

Southern Planning Committee

Agenda

Date: Wednesday, 10th March, 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 - 10)

To approve the minutes of the meeting held on 17 February 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. **09/3724N Outline Application for New Agricultural Machinery Shed, New Slurry Holding Tank, New Organic Calf Rearing Shed, New Milking Parlour, and Standing Stock Shed, New Grain Towers and Grain Dryer, High Ash Farm, Cappers Lane, Brindley, Nantwich, Cheshire, CW5 8HX for High Ash Farm Limited (Pages 11 - 20)**

To consider the above planning application.

6. **09/4076N 11 Houses with Parking, a New Residential Open Space, Formation of New Vehicular and Pedestrian Access onto Abbey Park Way, Land west of 1 Abbey Park Way, Weston, Crewe for Miss J Clark, Countryside Properties, Countryside House, The Drive, Brentwood, Essex (Pages 21 - 36)**

To consider the above planning application.

7. **10/0021C Application for Outline Planning Permission for the Erection of 41 Dwellings, Crewe Road, Sandbach for Hollins Strategic Land (Pages 37 - 50)**

To consider the above planning application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 17th February, 2010 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors W T Beard, D N Bebbington, M Davies, S Davies, S Furlong,
B Howell, J Jones, S Jones, A Kolker, S McGrory, R Walker and
M J Weatherill

Apologies

Councillors L Gilbert

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

Councillor B H Dykes declared a personal and prejudicial interest in agenda item 14 (Variation of S.106 Agreement – Wyche Lane, Bunbury) on the basis that he was a Member of Bunbury Parish Council and had entered into correspondence with the applicant (Muir Group Housing). Having declared a personal and prejudicial interest, Councillor Dykes withdrew from the meeting during discussion of the item.

Councillor A Kolker declared a personal interest in agenda item 5 (09/3286C – Holly House Farm, Cranage) on the basis that he was acquainted with the father of the applicant and also that the applicant had made contact with him about the application. Councillor Kolker had expressed no view on the application.

Councillors W T Beard, D N Bebbington, W S Davies, B H Dykes, S Furlong, E Howell, J Jones, A Kolker, R Walker and M J Weatherill each declared that, in respect of agenda item 6 (Planning Application No. 09/4043N – Earl of Crewe) they had received communications from the applicant. None had acknowledged the communications.

Councillor E Howell declared that she had been contacted by the applicant in respect of the previous application at which time she had declined to comment. She had subsequently been contacted in respect of this application and had also declined to comment.

Councillor S Jones made a declaration of pre-determination in respect of agenda items 7 and 8 (09/3490C – 20 Pikemere Road and 09/0819N – 38 Pikemere Road). She would exercise her right to speak and then withdraw from the meeting.

Councillor W S Davies declared that in respect of agenda item 9, the site visit had been arranged prior to his election as a Councillor and he had, therefore, been unable to attend the arranged visit. He made a separate visit to the site unaccompanied by an Officer, and had met a neighbour of the applicant during that visit, but had not expressed a view.

131 **MINUTES**

RESOLVED:

That the minutes of the meeting held on 27th January 2010 be approved as a correct record and signed by the Chairman.

132 **09/3286C - HOLLY HOUSE FARM, CRANAGE, HOLMES CHAPEL: ERECTION OF AGRICULTURAL BUILDING AND HARD-STANDING FOR THE FARMING OF SUCKLER COWS AND CALVES FOR MR AND MRS ROSS YARWOOD**

Notes: (1) Mr G Watts (on behalf of the applicant) attended the meeting and addressed the Committee on this matter;

(2) Having arrived at the meeting during consideration of this application, Councillor S McGrory did not participate in the debate or voting, in accordance with paragraph 13.5 of the Planning Protocol of Conduct in Relation to the Determination of Planning Matters.

The Committee considered a report regarding the above planning application, an oral report of the site inspection, and updates from the applicant's agent, which were summarised by the Southern Area Manager – Development Management.

RESOLVED:

That the application be REFUSED for the following reasons –

- (1) The proposed development relates to a newly created agricultural unit and the provision of a permanent dwelling should be considered to support existing agricultural activities only. Furthermore the proposed dwelling is considered to be overly large and expensive to construct. As a result the proposal would be detrimental to the character and appearance of the open countryside which should be protected for its own sake whilst the size and expense in constructing the dwelling. The development would be contrary to the provisions of PPS 7 (Sustainable Development in Rural Areas) and Policies H18 (Dwellings Associated with Rural Enterprises), H6 (Residential Development in the Open Countryside and the Green Belt) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review (01/05); and

- (2) The Local Planning Authority considers that the applicant has failed to demonstrate that there is a clearly established existing functional need that could not be fulfilled by another existing dwelling in the area or on the unit and that the development meets the financial test specified within Annex A of PPS7. As a result, the special justification for allowing a new dwelling in the open countryside has not been met and the proposed development is contrary to the provisions of PPS7 (Sustainable Development in rural Areas) and Policies H18 (Dwellings Associated with Rural Enterprises), H6 (Residential Development in the Open Countryside and the Green Belt) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review (01/05).

133 **09/4043N - EARL OF CREWE HOTEL, NANTWICH ROAD, CREWE: DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW FOOD-STORE WITH ASSOCIATED PARKING FOR ALDI STORES LTD.**

Note: Mr John Morris (local resident in support of the application) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, an oral report of the site inspection, and updates from the applicant, Cheshire East Highways and a late representation from a local resident, which were summarised by the Southern Area Manager – Development Management.

RESOLVED:

That the application be REFUSED for the following reason –

The proposal would result in the loss of a locally listed building, the re-use of which the Local Planning Authority considers to be both physically and financial sustainable. The applicant has failed to demonstrate that there are any other reasons for the development which outweigh the need to safeguard the building and the proposal is therefore contrary to Policy BE.13 (Buildings of Local Interest) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

(Notes: (1) During discussion of the planning application, Councillor J Jones declared a personal interest by virtue of his friendship with Mr J Morris, who had spoken in support of the application;

(2) In accordance with Procedure Rule No. 15.5 Councillor E Howell requested that her abstention from voting be recorded.)

134 **09/3490C - 20 PIKEMERE ROAD, ALSAGER: PROPOSED SUB-DIVISION OF DOMESTIC CURTILAGE TO CREATE ADDITIONAL SEPARATE DWELLING FOR MR MICHAEL BOUNFORD**

Notes: (1) Having exercised her separate speaking rights as a Ward Councillor, Councillor S Jones withdrew from the meeting during consideration of this item.

(2) Mr David Currie (objector) attended the meeting and addressed the Committee on this matter.

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

RESOLVED:

That the application be REFUSED, contrary to the Planning Officer's recommendation for approval, for the following reason –

The proposed development would have an adverse impact on the character and appearance of the area by virtue of being cramped and appearing to be an over-development of the site. The scheme would, therefore, be contrary to Policy GR1 of the Congleton Borough Local Plan.

135 **09/0930/C - 38 PIKEMERE ROAD, ALSAGER: TWO RESIDENTIAL UNITS TO REAR OF 38 PIKEMERE ROAD, ALSAGER ON EXISTING REAR GARDEN LAND FOR MR ANDREW CHATTERTON**

Notes: (1) Having exercised her separate speaking rights as a Ward Councillor, Councillor S Jones withdrew from the meeting during consideration of this item.

(2) Mr Andrew 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 APPROVED subject to the following conditions –

1. Standard time limit.
2. Development in accordance with the approved plans.
3. Submission of tree protection scheme.
4. Submission of landscaping scheme.
5. Implementation of landscaping scheme.
6. No tree or hedgerow works during the breeding season.

7. Construction hours limited to 07.30 hrs to 18.00 hrs Monday to Friday, 07.30 hrs to 14.00 hrs Saturday with no working on Sundays and Bank Holidays.
8. Submission of details of any piling to be undertaken.

136 **09/0819N - LAND ADJACENT PINNACLE FARM, COOLE LANE, NEWHALL, NANTWICH: CHANGE OF USE FROM AGRICULTURE TO FISH-REARING AND ANGLING CENTRE AND FORMATION OF PONDS AND LAKES, ERECTION OF BUILDINGS (INCLUDING TEMPORARY DWELLING) AND PROVISION OF ACCESS AND PARKING FOR THE REILLY AND SEIPP PARTNERSHIP**

Note: Councillor Margaret Hollins (the Ward Councillor), Mr Gary Waudby (objector) and Mr Brian Reilly (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, and additional representations from local residents which were summarised by the Southern Area Manager – Development Management.

RESOLVED –

That the application be APPROVED subject to the following conditions:

1. Standard
2. Materials of the temporary dwelling and office to be submitted and approved in writing
3. Materials of the hatchery building to be submitted and approved in writing.
4. Materials of the polytunnels to be submitted and approved in writing.
5. Materials of the toilet block to be submitted and approved in writing
6. Surfacing materials to be submitted and approved in writing
7. Access to be a width of 5.5m for the first 15m from Coole Lane with 10m radius
8. Visibility splays of 2.4m x 120m to be provided and retained prior to the temporary dwelling is first being occupied
9. Prior to the commencement of development a scheme of passing places along the access shall be submitted and approved. The approved details shall be implemented in accordance with a time table to be submitted and approved
10. Setting back of gates 10.5m from Coole Lane and gates to open inwards only
11. Width of access to be 3m wide apart from first 15m which shall be constructed in accordance with Condition 4
12. Landscaping scheme to include all new woodland planting and wildflower areas outside the application site and reed beds, watercourse, settlement tanks, ponds and other planting
13. Landscape implementation to be carried out in accordance with a timetable to be submitted and agreed

14. Design of overflow channel screening to be submitted and approved in writing
15. Details of any lighting to be submitted and approved in writing
16. Any ancillary ancillary mounted equipment in connection with the temporary dwelling, fish rearing pools and hatchery building shall be acoustically attenuated in accordance with a scheme to be submitted and approved
17. The location of mobile mechanical plant shall not be audible at the façade of the nearest noise sensitive premises
18. Temporary dwelling and business facility (3 years only)
19. Occupation of dwelling restricted to the fishing and angling centre use of the site
20. Removal of PD for extensions/alterations for temporary dwelling
21. Phasing plan for the development to be submitted and approved in writing
22. Final site levels to be submitted and agreed in writing
23. Biodiversity management plan to be submitted and approved in writing
24. Drainage details to be submitted and approved in writing
25. Storage and disposal of waste details to be submitted and approved in writing
26. A scheme of bird nesting boxes and bat boxes to be submitted and approved and provided
27. The development to be subject to a Green travel plan which shall be submitted and approved in writing
28. Details of covered cycle parking to be submitted and approved and to be provided prior to lakes becoming open to fishing
29. Development to be carried out in accordance with the approved plans

137 **09/3724N - HIGH ASH FARM, CAPPERS LANE, BRINDLEY, NANTWICH: OUTLINE APPLICATION FOR NEW AGRICULTURAL MACHINERY SHED, NEW SLURRY HOLDING TANK, NEW ORGANIC CALF-REARING SHED, NEW MILKING PARLOUR AND STANDING STOCK SHED, NEW GRAIN TOWERS AND GRAIN DRYER FOR HIGH ASH LIMITED**

The Committee considered a report regarding the above planning application, and updates from ESU Ecology and Landscape which were summarised by the Southern Area Manager – Development Management.

RESOLVED –

That the application be approved subject to the following conditions:

- 1-3 Standard Outline
- 4 Removal of buildings identified on plan
- 5 Landscaping scheme to be submitted
- 6 Landscaping scheme to be implemented

- 7 Diversion of public footpath to be submitted to, agreed and implemented prior to commencement of development
- 8 Materials and finish to be submitted
- 9 Details of grading of Buildings A and B into bank
- 10 Scheme to be submitted/approved to secure/incorporate features within the proposed buildings suitable for roosting bats.
11. Footpath diversion to be agreed prior to commencement unless otherwise agreed in writing.

138 **09/3905N - FOOTWAY TO QUEEN'S PARK, CREWE:
APPLICATION FOR A NEW GREENWAY FROM WISTASTON GREEN
ROAD TO QUEEN'S PARK, CREWE INCLUDING A 3-METRE WIDE
SURFACED PATH TOGETHER WITH ASSOCIATED ENGINEERING
AND LANDSCAPING WORKS FOR CHESHIRE EAST COUNCIL**

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

The Committee considered a report regarding the above planning application and an update from Sport England which was summarised by the Southern Area Manager – Development Management.

RESOLVED –

That the application be APPROVED subject to the following conditions:

- 1 Standard
- 2 Plans
- 3 Tree protection
- 4 Work to stop if protected species found
- 5 Notwithstanding the details on the approved plan, no development shall take place on King George V playing fields unless and until a scheme showing the re-siting of the football pitch and the proposed cycle route, together with appropriate drainage where necessary has been submitted and approved in writing by the LPA. The scheme shall be implemented in accordance with an agreed timescale.

139 **09/4145N - CALVELEY GREEN FARM, CHOLMONDESTON
ROAD, CALVELEY, TARPORLEY: ERECTION OF A GAIA 133 11KW
WIND TURBINE ON AN 18M TOWER FOR MRS K M DALEY**

Note: Mr Tony Carver, Natural Energy (in support of the application) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, and updates from the Parish Council and ESU Ecology which were summarised by the Southern Area Manager – Development Management.

RESOLVED –

That the application be APPROVED subject to the following conditions:

1. Standard
2. Approved drawings
3. Removal when no-longer required for electricity generation purposes

140 **09/4195C - 3 HIGH STREET, CONGLETON: CHANGE OF USE OF GROUND FLOOR FROM RETAIL (A1) TO AN ADULT GAMING CENTRE (SUI GENERIS) AND ERECTION OF A DISCREET CCTV FACILITY**

Note: Mrs Susan Hughes (Ads-Plan Ltd – agents 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. Compliance with the approved plans
3. Hours of operation limited to 10.00 to 21.00 Monday to Saturday and 11.00 to 20.00 on Sundays and Bank Holidays
4. Submission of a scheme for the enclosure of any acoustic fans
Informative: Internal CCTV should also be provided.

141 **WYCHE LANE, BUNBURY**

Notes: (1) Having declared a personal and prejudicial interest in this item, Councillor B H Dykes withdrew from the meeting prior to consideration of the item. Councillor G Merry assumed the Chair for the item.

(2) Mr Parker, Bunbury Parish Councillor, attended the meeting and addressed the Committee on this matter.

The Committee considered a report which sought approval for a proposed variation to the Section 106 Agreement attached to planning permission P07/0867 for 10 affordable houses at Wyche Lane, Bunbury for Muir Group Housing, approved by the former Crewe and Nantwich Borough Council.

RESOLVED:

That the Borough Solicitor be instructed to prepare a Deed of Variation in respect of the Section 106 Agreement attached to planning permission P07/0867 to modify the mix of tenure on the site from seven affordable

rented units and three shared ownership units to provide for all affordable rented units.

The meeting commenced at 2.00 pm and concluded at 5.45 pm

Councillor B Dykes (Chairman)

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Planning Reference No:	09/3724N
Application Address:	High Ash Farm, Cappers Lane, Brindley, Nantwich, Cheshire, CW5 8HX
Proposal:	Outline Application for New Agricultural Machinery Shed, New Slurry Holding Tank, New Organic Calf Rearing Shed, New Milking Parlour, and Standing Stock Shed, New Grain Towers and Grain Dryer
Applicant:	High Ash Farm Limited
Application Type:	Outline
Grid Reference:	357706 354459
Ward:	Cholmondeley
Earliest Determination Date:	30 th December 2009
Expiry Dated:	22 nd March 2010
Date of Officer's Site Visit:	18 th January 2010
Date Report Prepared:	3 rd February 2010
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

Impact of the development on

- Principle of the development
- Character and appearance of the area
- Amenity
- Highways
- Ecology
- Public Rights of Way

1. REASON FOR REFERRAL

This application is to be determined by the Development Control Committee it is a major development of over 1000sqm.

Southern Planning Committee made a resolution to approve the application on 17th February 2010 subject to conditions. An amended plan has been received which relocates buildings C and D so that they are no longer sited on the route of Brindley Footpath No.5 as shown on the definitive map, which requires the Committee to reconsider its resolution.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to an agricultural complex that is located within the Open Countryside. The site comprises a mixture of traditional brick and more modern agricultural buildings and a large three storey farm house. The site is currently accessed by Brindley Lea Lane to the east. However a new access from cappers Lane to the north east is currently under construction.

3. DETAILS OF PROPOSAL

Outline planning permission, with all matters reserved, is sought for the principle of the development of four agricultural sheds and associated farming structures. The scheme includes the construction of:

- A) New Milking Parlour and Standing Shed measuring 42m x 23.5m (987sqm), 7.4m in height,
- B) Calf Rearing Shed measuring 60m x 25m (1500sqm), 7.6m in height,
- C) Winter Feedstore and Open Bay Feedstore measuring 18m x 24m (432sqm), 9.3m in height, and;
- D) Open Bay Machinery Shed measuring 60m x 25m (900sqm) , 7.6m in height

The scheme also includes a new slurry tank, three grain towers and a grain dryer. A number of existing, poor quality buildings are to be demolished. The masterplan for the farm also includes the conversion of two existing buildings to be utilised as a cheese making facility, the conversion of a stable block for farm workers accommodation and the extension and alteration of the farm house. These elements are the subject of separate applications which are currently under consideration.

4. RELEVANT HISTORY

09/2823N – GDO Application determined that details not required for a new access on 2nd October 2009.

P94/0469 – GDO Application determined that details not required for agricultural shed on 29th June 1994.

5. POLICIES

National policy

PPS 1: Delivering Sustainable Development
Planning and Climate Change: Supplement to Planning Policy Statement 1
PPS 7: Sustainable Development in Rural Areas

Local Plan policy

NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.14 (Agricultural Buildings Requiring Planning Permission)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Parking and Access)
RT.9 (Footpaths and Bridleways)

6. CONSULTATIONS (External to Planning)

Environmental Health – No objection

Natural England – Information provided identifies that breeding birds will be affected by the proposal. Recommend that the Local Authority considers the requirements of protected species in the determination of this application. Birds are protected during the breeding season (March to August). Works should occur outside this season, if works occur during this season then a search should be done for breeding birds and if a nest found it should not be disturbed.

Nature Conservation – Object to this application. No evidence of protected species was recorded. However, most trees on site were identified to support protected species. , no evidence was provided as to which trees have this potential. A number of trees are proposed to be removed. A bat and barn owl survey is required for any tree to be removed.

United Utilities – No objection

Highways – No objection

Public Rights of Way - The development is to affect Public Footpath No. 5 Brindley, as recorded on the Definitive Map of Public Rights of Way. The footpath is currently obstructed by the farm building and this situation needs to be resolved. As the development will permanently affect the right of way the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application. The PROW unit wish to object to this planning application until an application to divert the footpath is made.

Landscape – No objection subject to comments. The site will be congested if all buildings are sited as shown and circulation around the site for workers and for walkers may be difficult. A tree survey is required to report on all existing trees on site, although I believe some trees have already been removed. Conditions are required for details of trees to be retained and those to be removed, for a Tree Survey and Tree Protection Plan. All to conform to BS5837:2005 Trees in Relation to Construction. The remaining trees should also be examined for the presence of bats/owls, and identified on plan. Mitigation strategies on wildlife issues should be submitted. A condition requiring a detailed landscape plan is necessary; to include new native hedgerows and tree planting to boundaries to replace defunct hedgerows or post and wire fencing; to subdivide buildings and farming operations from footpaths and PROW. This will also increase and encourage wildlife and improve the environmental character of the farm. The current route of the PROW footpath 13 should be diverted away from buildings B, C and A for safety and security reasons. Building C could be resited/reoriented in order to retain the 3 trees nearby. The overall footprint could also be reduced. Optimum and minimum footprints must be established to properly judge affects on landscape, visual quality and environmental issues.

7. OTHER REPRESENTATIONS

None received at time of writing report

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Prepared by MMi Architectural Design, dated November 2009):

- High Ash Farm extends to 215acres and until recently was tenanted from the Faddiley estate. There has been little capital investment and improvement in the buildings and many buildings have reached the end of their useful life.

- The proposals will modernise the farming operations

Justification Statement (Prepared by CDN Planning, dated November 2009):

- The condition of all the buildings with the exception of the single large shed, is inadequate for their existing and proposed use as an integral part of a mixed use arable and dairy farm.
- The former dairy cannot be brought up to current stringent hygiene standards and the capacity of the buildings fall short of what is required to accommodate a dairy herd up to 250 cattle and young stock
- Site identified in the Cheshire Landscape Character Assessment as "Rolling Farmland", with large to medium sized arable fields.
- Its visibility from public roads and neighbouring farms is limited to long distance views only available from Brindley Public Footpaths 12 and 13 which pass close to the farmstead. The topography of the land is such that the farmstead sits below the level of the higher ground.
- It is considered that replacing the current unattractive and dilapidated farm buildings with new modern buildings combined with the retention of the existing traditional buildings will improve the character and appearance of the farmstead.
- National and Local Policy supports the principle of the redevelopment of the farmstead as the development is essential for the continued economic viability of the farm.
- The buildings are sited within or immediately adjacent to the existing farm complex and there are no other suitable alternative sites on the farm for the buildings of this scale and nature
- Topography provides for buildings to sit below the higher ground
- Operationally the buildings are sited for ease of use
- Improved amenity for the farmhouse
- Those buildings that can be repaired and reused are retained. However a substantial built area of 1102sqm will be removed as those buildings are no longer fit for purpose. Shed in the courtyard is removed for ease of movement within the farm
- Two buildings to the west of the farm house are not wind or water tight

Biodiversity Report (Prepared by Curious Ecologists dated October 2009):

- Report concludes that most trees had cavities or other features, which could provide roost sites for bats. The majority of trees are to be retained within the development.
- No evidence of Great Crested Newts, Bats or badgers were found.
- No active bird nests found during the survey although there were plenty of suitable nesting sites present and some of the buildings had recent swallow nests in them.

Response to Ecologist Consultation (Prepared by MMi Architectural Design dated 1st February 2010):

- Confirmation that all trees shown to be removed, with the exception of the Cherry Tree on front of the existing range barn, have been removed. These include 1 x apple tree, 1 x pear tree, 1 x yew tree and 2 x leylandii.

Letter of Justification (Prepared by MMi Architecture, dated 27th January 2010):

- 204 (Holstein) Milking cows, 142 head followers to milking herd (81 Heifers, 61 Bull Calves), 127 Beef Sucklers, Sheep Flock of 82 and 6 rams

- Building A – New Milking Parlour with capacity for double sided milking based on 12 cows per side with 24 standing cows in the parlour at each section. All cows in the milking regime will be loose in a sectioned bay area either side of the parlour before and after milking. The parlour will be set central to the shed to allow all cows to be standing undercover. Area of the shed allows 200 standing cows on one side of the parlour pre milking and 200 standing post milking. 24 cows can be milked at one time. Parlour measures 25m x 8m.
- Building B – Stock Rearing Shed provides for loose standing of all stock held for rearing, comprising 142 followers with split shed bays between age group of 0-6 months, 6-12 months and 12-30 months with an average of 3m²/head provided. There is spare capacity to allow expansion to approximately 180 head. Shed also provides loose wintering of milking herd of 204 cows based on 5m²/head
- Building C – Winter feed store has been sized to provide storage for 300 large silage bales, 500 tonnes of barley, 200 tonnes of cattle cake
- Building D – Machinery Shed has been sized to store all farm machinery, 400 large straw bales, 275 tonnes chopped maize, 300 tonnes of fertilizer.
- Slurry store has been sized to cater for 1 million gallons of farm effluent and dirty water and replaces the existing slurry pit.

9. OFFICER APPRAISAL

Principle of development

The scale of agricultural operations proposed means that the proposed development cannot be determined under the Prior Notification Procedure. Policy NE.14 of the Crewe and Nantwich Borough Local Plan states that proposals for the erection, alteration or extension of agricultural buildings will be permitted where:

- The proposal is required for, and is ancillary to, the use of the land for agricultural purposes
- The development is essential either to the agricultural operation or comply with environment and welfare legislation
- The development is satisfactorily sited in relation to existing buildings, in order to minimise the impact on the landscape
- The development is sympathetic in terms of design and materials
- Adequate provision is made for the disposal of foul and surface water drainage and animal wastes
- Adequate provision is made for access and movement of machinery and livestock
- The proposal is of appropriate location, scale and type so as to not be detrimental to the amenities of any nearby residential properties
- The proposal is not of a design and construction which makes it easily convertible to residential use.

The main issues in the consideration of this proposal are therefore, whether the development is required for and essential to agriculture, the visual impact of the proposal, access and movement, and the impact on the amenity of nearby residents. The proposals are in outline only with all matters reserved. However, it is important to consider wider issues such as ecology and public rights of way.

Justification for Development

The enterprise at High Ash Farm comprises mixed activities of arable and dairy farming. The pastoral enterprise comprises 204 (Holstein) Milking cows, 142 head followers to

milking herd (81 Heifers, 61 Bull Calves), 127 Beef Sucklers, Sheep Flock of 82 and 6 rams. It has been stated by the applicant that some of the existing buildings on the site are to be demolished as they are dilapidated or have exceeded their usefulness. This amounts to 1102sqm of agricultural floorspace. Furthermore, the existing milking parlour and feedstore is to be converted to form a cheese making complex. An application has also been submitted to convert the existing stable block to form a farm workers dwelling, whilst the existing range barn, of traditional construction, is inadequate for modern farming operations. The only existing building to be utilised for the farming operation is the large stock shed.

With the scale of operations proposed and the removal of existing dilapidated sheds it is considered that the proposed development is required for farming operations and essential for the farming operation which will also help to bring the farming enterprise up to modern farming standards.

Visual Impact

The site is located entirely within the Open Countryside as identified by the Local Plan Proposals Map, there are no other designations affecting the site. All new buildings are to be sited approximately 20m to the north east immediately adjacent to the existing silage clamp. These buildings are located on field adjacent to the existing complex and will form a significant amount of development at a maximum height of 7.6m. The topography of the land on which these buildings would be sited slopes away in a northerly direction and the buildings will sit lower than the existing complex and higher ground which also rises to the east. It is considered that these buildings will be well screened by the topography of the land when viewed from the east and south, and screened by existing buildings and vegetation from the west. Given the topography of the land it could mean that without the buildings being set into the bank the development could appear more prominent. The relocation of Building C into the hillside will help to reduce its prominence of the development when viewed from the east to when compared with that previously submitted. Details of how the buildings will be graded into the slope are therefore suggested as a condition to ensure that the LPA has control over the prominence of the development when viewed from the north. Given the scale of operations proposed it is also suggested that a scheme of landscaping be conditioned to further reduce the impact on the development, which will be in accordance with Local Plan Policy.

There are no public highways in close proximity to the site from which the development would be visible. The development would be visible and prominent from Brindley Footpath's 5 and 11, and Spurstow Footpath 13 which will pass the buildings at close proximity. Agricultural buildings are not uncommon structures within such settings and it is therefore considered that the development would not have a significantly detrimental impact to the visual amenity of the area.

This is an outline application with all matters reserved. However, the full details of the appearance, scale and layout of buildings have been submitted. The proposed layout and scale of buildings, as outlined above, is considered to be justified and appropriate. The appearance detail submitted is for a mixture of low level concrete panelling, Yorkshire boarding and box profile metal sheeting for the elevations, and natural grey coloured cement fibre roofing. These are considered to be appropriate materials in this setting.

Amenity

There are no residential properties in close proximity to the site that would be adversely affected by the proposed development. There have been no objections raised from Environmental Health.

Highway Safety

The site is to be accessed from a new access off Cappers Lane which is currently under construction. It is not considered that the proposed development would give rise to any significant adverse impact on highway safety. Buildings are sited to allow safe internal movement within the farm complex.

Ecology

Concern has been raised by both Natural England and the Local Authority Ecologist that the development could have an impact on protected species within trees that are to be removed. These include 5 trees within the curtilage of the farmhouse and a single tree within the courtyard. The applicant has indicated that those trees within the curtilage of the dwelling have been removed and the tree within the courtyard is now to be retained. Whilst these trees are outside the extent of the application site, they form part of the wider masterplan redevelopment of the farm complex. It has been recommended by the Ecologist consultation that a condition to secure the incorporation of features into the scheme suitable for use by roosting bats be attached to any permission.

The development is not located within the close proximity to any ponds or badger setts and it is therefore unlikely that Great Crested Newts or Badgers will be detrimentally affected by the proposed development. No objection has been raised by the Ecologist with regard to these protected species.

Public Rights of Way

Whilst the proposed development has now been relocated so that it no longer obstructs Brindley Footpath No.5, the PROW unit have indicated that existing development on the site is obstructing this footpath as identified on the definitive map. Therefore a footpath diversion is required. As this is a legal requirement an informative is attached to the permission to inform the applicant of their obligation to secure an appropriate diversion.

10. CONCLUSIONS

It has been demonstrated that the proposed development is for agricultural purposes and required for the agricultural operation. The buildings are appropriately sited given the proximity of existing structures, the topography of the land and natural screening, and they would not have a significantly detrimental impact on the character and appearance of the Open Countryside. The proposed development would not result in a loss of amenity to neighbouring properties or highway danger. While concern is raised over the impact on protected species, these trees fall outside of the application site. It is therefore considered that the proposed development would be in compliance with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Parking and Access) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

1-3 Standard Outline

4 Removal of buildings identified on plan

5 Landscaping scheme to be submitted

6 Landscaping scheme to be implemented

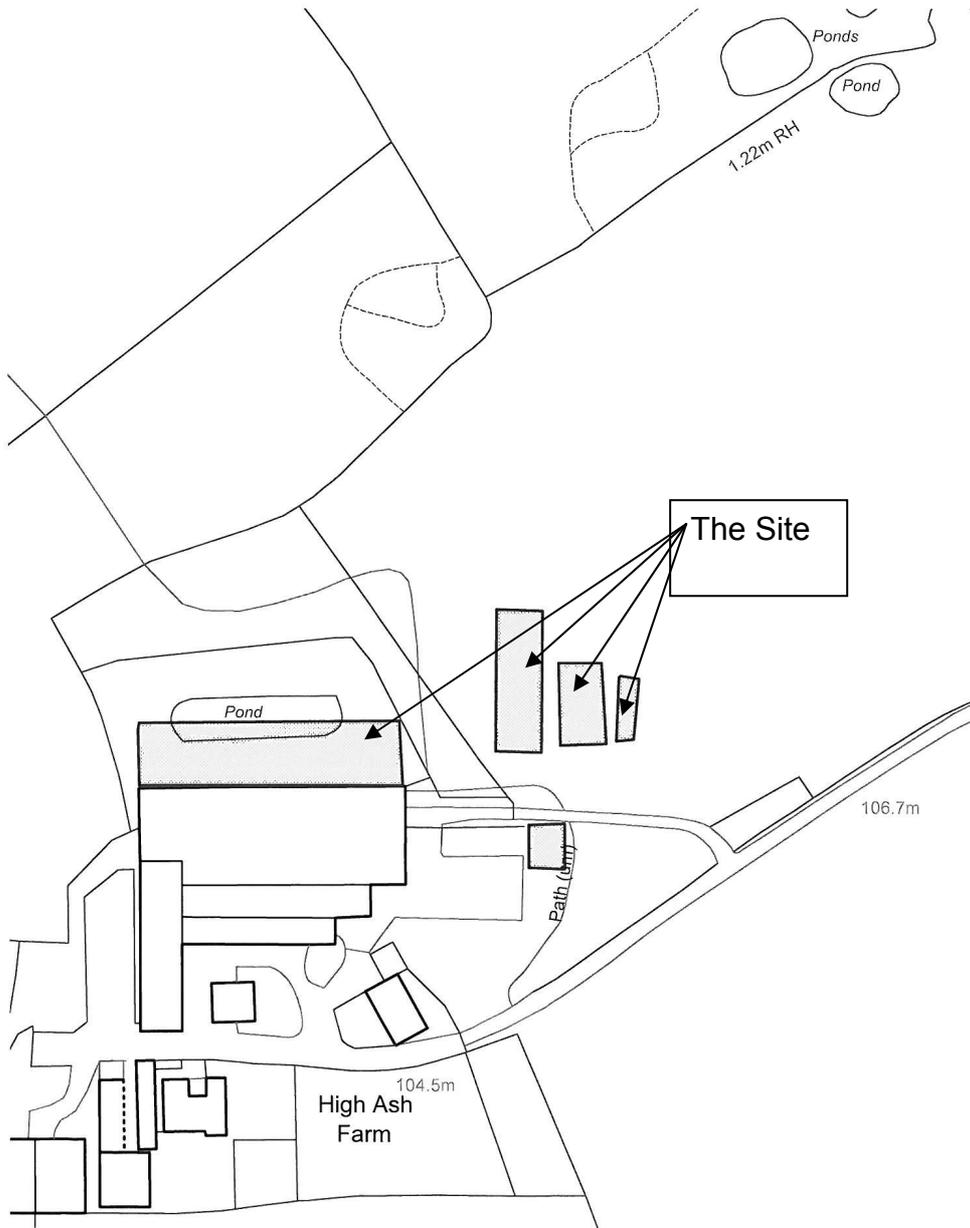
7 Materials and finish to be submitted

8 Details of grading of Buildings into bank

9 Bat roosting measures to be incorporated into buildings and/or landscaping

10 Amended Plan

LOCATION PLAN: Cheshire East Council Licence No 100049045



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Planning Reference No:	09/4076N
Application Address:	Land west of 1 Abbey Park Way, Weston, Crewe
Proposal:	11 Houses with Parking, a New Residential Open Space, Formation of New Vehicular and Pedestrian Access onto Abbey Park Way.
Applicant:	Miss J Clark, Countryside Properties, countryside House, The Drive, Brentwood, Essex
Application Type:	Full Planning Permission
Grid Reference:	374100 351355
Ward:	Doddington
Earliest Determination Date:	20 th January 2010
Expiry Dated:	15 th March 2010
Date of Officer's Site Visit:	26 th January 2010
Date Report Prepared:	23 rd February 2010
Constraints:	Residential allocation

SUMMARY RECOMMENDATION:

Approve following the completion and signing of a Deed of Variation to the Section 106 Agreement to secure (1) the country park and community hall to be managed separately and (2) the development of the site originally intended for mixed use as housing, subject to conditions.

MAIN ISSUES:

- Compatibility with planning policy, with the Design Guide and the existing Section 106 agreement**
- The justification for allowing the mixed use site to be developed for housing**
- Impact of the development on the character and appearance of the area**
- Impact of the development on existing residential amenities**
- Impact of traffic on highway safety**

1. REASON FOR REFERRAL

This application is referred to the Southern Planning Committee because the development is for more than 10 houses.

2. DESCRIPTION OF SITE AND CONTEXT

Wychwood Village is a residential hamlet developed within the Northern Golf Course of the Wychwood development. A country park separates the golf course and the residential development and completely encircles the hamlet. Construction of dwellings at Wychwood Village ceased but has recently commenced again.

The application area is a parcel of land situated within the primary loop road, and within the residential hamlet. The site is bounded to the north, east and west by existing residential development. The loop road known as Abbey Park Way fronts the site on the

southern side. The application area is a parcel of land which has been cleared of vegetation and is almost level but slopes very slightly from east to west.

3. DETAILS OF PROPOSAL

The application seeks full planning permission for the construction of 11 two-storey dwellings comprising one 4-bed detached house, three 3-bed dwellings and seven 2-bed dwellings.

A Design Guide was approved under the existing Section 106 agreement for the development and this required the provision of an area of open space or village green on the western side of the application site. This area of open space is retained in the layout and the detached house is set back from it with the front elevation overlooking the open space. A terrace of four dwellings, a separate terrace of three dwellings and a detached dwelling front the loop road and a pair of semi-detached dwellings are located at the rear of the site off the garage court. Access to the garage court is between plots 10 and 11. This serves all the dwellings except plots 7 and 8 which have vehicular access from the Abbey Park Way.

Amended plans have been received which slightly alter the position of buildings outside the site, make provision for a rear pedestrian access to plots 2 and 3 and confirm that the area of land on the north side of the T-junction on the estate road is not for parking but for forward visibility for traffic on the highway. This area is to be separated from the open space at the rear of it by Cheshire Railings. In addition a number of garages are provided with access doors to the rear gardens of plots to allow removal of waste and recycling bins.

4. RELEVANT HISTORY

7/16321 Outline application for golf courses and associated buildings, hotel, shops, leisure facilities, school and housing. Approved subject to S106 agreement, 21st November 1990.

P02/1079 Increase in the number of dwellings to 315, formation of country park and means of access. (North Course only) Approved subject to S106 agreement, 8th October 2003.

P03/0587 Laying out of the Northern golf course. Approved 19th August 2003.

P03/1079 Reserved matters for primary loop road. Approved 7th January 2004.

P03/1351 Reserved matters for landscaping of the country park. Approved 5th February 2004.

P04/0892 Community centre and access. Approved 21st September 2004.

P04/0018 Reserved matters for 146 Dwellings and associated works for Wilson Connolly. Approved 14th July 2004.

P04/0453 Reserved matters for 20 Dwellings for Bovis Homes Ltd. Approved 6th July 2004.

P04/1267 Reserved matters for 49 Dwellings for Bovis Homes Ltd. Approved 14th December 2004.

P05/0112 Reserved matters for 100 dwellings for Bovis Homes Ltd. Approved 3rd May 2005.

P06/0780 Variation of Condition to extend the period of time for the submission of reserved matters. Approved 1st September 2006

P07/0398 Reserved matters for substitution of house types (90 plots) for Bovis Homes Ltd. Approved 15th June 2007.

5. POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making Best use of Existing Resources and Infrastructure
RDF2 Rural Areas
L1 Health, Sport, Recreation, Cultural and Education Services Provision
EM18 Decentralised Energy Supply
MCR4 South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11 Development and Waste Recycling

Borough of Crewe and Nantwich Replacement Local Plan Policy

RES.1 (14) Housing Allocations
RES.3 Housing Densities
BE.1 Amenity
BE.2 Design
BE.3 Drainage Utilities and Resources
BE.4 Access and Parking
TRAN.9 Car Parking Standards

Other Material Considerations

SPD Development on Backland and Gardens.
PPS 1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport

6. CONSULTATIONS

Highways: Due to only two dwellings being located off the main access with the remaining properties having their utilities connected off Abbey Park Way the Strategic Highways Manager would not be seeking to adopt this development. Both new accesses must be constructed to CEC specification under a Section 278 Agreement. Subject to the above being carried out no objections.

CEC Ecologist: As the site does not support any semi-natural habitats and is at least partly isolated from any adjacent habitats by the loop road it is not anticipated that there would be any significant ecological issues associated with the development.

United Utilities: No objections to the proposal. The site must be drained on a separate system with only foul drainage connecting to the foul sewer.

Environment Agency: Do not wish to be consulted on this application.

7. VIEWS OF WESTON AND BASFORD PARISH COUNCIL:

- Subject to the Local Planning Authority being satisfied that the marketing of the mixed use site has not produced any results no objection to the principle of housing on the site. It is considered that in amenity terms residential development will have fewer problems than a mixed use development.
- Note the position of the open space and related positioning of the dwelling to form a focal point but request careful management of the open space to ensure that it operates satisfactorily and does not become an eyesore.
- Note that plots 2-4 and 7-11 are very close to the highway and have concerns about privacy and encouraging more on street parking which is already a problem in the area.
- Concern about bin collection at the entrance to the development in terms of the appearance of the bins left at the front for collection.
- The junction of Abbey Park Way and Parklands which is at the front of this development is a dangerous junction with vehicles speeding and turning without stopping and needs some modification. Parking shown at the junction is not appropriate.

8. OTHER REPRESENTATIONS:

Objections/ comments from 1, 7 Abbey Park Way, 2 Oakland Court, 7 Chesterton Way, 1 St Augustine's Drive, 4 Delamere Close, Wychwood Village, Weston.

- Impact on residential amenities at existing dwellings
- Loss of visual amenity
- Loss of open outlook
- Loss of privacy as a result of the positions of the new dwellings
- Loss of light
- Effect on health
- Impact on adjoining gardens, development will deprive trees and plants in other gardens of light and oxygen
- Increase in traffic
- The estate already suffers from congestion due to traffic and vehicles parking on roadsides
- Fumes as a result of the new cars to the site
- Lack of parking for each house, in particular the garage court is at the rear and will not be used and there is not enough parking for each dwelling to have two spaces
- 18 parking spaces for 11 dwellings is not sufficient
- Parking is at the rear of a number of dwellings so residents and their visitors will park on the road frontage contrary to the restrictive covenants on the development
- Parking in front of the garages is on a shared access to the garages
- Parked cars will block views from existing vehicular access at 1 Abbey Park Way
- Numerous near misses at the junction of Abbey Park Way and Parklands which is close to the development site
- No need for the development as there are empty properties at Wychwood Village
- Devaluation of existing property
- The main vehicular location to the site is opposite the proposed entry to houses on the outside of the loop road with potential for vehicular conflicts
- Impact of noise from residents particularly for night workers who sleep in the day
- Area is used by birds, rabbits, other wildlife and plants
- The land was originally earmarked for communal use, for doctor's surgery, day care, nursery or similar uses and not envisaged for housing
- Noise dust and dirt from construction traffic and works

- There may be a need for commercial developments eg shop, when the current development is completed. There is no such outlet on either Wychwood Park or Wychwood Village
- There is a need for play equipment on Wychwood Village
- Why is the original proposal for a mixed use site no longer possible.
- Insufficient and inadequate provision for waste / recycling bin storage
- No objection to the principle of houses on the mixed use site
- The number of dwellings proposed is too many
- Wychwood Village is supposed to be an upmarket development and shoe-horning more houses in will let down the existing development
- The layout has not taken account of comments made at the public consultation for the development particularly in relation to parking;
- Pre-application information refers to affordable housing where is it?
- The original S106 agreement refers to the provision of the community hall and it does not make reference to the need for housing to justify it.
- Will the number of dwellings exceed the limitation imposed by the S106 agreement?

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement (Prepared by Countryside Properties dated December 2009)

- The application seeks planning permission for 11 dwellings on land which is allocated for a mixed use development and village green in the S106 agreement for the development.
- The original concept for the village was to develop a central area with pedestrian access only and a higher density of development which would be encircled by lower density development.
- Groups of buildings would form mini neighbourhoods within the area where people would get to know their neighbours.
- A small area of the south western corner of the site has been landscaped the remaining area is levelled and cleared.
- Existing dwellings are red bricked properties with tiled roofs in a variety of architectural styles.
- The design of the development replicates the approach with an avenue of birch trees and this boulevard is taken through into the open land retained within the application area. At the rear of the open space is a detached dwelling overlooking the green.
- The dwelling immediately to the east of the green faces onto the green and forms part of a terrace which fronts the highway.
- Behind the houses is a garage court
- Frontages to dwellings are separated by a small planted area and low level railings.
- All properties have enclosed rear gardens.
- The development has been designed to avoid overlooking of the existing dwellings and to sit within the built context which is already provided.
- The scale massing and height is in keeping with the surrounding dwellings as is the planted frontages and landscaping.
- The number of vehicular access points has been reduced and dwellings are located close to the highway to ensure a built up frontage.

Planning Statement (Prepared by Countryside Properties and dated December 2009)

This document describes the development and its context together with the planning history and planning policies including national policy. It explains the public consultation

exercise completed in relation to this development and notes that the main points made by people were as follows:-

Areas needed for children to play

Need to consider maintenance

The area is too small to be described as a village green

What activities will be allowed on the green?

Too much traffic

Poor design

Should be fewer dwellings

Prefer to see bungalows to add variety

The site should be used for a park instead.

Disruption during building.

The public consultation exercise also resulted in a number of persons who indicated they were willing to help run or participate in events at the community hall.

Additional information in letter dated 10th February 2010

Marketing

- Savills were appointed to market the mixed use site in October 2004 and did so for a period of 2 years;
- Details of the site were circulated to potential businesses with an interest in day nurseries, well being and medical interests.
- Press releases were sent to local newspapers, in the North West, and advertisements placed in the Estates Gazette and Property Week in February and March 2005.
- Details were available on Savills intranet.
- 250 sets of sales particulars were sent out.
- Two responses were received. One from a company wishing to purchase the site for a day spa. After consultation with CNBC it was considered that this use would not be favourable received.
- A second offer was made from a party interested in developing the site for a day nursery and health operator but this was never finalised and the company were unwilling to commit to the scheme.
- Discussions took place with Central Cheshire NHS Primary Care Trust in 2005/06 but it was apparent that their strategy was to focus on regional centres that offer all services under one roof. Funding would not have been available from the NHS for this site meaning that it was unviable to doctors, dentists etc.
- Discussions in relation to the provision of a day nursery with the Education Authority indicated that there was insufficient demand in this area.
- Full details of the marketing were sent to CNBC in October 2006.
- Since that time CNBC acknowledged in pre-application discussions that development of the site for residential purposes could generate funds which could be used to finance the community hall.

Commuted payment

Countryside Properties have now submitted a revised offer of £25,000 for the setting up and initial running costs of the community hall the offer is made subject to the following:-

- Planning permission is granted for the 11 dwellings
- There is immediate transfer of the community hall to Cheshire East Council or Weston and Basford Parish Council (with the provision to transfer to another party should the Parish Council decide not to continue beyond the initial trial period)

- Immediate approval for the transfer of the country park
- Agreement that the sum of £25,000 be for maintenance of Wychwood Community Hall (run costs and initial setting up)
- No further contributions be required from Countryside or their successors in title
- Should the community hall not be transferred within 12 months of the completion of the agreement, Countryside Properties are at liberty to seek alternative uses for the property and seek alternative planning consents
- Any surplus monies generated by the Parish Council should be put to the benefit of the community not the wider parish council funds
- No requirement in respect of affordable housing with this application.

10. OFFICER APPRAISAL

Principle of development, planning policies, design guide and requirements of the Section 106 Agreement.

The site is allocated for residential development under policy RES.1 (14) in the Borough of Crewe and Nantwich Replacement Local Plan. Outline planning permission was first granted for residential development together with 2 golf courses, a hotel, clubhouse(s) and related development under application 7/16321. This application covered both the northern and southern Wychwood sites. A section 106 agreement was signed in relation to the development. That agreement limited the number of dwellings on both the south and north course developments to 500 in total. Development commenced on the southern course with the provision of the golf course, hotel, club house and dwellings. Subsequently Countryside Properties applied under application P02/1079 to increase the number of dwelling on the north course from 110 to 315 with an increase in the total number of dwellings on both developments from 500 to not more than 725. A further section 106 agreement was signed which included a number of restrictions on the proposed development and planning permission was issued on 8th October 2003.

Planning permission has been granted for 390 dwellings on Wychwood Park originally known as the south course. Bryant Homes obtained reserved matters permission for 146 dwellings and Bovis Homes obtained reserved matters permissions for a total of 169 dwellings on the north course, now known as Wychwood Village. This results in reserved matters approvals/ planning permission for 705 dwellings in total.

Since the Section 106 agreement in force allows for up to 725 dwellings and the planning permissions currently being implemented will only result in a total of 705 dwellings the provision of the 11 dwellings for which planning permission is sought will not result in the total number of dwellings exceeding the upper limit allowed under the S106 Agreement.

The S106 agreement signed in 2002 treated the country park and community hall as a single entity, to be managed by the Parish Council, a local trust or other body and in the event that no such body came forward to be passed to the golf club operator for maintenance. No such parties were forthcoming and Countryside in accordance with the terms of the S106 transferred the country park to the golf club operator. The Parish Council now wish to take occupation of the hall but do not want or have the expertise to manage the country park. The legal agreement therefore needs to be revised to allow the country park and community hall to be managed separately. This planning application will if approved allow a commuted payment to be made to the Parish Council towards set up costs and initial running costs of the community hall. This is discussed in more detail below. The country park will continue to be managed by the golf club operator. There are

therefore no objections to alterations to the S106 agreement to allow the management of the country park and community hall being taken by separate parties.

The Section 106 agreement also required that the developer provide a community hall before the completion of 125 dwellings. Planning permission was granted for the community hall under reference P04/0892 dated 21st September 2004. The building was constructed but immediately occupied by the golf club operator and not made available for community use.

In addition under the S106 Agreement the developer was to provide, to shell finish only, a building for a mixed use purpose such as a day nursery, medical or wellbeing facility. However the number of dwellings to be permitted was not sufficient to justify the provision of a full doctor's surgery or similar NHS facility. This left suitable uses as a day nursery or a medical related use such as a physiotherapy, chiropractor or similar establishment. Whereas the first S106 Agreement had also included a shop in the list of potential uses for the mixed use site, when the application was submitted in 2002 it was considered that to allow a shop when there was already one in the village of Weston would reduce the custom at that business. It was considered preferably to remove the shop from the list of potential uses for the mixed use site so as not to dilute potential trade at the village shop.

The S106 agreement states that the developer is not obliged to commence construction of any mixed use building unless an occupier has first been identified on an appropriate financial basis. Where no such occupier has come forward then the agreement notes that Countryside would not be considered to be in breach of the terms of the S106 agreement.

In March 2006 Countryside confirmed that despite marketing the mixed use site they had failed to secure an occupier. The marketing details were submitted at that time and it was accepted that Countryside had taken reasonable steps to market the site and under the circumstances the continued construction of more than 125 dwellings was not considered to breach the terms of the S1076 agreement.

The proposed development retains the open space on that general area of land identified in the Design Brief for the village green, although it is noted that the location of the large detached dwelling encroaches slightly into this area. However the position and design of the dwelling is not considered to adversely impact on the open space and therefore the proposed development is considered to comply with this aspect of the Design Brief. The development of the 11 houses will however result in the loss of the site for the mixed use development.

The community hall has been occupied by the golf club operator who has now vacated the premises and is occupying a timber chalet style building on the opposite site of the road with the benefit of planning permission. The community hall is now vacant and the Parish Council have taken over the operation of the building as a community hall on a trial basis. If the trial shows there is a wish and the financial means, in the community, to make use of the hall the Parish Council will take the appropriate steps to acquire the hall from Countryside Properties. However to do this will incur initial set up costs which together with the initial running costs, for the first twelve months, are estimated by the Parish Council to be £25,000 for the first year. This excludes legal costs and non-domestic council tax. The Parish Council have prepared detailed assessments of these initial costs which are considered to be realistic figures. Whilst the use of the hall will generate some income in the first year there is a need for money to be available at the start of this period to meet some operating costs. The Parish Council hope that the trial period will

demonstrate that the hall can be made financially sound after the first year. Consultations carried out so far by the Parish Council show that there is interest in the use of the hall and a willingness to help run the hall, in the local community. The hall would be available for residents on Wychwood Park, Wychwood Village and in the parish of Weston and Basford.

Countryside Properties have attempted unsuccessfully to market the mixed use site. They therefore propose to provide residential development on the land for the mixed use site, albeit slightly encroaching onto the land for the open space. In order to assist the setting up and running of the community hall Countryside initially offered £10,000 but following further negotiations have increased this offered to £25,000.

This application is therefore a proposal which will provide funds to allow the Parish Council to take over the running of the community hall and enable the hall to be used for the purpose it was originally intended, securing its initial set up and operating costs. After that period, subject to the setting up of a trust for the operation of the hall with the potential to apply for community grants, the hall should be self supporting financially.

Whilst the loss of the mixed use site is regrettable, there was no interest in the use of the land when it was initially marketed. The arrangements provided for in the legal agreement did not raise any finance for the setting up and initial running costs of the community hall. By allowing the mixed use site to be developed for residential development a commuted payment can be made which will meet these initial costs.

With the site being allocated in the Local Plan for residential development there are clearly no planning policy conflicts in the use of this site for residential development. However the proposed residential development does conflict with the requirements of the Design Guide and the S106 Agreement. The S106 allows the Guide to be varied from time to time. Countryside Properties have therefore requested in writing that the mixed use site be developed for residential development. In view of the benefits to the community in terms of providing the setup and some initial running costs it is considered that the section 106 Agreement and Design Guide should be varied to allow for this course of action. The variation to the Design Guide would be confirmed by the grant of planning permission, should members approve the application.

In this particular situation there are therefore no objections to the variation of the existing S106 agreement to (1) allow the country park and community hall be managed separately and (2) to allow the mixed use site to be developed for housing.

The Financial Offer

The sum of £25,000 offered by Countryside is subject to certain restrictions as detailed above. The transfer of the country park to the golf club operator and transfer of the Community Hall to the Parish Council is acceptable and will follow on from the completion of the legal agreement.

The offer is made available for 12 months after the completion of the legal agreement. If after the 3 month trial the Parish Council does not wish to take on the community hall, then the sum would be available for this period to any other suitable party. After this period Countryside require that they should be able to seek alternative uses for the property including uses which might require a further planning application.

If the Parish Council do not wish to proceed with the acquisition of the hall then there is no stipulation who should be responsible for seeking a further party to run the hall. Cheshire East Council would be in a position to seek to negotiate with some parties although the Council does not have expertise to run community halls of this scale. Under such circumstances it would rest with Cheshire East in conjunction with the Parish Council to facilitate the delivery of an operator for the hall. Countryside make the offer subject to a period of 12 months from the date of signing the agreement for such negotiations.

However it was accepted by Crewe and Nantwich Borough Council that the requirement to market the mixed use had been fulfilled and that no developer had come forward. The S106 agreement did not stipulate what should happen to the mixed use site in the event that no party came forward to develop the site. Under the circumstances it is considered reasonable to develop the mixed use for residential development to facilitate the delivery of the community hall for use, and that the sum is made available for a 12 month period after which if no party has come forward to manage the site, then Countryside be allowed to seek alternative uses for the community hall.

Design

The Design Guide sets out the principles for the development of Wychwood Village. Whilst the Guide has been prepared by the developer and not subject to public consultation, it was a requirement of the S106 agreement that this document be submitted. The development follows the design principles of the Guide. The Guide requires the land at the T-junction on entering the development to be provided as open space to imitate a village green. Under the Guide this area should be landscaped and planted as a focal point. Other green space focal points are also required by the Guide. It also requires that buildings be grouped with certain buildings forming “key” buildings in the street scene to form a sense of place. The development should have a tight knit centre with a higher density of development and buildings be positioned close to the road to form frontage blocks. Outside the loop road development will have a lower density. The Guide proposed that the land adjacent to the village green be for a mixed use area for the provision of a day nursery or some health care provision.

The proposed layout retains the concept of the village green as open space and shows one larger detached dwelling located behind the open space. The open space is laid out with trees to mirror the tree planted boulevard approach to the village. The siting of the house and its design with bay windows on the front elevation respects this symmetry.

The eight dwellings fronting the road have been deliberately sited close to the highway as required by the Guide. Wychwood Village has been developed to imitate the manner in which a village might have evolved over time. The inner area is therefore more densely developed and properties are sited closer to the road, as the traditional core of any Cheshire village might be. The development outside the loop road reflects more modern layouts with houses set back with room for a car on a drive and front garden. The development along the loop road sits between the two areas and in places dwellings are closer to the highway and elsewhere they are set further back. The proposed development here is deliberately sited closer to the highway to respond to the layouts permitted on the opposite side of the loop road which has yet to be constructed.

In terms of design the dwellings on the road frontage use traditional features, cills and lintels, and a small canopy above the front door to mirror the adjoining dwellings on Abbey

Park Way to the east of the site. To the west of the site is a two storey block of flats which is positioned to turn the corner and take advantage of views across the open space.

Whilst representations have concerns about the number of dwellings on the site it is considered that the close knit development reflects the requirements of the Guide and is appropriate to this site bearing in mind the layout of existing development inside the loop road and the layout which has still to be constructed to the south of the site. Wychwood Village does not include any bungalows and it would not be appropriate to introduce such a form of development at this prominent site at the entrance to the development.

Amended plans have been received which provide access from rear garden areas to the garage court at plots 2 and 3 to remove bins for collection on the appropriate days. Plots 1 and 6 can be provided with side gates in boundary fences to the garage court. Plot 5 has its own side access. Plots 7 and 8 will remove bins from the rear garden area through their own garages (not part of the garage court). The remaining plots at 4, 9, 10 and 11 will remove bins from their rear gardens via the garage court to the site frontage for collection. There is therefore provision for all plots to have access for bin movements. The problem of bins on the pavements at the time of collection is an operational matter common in all residential areas and not a reason for refuse this application.

A number of plots have short rear gardens of less than 10m in length. These are plots 2, 4, 7, 8, 9 and 11. Plots 2, 4, 8, and 9 have gardens of between 40 and 50 sq m in area which is below the standard required by the Supplementary Planning Document. However smaller rear gardens have been permitted at other houses in Wychwood Village due to the presence of the country park around the hamlet where residents can walk at any time. It is not therefore considered that these plots present substandard amenities for residents.

Affordable Housing

Negotiations which took place in relation to the 2003 permission (P02/1079) required that the increase in housing numbers be accompanied by a contribution to affordable housing provision. This was achieved through a requirement in the Section 106 agreement for a parcel of land off East Avenue, Weston which was then in Countryside's ownership to be provided for affordable housing. This land was transferred to the Crewe and Nantwich Borough Council and the housing development has since been completed by the Beth Johnson Housing Association and is now in use for affordable housing in the village of Weston.

Since this development will not result in more than 725 dwellings on the north and south courses in total there is therefore no additional requirement under this application for affordable housing.

Amenity

Plot number 7 is adjacent to 1 Abbey Park Way but set forward of it. There is a garage at the existing dwelling between it and the proposed dwelling and the frontage bends gently to follow the line of the highway with the result that the side elevations of the existing and proposed dwellings are not parallel. The rear elevation of the proposed dwelling is angled slightly towards the garden at 1 Abbey Park Way but the proposed dwelling is set forward of the existing dwelling. In this position it is not considered that the new dwelling will result in unreasonable overlooking to the existing dwelling or its garden.

The semi detached dwellings at plots 5 and 6 look across the end of the garden at 1 Abbey Park Way at right angles to the property. Again bearing in mind the separation distances and the orientation of the properties it is not considered that these dwelling will adversely impact on the amenities at 1 Abbey Park Way as a result of overlooking, domination or result in unreasonable loss of privacy.

Plot 5 is offset from the dwelling at 2 Oaklands Court. Whilst the front elevations face each other they are offset by some 4m in an east-west direction and separated by a distance of 6.6m in a north south direction. At the closest point the dwellings are 6.6m apart. It is not considered that the position of the new dwelling will result in unreasonable overlooking or adversely dominate or overshadow the front elevation of the existing dwelling to such a degree as to warrant refusal of the application. This is particularly so since there is a garage block to the front of the dwelling at 2 Oaklands Court and the closest front window (in the existing dwelling) at first floor level is a bathroom window with a WC at ground floor. The side elevation of 2 Oaklands Court is a blank gable elevation.

Plot 1, the four bedroomed detached dwelling looks to the rear of 2 Oaklands at an angle to the dwelling. The dwellings are 14.6m apart at the closest point. Whilst this is below the 21m distance for dwellings facing each other, the two properties are offset from each other and for this reason it is not considered that the new dwelling would result in unreasonable overlooking or overdominate the rear of the existing dwelling and its garden. It is noted that the flats at Sherbourne Court are a similar distance away from the dwelling at 2 Oaklands Court although that elevation of the flats does not contain principle windows.

The flats at Sherbourne Court face the side elevation of the dwelling at plot 1 at a minimum distance of 11m. There are principle windows to living rooms bedrooms and kitchens in the flats facing this blank elevation. This is below the standard of 13m required in the Supplementary Planning Document. However bearing in mind the layout of the site, the fact that plot 1 does not have other dwellings immediately on its east and west sides and the separation distance between the dwelling and the flats, it is not considered that this shortfall is sufficient to justify refusal of the application.

Within the development, the dwelling at plot 2 is close to the side elevation of plot 1 with a separation distance ranging from 5.8m to 11m. However this dwelling has a principle elevation to the road frontage and another principle elevation to the open space. Plot 1 is to the north of plot 2 and will not therefore cast shadow on the rear garden area. Whilst the relationship is close it is considered on balance to be acceptable because the development within the loop road is designed to create the close knit relationship of buildings found in the village core. Other relationships between dwellings within the propose development are not considered to adversely affect residential amenities at the propose dwellings.

The dwellings on the road frontage will face the dwellings to be constructed south of the loop road. There is a minimum separation distance of 13m between the front elevations of these two storey dwellings in the case of plot 8. This distance is increased to 16m in relation to plot 7 which will face a three storey dwelling on the south side of the loop road. In the case of the terraced dwellings at plots 2, 3, 4 and 11 the separation distance across Abbey Park Way is 15m. Here the dwellings on the south side of the road will be three storey properties. The ground floor windows in the dwellings south of the road will be for WC and hall, on the first and second floors the rooms will be bedrooms. Whilst these

distances are less than the 21m separation distance in the SPD it does reflect other areas of development at Wychwood Village and is therefore considered acceptable.

There are no conditions on the existing planning permissions to limit the hours of construction and under such circumstances it would be inconsistent to apply hours of construction to this site which is a considerably smaller parcel of land than those other adjacent areas which are still under construction.

Ecology

There are ponds within 100m of the application area. However in this case it is not considered appropriate to seek a Great Crested Newt Survey. The application site itself has been cleared of vegetation and whilst weeds have started to re-grow there is no significant plant cover which would create an appropriate habitat for wildlife. Further the application site is separated from the ponds by the loop road and other rough ground which is poorly vegetated. Under the circumstances it is not considered that the site has any wildlife value and it is not considered that the development of the site will have any adverse effect on Great Crested Newts or other protected species.

Highway Matters and Parking

Representations make reference to the parking shown at the T-junction on Abbey Park Way. This is a graphical error. The area should have been denoted as an area of forward visibility. The area is shown as part of the landscaped open space in front of the four bedroomed dwelling and is not proposed for parking. This has been corrected on the amended plan. However the Strategic Highway Manager will only accept grass and tree planting on this area of the forward visibility splay. A condition will need to be attached to any permission to ensure that the shrub/ low level planting on this land is not provided and landscaping is in accordance with the Strategic Highway Manager's requirements.

The Strategic Highway Manager raises no objections subject to construction of accesses to CEC specification under a S278 agreement. This is a highway requirement and can be included as an informative on any decision notice. Whilst the development is located close to the T-junction on Abbey Park Way the amount of traffic generated by this development of 11 houses would not be sufficient to justify refusal of the application. As a mixed use site the development would have generated vehicle movements in any case.

Other areas within Wychwood Village also include parking courts to the rear of houses and in this respect the proposal is not out of character with the development. For design reasons it is considered preferable to locate parking away from the main road frontage where possible.

The layout includes 18 parking spaces of which 11 are in garages. The parking standards in the local plan are maximum requirements. This equates to 1.6 spaces per dwelling.

Each dwelling has a garage space and plots 1, 2, 5, 6, 7, and 8 all have an open air parking space in addition to the garage space. There is one visitor space. Plots 3, 4, 9, 10 and 11 do not have a space in addition to their garage. Plots 7 and 8 have their own parking separate from the garage court with a space in front of the garage i.e. two spaces for each of these dwellings. (All other plots use the garage court.)

The absence of parking spaces in addition to the garage space for plots 3, 4, 9, 10 and 11 is likely to lead to cars either blocking spaces to other garages or else parking on the road. Countryside have failed to enforce the restrictive covenant on the development which prevents residents from parking on the highway to the dissatisfaction of a number of residents. Negotiations are still continuing over the detailed layout of the garage court to improve the operation of the area.

Landscaping

A fully detailed landscaping scheme is submitted with the application. This proposes a continuation of the boulevard of trees along the approach to the development to continue through the open space. Tree, hedge and shrub planting will also be provided to the northern border of the open space and continue round the periphery of it. Cheshire railings will enclose the open space and will be located at the rear of the forward visibility splay, as explained above in relation to the highway comments. All the planting in the open space will be subject to condition requiring the submission and approval of a maintenance scheme.

Plot planting is also proposed to provide small planted front gardens to the frontage and also provided planting in front of the dwellings in the court yard.

Whilst some requests have been made for a play area to be provided this could not be accommodated within the open space together with the proposed landscaping. At this prominent site it is considered that the landscaping is essential in order to form a focal point at the head of the approach road into the development. With a large amount of open space available to residents, in the original schemes for both the north and south courses, there were no proposals for equipped play space to be provided in any part of the Wychwood developments. However play equipment has been provided on the south course and it may be that in due course play equipment could be sited within the country park or close to the community hall. The hotel complex on the south course also benefits from some leisure facilities (in addition to the golf course) and planning permissions for additional facilities have been approved.

11. CONCLUSION

The site is within an area allocated for residential development in the Borough of Crewe and Nantwich Replacement Local Plan. The provision of 11 dwellings on this site will not exceed the number of dwellings allowed in total on the north and south courses at Wychwood under the Section 106 agreement for this development. Whilst part of the site is intended for a mixed use development in the S106 agreement, marketing of the site did not result in any developer coming forward to provide the mixed use development. There are therefore no objections to the principle of housing on the land intended for mixed use development. The land intended for a village green in the Design Guide for the development will in the main be retained as open space.

The community hall has been provided and following a period of occupation by the golf club operator, has been vacant for some months. The hall is presently being used by the Parish Council under licence from Countryside Properties for a trial period to ascertain if there is enough interest to utilise the hall for community purposes. This planning application proposes to develop the land of the mixed use site for residential purposes to generate a sum of money to fund the setting up and initial running costs of the hall.

Countryside Properties are prepared to offer the sum of £25,000 to fund the initial set up and running costs following the grant of planning permission for the 11 dwellings.

The proposed development respects the character and appearance of the existing dwellings and those still under construction as well as the overall context of the adjoining development. The dwellings are not considered to adversely impact on residential amenities at any existing dwellings or proposed dwellings. Approval of this application will allow Countryside Properties to provide residential development on the mixed use site and make a contribution to fund the initial setting up and running costs of the community hall.

12. RECOMMENDATIONS

Subject to the completion and signing of a variation to the S106 agreement to (1) allow the country park and community hall to be managed separately and (2) the development of the mixed use site for housing, APPROVE subject to the following conditions:-

- 1. Amended plans**
- 2. Details/ samples of materials to be submitted approved and implemented.**
- 3. Details / samples of surface materials to be submitted approved and implemented.**
- 4. Details of boundary treatment, including the use of Cheshire Railings to the open space and housing frontage to be submitted approved and implemented**
- 5. Notwithstanding the submitted landscaping scheme no planting other than trees and grass shall be provided in the forward visibility splay. The forward visibility splay shall be provided before the residential development is first occupied and thereafter retained.**
- 6. Implementation of landscaping scheme submitted modified in accordance with condition 5. Maintenance of plot planting.**
- 7. Submission of management and maintenance scheme for the open space planting.**
- 8. Access to garage court to be formed in accordance with submitted plans and CEC specification before dwellings 1-6 and 9-11 are first occupied.**
- 9. Access to plots 7 & 8 to be formed in accordance with submitted plans and CEC specification before dwellings are first occupied.**
- 10. Garages only to be used for parking of cars and no other use which would preclude car parking.**
- 11. Parking to be provided for each dwelling before it is first occupied.**
- 12. Submission of details of appearance of canopies to dwellings and implementation in accordance with details.**
- 13. Provision of rear access between dwellings/gardens and garages to enable removal of waste / recycling bins.**
- 14. Withdraw permitted development rights for alterations, extensions and outbuildings.**



Planning Reference No:	10/0021C
Application Address:	Crewe Road, Sandbach
Proposal:	Application for Outline Planning Permission for the Erection of 41 Dwellings
Applicant:	Hollins Strategic Land
Application Type:	Outline
Grid Reference:	375087 359460
Ward:	Sandbach
Earliest Determination Date:	18 February 2010
Expiry Dated:	09 April 2010
Date of Officer's Site Visit:	26 February 2010
Date Report Prepared:	26 February 2010
Constraints:	Settlement Zone Wildlife Corridor Open Countryside

SUMMARY RECOMMENDATION:**APPROVE SUBJECT TO CONDITIONS****MAIN ISSUES:**

- The acceptability of the development in principle
- Layout, design and street scene
- Sustainability
- Impact on neighbour amenity
- Landscape and ecology
- Highway considerations
- Drainage and flood risk

1. REASON FOR REFERRAL

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

2. DESCRIPTION OF SITE AND CONTEXT

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

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

The site itself is relatively open comprising of a grazing paddock which is surrounded by trees and hedges. There is also the remnants of a former hedgerow that passes through the centre of the site and is marked by some small trees. The majority of the site to the

west is relatively level but falls away to the east where it approaches a belt of trees that bound the site.

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

3. DETAILS OF PROPOSAL

This is a resubmitted application following refusal of an earlier scheme (ref. 09/2392C) at the Southern Planning Committee on 18 December 2009.

Although the application is outline only with only access for detailed consideration, supporting information has been submitted to accompany the application together with an indicative layout. Following the refusal some of the information submitted has been reviewed by the applicant to address the concerns expressed by Members at the earlier meeting.

It is intended that vehicular traffic for the new houses will now be fully served off a new access off Crewe Road with only pedestrian access being gained from Zan Drive. Parking will also be provided for the existing dwellings on Zan Drive and these will be accessed off the existing road. The main development area is to have a main spine road running through the development off which a number of housing clusters will be served.

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

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

4. RELEVANT HISTORY

As indicated above, an earlier scheme for the site (ref 09/2392C) was refused in December last year. The reasons given related to the loss of Open Countryside to residential development, harm to the adjacent Wildlife Corridor, insufficient evidence to substantiate the proposed density of 27 dph, potential harm to existing highway arrangements, potentially harmful impact on protected species contrary to the EU Wildlife Habitats Directive, insufficient drainage details and potential loss of trees and hedgerows, Finally, the development failed provide sufficient adorable housing in the absence of a viability report contrary.

In 2000, outline planning permission (ref. 31927/1) was refused for the development of the site for housing. The following three reasons for refusal were given 1. Imbalance of housing supply across the Borough, 2. The development would be unlikely to male a positive contribution to the character of the area and 3. The density of the development would be too low thereby conflicting with the advice in PPG3: Housing.

5. POLICIES

POLICIES

National Guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP4 Make the Best Use of Existing Resources and Infrastructure

DP7 Environmental Quality

Congleton Borough Council Local Plan First Review

GR1 General Criteria

GR2 Design

GR3 Design

GR5 Landscape

GR6 Amenity and Health

GR10 New Development

GR18 Traffic Generation

PS3 Settlement Hierarchy

PS8 Open Countryside

PS4 Towns

NR1 Trees and Woodlands

NR4 Wildlife Corridor

E10 Re-use of Redevelopment of Existing Employment Sites

H1 General Scale of New Housing Development

H2 General Scale of New Housing Development

H6 Open Countryside

H13 Affordable and Low-Cost Housing

6. CONSULTATIONS (External to Planning)

Environmental Health

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

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

Strategic Highways Manager

The highway aspects and requirements of this site were discussed with the developer's highway consultant at pre-application stage and a scope for the Traffic Statement was prepared.

Under the planning application itself, the traffic statement demonstrates clearly that traffic generation will have negligible impact on local infrastructure and the site can be accessed via appropriate junction design.

In sustainable transport terms the site does benefit from reasonable accessibility via a variety of modes however the C839 Crewe Road currently has a scheme designed for improvements to local sustainable infrastructure in the form of traffic management through engineering works.

The submitted Design and Access statement acknowledges the need for new development to provide commuted sums for the improvement of alternate methods of transport under 'Policy T7 Parking'.

Whilst it is acknowledged that appropriate visibility splays for the proposed junction with Crewe Road are technically available, a situation manifests itself on Crewe Road which sees obstruction to the proposed splays by on-street parking. Given the intention to provide traffic management for Crewe Road, the Strategic Highways Manager considers it appropriate for the development to contribute a commuted sum towards the local traffic management scheme.

The commuted sum would cover traffic management orders and the provision of the more localised areas of the proposed scheme for Crewe Road. The required sum would be £12,000 pounds based on scheme and traffic regulation order estimates. The contribution will improve local sustainable infrastructure and underpin the application detail in the Design & Access statement and Traffic Statement to the benefit of the development and the local infrastructure. The commuted sum should be secured via a S106 Agreement.

Should the application be approved, two conditions are recommended:

Condition:- No development will commence until the developer has entered into a Section 278 Agreement with Cheshire East Council Highway Authority.

Condition:- The developer will submit a suite of plans showing detailed design and construction specification for the proposed junction with Crewe Road to the satisfaction of the LPA.

Nature Conservation Officer

The Officer acknowledges that in essence the revised scheme seeks to address the point of the potential encroachment of the development into the adjacent wildlife corridor.

Following a site visit, it is acknowledged that whilst the development does enter the Wildlife Corridor there is no loss of important habitat, the 'overlap area' consisting solely of closely grazed pasture. The proposed transitional ecological area will adequately compensate for any loss of habitat and the Officer anticipates that if implemented appropriately, this will also lead to an increase in the biodiversity value of the site.

If permission is granted, the following conditions are required:

- Lighting
- Bat and Bird Boxes
- Protection of breeding birds

- Pond design to be agreed with LPA
- Follow up badger survey
- Management plan for onsite landscaping and adjacent wildlife corridor (may require S106)
- Landscaping
- Further details of the design the Transitional Ecological Area to be submitted to the LPA and such proposals to be implemented as part of the development.

Spatial Planning

As the proposal represents a change in layout, no new comments have been provided. Comments were made on the earlier scheme and addressed the following points:

Housing Supply

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

Affordable Housing Statement

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

Housing Density

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

Update

It should be noted that some of these comments have been addressed through amendments in the nature of the application. In respect of demand for housing, there is still a requirement to secure development to ensure an adequate supply of land for the 5 year land supply figures. In respect of the affordable housing, this matter and the revised provision has been considered by the Housing Research and Monitoring Officer (below). Finally, as the scheme is now for 42 units thereby meeting the density requirements.

Public Rights of Way Officer

No comments have been received in respect of this particular application but the Public Rights of Way officer wrote on the earlier application to confirm that the development will not affect any existing rights of way. It is believed that these earlier comments remain valid in respect of the current proposal.

Senior Landscape and Tree Officer

The Officer has commented to note that there are a number of trees on/adjoining the site including a copse in the south east corner, trees adjoining the Wheelock walkway and trees in the Sandbach Wildlife corridor. In the absence of a tree survey, insufficient information has been submitted in order for the LPA to fully determine the impact of the development on trees.

From the indicative layout and their observations on site, it appears the development would potentially result in the loss of existing trees and vegetation considered to have local landscape and nature conservation value. Given the influence of trees both on and overhanging the site, it is also very difficult to establish if the number of dwellings proposed and appropriate private amenity space could be accommodated.

Housing Research and Monitoring Officer

The Officer initially commented along the same lines as the initial application from last year as follows:

Local Housing Need

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

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

Affordability

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

Site layout

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

Following ongoing negotiation with the applicant however, the officer has given consideration to an amended offer in respect of affordable housing provision to meet the 30% total provision requirement. This offer comprises of 4 No. 2 bed apartments for social rent and 8 No. 2 bed houses at a 30% discount. The officer has accepted this provision given the economics of the development which have been appraised through an open book viability assessment.

7. VIEWS OF THE PARISH / TOWN COUNCIL

Sandbach Town Council has objected to the scheme on the following grounds. Access/egress arrangements would be detrimental to existing arrangement on Crewe Road and Zan Drive, contrary to the Local Plan Policy GR18. It is felt that surface water drainage issues have not been addressed, therefore neighbouring properties may be at risk. It is felt that there would be a negative impact on the wildlife corridor, contrary to Local Plan Policy NR3.

8. OTHER REPRESENTATIONS:

Environment Agency

The Agency has written to confirm they have no objection to the principal of development. A series of conditions have been proposed in respect of the following matters:

- Scheme for surface water run off
- Scheme required for control of overland flows
- Submission of landscape management plan to include details of planting, habitat creation, maintenance and boundary treatments
- Pond to be created in accordance with agreed scheme
- Scheme for management of potential contamination

Sustrans

The national cycling group and whilst not objecting to the development has raised the following comments:

- The estate should be designed for low vehicular speeds, 20mph or less.
- The Transport Assessment refers to the Wheelock Trail nearby (NCN Route 5) but fails to mention the poor access at Crewe Road bridge. The proposed development is very close to the Trail and we would like to see a direct pedestrian/cycle track to the trail east of the bridge, with any open space of the estate abutting the trail.
- We suggest travel planning is important for a site of this size.

United Utilities

United Utilities have confirmed they have no objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

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

Neighbours

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

The other 19 letters however have opposed the application on the following grounds:

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

9. APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement: Sedgwick Associated

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

Ecological Survey and Assessment: Environmental Research and Advisory Partnership

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

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

Flood Risk Assessment: Bett Associates

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

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

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

Ground Contamination Desk Study: Sedgwick Associates

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

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

Viability Assessment

The applicants have also submitted a open book viability assessment to look at the ability of the scheme to meet policy requirements.

10. OFFICER APPRAISAL

Principle of Development

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

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

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

In the earlier application, concern was expressed in respect of an element of development on the Wildlife Corridor outside the settlement zone line. This area of land is still within the application, however, the applicant has focused on this area despite the scheme being outline only and has shown how the dwellings will impact. The applicant has shown a new pond as part of this space and in their comments, the Nature Conservation Officer has accepted this approach acknowledging that this may enhance ecological diversity.

On this matter, it is therefore felt that the development will not result in harm to the Wildlife Corridor.

The density of development has now risen to just over 30 dwellings per hectare (dph) and is now within the target set out in PPS 3. It is believed that this density will be achievable at the Reserved Matters Stage without harm to surrounding occupiers or other interests.

Contributions

The issue of affordable housing was not addressed by the applicants in the earlier application and accordingly, one of the reasons for refusal was based on this point.

Much work has now gone into this point since the refusal and the applicants have been in discussion with the Housing Officer on the requirement for affordable housing in this part of Sandbach.

Whilst the offer of four social rent units and 8 discounted properties is not in line with the normal requirement of an even split between both tenure types, the applicants have supported their offer through an open book appraisal based on a residual methodology. This has shown that the scheme would be unviable to provide a 50/50 mix.

Having considered this matter, it is felt by Officers that the level of affordable housing put forward by the developer represents a fair and considered offer in light of the economics of provision.

Layout, Design and Street Scene

The concerns in the earlier scheme over layout particularly in respect of access off Zan Drive has been addressed. The existing parking off Zan Drive to serve the Coach House and neighbouring properties will be retained albeit in a new configuration and the new dwellings will all be served off the main service road.

It is recognised however that there may be a desire from some of the new occupiers off the Crewe Road development to park on Zan Drive thereby avoiding the need to pass through the estate. Whilst it is not possible to prevent the public from using the adopted highway, the parking spaces off Zan Drive will not be adopted by the Highways Authority, accordingly, controls can be placed through the s106 agreement to control the use of the Zan Drive spaces for the benefit of existing occupiers and not for new occupiers.

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

The applicants have addressed the issue of open space within the development and it is now felt that an appropriate layout can be secured at the reserved matters stage which will not harm to Wildlife Corridor to an unacceptable degree.

In respect of the comments on the loss of 444 and 446 from the street scene it is felt that although this will result in a change to the character of the area, this will not be harmful to residential amenity levels or the street scene. There are a number of openings in the road frontage at present which is interspersed with a number of different properties e.g. the school and vehicle repair work shop.

Amenity

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

Trees and Woodland

The Councils Arboricultural Officer has expressed concern with this scheme. These comments are noted but individually, the trees that are likely to be lost to development are of little amenity value individually. Where their worth is important however is as a group feature, particularly to the south of the development in the copse close to Zan Drive.

However, it is felt that as much of the site is bounded by trees there may be scope for mitigation. This matter however remains one of concern.

Landscape and Ecology

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

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

and provided that there is

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

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

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

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

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

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

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

In this case, it is felt that sufficient work has been undertaken by the applicants to show that the scheme will not have a detrimental impact on protected species. The development will actually result in the delivery of additional habitat features which it is hoped will be a benefit to ecological diversity.

Highways and Parking.

The Highways Officer has looked at the proposal and based on the changes to the layout especially the interface between the new properties and Zan Drive, it is felt that the revised layout for the development is acceptable.

The scheme also provides additional linkages to the Salt Line Walk which lies close to the site allowing easier access to sustainable modes of travel.

Whilst significant mention has been made by neighbours of the poor nature of Crewe Road and the congestion, particularly from the car repair garage to the north, the Strategic Highways Officer has felt on balance that the scheme is acceptable. The presence of illegal off street parking on grass verges and other locations is not appropriate grounds to refusal an application as such parking should be addressed through separate Highway Controls.

Drainage and Flood Risk

The applicants have responded to the concerns raised by United Utilities on the first application in respect of sustainable drainage. Details have now been provided of a SUDS scheme and a sum of £60,000 has been allowed in the viability appraisal for this element of the development.

To ensure that this is addressed adequately, a condition is recommended should the scheme be approved.

11. CONCLUSIONS

The applicants have taken on board the Members concerns with the earlier scheme and either provided additional information on those points where information was lacking or amended the nature of the scheme to ensure compliance with policy.

Whilst this is a greenfield site and the loss of any such site to housing is regrettable, consideration also needs to be given to the need for the Council to ensure an adequate supply of housing land over the next five years.

If supply is deemed to be too low, there is a risk that less desirable or more sensitive sites need to be released for development in the future.

Having considered all of the above points it is felt that the applicants have in nearly all respects put forward a strong scheme. The only area of weakness would be in respect of the trees on site. It is recognised some of these will be lost through the development reducing the ecological value of the site and weaken its character. Against this however, replacement planting will go some way to offsetting this loss and no objection has been raised by the Ecological Officer.

On balance therefore it is felt that the benefits of the scheme outweigh this element and in summary, the scheme is now suitable to be recommended for approval subject to conditions and a s106 agreement.

12.RECOMMENDATIONS

Subject to the completion of a S106 agreement in respect of the Heads of Terms as set out below, that authority be given to the Head of Planning and Policy to grant approval subject to the imposition of the following conditions:

Heads of Terms for Legal Agreement

- 1. Contribution of £120,000 towards public open space ongoing maintenance of the facilities.**
- 2. Contribution of £12,000 towards traffic measures along Crewe Road, Sandbach**
- 3. Delivery of 4 No. 2 bed apartments for social rent and 8 No. 2 bed houses at a 30% discount towards affordable housing**
- 4. Scheme to restrict use of Zan Drive parking spaces.**

Conditions

- 1. 3 year time limit**
- 2. Development in accordance with submitted plans**
- 3. Submission of material samples**
- 4. Hours restriction - construction.**
- 5. Hours restriction - piling activity.**
- 6. Contaminated land remediation**
- 7. Submission of noise survey**
- 8. The developer will submit a suite of plans showing detailed design and construction specification for the proposed junction with Crewe Road to the satisfaction of the LPA.**
- 9. Drainage - surface water and sewerage to include SUDS.**
- 10. Design of flood storage and mitigation.**
- 11. Detailed junction design to be submitted and agreed.**
- 12. Parking area to be completed and marked out prior to first occupation**
- 13. Lighting scheme to be submitted**
- 14. Bat and Bird Boxes**
- 15. Protection of breeding birds**
- 16. Pond design to be agreed with LPA**
- 17. Follow up badger survey**
- 18. Management plan for onsite landscaping and adjacent wildlife corridor**
- 19. Further details of the design the Transitional Ecological Area to be submitted to the LPA and such proposals to be implemented as part of the development.**
- 20. Landscaping in accordance with submitted details**
- 21. Landscaping to be maintained for 5 years**
- 22. Details of boundary treatments to be submitted**
- 23. Submission of landscape management plan to include details of planting, habitat creation , maintenance and boundary treatments**
- 24.Waste management plan required.**
- 25.Submission of site management plan to include details on deliveries, staff parking, wheel washing**
- 26. Scheme for surface water run off**
- 27. Scheme required for control of overland flows**

Location Plan: Cheshire East Council Licence No. 100049045

