

Strategic Planning Board

Agenda

Date:	Wednesday, 30th March, 2011
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

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.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

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

1. Apologies for Absence

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda.

3. Minutes of the Previous Meeting (Pages 1 - 4)

To approve the minutes as a correct record.

4. Public Speaking

5. 09/3564N-Re-development of Brownfield Site at Hack Green Maggot Farm to Include demolition of Existing Industrial Buildings and Erection of 4 Barn Style Dwellings, The Maggot Farm, French Lane, Baddington, Nantwich for Mr. Harry Moulton (Pages 5 - 20)

To consider the above application.

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

Contact: Sarah Baxter
Tel: 01270 686462
E-Mail: Sarah.Baxter@cheshireeast.gov.uk

6. **11/0152N-A retrospective planning application to level an area of land extending to 1.27ha, which has already been in filled, Bank View, Long Lane, Wettenhall for Mr Baker** (Pages 21 - 26)

To consider the above application.

7. **09/3251N-Demolition of Existing Garage and Petrol Station and Erection of 11no Dwellings, Grenson Motor Co Ltd, Middlewich Road, Minshull Vernon, Crewe, Cheshire for Mr J Middleton, Grenson Motor Co Ltd** (Pages 27 - 40)

To consider the above application.

8. **Appeal Summaries** (Pages 41 - 42)

To note the Appeal Summaries.

9. **Exclusion of the Public and Press**

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and press from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information in accordance with paragraph 5 as appropriate, pursuant to part 1 of Schedule 12 (A) of the Act.

PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

10. **10/3471C-Proposed residential development of up to 280 dwellings, landscaping, open space, highways and associated works, Land south of Middlewich Road and east of Abbey Road, Sandbach for Fox Strategic Land & Property** (Pages 43 - 46)

To consider the above briefing report.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 9th March, 2011 at The Capesthorpe Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor H Davenport (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors Rachel Bailey, D Brown, P Edwards, M Hollins, D Hough,
W Livesley, J Macrae, C G Thorley, G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mrs A Berry (Planning Officer), Ms S Dillon (Senior Solicitor), Mr A Fisher (Head of Planning and Housing), Mr S Irvine (Planning and Development Manager), Mrs E Tutton (Principal Planning Officer), Mr P Wakefield (Planning Officer) and Mr C Wilshaw (Planning Officer)

117 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor W J A Arnold.

118 DECLARATIONS OF INTEREST/PRE-DETERMINATION

Councillor H Davenport declared that he had considered application 09/0842M- Replacement Dwelling with new Entrance Gates, Brick Piers and Boundary Wall, Broad Heath House, Slade Lane, Over Alderley for Mr and Mrs Wren and application 11/0037M-Brick Garage to Replace Carport, Broad Heath House, Slade Lane, Over Alderley for Mr Chris Wren as a Member of the Northern Planning Committee, however he was looking at the application afresh and therefore had no personal or prejudicial interest in the item.

It was noted that all Councillors had received correspondence in respect of a number of applications on the agenda.

119 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

120 PUBLIC SPEAKING

RESOLVED

That the public speaking be noted.

121 **10/4154M-TWO REPLACEMENT DWELLINGS, 5-7 PRESTBURY ROAD, WILMSLOW FOR MS ALISON MALONE**

(During consideration of the application, Councillors Mrs R Bailey and S Wilkinson arrived to the meeting).

Consideration was given to the above application.

(Councillor R Menlove, the Ward Councillor, Mr P Yates, a Supporter and Alison Malone, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to a number of conditions to be agreed by the Head of Planning and Housing.

(This decision was against the Officers recommendation of refusal).

122 **09/0842M-REPLACEMENT DWELLING WITH NEW ENTRANCE GATES, BRICK PIERS AND BOUNDARY WALL, BROAD HEATH HOUSE, SLADE LANE, OVER ALDERLEY FOR MR AND MRS WREN**

Consideration was given to the above application.

(Mr Sparrow, representing CPRE, Mr Vendy, representing an objector, Mr P Yates, a Supporter and Mr Wren, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies by virtue of the fact that having regard to the overall scale, design and appearance, the proposed replacement dwelling is materially larger than the existing dwelling. The development is similarly contrary to national policy guidance relating to development within the Green Belt. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.
2. The proposed development, by reason of its size, siting and design, would form a visually obtrusive feature which would detract from the rural character and appearance of the area within which it is located. The approval of the development would therefore be contrary to national planning policy guidance, North West of England Plan Regional Spatial Strategy to 2021 policies DP7 & EM1 and Macclesfield Borough Local Plan policies BE1 and DC1, thereby causing harm to the objectives of those policies.

123 **11/0037M-BRICK GARAGE TO REPLACE CARPORT, BROAD
HEATH HOUSE, SLADE LANE, OVER ALDERLEY FOR MR CHRIS
WREN**

Consideration was given to the above application.

(Mr Vendy, representing an objector, Mr P Yates, a Supporter and Mr Wren, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The development is therefore contrary to policy RDF4 of the Regional Spatial Strategy for the North West and policies GC1 and GC12 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. The development is similarly contrary to national policy guidance relating to development within the Green Belt. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.
2. Policy GC12 of the Macclesfield Borough Local Plan only allows for alterations or extensions to dwellings which would neither result in a significant change in the scale and appearance of the original dwelling nor require additional works which would unduly detract from the quality of the environment. The proposed extension is considered by the Local Planning Authority to be a significant and disproportionate addition to this dwelling. The Local Planning Authority considers that the erection of the proposed extension would be contrary to the objectives of these policies which are to retain the prevailing character of housing in the rural areas and the stock of smaller dwellings, and that such proposals, if permitted, would have a cumulative and incremental effect on the openness of the Green Belt.

(The meeting adjourned at 3.25pm and reconvened at 3.35pm. Councillors C Thorley and G M Walton left the meeting and did not return).

124 **10/1292M-REPLACEMENT DWELLINGHOUSE - AMENDMENT
TO APPROVAL 09/4124M, BAGULEY FARM HOCKER LANE OVER
ALDERLEY FOR MR & MRS N SKINNER**

Consideration was given to the above application.

RESOLVED

That the application be refused for the following reason:-

1. The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. Very special circumstances have not been demonstrated that would clearly outweigh the harm to the Green Belt arising from the proposed inappropriate development. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. The development is similarly contrary to national policy guidance relating to development within the Green Belt.

- 125 **09/3400C-NEW BUILD DEVELOPMENT OF 107 EXTRA CARE APARTMENTS AND ASSOCIATED EXTRA CARE FACILITIES AND CAR PARKING, COUNCIL DEPOT, NEWALL AVENUE, SANDBACH FOR NUALA KEEGAN, CHESHIRE EAST COUNCIL**

This item was withdrawn from the agenda prior to the start of the meeting.

- 126 **10/4977C-EXTENSION TO EXISTING GYPSY CARAVAN SITE INCLUDING LAYING OF HARDSTANDING, STATIONING OF 9 CARAVANS FOR RESIDENTIAL PURPOSES AND, ERECTION OF 6 UTILITY BUILDINGS, HORSESHOE FARM, WARMINGHAM LANE, MOSTON, MIDDLEWICH, CHESHIRE FOR MR OLIVER BOSWELL**

Consideration was given to the above application.

(Councillor A Kolker, the Ward Councillor, Parish Councillor Scragg, Moston Parish Council and Mr Fowler, representing a number of objectors attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for the following reasons:-

- (1) Further legal advice to be obtained including clarification of the current planning status of the site.
- (2) The extent to which current activities are unauthorised
- (3) Clarification of any Human Rights implications
- (4) Establishment of a Community Liaison Group to be investigated

The meeting commenced at 1.00 pm and concluded at 5.00 pm

Councillor H Davenport (Chairman)

Planning Reference No:	09/3564N
Application Address:	The Maggot Farm, French Lane, Baddington, Nantwich
Proposal:	Re-development of Brownfield Site at Hack Green Maggot Farm to Include demolition of Existing Industrial Buildings and Erection of 4 Barn Style Dwellings.
Applicant:	Mr. Harry Moulton
Application Type:	Full Planning Permission
Grid Reference:	364575 348011
Ward:	Cholmondeley
Consultation Expiry Date:	23 rd November 2009
Date for determination:	8 th December 2009

MAIN ISSUES

The main issues are:-

- Principle of the development
- Loss of employment site
- Affordable Housing
- Impact of development on character and appearance of the open countryside
- Impact of the development on highway safety
- Living conditions
- Ecology
- Contaminated land
- Drainage

SUMMARY RECOMMENDATION

Approved subject to Section 106 Agreement and Conditions.

REFERRAL

This application is referred to the Strategic Planning Board because the development is a departure from the Replacement Local Plan.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application relates to an existing maggot farm, located near the small hamlet of Hack Green, which is approximately 2 miles south of Nantwich. The site is accessed off a track which also serves the Hack Green Secret Bunker tourist attraction. The Shropshire Union Canal is located approximately 300m to the south west of the site.

The site has been operating as a maggot farm for approximately 30 years in which time it has been built up to its present scale. The farm produces maggots for sale to local fishing shops and anglers. The owners of the maggot farm are now considering alternative uses for the site. This is due to a combination of personal circumstances, the economic climate and complaints from local residents about odours produced by the process.

The site extends to approximately 0.85 acres and comprises 2 steel portal framed buildings, various brick buildings and areas for hard standing. The buildings have a total floor area of around 632sqm and are currently utilised for maggot production (total floor area 236sq.m.). fly house, loading area, refrigeration units, skip area, offices and WC's. There is a small, man-made carp pool to the south of the buildings and the site is currently screened by a line of leylandii to the north west.

The area immediately surrounding the site is predominantly agricultural, with a mixture of grassland and arable cropping, though the Hack Green Secret Nuclear Bunker is to the southwest of the site and dominates the immediate locality. The nearest surrounding residential development comprises Hack House, Hack Farm and New Farm, which are all within 400m of the site.

Proposal

This application seeks consent to demolish the existing buildings and redevelop the site for the provision of 3 barn style dwellings.

2. RELEVANT PLANNING HISTORY

P99/0811	Incinerator and enclosure to burn animal waste – Approved 1999
P93/0989	Renewal of permission for refrigeration and storage building Approved 1994
P91/0023	Renewal of permission for portable building for refrigeration and storage use Approved 1991
7/19336	Single storey Extension to Maggot Farm. – Approved 1991
7/16691	Extension of breeding shed – Approved 1989
7/16057	Renewal of 7/13452
7/13542	Renewal of 7/11481 – Approved 1986
7/11481	Two portable buildings – one to be used as refrigeration unit, the other for storage – approved 1984
7/10673	Rebuilding, replacement of air cleaning plant destroyed by fire and roofing – Approved 1984
7/09574	Extension, Scrubbing Tower and External Ducting – Approved 1982

3. PLANNING POLICIES

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

Regional Spatial Strategy

DP1 (Spatial Principles)
DP2 (Promote Sustainable Communities)
DP4 (Make the Best use of Existing Resources and Infrastructure)
DP5 (Manage Travel Demand)
DP7 (Promote Environmental Quality)
DP8 (Mainstreaming Rural Issues)
DP9 (Reduce Emissions and Adapt to Climate Change)
RDF2 (Rural Areas)
L5 (Affordable Housing)
MCR4 (South Cheshire)

Cheshire Replacement Waste Local Plan

Policy 11A (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
TRAN.9 (Car Parking Standards)
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)

Other Material Considerations

PPS1 (Delivering Sustainable Development)
PPS3 (Housing)
PPS7 (Sustainable Development in Rural Areas)
PPS9 (Biodiversity and Geological Conservation)
PPG13 (Transport)
Interim Statement on Affordable Housing

4. OBSERVATIONS OF CONSULTÉES

Highway Authority: There is no increase in vehicle movements as a result of this application and therefore no objection.

Environment Agency: No objections to the proposed development. Note there are no public sewers in the area but the Agency would prefer any foul drainage to be connected to

a main sewer where feasible rather than via a package treatment works and discharge into a nearby small water course. If discharge to a foul sewer is the only feasible option, the tertiary sewage treatment is to be incorporated as part of the whole foul sewage discharge design. Recommend conditions for drainage details and contaminated land survey to be submitted for approval.

Natural England: In summary, taking into account the nature of the application, they advise that surveys for the presence of protected species be carried out prior to planning permission being considered.

Environmental Health: The site is currently in use as a maggot farm and therefore there is potential for contamination of the site. The proposed residential use is considered to be sensitive. Therefore, conditions are recommended requiring a site investigation and any necessary remediation to be carried out prior to commencement of development.

Public Rights of Way: The development does not appear to affect a right of way.

United Utilities: No objection to the proposal.

5. VIEWS OF THE PARISH COUNCIL

Sound and District Parish Council support the application.

6. OTHER REPRESENTATIONS

A letter has been received from the Hack Green Nuclear Bunker Museum making the following points:

- The museum is brightly illuminated with bright tungsten orange lighting
- The museum operates loud public announcements in the carpark every 20 minutes during opening times.
- On a small number of days, the museum uses a large radar dish located adjacent to the proposed development. This rotates at over 35mph and creates a loud droning noise.
- They occasionally run and test a Secomat warning siren, which is very loud
- These may result in complaints from future residents.

7. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

Use:

- The site has operated as a maggot farm for approximately 30 years
- The use involves hatching maggots on rotting meat
- Buildings on sit include covered skip areas, production and loading areas, WC, offices and kitchen, production areas, and fly houses.

- The 5 workers arrive at 5am, carry out work until 8pm and then go out on deliveries for the rest of the day, returning at lunchtime. Around 35 vehicle movements per day are generated.
- The use original fell within a special class of B7 in the Use Classes, Order. However, in 1987, this was amalgamated in class B2 (General Industrial)
- It is proposed to redevelop the site for residential use.
- Although Local Plan policy carries a presumption against residential development in the open countryside
- E, there are other material considerations which need to be taken into account.
- These include the fact that it is a brownfield site, and there have been complaints about the maggot farm from local residents and environmental health.
- The current owner wishes to retire and there is no interest in the farm as a growing concern. Therefore if production ceases there is a risk of the buildings falling into disrepair.
- The current use also adversely impacts on the adjacent tourist destination at the Secret Bunker.
-

Amount and Scale:

- It is proposed to create 4 open market residential units.
- The units will vary in size from 3,100sq.ft to 2,200sq.ft. which will provide a range of housing
- There will be 2 garage spaces for each unit as well as turning and parking in the courtyard
- The units will be mostly 2 –storey with a small amount of single storey
- The units will be of suitable size and scale of potential occupants whilst being appropriate to appear as converted traditional barns. Thought has been given to the nature of the site and the type of properties seen in the rural area.

Layout:

- The exact layout of the site will be agreed as part of the reserved matters. However, the concept is that the units will be arranged around an open courtyard to create the appearance of a traditional agricultural range of buildings. To the rear of each of the units will be a garden area
- The plan has been carefully designed considering the size and shape of the site and therefore the physical restrictions.

Appearance and Landscaping:

- The proposed units will appear as traditional converted barns. An illustrative elevation plan has been provided to show how they may appear, although this will be dealt with at reserved matters stage
- External materials will be red facing brick with either plain tiles or natural slate. Traditional detailing will be added to eaves and windows and doors will be carefully designed to include large threshing barn doors, arched openings, pitching eyes, vertical boarding etc.
- Roof lights would be conservation style

- There will be no chimneys only metal flues Traditional ventilation and brick details will be provided
- The proposal will significantly improve the appearance of the site by removing the modern industrial buildings
- The site is not agricultural or rural in nature and has a negative impact on the surrounding area at present.
- There are other residential properties in the area including barn conversions and therefore the proposal would respect its surroundings.
- The existing access to the site will be used and will enter the courtyard to the northwest of the site. Native hedges will extend around the boundary of the site. And small trees and shrubs will be planted.

Access

- Access is via a no through road to the bunker, which is unadopted
- This joins French Lane, which in turn gives access to Cool Lane, which runs between Audlem and Nantwich.
- The existing access will be utilised to give access to the courtyard, within which there will be parking for 2 vehicles per property plus visitor parking. Garages will also be provided
- The proposal will not result in additional vehicle movements, and is likely to result in a reduction. There will also be a significant reduction in heavy commercial traffic to the site.
- Visibility at the access is good in both directions.
- The private access road is capable of accommodating the small amount of traffic from the development, particularly given that the number of vehicles will reduce and the commercial traffic to the maggot farm will cease.
- French Lane is very narrow and the reduction in commercial traffic will improve safety and congestion on this road, particularly in the summer when there are a large number of tourists visiting the bunker.
- It is thought that the narrow access is one reason why there has been little interest in a commercial re-use of the site.
- The site is accessible by public transport including regular bus services. D&G Coach and Bus operate regular bus service from Whitchurch to Nantwich and the nearest bus stop is within walking distance (0.6miles) where French lane meets Coole Lane
- There are also school and college buses which run regularly during term time. Nantwich Railway station is approximately 3 miles from the site.
- The properties will be new-building and constructed to ensure inclusive access and facilities for the disabled as well as current building regulations in respect of pedestrian, vehicle and emergency access.

Supporting Statement

- The proposed scheme is for the redevelopment of a Brownfield industrial site at Hack Green. The site has been operating as a maggot farm but due to the personal circumstances and the economic climate the applicant Mr. Moulton has been considering alternative uses for the site. Mr. Moulton put the property on the market

as a bait farm but also stressing the potential for alternative industrial and commercial uses. The property was described as an industrial style property suitable for a variety of uses and is marketed through Buckingham's Property Specialists. The property has been on the market for over 12 months and there has been little demand for the buildings as a maggot farm or indeed any other industrial or commercial use. Having explored alternative uses for the buildings and marketed the property for industrial and commercial uses Mr. Moulton is now looking at the potential of the site for residential development.

- Due to the lack of interest in the site as a going concern for the continued use as a maggot farm, and for alternative industrial / commercial uses, if the maggot farm ceases to operate the buildings will become unused and redundant. This could lead to the buildings falling into a state of disrepair and becoming an eyesore, or even an environmental health issue. Use as a maggot farm also causes problems and as the buildings get older factors such as smell may become more difficult as the equipment gets old and dated. Small scale residential development would involve the demolition of the industrial style buildings and the construction of carefully designed traditional residential units. This would allow the cessation of the maggot farm which causes some local residents distress and also mean that the buildings do not get left empty and fall into a state of disrepair.
- Although the saved policies within the Local Plan restrict residential development in the open countryside, other material considerations need to be taken into account and regional and national planning policy should also be considered. Small scale residential development would improve the site as the industrial style buildings will be replaced by traditional barn style dwellings more suitable to the area. Three maggot farms would cease to operate, removing a nuisance in the area in terms of smell and flies and commercial vehicles would stop accessing the site. The survey carried out revealed that 72% of local residents responding living within a 1 mile radius of the site are positive about potential small scale residential development. Regional and national policy guidance encourages the redevelopment of Brownfield sites such as the maggot farm site.
- This application provides an opportunity to remove a local nuisance and redevelop the site to provide in keeping dwellings which help to sustain local service. The amenity of the local area will be improved and there is likely to be a knock on benefit to local tourism. The Council are respectfully asked to show support for this scheme of redevelopment.

8. OFFICER APPRAISAL

Main Issues

The proposal is for the demolition of all the existing buildings, and their replacement with four new dwellings. The main issues are the principle of development, impact on the character and appearance of this area of open countryside, impact on highway safety, and impact on protected species.

Principle of Development.

The site is located in open countryside where policies in the Replacement Local Plan do not allow for the replacement of employment buildings by residential development. Policy RES.5 and NE.2 allow for infilling and agricultural workers dwellings where the functional and financial tests are satisfied. However, the size of the proposed development and its arrangement would not comply with the definition of infilling in the Local Plan. As former employment land, the site does however fall within the definition of Previously Developed Land (PDL) in PPS3. This document emphasises the need to provide market and affordable housing in both urban and rural areas and the need to ensure that housing is made available to all.

The development proposes three open market houses and one affordable dwelling, which would be available on a discounted for sale basis. PPS3 states at paragraph 36 *"priority should be for Previously Developed Land, in particular vacant and derelict sites and buildings."* Nationally, the government seeks to achieve 60% of housing on PDL. The development of this site would contribute to that target.

PPS 3 also states that Local Authorities should manage their housing provision to provide a five year supply. A report was considered by the Council's Cabinet on 18th October 2010 which noted that following a review undertaken as part of the LDF Annual Monitoring report, as at April 2010 the Council had 4.58 years housing land supply. Consequently at present the Council is unable to demonstrate a five year housing land supply. In such circumstances, PPS3 states, the Council should give favourable consideration to suitable applications for housing in order to address the shortfall.

In considering the use of PDL for housing in rural areas, PPS3 states that not all sites will be suitable for housing and the proposed development site should be considered in relation to policies for sustainable development. The site is located with a small number of other dwellings on French Lane. The site is 3.6 miles from Hankelow and 5.5 miles from Audlem. However, a shorter route is available from the site to Nantwich for walkers and cyclists via the canal tow path.

Loss of Employment Site

Policy E7 of the Local Plan states that development which would cause the loss of an existing employment site to other uses will be permitted where:

- it can be demonstrated that the present use harms the character or amenity of the surrounding adjacent area,
- the site is not capable of satisfactory use for employment and overriding local benefits would come from the proposed development; or
- it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises in the borough

In addition, proposals must be appropriate to the existing form and character of the surrounding area and the proposed use would not be likely to restrict the range of uses which could be carried out by businesses on employment sites in close proximity.

The applicants have provided evidence that the existing maggot farm use has resulted in considerable nuisance to neighbours in terms of odours and has generated a significant number of complaints to environmental health over the time that it has been operating. Consequently, it is considered that present use harms the character and amenity of the surrounding adjacent area and there would be overriding local benefits from the proposed redevelopment. Further benefits would arise from the provision of additional housing land to help to meet the Borough wide shortfall and also through the provision of much needed rural affordable housing.

The existing buildings and plant on site are largely very specialized in nature and could not be easily adapted for alternative employment uses, although the 2 large portal framed buildings are more versatile. The site could also be cleared and redeveloped for employment uses. However, the site has been marketed as a potential employment redevelopment opportunity over a period of time without success. The marketing exercise shows that there is no demand for use of these buildings or site. The submission considers that this is because of its remote location, poorly connected to major roads and the condition of the buildings. This demonstrates that the site is not capable of satisfactory use for employment and the proposal therefore complies with Policy E7.

Affordable Housing

Policy RES.7 of the Local Plan states that in settlements of less than 3,000 or less a lower threshold of 5 units is applied and exceptionally, where there is a proven need, the threshold is sites of more than 1 unit. The Council's interim affordable housing policy states that the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000.

Therefore, in view of the location, it is considered that the proposal which is the subject of this application triggers a requirement for affordable housing. The interim policy states that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%.

In this case four dwellings are proposed, and therefore 30% would equate to 1.2 dwellings, and having regard to the small scale of the scheme, the remote location and the restricted site area, it is considered to be reasonable to round this number down to a single dwelling.

The applicant has agreed to this requirement and is proposing that the affordable unit should be offered on a "discounted for sale" basis. The Interim Policy states that this is an

acceptable form of affordable housing, subject to a minimum of 30% and up to 50% of the market price. In this particular case, the developer has offered to construct a 3 bedroom unit with a 40% discount. The housing section has confirmed that they are happy to accept this offer, subject to the necessary Section 106 Agreement being put into place:

- to ensure that the house is sold at the agreed discounted rate,
- is only available to those in housing need on a 'cascade' basis,
- to ensure that local people in housing need are given priority for the affordable dwellings (with the provision of nomination rights to be given to Cheshire East)
- to ensure that the benefit of below market price housing is available in perpetuity to future occupants.

The proposal therefore complies with Policy Res.7 of the Local Plan and the Cheshire East Interim Policy on Affordable Housing.

Impact on the appearance of the open countryside

The site is clearly visible from the access road to the Secret Bunker Museum and there are number of other roads and rights of way in the area, including the canal towpath. The site is therefore readily visible in the landscape. The layout of the proposed development provides a group of dwellings arranged as a courtyard. It is considered that this arrangement provides an appropriate layout, which will have the same form and appearance as a traditional farmstead and will be contained within the footprint of the existing buildings. It will result in a substantial reduction in built mass and footprint on the site. The development will therefore offer benefits not only in the removal of unsightly buildings but will ensure that the replacement buildings help to create a sense of place which is in keeping with the rural character of the surroundings rather than a suburban cul-de-sac form of development.

The design of the dwellings at this point in time is illustrative. However, the intention is to construct 4 dwellings which reflect the traditional agricultural buildings which can be found in the vicinity, many of which have been converted to residential properties. Given the isolated and rural nature of the site, this approach is considered to be appropriate. The design will be subject to the submission of details at the reserved matters stage.

Highways

In view of the fact that the Strategic Highways Manager confirms that the development will not result in substantially more vehicle movements per day than the existing use of the site it would be difficult to refuse the application on the grounds of highway safety. Whilst the pattern of vehicle movements through the day will be different to the existing use, the amount of traffic generated is at a low level and the loss of the larger vehicles which currently visit the site, as a result of the proposed development, is also a benefit.

Living conditions

With the exception of the Secret Bunker to the south west, the site is entirely surrounded by open countryside. The nature of the use of the bunker site as a museum and offices is such that it will not be adversely affected by the proposed residential development. The nearest neighbouring residential properties are 195m away to the north west. At this distance, it is not considered that there would be any adverse impact on residential amenity as a result of overshadowing or overlooking. Furthermore, the removal of the maggot farm use, which as stated above, has been the source of considerable environmental nuisance complaints over the years, would constitute an improvement in the level of residential amenity afforded to these dwellings.

Regarding the representation from the Secret Bunker in respect of the possible impact of their activities on future occupiers of the site, the applicant has reported that the noise level from the loudspeakers is not excessive. The Council's Environmental Health Officer has confirmed that whenever he has visited the site he has not heard any excessive noise (he has visited on numerous occasions). He has also said that if the noise was excessive, it would constitute a local nuisance and it would be straightforward for the owners to simply turn down the volume. The radar is only turned on occasionally on a few days of the year and Environmental Health has confirmed this would not constitute a major nuisance. The lights are located on the main building some 90m away from the maggot farm site and the applicant has confirmed that the lights principally shine downwards and do not cause a nuisance.

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 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.

Natural England has commented that the existing buildings on site have the potential for bat species. The Council's Ecologist has stated that due to the modern nature of the buildings, it is unlikely that bat species will be present on site. However, he has recommended that a walk-over survey be undertaken to confirm that this is the case. This was awaited at the time of report preparation and an update will be provided to members at their meeting.

Contamination

The Council's Environmental Health officer has commented that site is currently in use as a maggot farm and therefore there is potential for contamination of the site. The proposed residential use is considered to be sensitive. Therefore conditions are recommended requiring a site investigation and any necessary remediation to be carried out prior to commencement of development. Subject to compliance with these conditions it is considered that the proposal will accord with the relevant development plan policies in respect of contaminated land.

Drainage

The Environment Agency and United Utilities do not object to the proposed development. New drainage works will be provided for the new development. It is recommended that conditions be attached to any permission for the submission and approval of a drainage scheme for both foul and surface water treatment for the proposed development. In any

event the development will be required to provide sustainable drainage to ensure that run off does not result in flooding problems elsewhere. However the removal of the large area of built development including existing hardstandings will present a benefit in terms of control of surface water run off.

9. CONCLUSION

The proposal is for the removal of all existing buildings on the site and hardstandings and the provision of 4 new dwellings with associated landscape improvements to the area which was previously occupied by the former maggot farm.

It is considered that the enhancement to the area as a result of the removal of the unsightly buildings and an un-neighbourly use and the provision of new residential units, which will result in a reduction in both the built footprint and also the mass of buildings on the site, represent an enhancement which would justify departing from the normal policy of restraint for residential development, applied to areas of open countryside. The application is therefore recommended for approval as a departure to the development plan. Whilst the site is not within or close to an existing settlement, the site is situated adjacent to a walking and cycling link to Nantwich.

The indicative details of scale, layout and design submitted with the outline application show that the proposed development is appropriate to the location and bearing in mind the buildings presently on the site will not adversely impact on the character and appearance of this area of open countryside but will provide a visual improvement.

The proposal also includes an affordable dwelling which will be provided on a discounted for sale basis, as a 3 bedroom dwelling, which will help to meet the needs for affordable dwellings in the locality.

10. RECOMMENDATION

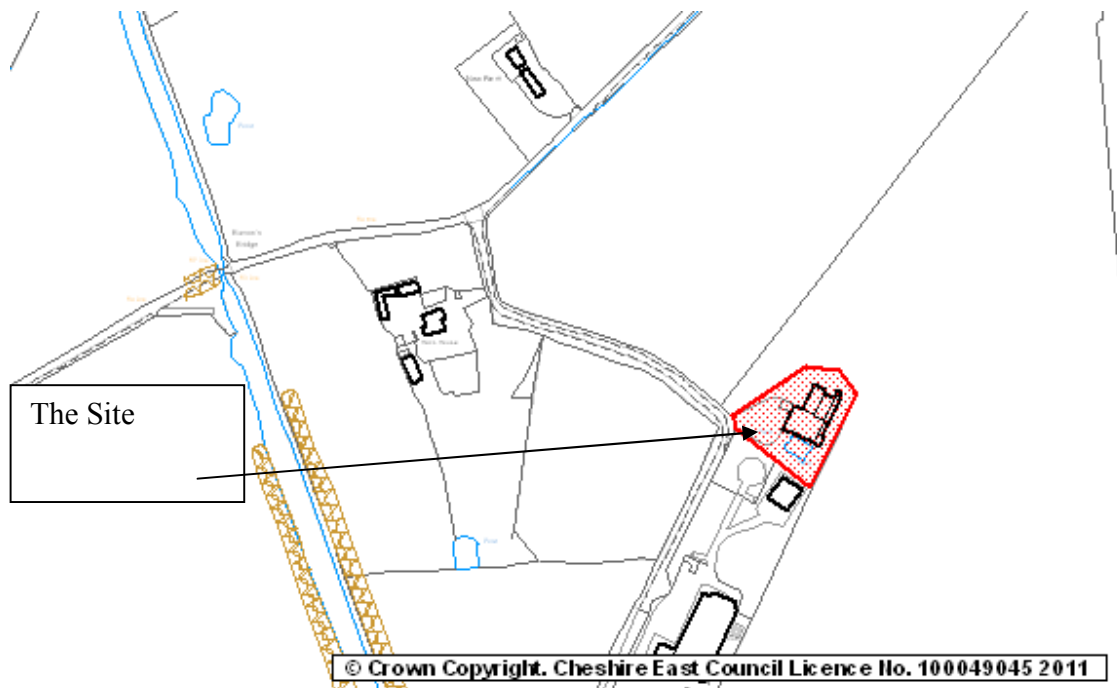
APPROVE subject to:

Completion of a Section 106 agreement (as detailed in the above report) to secure the use of one of the dwellings as affordable housing on a discounted for sale basis in perpetuity,

and the following conditions:

- 1. Reserved matters to be submitted**
- 2. Three years for the submission of reserved matters application**
- 3. Implementation within two years from approval of final reserved matters**
- 4. Development to be in a courtyard style in general accordance with the indicative layout**
- 5. The design of the dwellings shall reflect traditional vernacular agricultural buildings.**

- 6. Access in accordance with principle shown on site layout full details to be submitted with reserved matters**
- 7. Submission and approval of materials**
- 8. Contaminated land survey**
- 9. Landscaping scheme for residential development**
- 10. Implementation of landscaping scheme and maintenance of it for residential development**
- 11. Surface water drainage scheme in accordance with principles of sustainable drainage**
- 12. Scheme for the disposal of foul drainage**
- 13. The submission of details of the storage and disposal of waste and recyclable materials with reserved matters applications**
- 14. Remove Permitted Development rights for the two affordable dwellings**



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Planning Reference No:	11/0152N
Application Address:	Bank View, Long Lane, Wettenhall, CW7 4DN.
Proposal:	A retrospective planning application to level an area of land extending to 1.27ha, which has already been in filled.
Applicant:	Mr Baker
Application Type:	Full Planning
Ward:	Cholmondeley
Registration Date:	13 th January 2011
Earliest Determination Date:	15 th February 2011
Date of Officers Site Visit:	9 th February 2011
Expiry Date:	8 th April 2011
Date report Prepared:	15 th March 2011
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

- Principle of the Development
- Landscape and Trees
- Ecology
- Visual Amenity
- Land Contamination

1. REASON FOR REFERRAL

This application has been referred to the Strategic Planning Board, as the scheme is a major waste application, being an area of 1.27 hectares.

2. DESCRIPTION AND SITE CONTEXT

The application site comprises an area of land 1.27 hectares in size, to the east of the dwelling known as Bank View. A previous application was approved in 2009 at the site. However the amount of land in filled exceeded that for which approval was granted. Therefore this amended application was required in order to regularise the situation. The site is designated as being within the open countryside in the Replacement Local Plan.

3. DETAILS OF PROPOSAL

As stated above, this retrospective application is for the in filling of an area of land 1.27 hectares in size. The original application was submitted because the owners of the land were having problems with injuries being sustained by their horses due to a steep bank and deep hole on the land and were advised by their veterinary surgeon that for safety reasons, it was imperative that the land was levelled.

The materials imported to the site consisted of approximately 2,500 cubic metres of inert subsoil, topsoil, clay and compost materials. At the request of the

Minerals and Waste Enforcement Officer, samples of the materials were taken from a trial pit and tested at Reaseheath College. The results confirmed that the materials imported on to the site were of an acceptable nature.

4. RELEVANT HISTORY

10/3358C – Retrospective application to level an area of land extending to 1.27 hectares – Withdrawn- 2010

09/0982N – Raising the profile of the land to make safe an area of land to make the ground level in order to eliminate accidents – Approved – 2009

5. POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPS 10: Planning for Sustainable Waste Management
PPS 23: Planning and Pollution Control

Regional Spatial Strategy (RSS)

Policy DP7: 'Promote Environmental Quality'
Policy EM11: 'Waste Management Principles'
Policy EM12: 'Locational Principles'

Local Plan Policy

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: Sustainable Waste Management
Policy 12: Impact of Development Proposals
Policy 14: Landscape
Policy 17: Natural Environment

Borough of Crewe and Nantwich Adopted Local Plan 2011 (CNLP)

BE.1: Amenity
BE.4: Drainage, Utilities and Resources
NE.2: Open Countryside
NE.9: Protected Species
NE.17: Pollution Control
NE.5: Nature Conservation

6. OBSERVATIONS OF CONSULTEES

Environmental Health:

No objection subject to the submission of details of the materials imported.

Highways:

No Highway Objections

Environment Agency:

Do not wish to comment on this application.

7. VIEWS OF TOWN/PARISH COUNCIL

None received at the time of report writing.

8. OTHER REPRESENTATIONS

None received at the time of report writing.

9. OFFICER APPRAISAL

Principle of the Development

Policy NE.2 of the Replacement Local Plan stipulates that only development, which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area, will be permitted. In addition PPS7 is broadly supportive of equestrian activities within the open countryside.

The site has undergone in filling works in order to enable its safe use for equestrian activities and, following advice from the Nantwich Veterinary Group that the steep bank and depression in the land were directly contributing to the lameness of the horses. Equestrian activities do constitute outdoor recreation and a use appropriate to a rural area. As such, it is considered that the development is in compliance with Policy NE.2 and the guidance given in PPS7. The development is therefore considered to be acceptable in principle.

Landscape and Trees

The area contains mature hedgerows and trees, which give good screening to the site. A gateway has been removed from the boundary of the site and replaced with post and rail fencing and native planting, consisting of Hawthorn and Holly. This fits in with the species in the existing hedgerow and is considered to be acceptable.

There is a land drain on the eastern side of the site, which has the potential to discharge directly onto the trunk of a mature Oak tree. This was considered to be putting the future health of the tree at risk. Following discussions with the applicant, an additional plan has been submitted showing the drain being directed away from this tree and re-routed to the west, into the main drain that runs through the site. This solution is considered to be acceptable and should be secured by condition.

Ecology

The previous application (09/0982N) contained a Great Crested Newt Scoping Survey and in his consultation response, the Nature Conservation Officer did not object to the proposal. He did however comment on the fact that only the pond at Bank View had been surveyed and not the other ponds just outside the application boundary. Overall his conclusion was that development would not affect any particularly important terrestrial habitats.

Since this application is retrospective, as the in filling did not take place as approved by the previous application, a new survey of the ponds was not undertaken. The Nature Conservation Officer did however visit the site on 9th February in order to assess whether there were any issues relating to ecological

matters. He confirmed that there were none. The development is therefore considered to be in compliance with Policy NE.5 of the Replacement Local Plan.

Visual Amenity

Due to extensive screening provided by mature trees and hedgerows, the raised area of land is barely visible when approached from Long Lane and is not considered to have any adverse impact on the visual amenity of the area when viewed from the east and the south. The development is therefore considered to be acceptable in these terms and in compliance with Policies NE.2 and BE.2 of the Replacement Local Plan.

Contamination

The material imported into the site consists of inert subsoil, topsoil, clay and compost materials. A trial pit was excavated and the materials tested and found to be acceptable. The Environment Agency has stated that they do not wish to comment on this application. However, on the previously approved scheme (09/0982N), there were no objections.

10. CONCLUSIONS

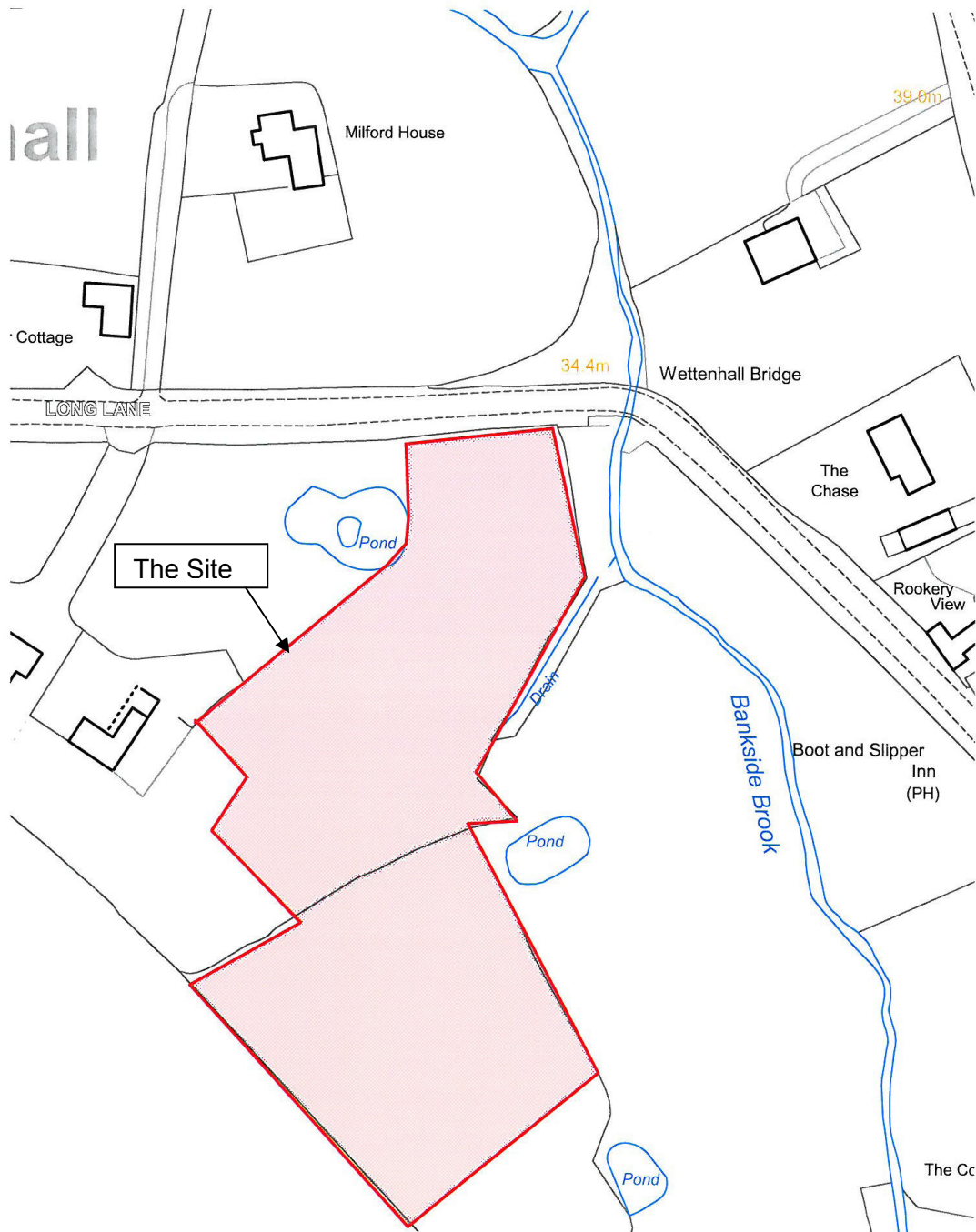
The visual impact of the development is considered to be acceptable as the land still retains the appearance of open fields. The landscaping that has been undertaken is also considered to be acceptable and there are no issues relating to protected species. The materials used for the in filling consist of inert subsoil, topsoil, clay and compost materials and therefore will not cause contamination to the land or nearby watercourses. Therefore, the application is recommended for approval.

11. RECOMMENDATION:

Approve subject to the following condition:

- 1. Re-direction of the land drain as shown on the plan received on 16th February 2011.**

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	09/3251N
Application Address:	Grenson Motor Co Ltd, Middlewich Road, Minshull Vernon, Crewe, Cheshire, CW1 4RA
Proposal:	Demolition of Existing Garage and Petrol Station and Erection of 11no Dwellings
Applicant:	Mr J Middleton, Grenson Motor Co Ltd, Middlewich Road, Minshull Vernon, Crewe, Cheshire, CW1 4RA
Application Type:	Full
Grid Reference:	368007 358871
Ward:	Cholmondeley
Earliest Determination Date:	23rd December 2009
Expiry Dated:	9th December 2009
Date of Officer's Site Visit:	INSERT
Date Report Prepared:	26th November 2009
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Approve as a departure to the Development Plan subject to completion of section 106 agreement for affordable housing and subject to conditions

MAIN ISSUES:

- The principle of the redevelopment of an existing rural commercial site
- The provision of affordable housing
- The impact of the development upon the character and appearance of the area
- The impact upon the amenity of nearby residential properties by reason of overlooking and over domination
- The impact of road noise and disturbance on future occupants
- The impact of the proposal upon highway safety
- The impact of the proposal upon the local drainage network

1. REASON FOR REFERRAL

The application is included on the agenda of the Strategic Planning Board as it constitutes a significant departure from the Development Plan in that it involves residential development within the open countryside.

2. DESCRIPTION OF SITE AND CONTEXT

The site currently comprises a former petrol station and garage site, which also comprised a forecourt and associated office, service and valeting bay buildings, as well as a small shop. The site was previously made up of a number of buildings of various materials and heights.

The buildings on the site have now been demolished and it currently predominantly comprises unused hardstanding.

The site is bordered by residential curtilage to the north and south and with open fields to the west. The site has a frontage onto Middlewich Road and a dwarf brick wall sits along the carriageway edge.

The site lies within the centre of a small nucleus of predominantly residential buildings fronting onto Middlewich Road and includes a public house opposite.

3. DETAILS OF PROPOSAL

The proposal comprises the erection of 11 two-storey dwellings comprising 8 detached properties and 3 terraced properties. The detached properties are arranged around a central cul-de-sac and the terraced properties are proposed along the site frontage. The development comprises a mixture of 3, 4 and 5 bedroom properties.

The applicant proposes the three terraced units along the site frontage as affordable dwellings.

Car parking is proposed to the side and rear of each dwelling.

The layout features a frontage development onto Middlewich Road as well as detached units located to the rear. The vehicular access into the site is proposed via a single central point onto Middlewich Road.

4. RELEVANT HISTORY

P08/1311 - Demolition of Existing Garage and Petrol Station and Erection of 15 No. Dwellings - Refused 17th February 2009.

P08/0578 – Demolition of Existing Garage and Petrol Station and Erection of 16 Dwellings (Re-submission of P07/0523) - Withdrawn 7th July 2008

P07/0523 - Redevelopment of Car Dealership into 16 Dwellings - Withdrawn 7th June 2007

5. POLICIES

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

The relevant development plan policies are:

RSS

DP.7 (Promote Environmental Quality)

RDF.2 (Rural Areas)

MCR.4 (South Cheshire)

Local Plan Policy

NE.2 (Open Countryside)

NE.17 (Pollution Control)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

Other Material Considerations

PPS.1 (Delivering Sustainable Development)

PPS.7 (Sustainable Development in Rural Areas)

PPG.13 (Transport)

PPG.24 (Planning and Noise)

6. CONSULTATIONS (External to Planning)

Highways:

- There will be a reduction in vehicular access movements from the site and a formal access with improved visibility as a result of the development
- A plan showing the proposed 32 cycle spaces should be submitted
- Visibility requirements will be 2.4m x 43m with an initial access width of 5.5m
- Access and access road will need to be constructed to an adoptable standard
- Cheshire East Council will seek to adopt the road through a section 38 agreement
- Pedestrian dropped crossing facilities will be needed across the access and A530
- Subject to the above – no objections

United Utilities:

As comments on earlier application (P08/0578);

- No objection to proposal
- A separate metered supply will be required to each dwelling
- If ground is found to be contaminated, a protecta line pipe must be used to safeguard supplies

Environmental Health:

Original Comments

The acoustic assessment places the site into Category C of PPG24. However, providing the recommendations 1 and 3 to 8 in part 6.0 of the report are implemented, they are satisfied that this should be enough to attenuate the noise from traffic on Middlewich Road.

With respect to recommendation 2, the glazing installed should be more than standard thermal double glazing for the bedrooms facing onto Middlewich Road. The reason for this is that, in order to gain a good nights sleep, the recommendation for the internal noise level should be 30 dBA. Therefore, they recommend that the glazing installed in the bedrooms facing onto Middlewich Road should be able to achieve a reduction for road traffic noise (R_{TRA}) of at least 36 dBA.

Further comments

Environmental Health are happy for conditions 1 to 5 and 7 to be conditioned along with the additional request for extra glazing in relation to condition 2, as per their original email of 23rd October 2009.

Environmental Health (Contaminated Land):

- Satisfied that the contaminated land report is both robust and reasonable in its findings and concur with its findings and recommendations. The proposed Site Investigation specification (SI) is also satisfactory.
- Happy that the 'prior to' element has been fulfilled. The condition shall remain extant until the SI has been carried out and any required remedial measures are complete, reported and approved by this section.

Natural England:

- Not aware of any nationally designated landscapes or statutorily designated areas of nature conservation importance affected by the proposal
- Satisfied that the proposal does not have any adverse effect upon Natural England's other interests
- Note that the application identifies Great Crested Newts as being affected by the proposal and these are a material consideration
- Recommend the LPA gives consideration to the requirements of protected species in determining this application
- Natural England advise that land up to 500m from any known breeding site is considered in relation to both potential impacts and any mitigation
- Note from uncompleted survey that GCN found in ponds nearby
- Also note intention of applicant to provide one way newt fencing which may require a licence
- Also notes survey completed is incomplete and further survey work was to be provided which may alter the mitigation measures
- Finally, recommend a condition in regard to GCN mitigation
- Developer should also be made aware that if protected species are found on the site all work should stop until further surveys are carried out and a suitable mitigation package is provided

Sustrans:

- As Middlewich Road is a busy road and there is an infrequent bus service in practice all journeys will car based
- There does not seem to be any easy low cost connection from the site to the adjacent walking/cycling network of paths, bridleways, minor roads to help promote more sustainable forms of travel

7. VIEWS OF THE PARISH COUNCIL

No comments received

8. OTHER REPRESENTATIONS

Objections received from the occupiers of:

- 1 Queens Crescent, Bradfield Green;
- 3 Queens Crescent, Bradfield Green;
- 3 West View, Bradfield Green;

Main concerns are as follows:

- Drainage (no consent in place to install new pipes through adjacent land)
- Development will add to drainage and sewage problems already
- Outfall shown on the drainage plan is not what was agreed
- Contamination on the site has not been addressed
- Too many houses for such a small village with no facilities
- Applicant has addressed the village and offered things he cannot deliver
- Dangerous and busy road – existing residents have difficulty getting in and out of their properties as existing
- A by-pass should have been considered some time ago
- New Great Crested Newt Survey will be required

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Prepared by P.A.M received 13th October 2009)

Main points are:-

- Following refusal of earlier application public meetings were held by the applicant and further consultations with the planning officer
- Scheme has since been redesigned with number of dwellings reduced
- Proposal also now includes for new drainage pipe from the site to address flooding concerns
- Design has evolved to respond to the grain of the surrounding development
- Design now reflects local rural building features and adopting the local vernacular
- Frontage buildings respond to the linear arrangement of the village
- Rear buildings are subordinate in scale and detail to the frontage buildings

Report on Loss of Employment and Retail Premises: (Prepared by the Brockway Dunn Partnership received 13th October 2009)

Main points are:-

- Site premises are harmful to the character and appearance of the area
- Benefits of the scheme are improvements to street scene, removal of potential nuisance from industrial use and provision of affordable housing
- There is a good supply of employment premises in the Borough
- Loss of small application site will have no adverse impact upon supply of employment land
- Site has been marketed since 2005 for alternative employment uses without success (sales details supplied by Lamonts)
- Shop on the site only offered limited goods
- Nearby Minshull Nursery and Garden Centre offers better provision of goods
- Letter from Lamonts details that there was no interest from the convenience retail sector for the site

Noise Assessment: (Prepared by SBM Safety Solutions Ltd received 13th October 2009)

Main points are:-

- Existing traffic noise levels place the site in category C of PPG.24
- Standard thermal glazing and appropriate ventilation can provide satisfactory attenuation
- Recommends appropriate construction materials of dwellings

- Bedrooms of windows with a view of Middlewich Road should be fitted with appropriate ventilation to comply with Part 6 of Schedule 1 of the Noise Insulation Regulations 1975
- Acoustic trickle vents should be installed in other habitable rooms with windows with a view of Middlewich Road
- Increasing the distance between the nearest facades and Middlewich Road could reduce the noise levels
- Screening at roadside will also provide some noise reduction. Proposed hedgerow may offer some attenuation depending on its density

Great Crested Newt Survey: (Prepared by Dr Sophie Clayton received 13th October 2009)

Main points are:-

- Considered there will be no direct adverse impact on ponds within the vicinity
- Proposed development will not result in any loss of aquatic habitat for newts
- No suitable habitat for GCN exists of the site and so only impact could be adult newts migrating across the site
- Given the position relative to a road and with houses either side this reduces the likelihood of newts migrating across the site
- Given that newts were found in nearby ponds however mitigation measures will be proposed
- Mitigation will include fencing off working areas with one way newt fencing
- 1m buffer zone will be provided around the extent of the newt fencing to ensure that it is not damaged during construction
- Any vegetation on site will first be searched by hand

Bat Survey: (Prepared by The Tyrer Partnership received 13th October 2009)

Main points are:-

- Building on site provides no opportunities for bats and evidence of bat use was absent
- Proposed development would not result in loss of bat roost potential and no further survey work is required

Contamination Phase 1 Desk Study Report: (Prepared by Betts Associates received 23rd December 2009).

Main points are:-

- Site is of environmental concern due to the former land uses, infilled pond on site, adjacent former smithy and existing ground heating fuel tank adjacent to the site
- Geology beneath the site is a sequence of Till over Mudstone
- Site does not fall within a groundwater protection zone as outlined in the EA and not at risk from flooding. Site lies on a non aquifer
- No radon protection measures are necessary
- Geotechnical risk - following items are potential site abnormal which need further assessment;
 - o former foundations
 - o possible areas of deeper made ground
 - o existing mature trees
 - o risk from brine extraction

- intrusive ground investigation to assess geotechnical issues and confirmation with building control is advised
- Ground investigation scope should include sample boreholes, trial pitting, gas monitoring wells, gas/water monitoring visits, soil vapour survey, soil samples, geotechnical testing

10. OFFICER APPRAISAL

Principle of Development

The site lies within the village of Bradfield Green which does not have a settlement boundary. Accordingly the site is classed as open countryside.

Policies in the Development Plan seek to resist new house building in open countryside in order to preserve its intrinsic rural character. Whilst there are certain exceptions to this (for example conversion of rural buildings and affordable housing), the thrust of Development Plan policies is to restrain new house building in these areas.

Notwithstanding this, the Local Planning Authority can take into account other material considerations in addition to the Policies of the Development Plan and can approve development as a departure to those policies. As described above, the site previously comprised a commercial site with a petrol service station, associated shop, offices and workshops. A car showroom and external display/sales area were also located within the site. Since the determination of the last application, all of the businesses on the site have ceased and the buildings have been demolished.

Policy E.7 of the Replacement Local Plan allows for the redevelopment of existing employment sites where it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises in the Borough.

A supporting statement submitted as part of the earlier application considers the potential for other alternative commercial uses for the site and it was noted that the site had been marketed since September 2005. The applicant also referenced the amount of vacant commercial premises within the Borough and that the loss of this site would not lead to an adverse impact upon supply of employment premises in the Borough as a whole. This was also argued at the Beam Bridge works site in Nantwich which was subsequently granted planning permission by an appeal Inspector (LPA ref: P04/1500).

The applicant also argued that the re-use of the site for other commercial uses has the potential to cause nuisance to adjacent residential properties. It was accepted by officers that, in light of the above, the proposal would not have an adverse impact upon the supply of employment land in the Borough and accordingly complied with Policy E.7.

Although the earlier application was refused by the Development Control Committee partly due to the loss of the village shop and impact on the vitality and viability of the local community the application was not refused against policy E.7. Equally, the clearance of the site of all buildings would make it less viable as a commercial site.

An earlier application for the site (P08/1311) was refused partly due to the loss of a petrol station shop, as it was not considered that sufficient information had been presented to demonstrate that this would not have an adverse impact upon the vitality and viability of the local community. Policy S.3 of the Replacement Local Plan seeks to resist the loss of village shops unless there are shops of similar nature available in the locality and there is evidence to show that attempts have been made to sell or let the property for retail use. As already mentioned, the site has been cleared of buildings and accordingly does not operate or provide such a facility. Notwithstanding this, the applicant did market the premises prior to its demolition from September 2005 and including for potential retail uses. In addition, there is a shop at the nearby Minshull's Nursery some 220m to the south of this site. Accordingly, it is considered that the scheme does not conflict with policy S.3.

The proposal will deliver on site affordable housing which weighs in favour of the proposal.

In light of the above, it is considered that the proposed residential re-use of the site warrants a departure from the Development Plan and accordingly the principle of the development is accepted.

Affordable Housing

Local Plan Policies stipulate that new development sites should deliver a proportion of affordable housing. The Interim Planning Statement on Affordable Housing has been adopted, and this states that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

The applicant has stated that 3 of the 11 units would be affordable units and has approached a local RSL (Muir Housing Group) to manage these units as affordable dwellings in perpetuity.

The provision of 3 affordable dwellings amounts to 27% (3.3 units) and this falls below the requirement of 30%. However, an additional unit would amount to 36% provision. The applicant has also argued that there are abnormal development costs associated with this site such as the provision of a 'Hydrobreak' drainage system as well as contamination/asbestos costs associated with the former use of the site as a petrol station. The applicant states that these costs would limit the provision of an additional unit on the site.

Furthermore, the SHMA shows a need of 3x three-bed affordable units per year in the former Minshull ward. As such, it is preferable to see this delivered rather than 2x three-beds and 2x one-bed flats that have been suggested. The SHMA shows that there is more need for 3-bed general needs units than 1-bed general needs units in Minshull.

The proposal would provide for one dwelling in shared ownership (33%) and two rented properties (66%). This would meet the target of the 35% intermediate and 65% social rented contained within the Interim Planning Statement on Affordable Housing.

It is therefore considered that the provision of 27% affordable housing is appropriate on this site.

Amenity

The impact of the proposed development upon the amenity of adjacent residential properties is a key consideration in the determination of this application. Equally consideration must be given to the amenity of future occupants of the proposed dwellings.

With regard to the impact on the surrounding properties, the most intimately related are to the immediate north and south of the application site. The property to the north, Sunnyside, is a detached bungalow and shares its side boundary with the application site. The property to the south, Rose Bank, is a two storey semi detached cottage. With regard to the property at Sunnyside the outlook from the rear of this property will be affected from the proposed two storey houses at units 7 and 8. However, the facing elevations of these units would be at least 15 metres from the rear of Sunnyside, and at least 7m from the boundary with its rear garden. In addition, the proposed dwellings would sit at right angles to the rear of Sunnyside. This relationship is considered to be satisfactory and would not result in an unacceptable overbearing impact or loss of privacy through over looking. It is also pertinent to mention that the former buildings on the site had an impact upon the outlook from this property and the proposal is not considered to be any worse than that previously experienced.

Turning to the impact of the development on the property to the south (Rose Bank), this will be affected by the position, at right angles of the proposed two storey houses at units 1 and 2 which would back onto the side curtilage to Rose Bank. A distance of between 20-24m would exist between these properties and again this is considered sufficient to prevent any noticeable loss of amenity through either over domination or loss of privacy/overlooking.

It is also noted that, although the petrol station, car sales and associated servicing activities have ceased on the site, this could be re-engaged (albeit subject to a further application for any new buildings) and such uses can often be incompatible with residential uses and can result in loss of amenity through either noise disturbance or smells.

PPG 24 (Planning and Noise) requires local planning authorities to consider whether proposals for new noise-sensitive development would be compatible with existing activities. Noise Exposure Categories (NEC's) ranging from A-D are set out in PPG 24 to help local planning authorities to consider applications for residential development near transport related noise sources. Given the proximity of the site to the A530 Middlewich Road, it is necessary for the applicant to demonstrate that the future occupants of the dwellings will enjoy reasonable levels of amenity.

An updated noise assessment accompanies this application and establishes that the site would be within NEC category C and for these sites PPG 24 states that:

“Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative

quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise”

The noise assessment states that Environmental Health have considered that standard thermal glazing and appropriate ventilation can achieve satisfactory internal noise levels to the new dwellings. The noise assessment further recommends a series of mitigation measures relating to the construction of the dwellings, insulation and glazing. Most of these measures can be conditioned, although item 6 suggests increasing the distance of the dwellings from the road which is not possible within the confines of the current application.

Environmental Health have considered the noise assessment and agrees that the implementation of mitigation measures 1 to 5 and 7 will provide sufficient attenuation. However, Environmental Health conclude that additional glazing requirements are needed for the dwellings facing onto Middlewich Road. All of these items can be secured via planning conditions.

Policy BE.6 (Development on Potentially Contaminated Land) requires that an assessment is made of the nature and extent of potential contamination and that development will not be permitted until practicable and effective measures are taken to treat, contain or control contamination.

The applicant has submitted a Phase 1 Ground Survey given the previous use of the site as a petrol station. This has found evidence of contamination on the site and has recommended a series of mitigation measures that would be required. These can be secured by condition.

The Council's Environmental Health section have assessed the submitted report and are satisfied that this is robust and fulfils the 'prior to' requirements of the site investigation. Accordingly, it is recommended that a condition is attached to any permission to ensure that the recommended measures in the submitted study are implemented.

Design

The earlier application was refused partly due to concerns about the layout and form of the proposed dwellings. It was considered that the design failed to respect the linear form of development in the locality and also that the dwellings lacked sufficient detailing to reflect the local character and vernacular.

The current scheme features a reduction in the number of dwellings, although retains a frontage development onto Middlewich Road with a cul-de-sac of dwellings to the rear. The current proposal seeks to establish a hierarchy on the site with the dwellings to the rear appearing as subservient to those fronting onto Middlewich Road. The concept is to establish a relationship of a farm house and outbuildings.

The three affordable units at plots 9, 10 and 11 are terraced, although have been designed to appear as a single unit. This is achieved with a wide central gable fronting onto Middlewich Road and then two flanking wings which are set back and would be constructed in a contrasting material. The central gable features a pitched roof timber porch mounted on a brick plinth whereas the flanking wings have less prominent porches. These dwellings have a ridge height of 8 metres, which is 1m higher than the dwellings to

the rear and also feature decorative finials on the end of each roof ridge and this further helps to reinforce the dominance of these units relative to those at the rear.

The rear of the three affordable units faces towards Middlewich Road although, as a result of the fenestration to these units, it will be read as the front of the units. Equally unit 1, a detached dwelling will have an active frontage facing onto Middlewich Road.

The dwellings to the rear of the site are detached units, although in the case of plots 5, 6 and 7 are arranged in order to replicate the pattern of a single rural outbuilding. This is reinforced by the inclusion of projecting roof gables onto the sides of units 5 and 7 as if to reach out towards the central unit of plot 6.

The architectural detailing of the dwellings is consistent throughout the scheme and includes rustic elements, such as timber cladding below window openings, exposed purlins, patterned air bricks and randomly positioned fenestration. The units also feature timber porches and simple timber doors. All of these details are purposefully designed to resemble agricultural buildings which are considered to be an innovative concept, evocative of the rural setting of the site.

The proposed layout retains a cul-de-sac arrangement although is less car dominated than the earlier scheme with parking areas contained to the sides of dwellings and garden areas around each unit. Although the scheme is not wholly, it is considered that the proposed design has been well thought out and that the units do respond positively to the rural setting of the site.

Finally, a number of comments from local residents concerns the amount of development on the site and that the proposed number of dwellings is excessive. In this case, the proposed density of the site is some 34dph which will not appear incongruous with adjacent development.

Highway Impacts

The site is located adjacent to the A530 Middlewich Road and within a 30mph restricted section. The proposal includes for a central single point of access into the site and this replaces the earlier two points of access used by the former petrol station. The site also includes for sufficient parking with two spaces per dwelling. The Highway Authority have raised no objection to the proposal providing that:

- satisfactory visibility splays are provided,
- the access road is made up to an adoptable standard
- that plans of the cycle parking are provided.

It is considered that the current proposal will generate less traffic than the previous use of the site as a petrol station, car sales forecourt and workshop and that any traffic generated by the development will not be noticeable within the locality.

Impact upon Water Environment/Drainage

A key concern locally relates to the drainage implications of the development. It is reported that the area is prone to flooding and one of the reasons for refusal of the earlier application relates to the potential to exacerbate localised flooding. The applicant subsequently proposed to install a new drainage pipe from the application site to the

watercourse to the north and has had the requirements designed by a consulting engineer. However, this involved land outside the applicants control. Whilst it was originally stated that agreement had been reached with adjacent landowners to install the drainage pipe, it has emerged that the adjacent landowners have not agreed to this.

Accordingly, the applicant has devised an alternative solution which involves a hydrobrake system. Effectively this is a form of sustainable drainage which holds surface water during peak flows, discharging it into a watercourse slowly so as to avoid a peak flow which would result in flooding.

The previous site use discharged into an existing surface water drain to the rear of the neighbouring properties: Sunnyside, The Coach House and The Cottage. As part of this development, it is proposed that the hydrobrake system would be installed and this would hold surface water and discharge it to as avoid peak flow. This would therefore represent an improvement on the existing drainage situation. It should also be noted that the site consists of predominantly hardstanding and the proposed development would create garden areas which would increase the amount of soak-away from the site.

11. CONCLUSION

The site lies within open countryside where new residential development is normally restrained. The authorised use of the site is as an employment site although the earlier petrol station, car sales and workshop uses have ceased and all buildings have been demolished. Prior to this, the site was marketed from 2005 for commercial uses without success. The proposed residential development is considered to represent an appropriate re-use of the site which will also represent a significant visual improvement to the character of the locality and also is a more compatible use with the adjacent residential properties. Furthermore, the proposal provides for on site affordable housing provision. The proposed development is therefore considered to warrant a departure from the Development Plan policy NE.2.

The design, scale and form of the proposal is considered to respond positively to the surrounding rural setting and provides for sufficient architectural detailing.

Satisfactory access and parking arrangements are proposed and the proposal will not result in any adverse impact upon the amenity of adjacent residential property.

Satisfactory noise mitigation can be conditioned to ensure that future occupants of the dwellings do not suffer loss of amenity from road traffic noise.

The applicant has provided a satisfactory study to demonstrate the nature and extent of contamination on the site and identified measures necessary to mitigate for this as well as adequate measures to drain the site.

12. RECOMMENDATION

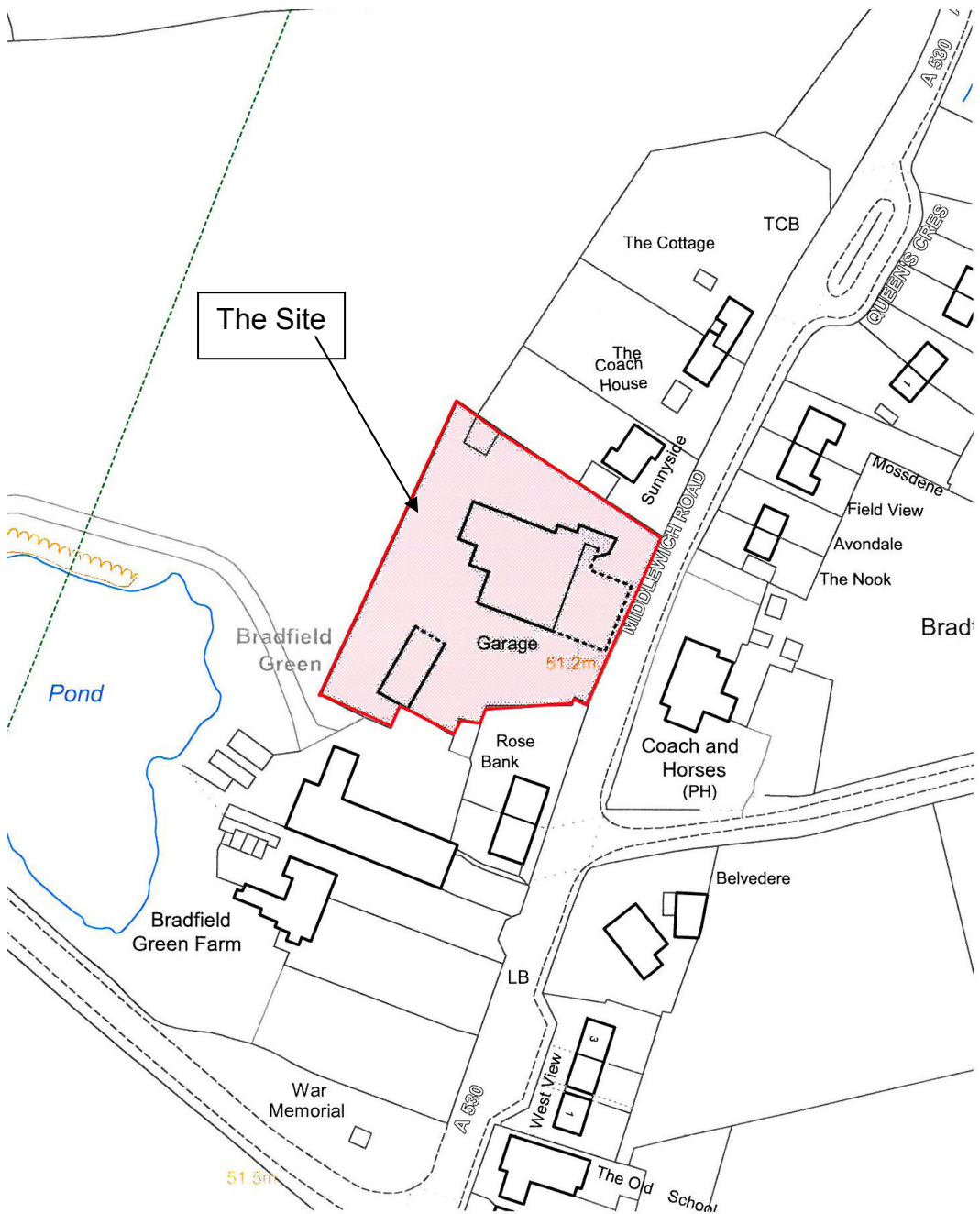
Subject to the completion of a section 106 agreement to secure three affordable units on the site:

Approve with Conditions:

1: Standard – 3 years

- 2: Materials to be submitted to the LPA and approved in writing**
- 3: Surfacing materials to be submitted to the LPA and approved in writing**
- 4: Landscape scheme to be submitted to the LPA and approved in writing**
- 5: Landscape - implementation of the approved scheme**
- 6: Boundary treatment to be submitted to the LPA and approved in writing**
- 7: Noise mitigation measures to be implemented**
- 8: Contamination mitigation measures**
- 9: Car parking provision to be provided**
- 10: Bin storage to be submitted to the LPA and approved in writing**
- 11: Cycle storage to be submitted to the LPA and approved in writing**
- 12: Approved plans**
- 13: Removal of Permitted Development Rights**
- 14. Window reveal to be 50mm**

Location Plan: Cheshire East Council Licence No. 100049045



Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
10/2222N	5, PETERSFIELD WAY, WESTON, CW2 5SH	Proposed First Floor Extension	Southern Planning Cttee	Y	Rec for Approval Refused by Cttee 01.09.2010	Dismissed 07.02.2011
10/3356N	THE BROOKLAND S, BRINDLEY HALL ROAD, BRINDLEY, CW5 8JA	Single-Storey Lean to Side Extension, Two Storey Side Extension and Separate Double Garage	Dele	N/A	Refused 21.10.2010	Dismissed 08.02.2011
10/0755N	14, QUEENSWAY, CREWE, CW1 2HQ	Installation of New Shopfront and Shutters to Retail Unit	Dele	N/A	Refused 13.05.2010	Dismissed 24.02.2011
10/1680M	THE HOMESTEAD, FANNERS LANE, HIGH LEGH, WA16 0RZ	Erection of replacement dwelling – resubmission of 10/0094M	Dele	N/A	Not determined 06.08.2010	Dismissed 02.02.2011
10/0533M	THE NURSARY, SWANSCOE LANE, HIGHER HURDSFIELD, SK10 5TA	Retention of steel framed building, hardstanding & timber office building	Dele	N/A	Refused 07.05.2010	Dismissed 03.02.2010 Application for costs – Refused 03.02.2010
09/4267M	CEDAR MANOR, ASH LANE, OLLERTON, WA16 8RQ	Retrospective application for the retention and amendment to attached garage	Dele	N/A	Refused 12.04.2010	Dismissed 27.01.2011
09/4268M	CEDAR MANOR, ASH LANE, OLLERTON, WA16 8RQ	Amendment to existing open storey (retrospective)	Dele	N/A	Not determined	Dismissed 27.01.2011

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