

Southern Planning Committee

Agenda

Date:	Wednesday, 27th 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 6 January 2010.

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. **09/3921C 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 7 - 12)**

To consider the above planning application.

6. **09/4086N Proposed two storey detached garage block, Hope Cottage, School Lane, Bunbury, Nantwich, CW6 9NR for Mr R Goodfellow (Pages 13 - 18)**

To consider the above planning application.

7. **09/1127C The demolition of existing property and the redevelopment of the land, including 43 No. 1, 2 and 3 bed use class C2 residential accommodation with care, car parking, landscaping and associated works, Mossley House, Biddulph Road, Congleton, CW12 3LQ for Mr Dean Fisher Gladman Care Homes Ltd (Pages 19 - 32)**

To consider the above planning application.

8. **09/3490C Proposed Subdivision of Domestic Curtilage to Create Additional, Separate Dwelling, 20 Pikemere Road, Alsager for Mr. Michael Bounford (Pages 33 - 38)**

To consider the above planning application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 6th January, 2010 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, L Gilbert, J Jones, S Jones, A Kolker and
R Walker

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor Rhoda Bailey

OFFICERS PRESENT

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

Apologies

Councillors M Davies, S Furlong, B Howell, S McGrory and J Weatherill

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

Councillor B Dykes declared a personal and prejudicial interest in respect of agenda item 12 (Section 106 Agreement for Planning Application for Residential Development on land off Barony Road, Nantwich) on the grounds that he had been appointed as a Cheshire East Council representative on the Board of Wulvern Housing. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor G Merry declared a personal interest in respect of application numbers 09/3337C and 09/3921C on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, she remained in the meeting during consideration of these items.

Councillor T Beard declared a personal and prejudicial interest in respect of agenda item 12 (Section 106 Agreement for Planning Application for Residential Development on land off Barony Road, Nantwich) on the grounds that he had been appointed as a Cheshire East Council representative on the Board of Wulvern Housing. In accordance with the

Code of Conduct, he withdrew from the meeting during consideration of this item.

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 Jones also declared a personal interest in respect of the applications on the grounds that she was a member of Alsager Town Council, which had been consulted on the proposed developments.

Councillor L Gilbert declared a personal interest in respect of application number 09/1663C on the grounds that he was a member of Holmes Chapel Parish Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item. (Note: Councillor Gilbert subsequently declared that his interest was in respect of application number 09/3239C and not 09/1663C.)

113 **MINUTES**

RESOLVED – That the minutes of the meeting held on 9 December 2009 be approved as a correct record and signed by the Chairman.

114 **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: Mr A Chatterton (applicant) 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 the application be DEFERRED to enable planning officers to undertake further discussions with the applicant.

115 **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: Mrs Atkin and Mr M Williams (objectors) 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 the application be APPROVED subject to the following conditions:

1. Commence development within 3 years
2. Development in accordance with agreed drawings
3. Submission of details/samples of external materials
4. Submission of scheme of protection for trees ,shrubs and hedges
5. Submission of method statement relating to the construction of the driveway and drainage
6. Should evidence of any protected species be found during construction works shall stop
7. Standard hours of construction (0730-1800 Monday - Friday, 0730-1400 Saturday) and limits on hours of piling
8. Submission of details of boundary treatments
9. Remove permitted development rights for alterations to roofs
10. Submission of existing and proposed floor levels
11. Landscaping
12. Landscaping - implementation

116 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 (including an oral report of the site inspection) regarding the above planning application.

RESOLVED – That the application be DEFERRED to enable officers to supply further details regarding the local need for affordable housing, distances to schools and access for buses.

117 09/3140N EXCAVATION OF A FISHING POOL, LAND SOUTH OF WYBUNBURY MERE, WRINEHILL ROAD, HOUGH, CREWE FOR MR A. WORTHINGTON

Councillor R Walker declared that he had called in the application but that he had not expressed an opinion and had not fettered his discretion.

Note: Mr P Lowe (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 APPROVED 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
9. Pond to be used for private recreational use by the applicant and immediate family only.
10. Bund to be completed within 2 months of date of this permission

118 **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**

Note: Councillor L Gilbert declared a personal interest in respect of this application on the grounds that he was a member of Holmes Chapel Parish Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Note: 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 APPROVED 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

119 **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**

The Committee considered a report regarding the above planning application and a letter from the applicant's agent, which was summarised by the Southern Area Manager - Development Management.

RESOLVED – That the application be REFUSED for the following reason:

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.

120 **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**

Note: Councillor G Merry declared a personal interest in respect of this application on the grounds that Mrs C Lowe, who addressed the Committee on this matter, was also a member of Sandbach Town Council. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Note: Councillor Rhoda Bailey (the Ward Councillor) and Mrs C Lowe (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 for a Committee site inspection so that Members can assess the impact of the proposed development on the character and appearance of the area.

121 SECTION 106 AGREEMENT FOR PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND OFF BARONY ROAD, NANTWICH

Note: Having declared a personal and prejudicial interest in this matter, the Chairman vacated the Chair in favour of the Vice-Chairman, Councillor G Merry, and withdrew from the meeting during consideration of this item.

Note: Having declared a personal and prejudicial interest in this matter, Councillor T Beard withdrew from the meeting during consideration of this item.

The Committee considered a report regarding a request to vary the terms of the Section 106 Agreement for the affordable units currently under construction in Barony Road, Nantwich.

RESOLVED

- (a) That the terms of the Section 106 Agreement be varied, 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.
- (b) That, as required in order to permit lettings under the “Rent to Homebuy scheme”, additional definitions for “Assured Short-hold Tenancy” and “Rent to Homebuy Unit” be provided.

122 DAVID SNELSON

The Chairman reported that David Snelson was about to leave Cheshire East Borough Council. The Committee thanked David for all his hard work and wished him every success in his future career.

The meeting commenced at 2.00 pm and concluded at 3.55 pm

Councillor B Dykes (Chairman)

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. PREVIOUS MEETING

At the Planning Committee meeting held on 6th January 2010, members resolved to defer this application in order to undertake a site visit. No further issues have been raised since this visit.

3. 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).

4. 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.

5. 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

6. 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'

7. CONSIDERATIONS (External to Planning)

Environmental Health:

No comments received at the time of report preparation.

8. VIEWS OF SANDBACH TOWN COUNCIL

No comments received at the time of report preparation.

9. OTHER REPRESENTATIONS

No comments received at the time of report preparation.

10. APLLICANT'S SUPPORTING INFORMATION

Planning Statement (Design & Access Statement)

11. 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 these 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.

12. 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.

13. 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.

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	09/4086N
Application Address:	Hope Cottage, School Lane, Bunbury, Nantwich, CW6 9NR
Proposal:	Proposed two storey detached garage block
Applicant:	Mr R Goodfellow
Application Type:	Full Planning
Grid Reference:	355991 358138
Ward:	Cholmondeley
Earliest Determination Date:	8 th January 2010
Expiry Dated:	4 th February 2010
Date of Officer's Site Visit:	12 th January 2010
Date Report Prepared:	13 th January 2010
Constraints:	N/A

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Impact of the development on:-
- The living conditions of neighbouring properties
- Design and Impact upon the character of the area and setting of the existing dwelling
- Highway implications

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Bailey has requested it is referred to Committee due to concerns of over domination of the proposed garage block.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located within the Bunbury Settlement Boundary. Hope Cottage is a detached dwelling which has a red brick finish with a pitched slate roof. The property faces south and is side on to the road with the vehicular access located to the south of the property. To the rear the property has a two-storey outrigger with a glazed link to a former two-storey outbuilding which now forms part of the property. To the south of the site a public footpath runs between the application site and the property directly to the south (Pear Tree Cottage). There is a large Silver Birch tree located onto the southern boundary of the site with a 3 metre high hedgerow forming the boundary to the road.

3. DETAILS OF PROPOSAL

This proposed development is for the erection of a detached garage block which would be positioned onto the southern boundary of the site. The proposed garage would have a width of 5.89 metres, a length of 9.39 metres, eaves height of 3.645 metres and a ridge height of 5.8 metres. The proposal would serve a double garage and storage area at ground floor level with a games room, shower room and gallery at first floor level.

4. RELEVANT HISTORY

09/2793N - Proposed Single Storey Extension to Existing Dwelling – Approved 8th October 2009
09/2775N - Proposed Two Storey Detached Garage Block – Withdrawn 18th November 2009
P07/0444 - Certificate of Lawfulness for an Existing Use. Removal of Agricultural Occupancy Condition – No decision made
P99/0853 - Part two storey, part first floor extension – Approved 15th November 1999
P91/0314 - Detached Dwelling and Garage – Refused 6th February 1992
7/05775 - New Vehicular Access – Approved 20th September 1979

5. POLICIES

Local Plan policy

RES.11 – Improvements and Alterations to Existing Dwellings
BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage Utilities and Resources

Supplementary Planning Document on Extensions and Householder Development
Bunbury Village Design Statement

National policy

PPS1 – Delivering Sustainable Development

6. CONSULTATIONS (External to Planning)

N/A

7. VIEWS OF THE 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

Design and Access Statement (Produced by North West Design Associates dated 8th December 2009)

- Hope Cottage is a large dwelling (141.5sq.m footprint) with a paddock and stables but with no garage for vehicles. The property has planning permission for a further extension which would increase the footprint to 164sq.m
- The proposal is for a one and a half storey building, the raised eaves would provide a useable area for a games room and office
- The garage would have a footprint of 55.3sq.m which is a reduction from the previous application which had a footprint of 71sq.m

- The applicant wishes to garage two cars and have a lockable store to house garden equipment and bikes. The scale of the development has been kept as compact as possible and is commensurate with being able to accommodate two cars and a large family car/4 x 4 size with adequate access around them to open doors and walk around the vehicles
- The lock up store is to take a lawn tractor, gardening equipment and bikes
- The height of the building has been kept as low as possible to allow sufficient headroom
- The style of the garage building is that of a typical Victorian coach house built in traditional materials with arched openings and a brick plinth. The proposed garage block will be constructed to a high standard in brickwork and bond to match the existing house
- If the garage was to be reduced to single storey the proportions would be out of place on a property like this
- The proposal is in accordance with the Bunbury Village Design Statement which states that the 'new properties should conform to the character, scale and wherever possible the building materials of existing nearby properties'
- The Design and Access Statement also makes reference to the local precedent for large detached garage buildings

10. OFFICER APPRAISAL

Principal of Development

The site is located within the settlement boundary of Bunbury and the provision of a garage within the curtilage of a residential property is acceptable in principal providing that it is in accordance with policies RES.11, BE.1 – BE.4 and the Councils Supplementary Planning Document on Extensions and Householder Development.

Design

Planning Authorities are encouraged to plan positively for the achievement of high quality and inclusive design for all developments and PPS1 states that *'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'*.

Policy RES.11 states that development within the curtilage of the dwelling should respect the design scale and form of the original dwelling. The garage would have a width of 5.89m, length of 9.39 metres, eaves height of 3.645 metres and a ridge height of 5.8 metres. The proposed garage would have a footprint of 55sq.m and the ridge height of the garage would be 0.1 metres lower than that of the Hope Cottage. The proposal includes ground floor parking space for two vehicles and storage area, the first floor will comprise of a gallery, shower room and games room.

The Councils SPD on Extensions and Householder Development gives guidance on the provision of garages and outbuildings within the curtilage of residential properties. The guidance states that *'The building should be modest in size and height and must appear subordinate or ancillary to the main dwelling'*.

Although the proposed garage would be 0.1 metres shorter than Hope Cottage it is not considered that the proposal would be subordinate to the host dwelling. This is due to the high eaves and ridge height to the proposed garage and the width of the proposed garage in comparison to Hope Cottage (the main gable to the Hope Cottage has a width of 4.1 metres compared to that of the proposed garage which is 5.89 metres) which results in an

increased bulk and massing to the garage which would not appear subordinate to Hope Cottage. It should also be noted that the garage would be visible when entering the site from School Lane and when using the Public Footpath which runs between the application site and the adjacent dwelling (Pear Tree Cottage) and across the paddock to the rear of Hope Cottage. Furthermore it is not considered that the garage is modest in size and height which is the first requirement of the SPD in relation to garages and outbuildings.

In terms of detailed design, the Design and Access Statement states that the style of the garage building is very much that of a typical Victorian coach house. However this is not accepted, as the gables to the garage would be wider than that of Hope Cottage. The proposal would result in a roof pitch of 38 degrees which is much steeper than that of the Hope Cottage which has a roof pitch of 30 degrees. In relation to this issue the Councils SPD states that *'the roof design and pitch should match that of the main dwelling'*. The garage also includes a large glazed opening and balcony to the south-western gable which is not typical of a Victorian outbuilding and would not respect the character of Hope Cottage. As a result it is considered that the design of the proposal is not acceptable and would not respect the setting, design, scale and form of the original dwelling.

The applicant's agent has referred to a number of similar large garages in the Bunbury area. However all of these were determined prior to the adoption of the Council SPD and each application is determined on its own individual merits.

Amenity

The proposed garage would be sited onto the southern boundary of the site and would be approximately 16 metres from the nearest point of Pear Tree Cottage. Given this separation distance and the existing tall boundary hedgerow it is considered that the proposal would not have a detrimental impact upon the residential amenities of this property or any other property in the area.

Highways

Two car parking spaces would be retained at the property and as a result it is not considered that the proposal would raise any highway safety/parking implications.

Trees

A large Silver Birch tree is located to the south-west of the garage and as the proposal would not encroach under the canopy of this tree it is not considered that this proposal would have a detrimental impact upon this tree.

11. CONCLUSIONS

The proposed garage would not raise any highway, amenity or tree issues. However it is not considered that the proposed garage is modest in size, would appear subordinate to the main dwelling or would respect the setting, design, scale and form of the original dwelling as such the proposal conflicts with Policies RES.11 and BE.2 of the Local Plan and the Supplementary Planning Document on Extensions and Householder Development.

12. RECOMMENDATIONS

REFUSE

1.The Local Planning Authority considers that the proposed development by reason of its design, size, bulk and scale would not be modest in height or size or would not appear subordinate to the main dwelling. As a result the proposed development would have a detrimental impact upon the character and appearance of the area and the setting of the existing dwelling. Therefore the proposal would be contrary to Policies RES.11 (Improvements and Alterations to Existing Dwellings) and BE.2 (Design Standards) and the Councils Supplementary Planning Document on Extensions and Householder Development.



Planning Reference No:	09/1127C
Application Address:	Mossley House, Biddulph Road, Congleton, CW12 3LQ.
Proposal:	The demolition of existing property and the redevelopment of the land, including 43 No. 1, 2 and 3 bed use class C2 residential accommodation with care, car parking, landscaping and associated works.
Applicant:	Mr Dean Fisher Gladman Care Homes Ltd
Application Type:	Full Planning Permission
Ward:	Congleton Town East
Registration Date:	1 st June 2009
Earliest Determination Date:	10 th July 2009
Expiry Date:	30 th August 2009
Date report Prepared	13 th January 2010
Constraints:	Protected Trees

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

MAIN ISSUES:

- Principle of the development
- Design and scale
- Amenity of neighbouring properties
- Impact on protected trees
- Impact on protected species
- Highway safety

1. REASON FOR REFERRAL

Major Development

2. DESCRIPTION AND SITE CONTEXT

The site is the setting for Mossley House located on Biddulph Road and approximately 2km from Congleton town centre. It has an irregular shape and total area of 0.78 ha. Mossley House and its extensive rear buildings form a 2-storey linear building of about 55m long and 14m wide at the widest part.

The main house is a late 19th century brick building with stone window surrounds and a small 3-storey tower to the side. The south elevation is the main elevation and has a prominent central bay over the main entrance door. The stable building to the rear is attached to the main house by a rear extension of similar dimensions. The original house has been prone to unsympathetic extensions and alterations in the past.

The house and outbuildings are set in a large garden that contains many mature trees around the edge of the site and to the front of the existing house, as well as substantial hedgerows along the southern boundary. Some of these trees are protected by TPO and allow significant screening.

The current access is from Biddulph Road to the west of 'The Lodge' that is also in the ownership of the applicant but is not part of the application site. There are two other disused access points to the site off Biddulph Road and on the corner of Biddulph Road and Reades Lane respectively.

Mossley House is located in a residential area, characterised mainly by detached single storey and two-storey family dwellings. The land slopes to the south and east with the neighbouring residential properties to the east being at a lower level than the application site.

3. DETAILS OF PROPOSAL

The proposal seeks to demolish the existing buildings on the site and construct a three-storey apartment block of a height of between 10m and 12.3m, set back 40m from the road. It would be set in the centre of the site in order to have minimum impact on the protected trees.

The development would provide 43 apartments for people aged 60yrs and over who are considered to be in need of care. It would comprise 7 one-bed apartments, 33 two-bed apartments and 3 three-bed apartments. In addition there would be a communal lounge and restaurant, managers office and facilities for 24hr care, computer room, library, assisted bathroom and WC and gymnasium. 45 parking spaces would be provided, which would include 3 for disabled use.

4. RELEVANT HISTORY

08/0552/FUL – 2008 - Refusal for demolition of existing property and development of 37no. 1 and 2 bed. retirement apartments with associated access, car parking, landscaping and ancillary works

5. POLICIES

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

PS4 – Towns

H1 & H2 – Provision of New Housing Development

H4 – Residential Development in Towns

H13 – Affordable and Low Cost Housing

GR1 – New Development

GR2 – Design

GR3 – Density, Housing Mix and Layout

GR4 – Landscaping

GR6 – Amenity and Health

GR7 – Pollution

GR9 - Accessibility, Servicing and Parking Provision

GR22 – Open Space Provision

NR1 – Trees and Woodlands

NR2 – Statutory Sites
NR3 - Habitats

SPG1 – Provision of Public Open Space in New Residential Development
SPG2 – Provision of Private Open Space in New Residential Developments
SPD14 – Trees and Development

6. CONSIDERATIONS (External to Planning)

Housing

Local Housing Need: The Draft Older Persons Housing Strategy for Congleton Borough demonstrates a need for high quality leasehold accommodation for the elderly within the Borough.

Affordability: - In line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) we would expect 30% of the site to be classed as Affordable Housing. This housing should be in line with the definition in PPS3 which includes social rented housing or intermediate affordable housing including shared equity schemes. Of this 30% we would ordinarily expect 50% to be social rented and 50% to be either shared ownership or discounted for sale, however in the case of leasehold elderly persons accommodation contained within one block, due to the problems with service charges, we would not expect there to be any social rented or shared ownership delivered on site. What would however be acceptable is discounted for sale units. This allows the lease and service charges to be exactly the same on all units but allows those with less equity or savings to access the same scheme therefore providing affordable housing and satisfying a local need.

Environmental Health:

Contamination

The investigation reports elevated levels of Arsenic, Dibenzo(a,h)anthracene and Benzo(a)pyrene in at least four locations and makes a number of recommendations for further investigations. Initially, further investigation is required to determine if the contamination is wide spread across the site. As the contamination found on site is not considered to be volatile, it is considered unnecessary to undertake any further testing in the footprint of the proposed building and all further testing should be concentrated within the garden area. In addition an asbestos survey should be undertaken and appropriate actions taken dependent on the results. It is recommended that further works are carried out prior to the commencement of construction; these are detailed in the Phase 1 ground investigation report.

Air Quality

Due to the introduction of new exposure close to existing sources of air pollutants an air quality impact assessment should be submitted prior to the commencement of development.

Amenity

In order to protect the amenities of people in this residential area information should be submitted for approval relating to noise produced by fans, compressors and other equipment with the potential to create noise and odours. Details of any external lighting

should also be submitted to ensure that there is no spillage into neighbouring residential properties. Hours of construction and times when vehicles can access the site should be conditioned in order that disruption is kept to a minimum.

Cheshire Police Crime Reduction Advisor

Requests that the following issues are given consideration:

- Controlled access in the public areas
- Lighting levels
- Height and size of vegetation providing cover for potential criminals

United Utilities

State that the development would be adjacent to/include their electricity distribution equipment and the applicant must ensure that access rights are maintained and that the equipment is protected.

Highways:

The Strategic Highways Manager states the following:

- I have assessed the information in the Transport Assessment by Ashley-Helme Associates and find its content supports the application detail. There is comprehensive reference to National and Local policy documents regarding sustainability and the benefits this will bring to the site.
- I have checked the offered (and available), visibility at the site and accept them to show satisfactory levels of visibility for the development traffic generation.
- The proposal for a double access with one for access and one for egress is an arrangement which is not usual in its configuration, however in considering a holistic approach to development I am conscious of the fact that there are tree preservation issues within the site which will be supported by the proposed style of access. On this basis and considering that the position of the proposed points of access and visibility are acceptable, I find the offered design to be acceptable.
- Given the claims for the sustainability of the site there will need to be clear provision of a footway link to the major road and its footpath infrastructure. I consider that there should be a pedestrian access to Biddulph Road at or adjacent to the north-west access.

Senior Landscape Officer (SLO):

Trees

Trees on and adjacent to the site are protected by the Henshall Hall Congleton TPO 1978 and the Henshall Hall No. 2, Congleton Tree Preservation Order, 1995. The trees make a significant contribution to the character and visual amenity of the area. There are also a number of trees on site which are not subject to protection but which collectively contribute to screening of the existing building.

The original submission included a tree survey dated July 2007. From observations on site the survey is considered to be out of date. An updated tree survey dated July 2009 was subsequently submitted, however the following issues are still of concern.

A number of protected trees would have to be removed in order to accommodate the development and further specimens on health & safety grounds. A number of protected trees are likely to be at risk of damage from construction works.

Whilst the removal of any healthy TPO tree is of concern, the loss of the individual protected trees identified for removal in order to accommodate the development would not in my view have significant impact on the character or appearance of the site. However, the removal of both protected and unprotected trees, specifically to the west of the site, will open up views into the site.

Of greater concern is the potential impact on trees shown for retention, in particular where such trees would help to provide screening for the site and are prominent to public view from outside the site. There are significant areas where there would be hard surfacing within tree root protection areas and where there would be extensive construction traffic movement. In the vicinity of the proposed parking areas, new sections of driveway, and at pinch points around the building where construction access is required, special protection measures and construction techniques would have to be employed. In order to prevent damage to trees, such measures would need to be in place prior to any construction works. The construction management plan 3460-04 indicates how the site could be constructed and site works managed. The content of this plan confirms my view that there are significant constraints to development of the site.

With regard to screening of the site as a whole, it should be noted that the areas of trees to the south and south east of the building include a proportion of evergreen trees. The majority of the trees, which would be retained to the west, north and north east of the site, are deciduous and their screen value would be reduced in winter.

The extent to which potential harm could be mitigated would rely entirely on protection measures and special construction techniques being employed scrupulously throughout the course of the development.

Streetscape:

Have no observations relating to the provision of public open space and require no financial contributions.

Conservation Officer

Objected to the original scheme that was submitted, subsequent meetings led to a re-design of the building and those objections have now been withdrawn.

English Heritage

A request was submitted to English Heritage for the building to be listed. They carried out an assessment and concluded that it was not of sufficient architectural character or historic interest to merit listing.

Design Officer

Mossley House appears on the draft List of Locally Important Buildings Supplementary Planning Document, which is currently undergoing public consultation. This document has not been formally adopted; however it seems justifiable that the SPD guidance notes should be considered along with saved local plan policy BH6. It is clear that the intention of the Borough Council is to seek retention of those buildings whose presence contributes to the

appearance and heritage of the borough, and that such buildings maybe allowed to continue to contribute positively to the local environment.

English Heritage refused Mossley House for statutory listing (see statement by English Heritage 14th August 2009), but noted its local interest. Saved policy GR2 (III) states that proposals should respect the existing features and areas of nature conservation, historic architectural and archeological value and importance within the site. There are parts of the site which are perfectly capable of supporting future uses, thus ensuring the site maintains its local significance whilst adapting and supporting new accommodation. Consideration of the buildings local importance and architectural interest is ignored in the proposal, and therefore does not have regard for local policy guidance or a national objective to protect local distinctiveness (PPS 1).

Nature Conservation Officer

A number of surveys have been undertaken and I will comment on each in turn.

Phase 1 Survey

With the exception of the hedgerows and broad leaved woodland, which are BAP priority habitats, no significant habitats appear to have been recorded. I am however concerned that one part of the site was inaccessible and so has not been surveyed. Also the actual phase one habitat map does not appear to have been scanned onto Anite so I have no information on the location and extend of habitats present.

All hedgerows and woodland areas should be retained or mitigation/compensation provided for any to be lost. A small ornamental pond is located on site. Whilst this particular pond appears to have no particular ecological importance ponds are a local and national priority habitat and so if this pond will be lost to the development it should be replaced by a suitably designed wildlife pond.

Badgers

Some limited evidence of badger activity has been recorded on site; however no sett appears to be affected by the development. The isolation of a badger sett from the group's foraging areas can be a material consideration under PPS9. In this instance there appears to be abundant foraging potential outside the development footprint and no evidence of badger activity was recorded during the latest survey. The ecological survey report has recommended that fruit trees should be planted to provide an alternative food source and that badger gates are installed in any fencing.

Barn owl

No evidence of this species was recorded during the submitted survey.

Bats

A very comprehensive bat survey has been undertaken. No evidence of an active roost was recorded although a couple of old droppings and a dead bat were recorded and there was a moderate level of bat activity around the site. Any loss of vegetation and trees from the site will adversely affect the foraging habitats of bats (which as a BAP species are a material consideration) so I recommend that as much vegetation and trees are retained and that additional planting designed to increase the available foraging habitat be included in the scheme as recommended by the submitted ecological survey report.

White letter hairstreak (Butterfly)

A record for this species was provided 100m north of the site. The absence of elm trees probably means that the development site is not important for this species. However, I recommend that English elm of a suitable type is included in the landscaping of the site to enhance the habitat of this species.

Song Thrush

This bird, which is a local BAP species and hence a material consideration was recorded on site. As no breeding bird survey has been undertaken it is not possible to confirm the status of this species at Mossley Hall. However, provided there is not a significant loss of trees, hedgerows or lawn areas from the site it is very unlikely that the development will have a significant affect on this species.

Reptiles and Great Crested Newts

A comprehensive reptile and amphibian survey has been undertaken and no evidence of these species was recorded.

Common Toad

This species, which is a local BAP species and hence a material consideration, was recorded breeding at a pond near to the proposed development however it appears unlikely that that proposed development will have a significant adverse impact.

Ecological Enhancement

A number of suggestions for the ecological enhancement of the site have been included in the submitted reports. If these are incorporated into the proposals for the site there is the potential to secure an overall gain for nature conservation from the re-development of the Hall accordance with PPS9.

7. VIEWS OF TOWN/PARISH COUNCIL

Initial Comments

Recommend refusal on the following grounds:

- The Town Council considers that this is a significant building and recommended for inclusion in any future conservation area.
- Loss of trees and green area would be detrimental to the area.
- A building of this scale is inappropriate to the site

Subsequent Comments

Councillors were concerned that full site plans were not available. They wished to note comments made regarding the previous application in respect of footprint and trees. They also expressed concerns regarding parking and increased traffic.

8. OTHER REPRESENTATIONS

12 letters of objection have been received on the following grounds:

- Loss of privacy
- Loss of sunlight
- Loss of daylight
- Visual intrusion
- Traffic generation and road safety

- Adverse implications for wildlife
- Disruption due to construction traffic and noise
- Loss of a building of historic character
- Poor design
- The height and scale of the building
- Overdevelopment of the site
- Deciduous screening which will only be effective for part of the year
- Threat to wildlife
- Lack of need for the development
- Loss of mature trees
- Lack of need for this type of development

9. APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Heritage Statement
- Transport Assessment
- Care Statement
- Planning Statement
- Draft Unilateral Undertaking
- Ecological Reports

10. OFFICER APPRAISAL

Principle of Development

The site is within the Settlement Zone Line for Congleton and there is a presumption in favour of development within this settlement boundary under Policies PS4 and H6. The current dwelling on the site is vacant and in need of some renovation and the site is not allocated in the Local Plan. It is surrounded by residential development, in close proximity to Congleton town centre and public transport facilities. It can be considered to be a brownfield site and therefore in a sustainable location for residential development. The principle of residential development on the site is considered acceptable and appropriate, subject to matters of scale and character being adequately addressed.

Design

Heritage Value:

A heritage appraisal was submitted with the application to assess the heritage value of the buildings on site focusing particularly on the main house. It assumes the site may have formed part of a larger site area. The main house is considered to be of late 19th century origin and utilitarian. It states that the house appears picturesque from a distance but on closer examination the architectural details are not of good quality.

A search of the historical maps of Congleton showed the existence of some buildings on the footprint of the existing buildings in 1845. The Conservation Officer was consulted and agreed that the building was not worthy of statutory listing but would have no hesitation in including it on the local list, although this would offer no level of statutory protection.

An application was been made to English Heritage for the building to be listed and this was rejected on the grounds that the building is not of sufficient special architectural or historic

interest. The building has been included on the draft list of buildings of local historic interest, however the Council has not yet adopted this document.

Layout

According to PPS 3 new housing development should provide a mix of housing types and tenure to encourage the creation of mixed and inclusive communities. It also provides guidance on density to ensure the efficient use of land. New housing should achieve a minimum density of 30 dwellings per hectare, with higher densities being appropriate in or near town centres. The proposed development will be limited to 1, 2 and 3 bedroom apartments of a density of 55 dwellings per hectare, but it will be aimed at a niche market as retirement apartments and will contribute to providing a choice of accommodation in an area characterised by detached single residential dwellings and is considered to meet the requirements of PPS3 in this regard.

The proposed layout follows a similar orientation to the existing building with the main elevation parallel to Biddulph Road and set away from it by approximately 40m. Whilst this proposal for a single building is considered preferential because it mirrors the existing building on the site, the layout will take up a great proportion of the developable space on site, with the result that special road and parking construction measures are required to address concerns for the integrity of the trees.

It is acknowledged that new development should aim to achieve higher densities as referred to in PPS3 above and GR3 of the Local Plan with minimum densities of 30 dwellings per hectare. The site area is 0.78ha and will achieve to a density of 55 dwellings per hectare. It should be taken into consideration that a large part of the site (approximately 50%) is unlikely to be available for development as a result of the TPO trees on site, which highlights the intensive use of the part of the site that can be developed. The relative low-density character of the surrounding area should also be taken into consideration, as achieving a high-density development should not be allowed at the expense of good design appropriate in its context as stated in PPS3 and Policy GR3.

Scale and Massing

Policy GR2 provides the design criteria that new development will be expected to meet and covers issues such as ensuring that the design is sympathetic to the character, appearance and form of the site and surrounding area, the need for appropriate landscaping and the need for the proposal to respect existing features.

The site is surrounded by detached single residential properties of varying styles from single storey to 2-storey properties, in addition there are some 3-storey apartment blocks further to the west of the site on Hensall Hall Drive.

The previous application was refused on the grounds that the scale and massing was not sympathetic to the character of the site and the area. This scheme has undergone amendments following negotiations with the Council and it is now considered that the amendments will sufficiently break up the appearance of the elevations in order to address these issues.

Appearance

The design of the proposed building is the result of negotiations between the Local Authority and the developers and the amended plans show elevations that are no longer

monotonous and overbearing as they incorporate set backs and differences in the ridge height of the roof of the building. With a design of this type it is essential to ensure that the materials used will maximise the elements of the building that provide relief to the elevations and this will involve using contrasting materials and finishes. Therefore it is considered very important that the materials to be used in the construction of the development are submitted for approval to the Local Authority to ensure that the resultant building would sit well within the context of the site and give a positive contribution to the character and appearance of the street scene and the wider area.

Affordable Housing

The Housing Section have stated that in line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) they would expect that 30% of the site deliver affordable housing. However they state that in the case of leasehold elderly persons accommodation contained within one block, due to the problems with service charges they would not expect there to be any social rented or shared ownership units, but that it should comprise discounted for sale units.

The applicants maintain however that the development should be considered as a care home under C2 Use Class and as such affordable housing provision is not applicable. Further investigation into this issue has been undertaken and the result of these investigations revealed that this type of development has been the subject of planning appeals, and subsequent decisions on these appeals have concluded that the level of care proposed in this type of development would fall under C2 Use Class, and that provided the occupancy of the units is controlled by a Section 106 Agreement, affordable housing provision is not required. It is therefore considered that it would not be justified to insist on a level of affordable housing provision within the development.

Amenity

Policy GR6 requires that planning permission for development adjoining or near to residential property should not result in a loss of privacy or sunlight and daylight and SPG2 lays down minimum distances, which should be maintained between residential buildings. The closest property on Hulton Close would be number 10, and this has a flank elevation 21m away from the proposed building, The nearest property on Woburn Drive is number 17 and its rear elevation would be 30m from the building. The nearest property within the new development to the south east of the site has one dwelling whose flank elevation would be 21m from the building. These factors render the proposal in compliance with the requirements of SPG2 and it is not considered that there would be a loss of amenity in terms of loss of privacy or sunlight and daylight and is therefore considered to be in compliance with Policy GR6.

Highways

The scheme proposes a one-way vehicle entrance and exit to the front with access road to residents parking on the west and north of the proposed dwelling.

The application site is approximately 1.2 miles away from Congleton town centre by foot and within 0.5 mile there are shops, a post office, Congleton railway station and a church. There is a footpath alongside the carriageway that connects the site to these services.

There are two bus stops within 400m of the site on either side of Biddulph Road and both have frequent buses. As mentioned above, Congleton railway station is less than 0.5 mile away with connections that include Manchester, Birmingham and Stoke-on-Trent.

It is therefore considered that the site has good public transport infrastructure provision with good accessibility for pedestrians and cyclists. There is currently no dedicated spaces provided for bicycles but this could be accommodated on the site.

Some objections have been raised to the proposed development on highway safety grounds, namely increase in traffic, lack of parking provision and disruption from construction traffic.

The highway engineer has done an assessment of the proposed access and egress, internal layout and transport assessment. His comments are listed in this report and he has concluded that the proposed access and egress is acceptable in principle and the proposed visibility details show satisfactory levels of visibility for traffic that will be generated by the development.

Ecology - Protected Species & Nature Conservation

Updated surveys have been submitted for the site during the course of the application process and the Nature Conservation Officer has assessed these. His conclusions are as follows:

- All hedgerows and woodland areas should be retained or mitigation/compensation provided for any that would be lost.
- There is no badger sett on the site and evidence of limited badger activity, however in line with the advice in the report, fruit trees should be planted as an alternative food source and badger gates installed in any fencing.
- There is no evidence of Barn Owls on the site.
- No evidence of an active bat roost were found, but there was a moderate level of bat activity around the site. In order not to adversely affect the foraging of bats, as much vegetation and trees as possible should be retained and additional planting should be included in the scheme in line with the recommendation in the submitted ecology survey report.
- It is recommended that English Elm of a suitable type is included in the landscaping of the site to enhance the habitat of the White Letter Hairstreak.
- Provided there is not a significant loss of trees, hedgerows or lawn areas from the site, it is unlikely that the development would have a significant adverse impact on the Song Thrush.
- No evidence of Great Crested Newts or other reptiles was recorded.
- It is unlikely that the proposed development would have a significant adverse impact on the Common Toad.

Legal Agreement – Heads of Terms

The legal agreement will relate to the age and care requirements of the occupants of the units. It will require the 'Approved Occupiers' to be over 60 years of age and to complete a written assessment to identify their care and support needs. This will ensure that the units do not become open market properties that would have required an element of affordable housing to be provided.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The proposed development is within the Settlement Zone of Congleton and will not utilise a site, which is allocated or committed for any other purpose in the Local Plan. The proposal will not give rise individually or cumulatively, to housing supply totals significantly at variance with the provisions of policies H1 and H2 and will be in accordance with the housing provision in the Regional Spatial Strategy.

The ecology of the site has been considered and sufficient mitigation is possible to ensure habitats can be retained and enhanced. The Senior Landscape and Tree Officer has concerns for the future integrity of protected trees on the site, and the specialist construction methods and tree protection measures put forward by the developer must be adhered to with strict supervision in place during construction.

The building was put forward to English Heritage for listing, however this was rejected. Both the Conservation and the Design Officers have expressed concerns over the demolition of the existing building, which has been put forward for inclusion of the draft list of local buildings of historic interest. Given that the Council has not yet adopted this list and the fact that English Heritage do not consider the building to be worthy of listing, it is considered that a refusal on these grounds would be very difficult to justify or sustain should the applicants appeal.

The accessibility of the site is considered to be good and contributes to the sustainability of the site and there are no objections on highway grounds.

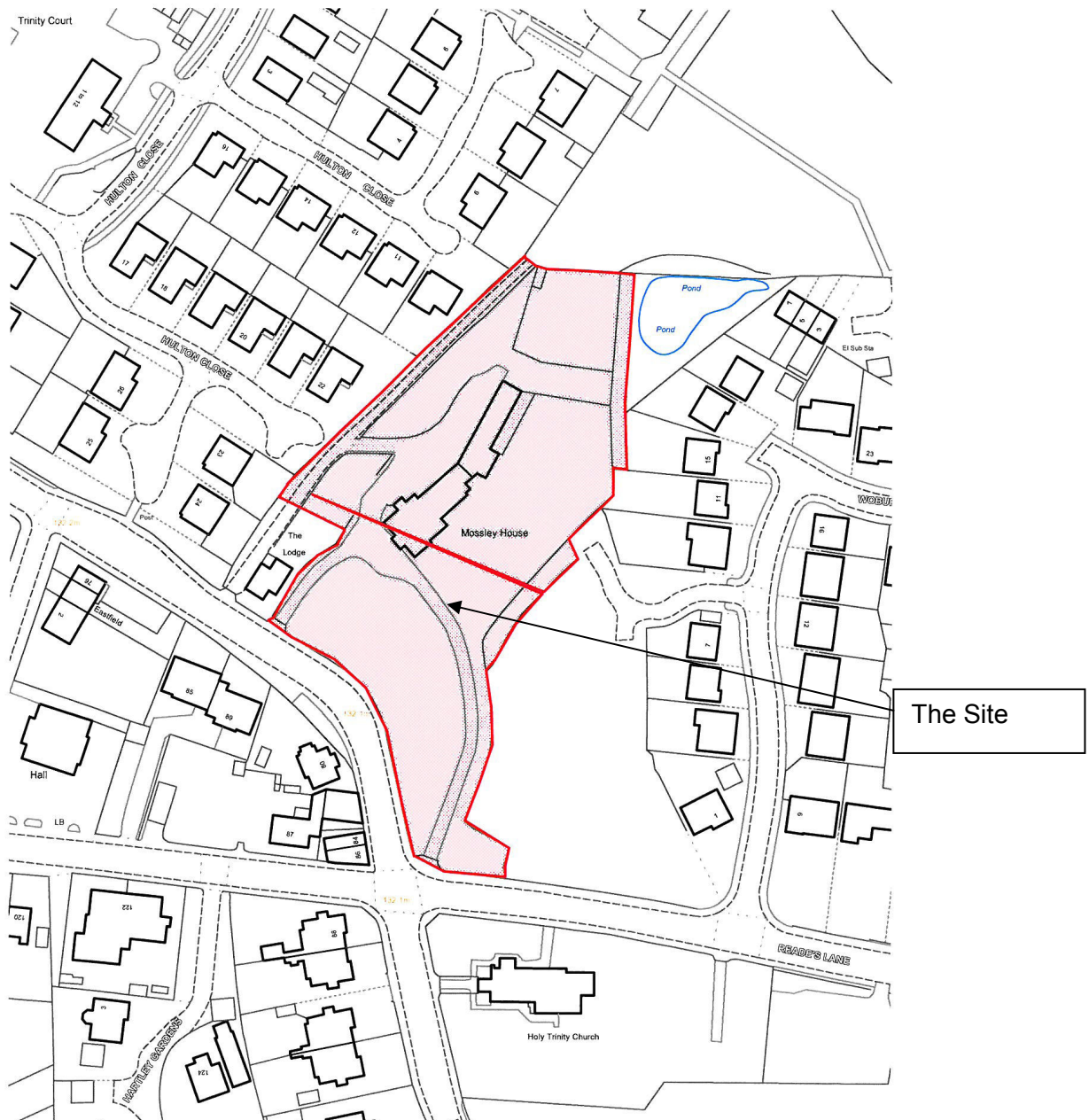
The amendments to the design of the development are considered to have addressed the reasons for the previous recommendation of refusal and the scheme is now considered to be acceptable.

12. RECOMMENDATION: Approve subject the developers entering into a Section 106 Agreement limiting the occupancy of the units, and to the following conditions:

- 1. Standard time limit.**
- 2. Compliance with the approved plans.**
- 3. Submission of materials for approval.**
- 4. Submission and implementation of a tree protection scheme.**
- 5. Submission and implementation of specialist construction scheme.**
- 6. Submission and implementation of drainage scheme.**
- 7. Submission and implementation of landscaping scheme.**
- 8. Submission and implementation of boundary treatment scheme.**
- 9. Submission of a report on the potential for land contamination in the garden area.**
- 10. Submission of an air quality assessment.**
- 11. Submission of details of any fans compressors and other equipment with the potential to generate noise.**
- 12. Submission of details of any external lighting.**
- 13. Hours of construction limited to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday with no working on Sundays or Bank Holidays.**
- 14. Submission of details of the method, timing and duration of any pile driving operations.**

- 15. Deliveries to and from the site limited to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday with no deliveries on Sundays or Bank Holidays.**
- 16. Compliance with recommendations in the submitted ecology reports.**

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	09/3490C
Application Address:	20 Pikemere Road, Alsager
Proposal:	Proposed Subdivision Of Domestic Curtilage To Create Additional, Separate Dwelling
Applicant:	Mr. Michael Bounford
Application Type:	Outline Planning Permission
Ward:	Alsager
Registration Date:	22-October-2009
Earliest Determination Date:	26-January-2010
Expiry Date:	17-December-2009
Date report Prepared	13-January-2010
Constraints:	None

SUMMARY RECOMMENDATION:

APPROVE subject to conditions.

MAIN ISSUES:

- Principle of Residential Development
- Policy
- Design & Character of Development
- Trees
- Residential Amenity
- Highways
- Contamination

1. REASON FOR REFERRAL

Councillor S. Jones has called the application in for consideration by the Southern Committee on the grounds that the proposed development would be un-neighbourly, would represent an overdevelopment of the site and would lead to access problems.

2. DESCRIPTION AND SITE CONTEXT

This application relates to the side garden associated with number 20 Pikemere Road, Alsager. The existing dwelling is a large detached white rendered property situated on the southwestern side of the road adjacent to a public footpath linking Pikemere Road with Grig Place, a residential cul-de-sac located to the west. The area is predominantly residential and is characterised by a mix of dwellings ranging from large detached dwellings situated within spacious plots to smaller detached / semi-detached properties occupying narrower plots. The site lies within the Alsager Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Outline planning permission is sought to erect a dwelling within the side garden of no. 20 Pikemere Road. Full details of access have been provided with the application with all other matters reserved for future consideration (appearance, landscaping, layout and scale).

A new-detached garage sited in front of the existing dwelling no. 20 has been omitted from the application due to concerns regarding the impact that it would have on the street scene and the character and appearance of the area. Furthermore, layout has also been removed from consideration at this stage and the indicative layout has been amended to show a dwelling with a narrower footprint.

The maximum scale parameters indicate that the width and depth of the dwelling would be 8.7m and 13.5m respectively. In terms of height, the dwelling would measure a maximum of 9m to the ridge to accord with the height of the existing dwelling no. 20.

4. POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP7 Promote Environmental Quality

DP4 Make the Best Use of Existing Resources and Infrastructure

L4 Regional Housing Provision

Local Plan Policy

PS4 Towns

GR1 New Development

GR2 Design

GR6 Amenity & Health

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

NR1 Trees & Woodland

SPG2 Provision of Private Open Space in Residential Developments

Other Material Considerations

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

PPS23 'Planning & Pollution Control'

Circular 01/2006 Guidance on Changes to the Development Control System

5. CONSIDERATIONS (External to Planning)

Environmental Health:

No objection subject to the imposition of conditions restricting hours of construction/piling, and conditions relating to land contamination investigations.

Highways:

No objection.

Senior Landscape Officer (SLO):

The tree information provided on amended plan 3510/01B is limited and the information does not conform to the recommendation in British Standard 5837:2005 Trees in relation to construction. It is understood that layout and the previously proposed garage have now been omitted from this application. The omission of the garage addresses my concerns that such building would have required tree removal with associated loss of screening.

The indicative position of the dwelling on the amended plan indicates that a dwelling could be accommodated outside the root protection area of the mature Sycamore tree adjacent to the public footpath although pruning of the crown would still be necessary. The crown of this tree extends some distance into the site and would have to be radically pruned in order to accommodate the dwelling. Such pruning would affect the balance and appearance of the tree and would reduce its amenity value when viewed from the public footpath.

6. VIEWS OF ALAGER TOWN COUNCIL

Alsager Town Council has no objections to this application but expresses concern that this is another windfall development.

7. OTHER REPRESENTATIONS

At the time of report preparation, one letter had been received from a neighbouring property objecting to this application on the following grounds;

- The development would be over-intensive.
- The proposed detached garage at the front would lead to an undesirable precedent and would harm the openness of the street scene.
- The excavations will inevitably lead to the removal of trees.
- The plans show that the house will be 'shoe-horned' in.
- There are no details of recycling arrangements.

8. APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement
Amended Plans (ref 3510/01B)

9. OFFICER APPRAISAL

Principle of Development

The application site is located within the settlement zone line for Alsager 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 and distribution 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 subject to

conformity with paragraph 69 of PPS3 and compliance with other material planning considerations.

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 an accessible location on the northwesterly edge of Alsager where it is within walking distance of the town centre and is well connected to public transport and community facilities and services. The proposal would involve development of a Brownfield site within an existing settlement and as such the principle of residential development on the site is considered to be acceptable.

Design & Character of Development

The area is characterised by a mix of dwellings ranging from large detached dwellings situated within spacious plots to smaller semi-detached properties occupying narrower plots. With regard to the proposed scale parameters, the maximum depth and width of the dwelling would reflect some of those properties found further along the street and the ratio between the plot size and the dwelling would be consistent with these other examples. In terms of height, an overall ridge height of 9 metres is proposed which would be no higher than the existing property no. 20. Having regard to this pattern of development, it is considered that the provision of a dwelling on the site would not harm the character of Pikemere Road and would reflect the existing grain of development.

Highways & Parking

The existing dwelling benefits from a dual access. The first access is positioned towards the left hand side directly in front of no.20 and the second is located 10 metres further towards north. The proposed dwelling would utilise the second access. The gap between the boundary of the site and edge of the road would enable sufficient visibility for vehicles emerging from each access in both directions. The Strategic Highways Manager has not raised any objection to the proposals and given that both dwellings would benefit from more than 2 off-street parking spaces, it is not believed that any detriment would be caused to highway safety.

Trees

To facilitate the provision of a new dwelling on the site, some existing trees would have to be removed within the site. Those specimens that would require removal are ornamental shrubs and conifers, which are not protected and are not of any great amenity value and therefore their loss would not be detrimental. Elsewhere, there is a single Sycamore specimen located outside of the site close to the western boundary that partly overhangs the site. This specimen would need to be pruned to accommodate a dwelling on the site; however, the amended indicative layout showing a slightly narrower property would reduce the extent of pruning required. Whilst the Sycamore tree is visible from the public domain, the specimen is not protected and is not worthy of TPO and the side that would be affected faces into the site and is not prominent from the adjacent footpath or the street scene. As such, the side of the tree that does offer some amenity value would be unaffected and therefore the proposal is deemed to be acceptable with regard to Policy NR1.

Residential Amenity

Given that the application has reserved appearance, layout and scale for subsequent approval, full consideration cannot be given to the impact on neighbouring properties. Nonetheless, the provision of a dwelling on the site would allow sufficient separation distances to be achieved between the proposed dwelling and the existing dwellings surrounding the site in accordance with the requirements of policy GR6 and SPG2 'Provision of Private Open Space in Residential Developments'. In terms of private amenity space, the existing and proposed dwelling would benefit from more than 60 sq metres in accordance with the SPG2.

Contamination

Paragraph 2.42 of PPS23 'Planning & Pollution Control' states that sufficient information should be required to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. This will require a risk assessment that identifies the sources, pathways and receptors (pollutant linkages) and as such a condition requiring a desktop survey is recommended.

10. CONCLUSIONS AND REASONS FOR THE DECISION

In land use terms, there is a presumption in favour of development in this location and as such the principle of the development is deemed to be acceptable having regard to the use, intensity and the indicative scale parameters. The development could be accommodated on the site without causing detriment to the amenities afforded to nearby properties. Sufficient off street parking would be achieved and the proposed access arrangements would not give rise to traffic problems in the area. As such the outline proposals are deemed to be in compliance with relevant development plan policies and therefore the application is recommended for approval.

11. RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Commencement of development within 3 years or within 2 years of approval of the last of the reserved matters.**
- 2. Approval of reserved matters to be obtained prior to commencement of development.**
- 3. Full details of access are approved by virtue of this consent.**
- 4. Accordance with maximum scale parameters and amended details received 11th January 2010.**
- 5. Submission of a phase 1-land contamination assessment prior to commencement of development.**
- 6. Protection from noise during construction (hours of construction).**
- 7. Details of method and timing of pile driving if required.**
- 8. Materials to be submitted and approved.**
- 9. Tree protection measures**

Location Plan: Cheshire East Council Licence No. 100049045

