITE AND CONTEXT

This application relates to the former Foden's factory-training centre located on the southern side of Hill Street in Sandbach. The site is rectangular in shape, measures approximately 0.253 ha and accommodates a row of 3 adjoining industrial units, one of which is subdivided into a number of smaller units used as offices. The overall floor space of the buildings measures 1295 sq m (13940 sq ft). The established use of 2 of the buildings is B2 (General Industry) with the remaining building in B1 use (Business). Approximately 50% of the floor space is currently occupied with the remaining 50% vacant. The site is therefore an employment site.

In respect of the surrounding development, Elworth Wire Mills is located directly to the northwest, a wire manufacturing company that has recently gone into administration. Residential properties are located to the northeast and southwest and a residential care home is located directly to the southeast. The site is situated within the settlement zone line

of Sandbach as designated in the adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Outline planning permission is sought for the demolition of the existing buildings on the site and the construction of residential units. The precise number of units is unknown at this stage but is likely to comprise of no more than 14 units. Matters of access, appearance, landscaping, layout and scale are reserved for subsequent approval. As such this proposal seeks to establish the principle of residential development on the site.

4. RELEVANT HISTORY

08/2013/OUT - Demolition of existing industrial unit & redevelopment by erection of residential units that may include semi-detached/terraced dwellings - Refused

5. POLICIES

Regional Spatial Strategy (RSS)

DP1 Spatial Principles
DP2 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
DP 6 Marry Opportunity and Need
DP 7 -Promote Environmental Quality
L4 Regional Housing Provision
EM11 Waste Management Principle

Local Plan Policy

PS4 Towns
GR21 Flood Prevention
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity & Health
GR7 Amenity & Health
GR8 Pollution
GR9 Accessibility, servicing and parking provision
GR18 Traffic Generation
GR19 Infrastructure
GR22 Open Space Provision
H1 Provision of New Housing Development
H2 Provision of New Housing Development
H4 Residential Development in Towns
E10 Re-use or Redevelopment of Existing Employment Sites

SPG1 Provision of Public Open Space in New Residential Developments
SPG2 Provision of Private Open Space in Residential Developments

SPD4 Sustainable Development

Other Material Considerations

PPS1 'Delivering Sustainable Development'
PPS3 'Housing'
PPG4 'Industrial, Commercial Development and Small Firms'
PPS9 'Planning and Bio-diversity'
PPS23 'Planning and Pollution Control'
PPG24 'Planning and Noise'
PPS25 '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 states that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. Conditions requiring submission of an air quality assessment and noise and vibration assessment from the nearby Sandbach Railway are recommended. In addition conditions restricting the hours of construction, piling and delivery by HGV vehicles are recommended.

Strategic Highways Manager:

No formal comments received.

Nature Conservation Officer (NCO):

No evidence of bats or breeding birds was recorded during the survey and the site appears to offer very limited potential for protected species. In accordance with the submitted protected species survey the NCO recommends that the following condition is attached to any permission granted to enhance the site's ecological potential:

Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

Reason: To secure an enhancement for biodiversity in accordance with PPS9.

7. VIEWS OF THE SANDBACH TOWN COUNCIL

Sandbach Town Council has no objection to the application providing current business users of the building are relocated to alternative suitable premises.

8. OTHER REPRESENTATIONS

None received.

9. APPLICANT'S SUPPORTING INFORMATION

A full package of supporting information has been submitted with the application including, a Planning Support Statement incorporating a Design and Access Statement, Noise Impact Assessment, land use assessment, a Structural Report and Ecological Report.

10. OFFICER APPRAISAL

Background

This application follows the refusal of an earlier scheme for the same proposal. There were two reasons for refusal. These were:

1. Insufficient information has been submitted with the application in order to justify the loss of an existing employment site. The applicant has not made reasonable attempts to market the property for employment uses and has failed to demonstrate that there would be substantial planning benefits that would outweigh the loss of the site for employment purposes. The proposal is thereby contrary to Policies GR1 and E10 of the adopted Congleton Borough Local Plan First Review.

2. Insufficient information has been submitted with the application in order to assess adequately the noise generated by the industrial operations on the adjacent Elworth Wire Mills site and the impact that this would have on the future occupiers of the proposed development. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies GR1, GR6, GR7 and GR8 and other material considerations.

The key issues for members to consider therefore, is whether the reasons for refusal have been adequately addressed to justify approval. Firstly, it is important to reconsider the principle of the development and the current position with regards to the supply of housing land.

Principle of Residential Development and Housing Land Supply

The application site is located within the settlement zone line for Sandbach where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. With regard to housing development, policies H1 and H2 relate to the supply of housing land within the borough.

Within the former Congleton Borough, the Council is not able to provide a 5-year deliverable supply of land for housing in accordance with PPS3. As such, at the present time the Council is favourably considering applications for housing within the area covered by the Congleton Borough Local Plan First Review.

Additionally, Policy H4 outlines a series of criteria to be met when assessing residential development in towns. This includes the sustainability of the site and compliance with other local plan policies. It is considered that the site is in a sustainable location on the

westerly edge of Sandbach where it is within walking distance of local amenities and within easy reach of Sandbach Train Station and a number of bus stops serving the wider area. Accordingly, the principle of residential development on the site would be acceptable subject to accordance with other local plan policies.

Loss of Employment Land

Proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable for employment use or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses, account will be taken of:

- 1 The location of the site or premises and the physical nature of any building
- 2 The adequacy of supply of suitable employment sites and premises in the area
- 3 Whether reasonable attempts have been made to let or sell the premises for employment uses

The applicant's planning statement* explains that the location, age, condition and physical characteristics of the site and buildings render them unsuitable for efficient use and this serves as a major barrier in attracting tenants. It is also stated that it would be economically unviable to repair the buildings and bring them up to modern standards and equally unviable to redevelop the site for employment use. The appendices of the planning statement includes a structural survey, however, the issues that are raised, relate to the maintenance of the building and not to structural issues. In respect of the potential redevelopment of the site, the applicant seems to have only considered industrial uses (para. 6.2.1 of the property report*) and therefore it would appear that they have not explored the potential for alternative employment uses, for example less intensive B1 uses.

The property report* includes an assessment of available units within the area with a floor space of 0-1394 sq m. The findings show that at the time of report there were c270 properties available to buy and to rent within a 10-mile radius of Sandbach. As such the applicant concludes that there is an adequate supply of units for employment use within the Borough and the Council has no evidence to refute this claim. However, the property report does state that there is a 'good level of demand for starter nursery units' with a floor space of less than 186 sq m (2,000 sq ft) and this has been confirmed with the South East Cheshire Enterprise (SECE). The feasibility study contained within the property report fails to consider the cost of subdivision for multiple occupation, which could potentially cater for this demand. The Council considers that the buildings lend themselves well to further subdivision and such measures could help to secure an increased occupation whilst having regard to the applicant's property report, which asserts that there is a 'good level of demand for starter units'.

In respect of marketing, since the refusal of application 08/2013/OUT in February of 2009, no additional marketing of the property has been carried out. The site has not been marketed in the local press, only ever being marketed by word of mouth and with a letting board. Such limited marketing does not constitute a reasonable attempt to secure tenants in the building and may provide some explanation as to why the owners have experienced

difficulties in securing tenants. In spite of this, such limited marketing has still resulted in the premises occupation and therefore it is reasonable to say that there is still the demand for properties of this type for employment uses. The site has remained in use by the businesses that were occupying the building at the time of considering the previous application (ref: 08/2013/OUT). As such the applicant has not made reasonable attempts to let or sell the property and has consequently failed to satisfy the 3 criteria in the first strand of policy E10 and demonstrate that the site is no longer suitable for employment use.

In considering whether there would be a substantial planning benefit from permitting an alternative use account will be taken of:

- 1 Any benefits in terms of traffic generation, noise or disturbance to amenity
- 2 The impact the proposal would have on the environment & economy of the local area
- 3 The need for the proposal and its potential contribution to the local area
- 4 The requirements of other relevant policies of the local plan.

The applicants argue that there would be benefit in permitting residential use on the site, as the location is unsuitable because the premises are surrounded by residential development. Environmental Health has received no complaints in respect of the application site and therefore there does not appear to be a conflict with the current uses and neighbouring residential properties. However, if the site were to become fully occupied, thereby generating complaints from neighbouring residents, the Environmental Protection Act could be invoked and if there were insurmountable problems the B2 element could be changed to B1 with less impact and without the need for planning permission. In any event, given the small size of the units it is unlikely that a heavy B2 industrial use could occupy the premises. However, this does not preclude smaller less intensive B2 or B1 uses from occupying the units without major detriment being caused to neighbouring amenities and therefore the argument regarding intensification of the use is not one that offers a significant planning benefit.

Also the applicant argues that the narrow road and the existing access arrangements are not suitable for large HGV vehicle movements that are usually associated with industrial use. Whilst there is some merit in this argument, the existing offices and the subdivision of the larger units into a number of smaller units for B1 light or high-tech industry use, would be capable of being serviced by vans and small lorries which would, by definition, be acceptable within a residential area. Again there is no record of complaints from neighbouring residents regarding the deliveries to the subject site.

In respect of point two ('impact on the local environment') subject to an appropriate design and layout, which could be secured at the reserved matters stage, the proposal could benefit the appearance of the street scene by removing the existing buildings on site. One of the arguments put forward in the planning statement is that the owners of the site could demolish the units on the site without the need for consent and/or the use of the site could be abandoned which would result in a vacant site for which residential development would be the most logical and suitable alternative. The Local Planning Authority must assess the application having regard to the current situation, which is that the buildings comprise 1295 sq m employment floor-space, which could be fully occupied to provide further employment opportunities in a sustainable location within the borough.

On the third point, there is a need for housing across the Borough. Assuming that the development would comprise no more than 14 dwellings as indicated by the applicant, there would be a requirement for a proportion of the dwellings to be low cost market housing (approximately 4), however there would be no requirement for affordable housing. Accordingly, the provision of 4 low cost market dwellings would not offer significant benefit that would outweigh the loss of the site for employment uses thereby reducing employment opportunities within this sustainable location. There are high levels of 'out-commuting' within the Borough, which lead to unsustainable travel patterns. This will only be exacerbated if employment opportunities offered by sites such as this one are lost. On balance therefore, it is not considered that the planning benefits are substantial enough to outweigh the loss of the site for employment uses.

Noise

Turning to the second reason for refusal, the noise generated by the industrial operations on the adjacent Elworth Wire Mills site and the impact that this would have on the future occupiers of the proposed development is difficult to assess, as the industrial use of the site is no longer operational. However, there is a possibility that other heavy B2 uses could occupy Elworth Wire Mills, the issue of noise is still relevant. The application is supported by a noise assessment which assesses the likely potential impact of both the neighbouring uses and road-traffic noise. The assessment concludes that any harm could be addressed through the incorporation of appropriate glazing and materials in the development to help minimise any noise impact. Whilst this satisfies the second reason for refusal, the report does not assess the noise and vibration from the nearby Sandbach railway line. Nonetheless, environmental health has recommended the imposition of a condition requiring further assessment.

Highways

It is understood that the Strategic Highways Manager has concerns about the design of the proposed access, however, given that access is reserved for subsequent approval, this is not for consideration. Subject to appropriate design and detail, it is considered that an appropriate means of access could be accommodated for the proposed development without giving rise to parking or highway safety issues in the area.

Public Open Space Provision

Under Supplementary Planning Guidance Note 2 'Provision of Public Open Space in New Residential Developments', there is a requirement for the provision of public open space on the site. However, the Local Planning Authority (LPA) recognises that in smaller developments such as this one it will not always be practical to provide public open space within the development site. Whilst the application is in outline form with details of access only, the indicative layout shows that there would be no onsite public open space or children's informal play space. In these circumstances the LPA will normally expect a financial contribution in lieu of the actual provision of Public Open Space on site where the proposed development would give rise to a quantitative and / or qualitative deficit in the area.

Following an assessment of the existing Children's and Young Persons Open Space (CYPOS) provision accessible to the proposed development, a surplus in the quantity of provision has been identified having regard to the Council's Open Space Study. Whilst there is no requirement for CYPOS provision, a qualitative deficit has been identified in the

existing open space accessible to the proposed development, which includes a Locally Equipped Area for Play (LEAP) at Elworth Park. Given that the proposed development would exacerbate this qualitative deficit, the Council's Green Space division would require a financial contribution in order to facilitate the upgrade and improvements in the quality of the existing LEAP. The contributions sought would equate to £3,204.95 for enhancements and £10,447.50 for the maintenance.

Moving onto Amenity Greenspace, an assessment has revealed that there would be a shortfall in the quantity of provision arising from the proposed development. Nonetheless, an opportunity has been identified for enhancing the capacity of the Amenity Greenspace at Elworth Park. This would require a financial contribution of £1,849.05 for the enhancements and £4,138.75 for the maintenance. Subject to S106 legal agreement to secure the above contributions, the development would accord with the Council's adopted Interim Guidance note on Public Open Space Requirements for new residential development.

Ecology

The submission includes a survey of the building for protected species. The report and findings of the survey conclude that the buildings do not support any protected species nor do the buildings offer suitable habitat for bats. It is considered therefore that the proposed development would comply with the requirements of policies NR1 and NR2 of the local plan as well as PPS9 'Planning and Bio-diversity'.

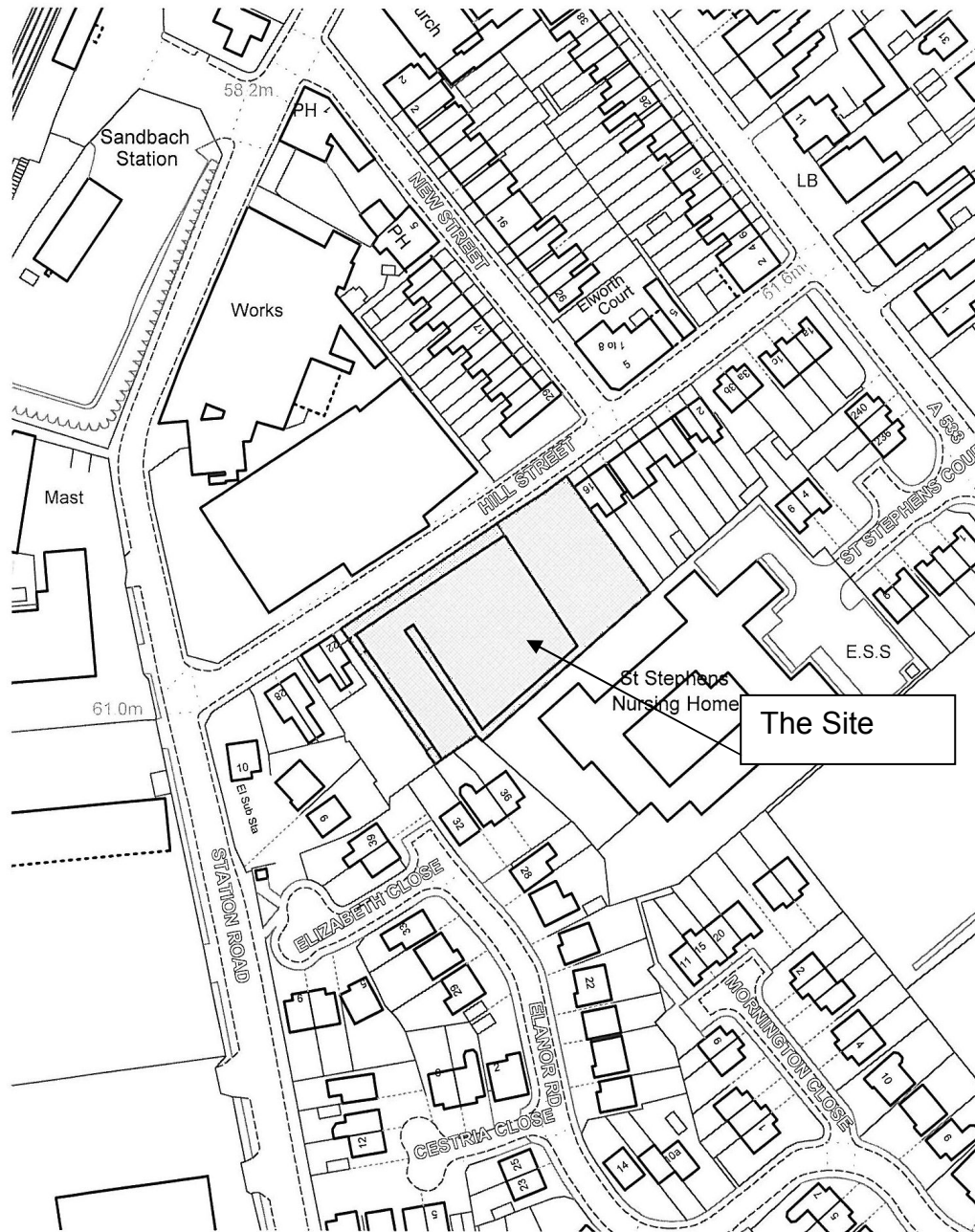
Conclusion

The applicant has failed to provide further marketing of the site for employment purposes and has not therefore adequately addressed the first reason for refusal on application ref; 08/2013/OUT. As such, it has not been robustly demonstrated that the site is unsuitable for its current use in terms of location and the surrounding land uses, that the site could not be redeveloped for alternative B1 uses as opposed to 'industrial uses' or that reasonable attempts have been made to market the site for either its current use or redevelopment for alternative B1 uses. Given the information submitted, it appears that on balance, any benefits from developing the site for housing are not substantial to a degree that would outweigh the loss of the site's employment use. There is no evidence to demonstrate a current problem from the site's use in terms of noise, general disturbance or traffic flow, and furthermore whilst the proposal will contribute to housing supply and mix this should not be at the expense of reducing employment opportunities further encouraging the already predominantly unsustainable transport patterns in the Borough. The proposal would not therefore accord with the Development Plan and Members are advised to determine the application accordingly.

11. RECOMMENDATIONS

REFUSE subject to the following conditions: -

Insufficient information has been submitted with the application in order to justify the loss of an existing employment site. The applicant has not made reasonable attempts to market the property for employment uses and has failed to demonstrate that there would be substantial planning benefits that would outweigh the loss of the site for employment purposes. The proposal is thereby contrary to Policies GR1 and E10 of the adopted Congleton Borough Local Plan First Review.



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Planning Reference No:	09/3921C
Application Address:	Land to the rear of 155, Heath Road, Sandbach, Cheshire, CW11 2LE.
Proposal:	Proposed Two Pairs of Semi-Detached Dwellings, Associated Parking and Landscaping.
Applicant:	Mr C Lowe
Application Type:	Full Planning
Ward:	Sandbach
Registration Date:	26-November-2009
Earliest Determination Date:	28-December-2009
Expiry Date:	21-January-2010
Date report Prepared	18-December-2009
Constraints:	None

SUMMARY RECOMMENDATION:

REFUSE on the grounds that the proposal would unacceptably harm the character and appearance of the area.

MAIN ISSUES:

- Principle of Residential Development
- Policy
- Character and Appearance
- Residential Amenity
- Highways

1. REASON FOR REFERRAL

Councillor R. Bailey has called the application in for consideration by the Southern Committee on the grounds that the proposed development complies with Policy GR2 of the adopted Congleton Borough Local Plan First Review, with particular reference to sub para. D. Cllr Bailey states that the proposals will not detract from the existing visual nature of the neighbouring properties, the street scene and the locality generally.

2. DESCRIPTION AND SITE CONTEXT

The application site comprises an area of land situated at the rear of three properties fronting the northern side of Heath Road in Sandbach. The site is located on the western side of Skeath Close, a residential cul-de-sac comprising of similar two-storey and bungalow properties linked up to one another to make up 3 rows of terraces. The site measures approximately 0.8ha and is configured in an 'L' shape. The site lies within the Sandbach settlement zone line as designated in the adopted Congleton Borough Local Plan First review (2005).

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of two pairs of semi-detached dwellings, associated parking and landscaping. The proposal comprises of two blocks. The first block (numbers 17 and 18) would be positioned parallel with the existing row of properties on the far western side of the close. The second block (numbers 19 and 20) would be positioned at right angles to the first block and the properties found on the opposite side of the close towards the east. An additional 6 car parking spaces would be provided along the frontage of the proposed units forming numbers 17 and 18 and alongside number 19.

4. RELEVANT HISTORY

20661/1 – Outline application for 2 semi-detached bungalows and garages. Approved 08.11.1989

08/0507/OUT - Proposed residential development. Withdrawn 24.06.2008

08/1589/OUT - Outline permission for two dwellings. Approved 13.11.2008

5. POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

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

DP7 Promote Environmental Quality

L4 Regional Housing Provision

Local Plan Policy

PS4 Towns

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity & Health

GR7 Amenity & Health

GR8 Pollution

GR9 Accessibility, servicing and parking provision

GR18 Traffic Generation

H1 Provision of New Housing Development

H2 Provision of New Housing Development

H4 Residential Development in Towns

SPG1 Provision of Public Open Space in New Residential Developments

SPG2 Provision of Private Open Space in Residential Developments

Other Material Considerations

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

6. CONSIDERATIONS (External to Planning)

Environmental Health:

No comments received at the time of report preparation.

7. VIEWS OF SANDBACH TOWN COUNCIL

No comments received at the time of report preparation.

8. OTHER REPRESENTATIONS

No comments received at the time of report preparation.

9. APLLICANT'S SUPPORTING INFORMATION

Planning Statement (Design & Access Statement)

10. OFFICER APPRAISAL

Principle of Residential Development

The application site is located within the settlement zone line for Congleton where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. With regard to housing development, policies H1 and H2 relate to the supply of housing land.

The most recent housing land position statement for the former borough of Congleton demonstrates that the Council does not have a five-year land supply and as such proposals for residential development are being considered favourably. Additionally, Policy H4 outlines a series of criteria to be met when assessing residential development in towns. This includes the sustainability of the site and compliance with other local plan policies. The site is in a sustainable location on the easterly edge of Sandbach where it is within walking distance of the town centre and is easily accessible and well connected to public transport and community facilities and services. As such, the principle of residential development on the site would be acceptable subject to accordance with other local plan policies.

Policy

Policy GR2 of the adopted local plan requires that development 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; and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

Character and Appearance

Along Heath Road, the area is characterised by rows of traditional terraced properties. At various intervals along Heath Road, roads providing access to cul-de-sacs interrupt the development. The cul-de-sac that this site is located on has a wide junction with Heath Road and coupled with the fact that the properties on the eastern side of the junction are bungalows; the aspect of the close is one of openness. As such, when travelling up Heath

Road particularly in a westerly direction, there are clear views across the rear garden of 155 Heath Road (part of the application site) into the close itself and into fields beyond towards the north.

The proposal comprises of two blocks of semi-detached dwellings. The first block would be positioned parallel with the existing row of properties on the far western side of the close and it is considered that this would fill in an existing toothless gap within the street scene. The second block would be positioned at right angles to the first block and the properties found on the western side of the close. In order to respect the amenities of the first block of dwellings proposed and the existing dwellings to the rear on Heath Road, the second block would be sited hard up against the edge of the entrance to Skeath Close and almost centrally within the close itself. The second block would travel past the sidewall of number 155 by c4 metres and because of its forward positioning within the close; the openness described above would be punctuated and harmed detrimentally. Owing to their two-storey form and prominent positioning in an isolated space, the units making up block 2 would be visually intrusive, overbearing and harmful to views across the close. Further the gable making up the end unit (no. 20) would be perceptibly dominant.

Whilst the appearance of the proposed units would mimic the style of those properties found within the existing close, and the applicant proposes to plant 2 trees to the rear of block 2 (numbers 19 and 20) these considerations would not reduce the harm in terms of the siting, scale and form. With regard to planting, in order for the specimens to successfully minimise the visual harm and soften the appearance of the dwellings, they would have to be quite large and this would unacceptably reduce the light afforded to the rear gardens and the rear elevation of the end unit number 20. As such, the scheme is considered to be at variance with criterion (I) sub paragraph 'A' of policy GR2 as well as sub paragraph 'D' which state that proposals must be sympathetic to the character, appearance and form of the site and surrounding area in terms of height, scale, form, grouping of the buildings, the visual, physical, and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

PPS1 states "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted." It is considered that this proposal fails to respect theses principles as in its present form it is considered that the proposal would be harmful to the character and appearance of the area. The proposal is therefore contrary to this advice as well as that contained within RSS policy EM1(C) and Local Plan policies GR1 and GR2.

Residential Amenity

The positioning of the proposed dwellings would allow sufficient separation distances to be achieved between the existing and proposed dwellings within the close and to the south on Heath Road. In terms of private amenity space, each dwelling would benefit from approximately 60 sq metres and given that the units would be small 2 bedroom dwellings, this level of provision is deemed to be acceptable.

Highways

As yet, no comments have been received from Highways, however, given that the scheme is similar to the previously withdrawn application for which the Strategic Highways Manager had no objections, the proposed parking and access arrangements are deemed to be acceptable.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of residential development on the site is considered to be acceptable and at the present time, approval of the application would not compromise the position with regards to housing land supply. However, the provision of 2 of the units (numbers 19 and 20) would by reason of their siting, two-storey form, and scale would unacceptably harm the visual amenities of the area and would not therefore comply with policies GR1 and GR2 of the development plan. As such, Members are advised to refuse the application.

12. RECOMMENDATION:

REFUSE for the following reason:

1. The proposed development (units 19 and 20) by virtue of their siting, two-storey form, and scale would be visually overbearing and intrusive and would therefore materially harm the character and appearance of the street scene and views into Skeath Close. The proposal is therefore contrary to PPS1 and Policies GR1 and GR2 of the Congleton Borough Local Plan, which seek to secure good design which is appropriate to the character, appearance and form of the site and surrounding area.



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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 6th January 2010
Report of: Head of Planning and Policy
Title: Report in Relation to Section 106 Agreement for Planning Application for Residential Development on land off Barony Road, Nantwich.

1.0 Purpose of Report

- 1.1 To seek the approval of the Committee for alterations to the Definitions and Interpretation in the Section 106 Agreement for the affordable units currently under construction in Barony Road Nantwich, which was the subject of planning application P06/1458. The effect of the variations would be to allow residents to occupy the units for rent now, with a view to occupying the flats on a shared ownership basis in the future under the “Rent to Homebuy” scheme.

2.0 Decision Required

- 2.1 Members approve the variations to the definitions contained in the Section 106 Agreement relating to Barony Road in the manner set out in paragraph 6.4 of this report.

3.0 Financial Implications for the Council

- 3.1 Costs for staff time to vary the Agreement.

4.0 Legal Implications for the Council

- 4.1 None

5.0 Risk Assessment

- 5.1 None.

6.0 Background and Report

- 6.1 A report on planning application P06/1458 for the Erection of Two Apartment Blocks Containing 47 Apartments was considered by the Development Control Committee of the former Crewe and Nantwich Borough Council on 8th February 2007. The application was recommended for approval subject to the applicant signing a Section 106 Agreement to deliver 35% affordable units on site and also to

deliver a commuted sum payment of £23, 500 towards the Nantwich Town Centre Access Strategy.

- 6.2 The Section 106 agreement was completed, signed and the planning permission issued on the 21st November 2007 and the development is reaching the final stages of construction.
- 6.3 The section 106 agreement required the provision of 9 affordable shared ownership units made up as follows: 6x 2 bed apartments and 3x 1 bed apartments. The section 106 agreement also required the provision of 7 rented units although the current request concerns only the shared ownership units. The developer is contracted to sell all of the affordable units to Wulvern Housing upon practical completion of the building. Wulvern Housing is a registered social landlord.
- 6.4 An application has been submitted to vary the terms of the section 106 agreement to allow the shared ownership units to be provided for intermediate rent under the "Rent to Homebuy Scheme" as well as under a standard shared ownership lease. Intermediate rent is defined as a rent which is equivalent to 80% of the market rent achievable on the property. The applicant is also seeking to provide additional definitions for "Assured Short-hold Tenancy" and "Rent to Homebuy Unit". The definitions relate to requirements set out in the Homes and Communities Agency Capital Funding Guide and as such are required in order to permit lettings under the Rent to Homebuy scheme. These arrangements fall outside the normal definitions of affordable housing although are a recent initiative in response to current market conditions.
- 6.5 The flats would still be offered to persons with a local connection as required by the original terms of the Section 106 Agreement and would be targeted at those persons who could afford to pay the intermediate rent.
- 6.6 The Rent to Homebuy Scheme is designed for use by residents who are unable to meet the financial requirements of a shared ownership unit at present and are seriously interested in acquiring a share in the lease in the near future. Tenancies will be reviewed annually with the intention that the residents transfer to shared ownership after a period of three years. If at the end of this period the tenant is not able to transfer to shared ownership Wulvern Housing indicate that the tenant will be asked to relocate. Wulvern Housing have however stated that they would be prepared to extend this period to five years.
- 6.7 Essentially Wulvern Housing do not consider it likely that they will be able to sell any of the properties on a shared ownership basis in the current economic climate which means that the units will stand empty. It would normally be a requirement to provide evidence of marketing of the units for shared ownership prior to accepting such a request to vary the terms of a section 106 agreement. Wulvern Housing have not

marketed these particular units but have marketed shared ownership units on a nearby development at Bowkersfield, Davenport Avenue which is approximately 450m to the south. That development includes 12 comparable shared ownership units which have been marketed without success since July 2008. The units have subsequently been converted to Rent to Homebuy units. The applicant also points out that the marketing of the Bowkersfield development amounted to £14, 700. On this basis it is not considered reasonable or necessary to require specific marketing of the Barony Road units prior to allowing a variation to the section 106 agreement.

7.0 Reasons for Recommendation

- 7.1 The applicant is unlikely to be able to sell any of the approved affordable units on a shared ownership basis in the current economic climate and this is demonstrated by recent attempts to market shared ownership units at the nearby Bowkersfield development on Davenport Avenue. There is therefore no objection to the variation of the section 106 agreement to include for Rent to Homebuy arrangements.

For further information:

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Background Documents:

*Planning File and correspondence reference P06/1458
Letter and accompanying documents from Wulvern Housing dated 24th November 2009
Documents are available for inspection at:Municipal Buildings, Earle Street, Crewe CW1 2BJ*

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