

Southern Planning Committee

Agenda

Date:	Wednesday, 30th June, 2010
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

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

3. **Minutes** (Pages 1 - 6)

To approve the minutes of the meeting held on 9 June 2010.

4. **Public Speaking**

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.

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 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
- Supporters
- Applicants

5. **10/1427N Variation of Conditions 8, 11, 15 and 16 of Planning Permission P07/1053 and Condition 4 of P09/0016 to Allow for the Retention of Excavated Material on Site Which Means altering Site Levels, South Cheshire College of Further Education, Dane Bank Avenue, Crewe for Mr. Nigel Peet (Pages 7 - 22)**

To consider the above planning application.

6. **10/1089C Outline Application for Proposed Development Consisting of 3no. Detached Properties, 77 Sandbach Road North, Alsager for Mr R Millar (Pages 23 - 34)**

To consider the above planning application.

7. **10/1657N New Building on Land to the Rear of Existing Public House Incorporating 15 Bedroom Guest Accommodation and Conference Facility. The Enclosing of Existing Deck Area, Holly Bush Inn, Crewe Road, Winterley, Sandbach, CW11 4RF for Mr & Mrs R Williams (Pages 35 - 44)**

To consider the above planning application.

8. **10/1746C Demolition of the Existing Dwelling, Garage and Brick Wall/Piers and the Erection of a New Four Bedroom Detached Dwelling with a Detached Double Garage, Owls Hoot, Blackden Lane, Goostrey, CW4 8DG for Coventry Building Society (Pages 45 - 50)**

To consider the above planning application.

9. **10/1865C Proposed Detached Dwelling (4 Bed) within the Garden of 6 Rowan Close, Sandbach, 6, Rowan Close, Sandbach, CW11 1XN for Mr Flowers (Pages 51 - 68)**

To consider the above planning application.

10. **09/4240C Residential Development of 52 Units on Marsh Farm, Congleton, Marsh Farm, Newcastle Road, Congleton for JS Bloor (Wilmslow) Ltd & Jane Lowe (Pages 69 - 90)**

To consider the above planning application.

11. **10/0999N New Roof Covering, Replace Windows and Rear Store Room and Construct New Store Room, Church Minshull Village Hall, Muslin Row, Church Minshull, Nantwich, CW5 6EW for Church Minshull Village Hall Committee** (Pages 91 - 96)

To consider the above planning application.

12. **10/1179C Demolition of Existing House and Erection of 7No. 3 and 4 Bedroom Houses. Resubmission of Application No. 09/3069C (determined 13th November 2009), 14 Smithfield Lane, Sandbach for Mr S Bourne, Brighthouse Homes (Sandbach) Ltd** (Pages 97 - 106)

To consider the above planning application.

13. **10/1492N Construction of a Noise Attenuation/Screening Bund, Fields Farm, Sydney Road, Crewe for VWJ Earthmoving Ltd** (Pages 107 - 112)

To consider the above planning application.

14. **10/1852C Two Storey Side Extension, 62 Princess Drive, Sandbach for Mr & Mrs S Gunay** (Pages 113 - 118)

To consider the above planning application.

15. **Section 106 Agreement for Planning Application 08/2059/OUT for Outline Application for Renewal of Approval 06/0069/OUT for the Demolition of Existing Youth Centre and Erection of a Single Dwelling at Goostrey Youth Centre, Main Road, Goostrey** (Pages 119 - 128)

To consider a report seeking a resolution for the terms of the S106 Agreement relating to the demolition of the existing Goostrey Youth Centre and the erection of a single dwelling on the site which was the subject of planning application 08/2059/OUT considered by the former Congleton Borough Council.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 9th June, 2010 at Lecture Theatre, Crewe Library,
Prince Albert Street, Crewe, Cheshire CW1 2DH

PRESENT

Councillor G Merry (Chairman)
Councillor L Gilbert (Vice-Chairman)

Councillors T Beard, D Bebbington, S Davies, B Dykes, S Furlong, B Howell,
J Jones, S Jones, A Kolker, R Walker and J Weatherill

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Brickhill and M Simon

OFFICERS PRESENT

Nicky Folan (Solicitor), Rachel Goddard (Senior Lawyer) and David Malcolm
(Southern Area Manager - Development Management)

Apologies

Councillors S McGrory and R Westwood

14 CODE OF CONDUCT - DECLARATIONS OF INTEREST/PRE-DETERMINATION

Councillor J Weatherill declared that in calling in application number 10/1427N she had expressed an opinion and therefore fettered her discretion. Councillor Weatherill exercised her separate speaking rights as a Ward Councillor and withdrew from the members' seating area during consideration of this item.

Councillor B Dykes declared a personal and prejudicial interest in respect of agenda item 9 (Land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown, Crewe) on the grounds that he had been appointed as a Cheshire East Council representative on the Board of Wulvern Housing. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor T Beard declared a personal and prejudicial interest in respect of agenda item 9 (Land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown, Crewe) on the grounds that he had been appointed as a Cheshire East Council representative on the Board of Wulvern Housing. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor J Jones declared a personal and prejudicial interest in respect of application number 10/1446N on the grounds that he knew the applicant. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor D Brickhill, who was in attendance at the meeting, declared a personal interest in respect of application number 09/3658N on the grounds that he was a member of Hough & Chorlton and Shavington-cum-Gresty Parish Councils, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Rachel Goddard, Senior Lawyer, declared a personal and prejudicial interest in respect of application number 10/1094N on the grounds that she had a personal connection with the site in question. In accordance with the Code of Conduct, she withdrew from the meeting during consideration of this item.

15 MINUTES

RESOLVED – That the minutes of the meeting held on 19 May 2010 be approved as a correct record and signed by the Chairman.

16 **09/3658N VARIATION/REMOVAL OF CONDITIONS, 416 NEWCASTLE ROAD, SHAVINGTON CUM GRESTD, CREWE, CW2 5EB FOR MRS GRINNOLI**

Note: Councillor D Brickhill (Ward Councillor), Councillor M Simon (non-Committee Member) and Mrs A Grinnell (applicant) 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 an oral update by the Southern Area Manager – Development Management.

RESOLVED – That, contrary to the planning officer's recommendation for refusal, conditions 1 to 3 on approved application no. P08/0616 at land to the rear of 416 Newcastle Road, Shavington, Crewe be varied/removed as follows:

- (a) That condition 1 be amended to read: 'The use hereby permitted shall be discontinued and the land restored to its former condition, including removal of any means of enclosure, on or before 9 June 2013 in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.'
- (b) That condition 2 be amended to read: 'The site shall only operate between the hours of 09.30 to 18.00 hours daily Sundays to Thursdays and 09.30 to 19.30 hours on Fridays and Saturdays.'

(c) That condition 3 be removed.

In the opinion of the Committee, the variation of condition 3 to allow the play equipment to be left on site on a permanent basis will not have a detrimental impact on this piece of land and the adjoining land and is not contrary to policies NE.2 (Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained within PPS 1 Delivering Sustainable Development and PPS 7 Sustainable Development in Rural Areas.

17 10/1427N VARIATION OF CONDITIONS 8, 11, 15 AND 16 OF PLANNING PERMISSION P07/1053 AND CONDITION 4 OF P09/0016 TO ALLOW FOR THE RETENTION OF EXCAVATED MATERIAL ON SITE WHICH MEANS ALTERING SITE LEVELS, SOUTH CHESHIRE COLLEGE OF FURTHER EDUCATION, DANE BANK AVENUE, CREWE FOR MR. NIGEL PEET

Note: Having declared that she had expressed an opinion and therefore fettered her discretion, Councillor J Weatherill exercised her separate speaking rights as a Ward Councillor and withdrew from the members' seating area during consideration of this item.

Note: Mrs J Savings (objector) and Ms R Jackson (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Councillor S Jones declared that she had received correspondence in relation to this application.

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

RESOLVED – That the application be DEFERRED for a further Committee site inspection so that Members can assess the impact of the proposed development on neighbouring residential amenity.

18 10/1094N CHANGE OF USE OF EXISTING MESS ROOM TO FORM LIVING ACCOMODATION FOR STAFF FOR THE SOLE PURPOSE OF LOOKING AFTER THE EXISTING 24 HORSE STABLES & RIDING SCHOOL OPERATED BY MS ECCLESTONE, OAKHANGER RIDING CENTRE, HOLMSHAW LANE, HASLINGTON CW1 5XE FOR MS ECCLESTONE

Note: Having declared a personal and prejudicial interest in this matter, Rachel Goddard, Senior Lawyer, withdrew from the meeting during consideration of this item and was replaced by Nicky Folan, Solicitor.

Note: The Southern Area Manager – Development Management confirmed that the wording which Councillor Walker had used on the call-in form had not prejudiced his ability to determine this application.

Note: Councillor D Brickhill (Ward Councillor) and Mr P Young (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

1. Time Limits
2. Approved Plans
3. No Demolition
4. Equestrian Worker and Attached to Existing Business

19 10/1446N CHANGE OF USE FROM OFFICES TO TWO FLATS, 47A BARONY ROAD, NANTWICH FOR MR PALIN

Note: Having declared a personal and prejudicial interest in this application, Councillor J Jones withdrew from the meeting during consideration of this item.

The Committee considered a report regarding the above planning application and an oral update by the Southern Area Manager – Development Management.

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

1. Standard 3 years
2. Amended plans
3. Obscure glazing to the 2 first floor windows to the eastern elevation
4. No use of the single storey flat roofed area as a balcony or roof terrace

20 LAND AT 2 & 4 HEATHFIELD AVENUE AND 29, 29A & 31 HIGHTOWN, CREWE

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

The Committee considered a report regarding a proposed variation to the draft Section 106 Agreement attached to planning permission 09/1325N for the demolition of existing buildings and erection of new buildings and redevelopment of Link House to provide 35 apartments and 2 retail units

with associated infrastructure on land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown, Crewe.

RESOLVED – That the Section 106 Agreement attached to planning permission 09/1325N be amended to modify the mix of tenure on the site from 12 affordable rented units to 14 affordable rented units.

The meeting commenced at 2.00 pm and concluded at 4.17 pm

Councillor G Merry (Chairman)

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Planning Reference No:	10/1427N
Application Address:	South Cheshire College of Further Education, Dane Bank Avenue, Crewe
Proposal:	Variation of conditions 8, 11, 15 and 16 of Planning Permission P07/1053 and Condition 4 of P09/0016 to allow or the retention of excavated material on site which means altering site levels
Applicant:	Mr. Nigel Peet
Application Type:	Full Planning Permission
Grid Reference:	369640 354672
Ward:	Crewe West / Crewe South
Earliest Determination Date:	21 st May 2010
Expiry Dated:	9 th June 2010
Constraints:	Settlement Boundary Area of Protected Open Space

SUMMARY RECOMMENDATION:

Approve subject to conditions

MAIN ISSUES:

- The acceptability of the development in principle.
- Visual Impact
- Sustainability,
- Impact on neighbour amenity
- Drainage and flood risk
- Other matters

1. REASON FOR REFERRAL

The application has been called into Committee by Councillor Weatherill because it raises significant amenity issues which were not considered at the time of the original application.

The application was deferred at the Committee Meeting on 9th June 2010 for a further site inspection.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to the existing South Cheshire College campus on Danebank Avenue in Crewe. Full planning permission (P07/1053) was granted in November 2007 for the demolition of all existing College buildings and the erection of a new College comprising a total of 26,520sq metres gross external floorspace arranged in a series of connected buildings.

The permission also gave consent for the erection of a detached nursery building as well as external works including the formation of a grass games pitch and a Multi Use Games

Area (MUGA) pitch on land to the front of the building. Work is now well underway to implement that permission.

A further planning permission (P09/0016) was granted in March 2009 to vary Condition 24 of the previous approval which stated that development must be carried out in accordance with the approved plans, in order to implement a number of modifications to the design. The revised design included 3 new elements: introduction of a stair enclosure and corridor link between 2 teaching buildings; a modified design for the glazed street facing the landscaped moat area, and roof to the construction compound to the north of the sports and arts building.

A minor non-material amendment to the existing permission was granted in October 2009 for inter alia, a slight increase in the size of the pitches. This was not considered to be a material amendment requiring a full planning application, on the basis that the pitches were being extended in the direction of the college building and away from the neighbouring dwellings. Furthermore, no change in ground levels was sought as part of that application.

3. DETAILS OF PROPOSAL

This is a retrospective application for the variation of conditions 8, 11, 15 and 16 of Planning Permission P07/1053 and Condition 4 of P09/0016 to allow or the retention of excavated material, from the construction of the college building, on site by increasing the levels of the MUGA and football pitches.

The relevant conditions are specifically:

P07/1053

- | | |
|--------------|--|
| Condition 8 | Landscaping |
| Condition 11 | Finished ground levels to the Copse area |
| Condition 15 | Drainage Scheme |
| Condition 16 | Provision and implementation of Surface Water Regulations System |

P09/0016

- Condition 4 – Approved plans

4. RELEVANT HISTORY

P07/1053 Demolition of Existing Campus and Buildings and Erection of Replacement College – Approved November 2007

P09/0016 Variation of Condition 24 of planning permission P07/1053 relating to the approved plans – Approved March 2009

09/3489 Non-material amendments to move substation west by 2m, increase size of the MUGA pitch – 3m longer and 2m wider, amend elevations to Block A to incorporate openings to a second floor balcony. – Approved October 2009

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

Policy DP 7	Promote Environmental Quality
Policy DP 9	Reduce Emissions and Adapt to Climate Change
Policy RT 2	Managing Travel Demand
Policy EM9	Secondary and Recycled Aggregates
Policy EM 11	Waste Management Principles
Policy MCR 4	South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11 (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)
RT1 (Protected Open Space)

National Policy

PPS 1: Delivering Sustainable Development
PPS 4: Planning for Sustainable Economic Growth
PPS 25: Development and Flood Risk
PPG 13: Transport

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager

No objections

Environmental Health

Do not object to this application subject to the following comments

- Due to the close proximity of the sports pitch to neighbouring properties, Environmental Health have concerns about noise from individuals using the facility affecting the local residents. The multi use games area will increase the use of the site from previous uses.
- Before making final comments can the applicant please confirm the hours of use for the MUGA pitch.
- A suitably high close boarded acoustic fence should be erected along the southern boundary and continue part way up both the east and west boundary to help protect the local residents from noise, as well as safe guarding their privacy.

- Any proposed lighting of the development should be submitted to and approved by the Borough Council to protect the amenity of local residents.

Environment Agency

Have no objection to the variation of conditions relating to the stated application.

The following informatives should be included on the decision notice.

- This development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency, unless an exemption applies. For more specific advice please see our available guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>
- In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding VAT

7. VIEWS OF THE PARISH / TOWN COUNCIL:

N/A

8. OTHER REPRESENTATIONS:

An objection on behalf of the residents of 19 – 31 Danebank Avenue, has been received from Molyneux Planning making the following points:

- The residents of Dane Bank Avenue, having viewed the planning application at an early stage and watched the building being erected were unaware that the land immediately adjacent to their homes was being raised until the tall solid timber fence surrounding the building site started to be removed.
- In addition, once the supports for the fencing of the playing surface were erected and it became apparent that not only had the land been significantly raised, but that this was in such close proximity to the houses fronting Dane Bank Avenue that the fencing would have a significant impact on their homes and gardens.
- Prior to the construction of the new college building, the single football pitch was located at surrounding ground level behind the houses fronting Dane Bank Avenue. This resulted in games being played east to west with the goal mouths set at right angles to the nearby houses. Clearly the number of times balls were kicked into the adjoining gardens was very small. However, the current layout, with two pitches squeezed into a space where one previously existed, results in poorly directed attempts at goal being directed into the adjacent gardens. The fencing required to ensure only the more wayward stay in the grounds is so high as to be excessively obtrusive to the neighbouring residents. This is stated to be 5m high to the north and south boundaries acknowledging the point that higher fencing is needed on these boundaries
- They have not had the opportunity to check the measurements on site but are of the opinion that the impact on the residents is greater than represented in the submitted plans.
- The planning permission for the replacement college includes the sports pitches and incorporated a levels plan and no amended plan has since been submitted. There can

therefore be no question that the significantly raised playing surface requires planning permission and that it is inappropriate in such close proximity to neighbouring dwellings.

- It is unacceptable that the enlargement of the playing surface was treated as a minor amendment and was therefore not given the full weight of publicity or the full impact on neighbouring residents considered. However, even at this time no mention was made in the submission of the raising of the land to elevate the pitch. This is further reinforced by the fact the gabions required to provide stability of the playing surface are not included in the hard landscaping details.

- The application includes the provision of an acoustic screen, which to be effective, would have to be a solid composition. This would be excessively intrusive and oppressive to neighbouring dwellings, particularly in the raised situation, on top of the elevated grounds. Whilst the need for mitigation measures is accepted, the use of an acoustic screened does not meet the need, which is for the pitch to be lowered to ground level.

- The introduction of a large area of impermeable surfacing is inconsistent with the Government's aims to reduce surface water run off and to manage flood risk. This issue should have been subject to proper consideration and a well managed sustainable urban drainage solution provided.

- To introduce the surface water run off from such a large area into the drainage system, will result in a serious reduction in the capacity of the system and a greater tendency for flood risk elsewhere within the locality. The introduction of the moat will not alleviate this matter as, when the moat is full, it will not provide any further benefit in terms of flood capacity.

- The D&A states that it is proposed to raise the pitch by 800mm thus retaining 15,000 cu metres of spoil and this is argued to be of both environmental benefit and in terms of the impact on neighbours by reducing vehicle movements by approximately 1900. This is not a proposal, the works have already been carried out and the serious impact on the adjacent residents can be seen. However, any savings in vehicle movements, whilst possibly beneficial to the environment as a whole would not benefit the neighbours as they would not be on the haul route the vehicles would take. Furthermore, any vehicle movements are of a temporary nature and cease once the work is completed. The impact of the land raising on the neighbours is permanent and excessive

- The calculation of 1900 vehicles is based on 8 cu tonne vehicles, whereas it would be expected that 12 cu. tonne vehicles would be used reducing the vehicle numbers by 30%. However, the serious impacts on neighbours are primarily at the expensive of a substantial financial saving by the contractors. With a gate price of £54 per tonne (including landfill tax) there has been a saving of £800,000 at the cost of the neighbour's enjoyment of their homes and gardens. This cost must have been allowed for in the initial contract and the land raising is an attempt to maximise profitability at environmental expense.

- The ground will be graded at approximately 1:3 "where space permits". Unfortunately this is not within the areas close to the houses fronting Dane Bank Avenue, where gabions will be required.

- These give a hard edge with wire and stone being an unattractive replacement for the wide open space of the "at level" grassed pitch previously on the site. Whether the gabions match the moat area is irrelevant to nearby residents who will not see this aspect, rather the introduction of a brutal feature as an end stop to their gardens.

- The black hard surfaced tarmac will not be a visual improvement over the grass pitches in winter as claimed in the D&A. It will be an unattractive feature by comparison

- The impact of the standing water on the grassed pitches would also have been minimal.

- All football pitches are expected to be laid to a sufficient fall to ensure that surface water runs off. This is not justification of building up the level of the pitch excessively, merely to

ensure that there is no standing water. The drainage scheme should be provided on a map base to enable the impact on the neighbouring properties to be assessed.

- The introduction of the French drain between the slope and the boundary to the south is an acknowledgement of the potential for the slope and the adjacent hard surface to result in flooding from surface water run off. Its requirement in this location is an acknowledgement of the unsuitable proximity of the raised ground to the existing gardens
- The need for such engineering works will have a further impact on the ability to provide any landscaping scheme, either within the site or by the adjacent neighbours. This together with the proposed gabions will prohibit the provision of the "naturalistic native buffer" which the D&A relies heavily upon. There is insufficient space to provide a dense mix of native shrubs which might allow "a diverse and robust yet attractive buffer". It would be unlikely that even a small shrub might be capable of growing within the very narrow area between the gabions and the neighbouring property.
- This narrow area between the proposed stone gabions and the neighbours fencing will result in a security risk and a hidden area available to children seeking to avoid school or supervision during breaks. It will become the classic opportunity for a smoking area, resulting the potential for casual vandalism and perhaps more serious security risks
- To state that the amount of water draining into the existing soakway system will be reduced by the hard surfacing and surface water drainage is spurious. The houses and gardens to the south were not adversely affected by the existing pitch which drained naturally to soak away.
- In conclusion, by trying to squeeze two pitches into the space previously occupied by a single pitch and by trying to save the cost and trouble involved in the removal of excavation material from the site, the raising of the football pitch and the proposed fencing would have serious and unacceptable impact on the residents to the south of the site. Taking into account the ground raising, the fencing would be almost 7m above the level of their gardens, at some points within a metre of the boundary of their properties
- The orientation of the pitches would result in increase noise disturbance to nearby dwellings. The players would be running and shouting towards the goal mouths, frequently at time when bad, language occurs as the enthusiasm of the game takes over
- This ground raising has resulted in an unacceptable loss of privacy to neighbours whose homes are either bungalows or chalet bungalows. Players on the pitch would be able to look into ground and first floor bedrooms and when balls were kicked into gardens would be likely to trespass into private space to collect them.
- To mitigate the harm already caused by this unacceptable land raising, the ground must be fully restored to natural ground level, or the raised area reduced back into the site by a minimum of 40m to provide the currently unacceptable overbearing character of the pitches and fencing.
- In addition, any use of the pitches in this area must be controlled to use only during school hours and during daylight. The close proximity of the pitches to adjacent dwellings would make it wholly inappropriate for any form of lighting or for any use during evenings, weekends or bank holidays. Any permission should be strictly controlled
- Proper attention should be given to remediation of the currently unacceptable situation, which has been exacerbated by the relocation of the pitch closer to the homes
- Failure to address this correctly will result in a complaint to the Local Government Ombudsman. It is likely that such a complaint would be upheld and compensation ordered for the significant harm, intrusion and loss of enjoyment of their homes.

2 further letters of objection have been received making the following points

- To the ordinary lay person the plans are very difficult and vague to read and it is difficult to understand what the intentions of the proposal are.

- Anyone who is at work fulltime and who does not have the opportunity to access the planning department within working hours cannot have the plans explained
- As a result people do not have the opportunity to raise or voice any concerns that they may have regarding the changes
- The local residents have no confidence in the current procedure to register concerns and the whole agenda of South Cheshire College has decimated the whole area with absolutely no respite for the residents
- The retention of material on site was not anticipated at the start of this project and is causing a great deal of concern to the residents affected.
- Surely at the start of this project the building contractors considered another means of disposing of this material, it would now appear that the easiest way has been chosen. This course of action is intrusive and unreasonable and has been taken without it would appear due consideration being given to the impact it makes to the residents affected. Also it would appear it was done without relevant Planning permission

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

- The college operates a fully inclusive policy for users of all facilities and so the access to the all weather MUGA pitch is via a shallow DDA compliant ramp which is linked via level access to all other parts of the campus.
- The pedestrian areas are lit to the relevant British standards.
- The MUGA is to be constructed with a shallow slope from west to east to allow the surface to drain. The water is collected via land drains below the surfaces and discharges into the moat to the northeast of the pitch. Similarly the football pitch is to have a shallow slope from south to north to aid drainage of the surface which will again mean that rainwater is shed from the surface towards the moat to the north. Water will collect in the moat until it reaches the level of the outlet and will then discharge via the hydro brake into the main surface water drainage system
- Surrounding the MUGA is a ball fence of coated steel mesh 3.0m high to the east and west boundary and 5.0m high to the north and south boundaries to prevent stray balls crossing the site boundary behind the goals. An acoustic screen 1.8m high will also be added to the southern boundary fence and will return along the east and west boundary for the first three panels to minimise the sound transfer towards the properties to the south.
- In order to retain on site arisings from the general construction works on the campus (as encouraged under the Planning Policy Guidelines), and to minimize the disruption to residents and highways, it is proposed to raise the level of the MUGA and football pitch by approximately 800mm from the original proposals. This will retain approximately 15,000 cubic metres of earth on the site and reduce the amount of heavy goods vehicle movements in and out of the area by approximately 1900 vehicles. This proposal would remove from the construction process the generation of 63 tons of carbon emissions.
- The ground levels around the pitches will then be graded at approximately 1 in 3 back into the existing levels where space permits. In the areas where there is insufficient space to grade the earth, gabion retaining walls are to be used as shown on the plans. These are designed to compliment the overall aesthetic of the landscaping scheme and match those used within the moat area.
- Another benefit is that there will be no standing water on the football pitch during inclement weather which will therefore be of benefit to both the college and community by increased availability of the pitches. Also the visual improvement of the grass pitches in

winter by having the drainage will reduce the likelihood of damage to the playing surface, requiring less maintenance.

- In order to minimize the possibility of surface water from the slope migrating towards the properties to the south, a length of French drain is proposed along the boundary at the foot of the graded ground which will be linked into an existing catch pit in the area which in turn drains into existing soakaways for the playing fields.

- Due to the drainage constructed specifically for the MUGA pitch, the amount of water being shed into the existing soakaway system in this area will be considerably reduced from that which previously discharged into it.

- A naturalistic native buffer mix will be planted between the MUGA pitch and the southern boundary which will create a dense all year round visual and acoustic screen to conceal the MUGA pitch from view of the adjacent houses.

- The planting will also provide a valuable habitat for local fauna and help to increase the bio-diversity of the campus. A row of large ash trees will further increase the density of the screen and add height to minimize the effects of the pitch on the neighbouring gardens. The shrubs within the mix contain native species such as hawthorn, hazel and holly which are large dense shrubs which will create a diverse and robust yet attractive buffer along this boundary.

- For clarity of the information provided within this submission the MUGA is not flood lit and will only be used in daylight hours.

Supporting Letter

A letter has been received from a planning consultant acting on behalf of the applicant – making the following points:

Further to receipt of a number of objections to the application and the decision to take the application to Committee, Arup was instructed by BAM Construction to carry out a planning review the proposal and concerns raised.

South Cheshire College and BAM Construction appreciate that local residents will have concerns regarding the works and the applicant is keen to ensure that all relevant information is clearly presented to provide an explanation and reassurance to local residents.

The purpose of this letter therefore is to provide further clarification regarding the reasoning for retaining excavated soils on site. Further to this, Jefferson Sheard architects will provide an illustrative visualisation of the boundary treatment adjacent to residents' properties. The intention of the letter and illustration are to provide clarity on the implications of the raised levels.

Retaining materials on site

The immediate concern raised relates to the retention of excavated material on site resulting in elevated site levels of 800mm above original levels in the area of the multi use games area (MUGA) and football pitch to which this application relates. Please note that the final layer of the pitch has not been laid at present. This will be artificial grass that is on a sand bed which will considerably reduce both potential noise and visual impacts.

In respect of the removal of the material, we would refer to the considerable efforts already made to minimize disruption to local residents. Excavated material from the sports areas would have to be removed via Dane Bank Avenue as there will be no suitable access to Sommerville Street, once the main building is handed over.

You will be aware that the principle of retaining material on site is supported by the need to promote sustainable development. Planning Policy Statement 1: Delivering Sustainable Development (2005) supports using waste as a resource wherever possible and Planning Policy Statement 10: Planning for Sustainable Waste Management (2005) states that planning authorities should consider opportunities for on-site management of waste where it arises. Similarly, as you point out, RSS policy EM11, Waste Management Principles, states that every effort should be made to minimise waste, maximise re-use and maximise opportunities for use of recycled materials and Policy 11 (Development and Waste Recycling) of the Cheshire Replacement Waste

Local Plan encourages the re-use and recycling of construction waste on site, wherever possible.

As part of the approach to management of the site, provisions have been made for:

- The need to minimise the amount of waste being taken off site to landfill (15,000m³)
- Reduce the amount of heavy goods vehicles passing through residential areas, including Dane Bank
- Avenue
- Reduce the overall carbon footprint of the development by minimising movement of traffic and hence
- saving some approximately 63tonnes of CO₂
- Contribute to achieving BREAM buildings standards of 'very good'.

To have removed this material off site would have required 1,900 trips by 20ton HGVs over a period of 1-2 months. A suggestion has been made that large lorries could be used to speed up the process, however 38 ton articulated lorries cannot be used for the removal due to their size. Removal of material off site would have required extensive management of noise, dust and congestion throughout the removal period to minimise the direct negative impacts on residents living in the Dane Bank Avenue.

It is therefore considered that the regularisation of this breach of planning control (i.e. retaining the materials on-site and the revised site levels) in fact reflects all of the principles of best practice currently encouraged by national, regional and local policy and helps to avoid more direct environmental impacts on the wider local residential area during the construction phase.

Privacy and amenity

Whilst the minimisation of waste to landfill and vehicle trips is supported by planning policy, it is important to address the concerns raised by local residents in relation to the potential effects on privacy and amenity.

Given the nature of the concerns raised, BAM Construction will provide further illustrative plans to demonstrate the nature of screening and planting proposed and it is hoped that these illustrations will be helpful when describing the works at

Committee on the 9th June. However, for the purposes of this letter, I provide further clarification below.

It is currently intended that, in addition to a wire mesh acoustic fence, suitable mature trees would be planted to provide visual barrier between the residential properties and the sports areas. Further low level planting is also proposed to create an attractive boundary between the properties and to deter anti-social behaviour, in addition to secure perimeter fencing. It is my understanding that the provision of gabions will not compromise screening between the sports grounds and the residential properties in question.

The presence of the acoustic fencing and planting means will screen the views of the pitches from the residential properties. Similarly the acoustic fencing would minimise any potential disturbance caused by sporting activities on the college grounds.

I would also concur with your note that, as the gardens in question are oriented north south, with the proposed fence and planting to the north of the gardens, levels of direct light into the existing garden spaces would not be affected.

A further point raised relates to the direction of play on the sports areas. Whilst it is acknowledge that pitches are oriented north south, the provision of the acoustic fencing and landscape boundary will minimise any risk of balls being kicked into adjoining gardens.

Finally, it is stated in the submitted Design and Access Statement that the MUGA, adjacent to the five properties on Dane Bank Avenue will not be flood lit and will only be in use during daylight hours.

In the interests of ensuring that the proposed planting is acceptable to the residents, the applicant would be happy to work with the Council to agree and implement the details of the nature of the acoustic fence and planting scheme in the area prior to commencement of use of the sports pitches.

Drainage

Concerns have also been raised regarding surface water drainage. This matter has been addressed in full in your committee report and I do not propose to add anything further here.

Conclusion

Given the above I am of the view that there is planning policy support for the revised scheme (and tree/fence/landscape buffer) and that the proposals can be supported as an exemplar of sustainable construction management that responds effectively to the needs of the local community and to the principles of efficient use of scarce resources.

10. OFFICER APPRAISAL

Principle

The land is designated within the Local Plan as Protected Open Space under Policy RT1, seeks to restrict development on such land, where it would result in the loss of sports pitches. However, as this proposal would result in the enhancement of sports facilities at the site, it is not considered that there is any conflict with policy RT1. Furthermore, the original planning approval established the acceptability in principle, of the construction of a MUGA pitch and a football pitch on this part of the site. The main issues in the consideration of this application, therefore are the affect of the increase in ground levels in terms of visual impact, sustainability, neighbour amenity and drainage and flood risk.

Neighbour amenity

The part of the campus occupied by the proposed pitches is bounded to the south by the properties fronting on to the north side of Dane Bank Avenue and to the west by school playing fields. To the north and east, the pitches are surrounded by the college campus development. The only residential properties affected by the construction of the pitches, are those located within Dane Bank Avenue. The principal concerns in terms of amenity implications for these properties are privacy, overshadowing, light pollution and noise.

The boundary treatments to the rear of the properties are varied and range from high conifer hedges, which prevent any overlooking gardens or principal windows from the pitch, to low chain link fencing, which provides no screening whatsoever. It should be noted, however, that this would have been the case, even if the ground levels had not been raised.

The developer has proposed to install 1.8m acoustic fencing along the edge of the pitch, which due to its solid nature would prevent any overlooking. In addition, screen planting would be provided between the perimeter of the pitches and the boundary with the residential properties. It is acknowledged, that where the goal area projects out towards the properties, there would be insufficient space for planting to be provided. However, the existing conifers provide good screening at this point and the acoustic fence would also prevent any overlooking. There was no requirement to provide similar acoustic fencing or planting as part of the approved scheme, and consequently the extent to which neighbouring properties are overlooked is likely to be reduced from the levels which would have been experienced under the approved scheme.

With regard to overshadowing, although the proposed mesh fencing around the pitches is 5m in height, light will still be able to pass through it. It is acknowledged that the 1.8m acoustic fencing would be solid and would stand at a ground level approximately 1.4m above that of the neighbouring dwellings. However, due to the fact that the pitches are located to the north of the properties, no loss of direct sunlight, at any time of the day, would occur in gardens or the dwellings themselves.

The applicants have made clear in their submissions that the pitches will not be flood lit and this can be ensured through conditions. This is also consistent with the recommendation of the Environmental Health Officer.

Due to the close proximity of the sports pitch to neighbouring properties, Environmental Health have concerns regarding noise from individuals using the facility affecting the local residents. The multi use games area will increase the use of the site over and above that of previous uses. However, there is an existing consent for a MUGA in this area and hours of use can be controlled via conditions, although they cannot be limited to college opening hours, as suggested by the residents, as the pitches are subject to a "Community Use Scheme" which was a condition of the original planning approval. This makes provision for the use of the pitches by teams from the wider community in the evenings and at weekends. Access is however, by appointment and they are not open to casual access by the public at large.

In the light of the above, in the absence of any objection from Environmental Health, and subject to the imposition of appropriate conditions, it is not considered that a refusal on amenity grounds could be sustained.

It is also necessary to consider the amenity implications of refusing the application, and the subsequent removal of the waste material. 1,900 vehicle movements would have a substantial amenity implication not only for residents living immediately adjacent to the site access but those along the entire route from the college to the landfill site. Even if the 30% lower figure suggested by the residents were applied to reflect the use of larger lorries, this would still amount to 1330 vehicle movements. Whilst it is acknowledged that this would be a temporary impact, it is still considered to be greater in magnitude than the affect on the row of dwellings in Dane Bank Avenue, resulting from the retention of the material on site, which could be adequately mitigated as described above.

Visual Impact

It is a firmly established planning principle, that occupiers of neighbouring properties have no right to a view over private land. Therefore, residents concerns about loss of outlook resulting from the grass pitch being replaced by a tarmac surface are not material considerations.

Notwithstanding this point, Policy BE.1 does state that proposals which compromise amenity due to visual intrusion will not be permitted. In this case, in view of the distance between the proposed pitches and associated retaining structures and fencing, and the intervening landscaping which is proposed, it is not considered that any visual intrusion would be sufficient to sustain a refusal. Particular concerns have been raised about the appearance of the gabion walls, and it is acknowledged that where these have been employed, the space for landscape planting is significantly more limited. However, these are also the points where existing boundary treatments to the properties in Dane Bank Avenue, are more substantial.

The pitches cannot be seen from the public domain, and therefore, there is no impact on the street scene or the character and appearance of the wider area.

Sustainability

The wider sustainability implications of the proposals also need to be considered. 1900 vehicle movements would generate a substantial carbon footprint, which the applicant

quantifies at around 63 tonnes. Although these figures are contested by the residents, it cannot be disputed that if the material is left on site no carbon emissions will be generated as a result of this element of the scheme.

Furthermore, by retaining the material on site, the need for land filling is reduced. Policy EM 11 (Waste Management Principles) of the Regional Spatial Strategy and Policy 11 (Development and Waste Recycling) of the Cheshire Replacement Waste Local Plan encourage the re-use and recycling of construction waste on site, wherever possible. Therefore to refuse the application would be contrary to the principles set down in these important Development Plan documents.

Drainage and Flood Risk

The original redevelopment proposals were subject to a comprehensive Flood Risk Assessment, and extensive attenuation measures were secured by condition, including Sustainable Urban Drainage schemes. These have been updated in the light of the proposed changes to the ground levels, hence the need to vary the drainage conditions attached to the original permission. The Environment Agency has been consulted and raised no objection.

Residents have stated that the increase in impermeable surfacing is inconsistent with government policies for dealing with flood risk. However, it must be stressed that as approval already exists for a MUGA of similar size in this location, and the extent of hard surfacing will not increase. Furthermore, as stated above, the original scheme was subject to a full Flood Risk Assessment with resulting mitigation measures.

Other Matters

Residents have expressed concern that the enlargement of the pitch was approved as a non material amendment. Consent was sought last year under the non material amendment procedure to increase the size of the MUGA by 3m in length and 2m in width. The extension to the length was in the direction of the college building and did not result in the pitch being any closer to the properties in Dane Bank Avenue. The increase in width resulted in the pitch extending a further 2m along the rear boundary of one of the properties in Danebank Avenue. However, it was considered that this change would have a minimal additional impact on the amenities of that property. It was therefore considered to be non material.

Concern has also been raised about the fact that previously the direction of game play had been east – west, whereas now it will be north-south, resulting in more stray balls landing in gardens. However, the pitches will not always be used in the north – south formation, it will depend upon the sport being played. Furthermore, fencing will be provided around the pitch which was not the case previously.

Neighbours have correctly pointed out that the area of landscaping between the pitch and the boundary of the site, provides a narrow, secluded “corridor” which could be a focus for anti-social behaviour. However, this area will be secured by the perimeter fencing to the MUGA to the north, the boundaries of the residential properties to the south, and gates will be provided to the east and west ends, to ensure that access is restricted to maintenance staff. This can be secured by condition.

11. CONCLUSION

The principle of a football pitch and MUGA in this area has been established by the previous permission. Whilst the raising of the ground levels has the potential to impact upon the amenity of neighbouring properties, it is considered this can be adequately mitigated through the use of appropriate conditions. The result would be that residents would be better protected from any negative externalities than would have been the case prior to the development taking place, or had it have been constructed in accordance with the approved plans.

Furthermore, to remove the material from the site would have greater amenity implications for the wider area, which although temporary, could not be mitigated to the same extent. It would also increase pressure on landfilling and would be contrary to development plan policy relating to re-use and recycling of construction materials.

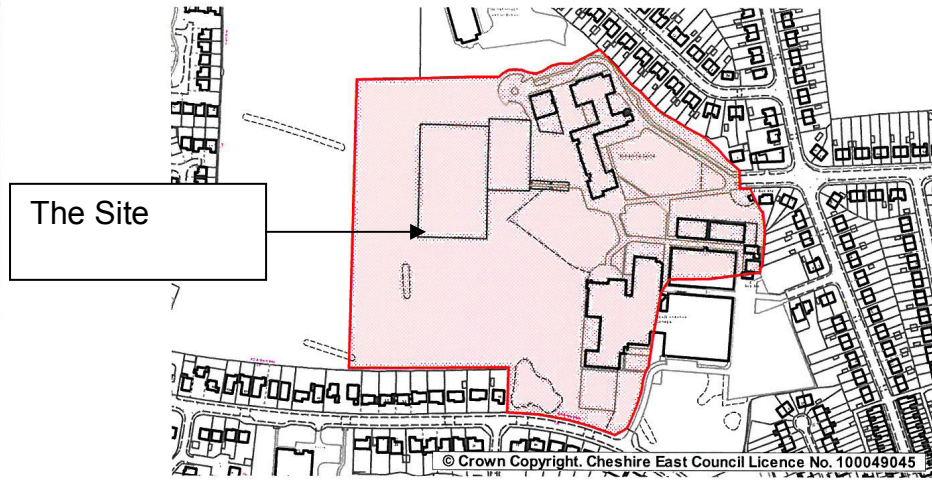
Therefore, having considered the matter carefully and having due regard to all the other matters raised, it is concluded that the proposal is in accordance with the relevant development plan policies and accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Plans**
- 2. Landscaping scheme**
- 3. Implementation of landscaping**
- 4. Provision of acoustic fencing**
- 5. Hours of use limited to:**
 - **9am to 9.30pm Monday - Friday during college term time**
 - **9am to 6pm on Saturday and Sunday and Monday to Friday during college holidays**
 - **No use on bank holidays**
- 6. No floodlighting**
- 7. Provision of gates to each end of the space between the pitch and the property boundaries.**

Location



Planning Reference No:	10/1089C
Application Address:	77 Sandbach Road North, Alsager.
Proposal:	Outline application for proposed development consisting of 3no. detached properties.
Applicant:	Mr R Millar
Application Type:	Outline Planning Permission
Ward:	Alsager
Registration Date:	12 th April 2010
Earliest Determination Date:	10 th May 2010
Expiry Date:	7 th June 2010
Date report Prepared	17 th June 2010
Constraints:	Tree Protection Orders

SUMMARY RECOMMENDATION: Approve with conditions.

MAIN ISSUES:

- Principle of the development
- Highways
- Layout and scale
- Impact on the amenities of neighbouring properties
- Amenity levels of future occupiers
- Impact on protected trees
- Drainage
- Loss of protected open space

1. REASON FOR REFERRAL

Called in by Councillor Derek Hough on the grounds of the scale of development and impact on the residents of Mere Court and Eaton Road.

“Residents have expressed concerns that:

- House size too large compared to Eaton Road
- Loss of open space will adversely affect residents of Mere Court”

2. DESCRIPTION AND SITE CONTEXT

The application site comprises the side garden of a large detached dwelling house, set behind number 79 Sandbach Road North and accessed by a private access, which runs between number 79 and Mere Court flats.

Part of the site was previously designated as a Protected Area of Open Space/Recreation Facility, however consent was granted in 2004 to change this to garden for 77 Sandbach Road North. A condition was attached to that permission requiring the trees on the north-eastern boundary of the site to be retained, however these have now been removed without consent.

3. DETAILS OF PROPOSAL

The proposal is for outline consent for 3 detached dwellings. Access, layout and scale are to be determined under this application, with appearance and landscaping being reserved for later consideration. Originally it was proposed that the dwelling on Plot 3 would be 9.9 metres in height, however following negotiations all 3 dwellings would be 8 metres in height. Plot 3 would be sited to the rear of the existing dwelling with Plots 1 and 2 sited at the northern end of the garden.

4. RELEVANT HISTORY

10/0147T 2010 Consent to prune various protected trees
09/1288C 2009 Withdrawn application for 3 dwellings
36901/3 2004 Approval for change of use of public open space to garden
36088/3 2003 Approval for double garage

5. POLICIES

National Guidance

PPS3 – Housing

Regional Spatial Strategy

DP1 – Spatial Principles

DP7 – Promote Environmental Quality

L4 – Regional Housing Provision

Congleton Local Plan 2005

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

PS4 – Towns

H1 & H2 – Provision of New Housing Development

GR1 – New Development

GR2 & GR3 – Design

GR6 – Amenity and Health

GR9 – Parking and Access

GR22 – Open Space Provision

NR1 – Trees and Woodlands

SPG2 – Provision of Private Open Space in New Residential Developments

SPD14 – Trees and Development

6. CONSIDERATIONS

Environmental Health:

I have taken the opportunity to examine the above application and would like to make the following comments:

Prior to commencement of development

Contaminated land observations

- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- A phase 1 report has been submitted which indicates there is limited potential for contamination at the site.

As such, and in accordance with PPS23, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

NOTE NCLC1

- The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Construction phase of development:

Protection from noise during construction (hours of construction)

The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

Pile Driving

Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

Highways:

The Strategic Highways Manager has assessed this application and offers the following comments:

JPK Design Ltd., have submitted a plan, which demonstrates vehicle tracking and junction geometry and shows the proposed junction to work to the satisfaction of the Strategic Highways Manager.

The Strategic Highways Manager would therefore recommend the following conditions and informatives be attached to any planning permission which may be granted for this proposed development:

Condition:- Prior to first development the proposed access will be completed in accordance with a design drawing to be approved by the LPA and based on JPK Design Ltd - Dwg No. 09/2/2462/2.

Informative:- Prior to first development the applicant will enter into and sign a S278 agreement under the Highways Act 1980, in order to protect the Authority against Part 1 claims.

Informative:- The specification for the extent of the new access which falls within the public highway will comply with Cheshire East Council Highway Authority specification and the applicant or their contractor will sign a S184 Road Opening Notice under the Highways Act 1980, prior to the commencement of the work.

Senior Landscape and Tree Officer:

There are a number of trees within the site of the proposed development. Several are identified on the plan and first schedule for the Alsager Urban District Council Tree Preservation Order (The Avenue, Sandbach Road North) 1972.

The submission includes a tree survey, a tree constraints plan and a tree protection plan. Whilst the application is outline, approval is being sought for access, scale and layout.

A number of unprotected trees have been removed from the site since my visits to the site in connection with the previous planning application and a later tree work application. Works granted consent under the TPO in March this year have been undertaken to protect trees. The layout plans as currently proposed are likely to require the removal of one unprotected tree, an immature Horse Chestnut tree located to the east of the existing access where a footway is proposed. The tree is judged to have low amenity value.

In relation to retained trees, it appears that the layout would generally allow for root protection areas as recommended in British Standard 5837:2005 Trees in relation to construction. Nonetheless, there are areas where the proposed development could impact on retained trees:

- The proposed realignment of the driveway would potentially require special construction techniques to avoid damage to tree roots. This could be addressed by condition.
- A large proportion of the rear garden of plot 3 would be under the crown spread of trees. In addition, it appears from late morning onwards this plot would be influenced by shading from the trees on the eastern boundary of the site, the protected mature Cedar of Lebanon to the south and the protected Oak trees to the west. Such circumstances could prove unacceptable to occupiers and it is likely that there would be pressure to prune heavily or fell trees which would be difficult to resist. (A three storey house on this plot would contribute to the shading issues).
- Whilst outside the root protection area, in the position proposed the dwelling on plot 2 would be close to the crown of a Scots Pine tree. (Not included in the TPO). This juxtaposition could give rise to concerns to future occupiers of the dwelling and re-siting or a reduced footprint would be preferable.

Overall I am not convinced that the layout as currently proposed is sympathetic to the character of the site and the existing features thereon.

In the event that the development is deemed acceptable, notwithstanding the information submitted, conditions would be required to cover tree protection measures, positions of services, special engineering for installation of hard surfaces near trees, the location of the site office, working methods and supervision of arboricultural protection measures etc. I would expect this to be encompassed in an arboricultural method statement.

Spatial Planning

The site lies within the Settlement Zone Line and partially within an area of Protected Open Space as identified in the adopted Congleton Borough Local Plan. There are also TPO's on the site. The proposal is for the erection of 3 dwellings.

ACCORDANCE WITH THE DEVELOPMENT PLAN

The statutory development plan comprises the Congleton Local Plan First Review and the Regional Spatial Strategy (RSS) for the North West. However, the Secretary of State for CLG has recently announced that the RSS will be abolished in the near future, returning decisions on housing land supply to LPAs and this intent should be a material consideration in the determination of planning applications

Regional Spatial Strategy

The NW **RSS** (2008) proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. It should be noted that these requirement figures are average annual figures to be achieved during the overall period covered by this RSS, from 2003 to 2021 rather than an absolute annual target, and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies. It should be noted that this RSS document supersedes the figures in both the Structure Plan and the Local Plans for the former Districts. 7,449 dwellings have been completed for Cheshire East for the period 2003-2009 (AMR 2009).

Policy **DP4** refers to a sequential approach for making the best use of existing resources and infrastructure, whereby development should accord with the following sequential approach:

1. First, use existing buildings (including conversion) within settlements and previously developed land within settlements;
2. Second, using suitable infill opportunities within settlements, where compatible with other RSS policies;
3. Third, the development of other land where this is well-located in relation to housing, jobs, other services and infrastructure and which complies with the other principles in DP1-9.

The site is brownfield and could be classed as an infill opportunity within a settlement.

Local Plan

With regard to policy **H4**, the proposal needs to satisfy the following relevant criteria:

1. The proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan – the site has not been allocated or committed in the Local Plan;
2. The proposal does not give rise individually or cumulatively, to housing supply totals significantly at variance with the provisions of policies H1 and H2 – Housing figures superseded by RSS;
3. Various sustainability criteria – (see below);
4. The proposal accords with other relevant policies of the Local Plan.

The various sustainability criteria are:

- A. The availability of previously developed land sites and empty or underused buildings and their suitability for housing use;
- B. The location and accessibility of the site to jobs, shops and services by modes other than the car and the potential for improving such accessibility;
- C. The capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;
- D. The ability to build communities to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities;
- E. The physical and environmental constraints on the development of the site such as the level of contamination, stability and flood risk taking into account that this risk may increase as a result of climate change.

In assessing the proposal's conformity with the above criteria it is found that:

- A. The site is mainly brownfield;
- B. The site is located within the SZL of Alsager and close to bus routes;
- C. There is insufficient information to assess this criterion;
- D. There is insufficient information to assess this criterion;
- E. The site is not within an area of flood risk.

Policy **RC2** relates to protected areas of open space. However, it is noted that in 2004 permission was granted for the change of use of the public space in question to a garden area and therefore the proposal does not need to be assessed against this policy.

In light of the above policies, therefore, it is found that the proposal is generally in accordance with the Development Plan.

MATERIAL PLANNING CONSIDERATIONS

Housing Supply

Both National and Regional policy guidance state that Local Authorities should manage their housing provision to provide a five years supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. With the introduction of

PPS3 if the Council does not have a five year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply (AMR 2009). This figure takes into account any backlog or over delivery of dwellings over the last 5 year period. Notwithstanding the existence of a 5 year supply, this does not preclude other, suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives.

CONCLUSION

Taking the above into account, I have no policy objections to this application.

7. VIEWS OF TOWN/PARISH COUNCIL

Alsager Town Council strongly objects to the proposed development on the following grounds:

1. The use of the single track access from the development onto Sandbach Road North is considered to be inadequate and dangerous in its current layout. To have an additional 3 properties with provision for 4 vehicles per property entering and leaving onto a busy main road – Sandbach Road North – with The Avenue directly opposite will further add to the traffic dangers at this point.
2. The service road to the properties shown on the plan does not seem to be wide enough for emergency vehicles i.e. Fire and Ambulance services.
3. The Town Council are of the opinion that the 3 properties constitute over intensification of the site and are not in keeping with the rest of the properties in that area.
4. The height of the proposed dwellings would considerably overlook the properties on Mere Court and the rear gardens of the houses and certain properties on Eaton Road.
5. The Town Council is concerned for the residents of Mere Court and Eaton Road regarding possible noise and light pollution from this development given the type of proposed development and Mere Court flats exclusively occupied by senior citizens.
6. The Town Council also has concerns about the ability of the existing surface water and sewerage drains to cope with this extra development. The Town Council understands that there is a low water table in this particular area and that there have been instances of flooding of the surrounding land in the past and the proposed development could add to this problem.
7. Any trees currently contained in conservation orders in this area should be retained.
8. The lack of adequate space provided for the extra bins and boxes for refuse collection.
9. The development is due to be built on land that is possibly Protected Open Space and needs to be investigated further by Cheshire East.

The Town Council request that a site inspection be arranged before the Committee consider the application.

8. OTHER REPRESENTATIONS

14 representations have been received relating to this proposal expressing concern over the following issues:

- Highway Safety
- Increase in Traffic Movements
- Inadequate Access for Emergency Services
- Inadequate Drainage
- Land Prone to Flooding
- Loss of Light
- Loss of Privacy
- Size of the Dwellings
- Out of Character with the Area
- Loss of a Green Space
- Loss of an Area of Protected Open Space/Recreation Facility
- Impact of Construction Traffic
- Increase in Noise Levels
- Damage to Protected Trees
- Light Pollution
- Extra Bins Creating Disruption on Pavements

9. APLLICANT'S SUPPORTING INFORMATION

- Contaminated land survey that did not identify any significant contamination risks relevant to the proposed development.
- Tree Survey which concludes that the development could be accommodated on the site without adverse impact to the trees, subject to conditions.
- Design and Access Statement, which highlights the benefits of the proposed development.

10. OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Settlement Zone Line of Alsager where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town. One of the key considerations is whether the Council is in a position to meet its five year land supply targets.

The Strategic Planning Officer has stated that as a whole Cheshire East has 5.14 years supply; however this does not preclude other suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives. The Secretary of State for Communities and Local Government has recently announced that the Regional Spatial Strategy will be abolished in the near future; returning decisions on housing land supply to Local Planning Authorities and this intent should be a material consideration in the determination of planning applications.

On this analysis, the principle of housing development within the Settlement Zone Line of Alsager would be difficult to resist as the regional housing targets are set as a minimum, not a maximum limiting the amount of development that can take place.

The development would be on garden land and the Government has recently made an announcement stating that this would no longer be classified as brownfield. However the development should still be determined against the criteria set out in the adopted Congleton Borough Local Plan First Review that does not have a saved policy relating to backland development.

Highways

There have been several objections to the proposal on the grounds of highway safety, in particular the width of the access and the safety of the junction with Sandbach Road North. However the Strategic Highways Manager has assessed the development and the access road and junction are considered to be satisfactory subject to a detailed design drawing of the access being submitted to and approved by the Local Planning Authority. It is therefore considered that a refusal on the grounds of highway safety concerns could not be sustained.

Layout and Scale

The proposal is for three detached dwellings, with two being sited at the northern end of the site and one being sited to the side of the existing dwelling and garage. It is considered that there is sufficient space in the garden for the three dwellings and the layout would provide adequate parking and private amenity space.

Having regard to the scale objections have been received expressing concerns over the size of the proposed dwellings. They would be five bedroom and originally Plots 1 and 2 were to be 8 metres in height, with Plot 3 being 9.9 metres in height. The height of the dwelling on Plot 3 was considered to be excessive and amended plans were submitted showing this dwelling at 8 metres in height. There are a variety of house types in the vicinity including large and medium sized detached dwellings, semi-detached dwellings and flats and it is therefore considered that the proposal would not be out of keeping with the character of the area in terms of layout and scale.

Impact on the Amenities of Neighbouring Properties

To the west of the site is Eaton Road and the development would meet the minimum separation distances set out in Supplementary Planning Document 2 (Private Open Space). It is therefore considered that there would be no significant adverse impact on the amenities of these properties. To the east are the flats at Mere Court, which would also meet the separation distances provided that there are no main windows facing each other. This will be addressed at the reserved matters stage when the appearance of the dwellings will be assessed. In addition there is significant screening on the boundary with Mere Court, which would screen the development.

Amenity Levels of Future Occupiers

Having regard to the amenities of future occupiers of the proposed dwellings, it is considered that the usable amenity space to be provided for each dwelling would be in compliance with SPD2 and would be acceptable.

The Senior Landscape and Tree Officer has expressed concerns about the impact of the existing trees on the dwelling proposed for Plot 3. However, when the officer undertook the site visit it was apparent that this plot would not be unacceptably overshadowed by the trees.

Impact on Protected Trees

The previous application was withdrawn as it was considered that the siting of the dwelling on Plot 3 would mean that it would not have adequate usable amenity space. This was because the protected Oak tree on the boundary with the properties on Eaton Road would overshadow the proposed dwelling and could lead to pressure to fell this tree. The proposed dwelling has since been re-sited and the tree has undergone works that have addressed this issue.

Having regard to the advice given by the Senior Landscape and Tree Officer, it is considered that conditions should be imposed relating to tree protection and construction methods in order to ensure the continued health of the trees.

Drainage

Several of the objectors have expressed concerns regarding drainage and flood risk. However, it is considered that this should be addressed by requiring full details of how the site will be drained for approval.

Loss of Protected Open Space

The site includes a section of land at the rear of the garden that is shown on the local plan maps as being an area of protected open space/recreation. However consent was granted in 2004 to change the use of the land to domestic garden, with a condition requiring the trees on the northern boundary to be retained. These have subsequently been removed without consent. It is considered however that conditions could be imposed, if this proposal is approved, that would address the issue with re-planting on the boundary.

11. CONCLUSIONS AND REASONS FOR THE DECISION:

In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

12. RECOMMENDATION:

Approve subject to the following conditions:

- 1. Submission of reserved matters within 3 years**
- 2. Commencement of development within 2 years of approval of the last reserved matters**
- 3. Development in accordance with agreed drawings**
- 4. Submission of details/samples of external materials**
- 5. Submission of detailed drainage scheme**
- 6. Limits on hours of construction**
- 7. Limits on hours of piling**
- 8. Submission of detailed access and junction plans**
- 9. Submission of landscaping scheme**
- 10. Implementation of landscaping scheme**
- 11. Submission of details of boundary treatments**
- 12. Tree protection scheme**
- 13. Method statement for construction in relation to the protection of trees**

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	10/1657N
Application Address:	Holly Bush Inn, Crewe Road, Winterley, Sandbach, CW11 4RF
Proposal:	New Building on Land to the Rear of Existing Public House Incorporating 15 Bedroom Guest Accommodation and Conference Facility. The Enclosing of Existing Deck Area.
Applicant:	Mr & Mrs R Williams
Application Type:	Full Planning
Grid Reference:	374834 357752
Ward:	Doddington
Earliest Determination Date:	25 th June 2010
Expiry Dated:	29 th June 2010
Date of Officer's Site Visit:	11 th June 2010
Date Report Prepared:	16 th June 2010
Constraints:	

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Appropriateness of Design and Impact on Character and Appearance of Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Aafety

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Hammond has requested it be referred to Committee. The reason for call-in being:

"To address concerns regarding the effect of the development upon the character and amenity of neighbouring properties and the impact on the surrounding area particularly relating to policies BE.1 and BE.2.

The Committee need to consider the compatibility of the proposed development alongside neighbouring properties within the Community and its proximity to open countryside."

2. DESCRIPTION OF SITE AND CONTEXT

The application site is a large public house known as the Holly Bush Inn located within the settlement boundary for Winterley as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011 Proposals Map. The public house is set within a large curtilage. Much of the land is used for car parking or beer garden. There are a number of trees within and along the boundaries of the site, none of which are covered by a Tree Preservation Order. The site is bound to the north and south by residential properties, to

the west are fields which are in the Open Countryside (as defined by the Proposals Map) and the eastern boundary is defined by Crewe Road.

3. DETAILS OF PROPOSAL

The application proposes the construction of a building for guest accommodation. The building would incorporate 15 en-suite rooms and a conference facility room. The building would be 'L' shaped with a maximum width of 26.9m and maximum depth of 16m and would consume a total footprint of 315.84sqm. The building would be single storey in appearance with an eaves height of 2.8m and a height to ridge of 6.5m. There would however be two dormer windows within the rear roof for two rooms in the loft space. The appearance of the building would comprise long sash windows with brick and render elevations and a roof style that is half hipped. There would also be a net increase of 14 additional car parking spaces on the site.

The application also proposes an extension to the dining area by providing a cover to the existing external decked area. The extension would have a lantern in its roof and have sliding/folding doors which fully open.

4. RELEVANT HISTORY

P07/0734 – Planning permission approved for Rear Awnings and Decked Terrace on 6th July 2007

P03/0721 – Outline Planning permission refused for the Conversion and Extension of Former Public House to Form 3 no. Residential Dwellings and Provision of 7 no. Two Storey Dwellings at Rear on 19th August 2003

P97/0366 – Planning permission approved for a single storey extension on 1st August 1997

P94/0199 – Planning permission approved for single storey extension on 2nd June 1994

P91/0251 – Planning permission approved for Kitchen/dining extension and construction of additions car parking area on 9th January 1992

7/20205 – Planning permission refused for Extensions to form dining room, kitchen and store on 31st October 1991

7/18894 – Planning permission approved for the extension of lounge area on 1st November 1990

7/15199 – Planning permission approved for Erection of double pitched roof garage to accommodation licensees cars on 7th April 1988.

7/06894 – Planning permission approved for alterations and Extensions approved on 3rd July 1980

5. POLICIES

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

Local Plan policy

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.5 Infrastructure
TRAN.9 Car Parking Standards
RT.7 Visitor Accommodation

Other Material Considerations

PPS.1 Delivering Sustainable Development
PPS.4 Planning for Sustainable Economic Growth

Good Practice Guide on Planning for Tourism (*DCLG: 2006*)

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objection

United Utilities: No objection to the proposal

Environmental Health: Recommends conditions - No development shall commence until a Noise Impact Assessment has been submitted to and approved by the Local Planning Authority. The noise impact assessment shall address; hours of operation; noise from moving and stationary vehicles; impact noise from slamming car doors; noise from vehicles moving to and from the site in terms of volume increase; and current background levels of noise. Any recommendations within the report shall be implemented prior to the development being brought into first use.

A scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise, to be submitted to, and approved by, the Local Planning Authority prior to the commencement of development.

Conditions also suggested for construction hours and pile driving.

7. VIEWS OF THE PARISH COUNCIL

Haslington Parish Council request that the application be called in and a site visit be undertaken by the planning committee.

The application could be considered in two sections firstly the enclosing of the dinning patio/decking area which appears to fit in with the existing Public House building and will reduce outside noise levels, this part of the application is supported by Haslington Parish Council and we understand most of the residents in neighbouring properties. The second part of the application proposing the accommodation building has raised concerns from the immediate residents, many of which are shared by the Haslington Parish Council.

Given that all the Holly Bush site is within the settlement boundary of Winterley, some additional development appears inevitable, however the current proposed hotel development is not compatible with the neighbouring residential area and its proximity to the open countryside. The application includes a photo-mock-up of the accommodation block adjacent to No 5 Hollyfields, this is very misleading; although the Holly Bush site loses about 1.5m in ground level from Crewe Road to the proposed building, the property at No 5 is also built at the same lower level; the height and overall impact of the new building would therefore be much greater than indicated by the picture. The height of the accommodation block needs to be reduced to a true single storey and reduced in depth to

more closely match the building line at Hollyfields, removing the need for 1st floor windows or bedroom windows facing the neighbouring houses, a lower pitch of the roof, closer in style to that of the original pub would be more acceptable.

Lighting within the site needs to be reviewed, utilising low level lighting poles that do not spill over into neighbouring property. A substantial screening hedge needs to be maintained between the car park and existing houses. The hours of operation for the accommodation block need to be clearly defined to minimise disturbance from guest arrivals and departures, the application states that hours of opening are not known, the Haslington Parish Council request that the A3 and A4 uses are restricted to the licensed hours of the pub and the C1 Hotel use is restricted to say 07:30 to 22:00 to minimise the disturbance to neighbouring residents.

The application submitted for accommodation fails to meet policy RT.7 since it fails the associated policies BE.1 and BE.2, specifically the loss of amenity for neighbouring residential properties by reason of overlooking, visual intrusion, potential noise and disturbance and failure of the design to respect the pattern, character and form of the surroundings.

8. OTHER REPRESENTATIONS

7 representations of objection received from 9 Alsager Road, 390, 491 Crewe Road, 3, 4, 5, 6 Hollyfields, and 1 from an unknown address. The salient points being:

- Noise problem from the existing pub, with late opening, traffic noise, car doors, raised voices
- Smoking area with noise and passive smoking
- Late night functions have caused numerous complaints
- At busy times there is a problem with onstreet parking
- Junction with Alsager Road is already a traffic black spot
- Land on which the building is proposed is prone to flooding
- Extra traffic generated at all hours
- Design of building would not maintain village image
- Building would be totally out of place bounding close to neighbouring properties
- Whole site in summer is fully utilised
- Neighbour consultation not carried out
- Building is two storey and projects several metres forward
- Windows to side and rear which would be able to see into garden.
- Is there a requirement for additional rooms
- No provision for fire escapes
- Building would be visually overbearing and overlook nearby properties leading to a loss of privacy
- Building would not sit well within Winterley
- Would not enhance the character of the area
- Rooms within 5 miles are in excess of 700 and not occupied anywhere near 100%, none of which are within close proximity to residential properties
- Massing and physical presence would affect the streetscene
- Boundary is a deciduous hedgerow and windows would have full view of building
- Increased noise and disturbance and air pollution
- Development does not discourage use of private car
- Loss of pub garden is garden grabbing
- Can be no control over arrival and departure times

- Lighting of car park
- Loss of privacy due to CCTV

Two letters of support received from 29 Alsager Road, Winterley and 687 Crewe Road, Wheelock Heath. The salient points being:

- Pub is an asset to the village
- Guest rooms would improve the village
- Many pubs closing in the area
- Guest rooms would provide a facility which would allow visitors to enjoy the village
- Would not cause any issues and would bring new business to the area

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement – Salient points being:

- Site within settlement boundary for Winterley
 - Accessed via main road out of Winterley within close proximity to M6. Site has good existing access with visibility splays
 - Inn on a cycle route and has a bus stop adjacent
 - On site guest accommodation served by the Inn increase viability of site
 - Land is underused and brownfield site and proposed use is compatible.
 - Pre-application discussions held with Local Planning Authority, Strategic Highways Manager and Environmental Health. Also consultation with neighbours
 - Substantial landscape buffer will remain between the development and open countryside
 - Not a noise generating use
 - Building respects existing building lines. Building is 4.5m from flank elevation of nearest residential building.
 - Mature hedge and two trees along rear boundary, building to be sited outside root protection zone for the trees.
 - Demarcated pedestrian link between the Public House and guest accommodation to be provided.
 - Additional overflow parking has been sited away from residential properties.
 - Building in a natural hollow in land – lower than public highway
- Design captures period feeling of the Public House and also style of neighbouring properties and windows have traditional feel which mimic inn
- Overflow car park will be paved in grass blocks and divided off with 1.2m high see through CLD Ultimate profiled panel fence
 - Proposal will incorporate cycle parking

10. OFFICER APPRAISAL

Principle of Development

The Holly Bush Inn is located within the Settlement Boundary for Winterley as identified by the Local Plan Proposals Map. Policy RT.7 (Visitor Accommodation) states that development proposals for hotels and guest houses within settlement boundaries are acceptable where they are appropriately located and of a suitable design in accordance with other Local Plan Policies, namely BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources) and BE.5 (Infrastructure). It is therefore considered that the proposed development of the guest accommodation is acceptable in principle. Furthermore, the development of guest accommodation for 15 rooms associated to a public house is an appropriate pairing of uses. The main

considerations therefore are whether the proposed development would result in a detrimental impact on the amenities of neighbouring properties, would be of an appropriate siting and design, and would not result in highway danger.

The proposed extension to the Public House is acceptable in principle in this location provided that it is of appropriate design and would not result in a detrimental impact on the amenities of neighbouring properties.

Appropriateness of Design and Impact on Character and Appearance of Streetscene

The application proposes the construction of a one and half storey 'L' shaped structure which would have a maximum width of 26.9m and maximum depth of 16m and would consume a total footprint of 315.84sqm. The building would be single storey in appearance with an eaves height of 2.8m and a height to ridge of 6.5m. The building would be lower than the two storey residential property adjacent and would be modest in scale. The proposed guest accommodation unit would largely follow the building line of units 5-7 Hollyfields and as such would be sited to the western end of the site at a distance of 65m from the public highway. Furthermore, the site slopes away slightly from the highway to the western boundary. Between the public highway are two rows of established landscaping. The siting of the building in the plot, change in land levels, extent of existing landscaping and scale of the proposed unit mean that the proposed guest accommodation would respect the pattern of development and would not be a prominent form of development. It would therefore cause no considerable harm to the character and appearance of the streetscene. The roof of the proposed structure would be visible from Hollyfields however it is not considered that this would be significant enough to justify a refusal of the application.

The proposed porch canopy and proposed low sill level of the window openings reflect the design detail that can be found in the Public House. The half hip roof design is consistent with the design of neighbouring dwellings to the north. With the LPA maintaining control over the materials used, through condition, it is considered that the proposed structure would be of an appropriate appearance.

A large area of additional car parking is also proposed and the LPA has some concern over the total area of hardstanding at the site. By conditioning the submission of surfacing materials the LPA can control the appearance of this area of hardstanding with surfaces of a softer appearance.

It is considered that the siting of the proposed development would mean that a green buffer is still retained between the open countryside to the west and the built development. There is also scope for additional landscaping throughout the site to soften the impact of the proposed development.

The proposed extension to the public house would be located on the existing decked area to the rear of the property. The application proposes enclosing this area with a single storey structure with glazed elevations and roof. The extension is designed with sliding/folding glazed doors and would therefore appear as a fairly lightweight structure. The height of the proposed extension would be similar to the existing single storey extensions to the Public House and would therefore appear as a subordinate addition to the host building.

It is considered that both aspects of the proposed development will satisfy the criteria for design set out in Policy BE.2.

Impact on Amenity of Adjacent Properties

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

Noise and Disturbance

A development of this type has the potential to cause an impact on neighbouring amenity through noise and disturbance, and this is therefore the main amenity consideration. This can come from increased activity, and vehicular movements, to and from the site. The existing relationship between the site and those neighbouring properties to the north is that of car parking spaces sited adjacent to rear gardens. There is a mature tall hedgerow along this boundary. This relationship would not alter as a result of the proposed development and the car park would be fully occupied in busy periods. Whilst there may be an increase in activity, Environmental Health have made no objection to the proposed development. They have, however, suggested that a Noise Impact Assessment be submitted as a condition to determine the level of impact of the development generated from the proposed guest accommodation development, particularly relating to hours of operation; noise from moving and stationary vehicles; impact noise from slamming car doors; noise from vehicles moving to and from the site in terms of volume increase; and current background levels of noise. The NIA should detail any recommendations within the report deemed appropriate to mitigate against any significant increase in noise. These measures should be implemented prior to the development being brought into first use. A condition to that end is therefore considered appropriate. In the absence of any objection from Environmental Health it is considered that it would not be expedient to refuse the application on adverse impact on amenity.

The additional car parking would be sited over 30m from the properties to the north and 40m from the properties to the east. However, this would be adjacent to the rear garden of No.s 495 and 497. The applicant identifies that this would be overspill car parking and those spaces closest to the curtilage boundary would only be used in busy periods. Given the proposed nature of development it is considered that details of lighting should be submitted, through condition, to ensure that this does not cause nuisance to neighbouring properties.

The proposed conference facility measures 4m x 6.3m and would not therefore be of a size to accommodate functions such as weddings.

Overlooking/Loss of Privacy

All windows within the proposed guest accommodation would face towards the existing car park to the east or the open countryside to the west, with the exception of one window which would face towards an existing mature 2m high boundary hedge shared with No.5 Hollyfields. With the exception of 2 dormer windows within the rear elevation all windows would be at ground floor level. It is therefore considered that there would be no significant loss of privacy or overlooking resulting from the proposed guest accommodation building.

Overshadowing

The proposed guest accommodation would be sited in line with the rear building line of No.5 Hollyfields. It would, however, project forward of the front building line of this property by 6.8m. The building would be sited almost 3m from the boundary and would have a height to eaves of 2.8m with the roof then sloping away from the boundary. Given the height to eaves and ridge of the proposed structure, the boundary treatment and spacing it is not considered that there would be any significant overshadowing resulting.

Visual Intrusion

Given the scale of the proposed guest accommodation and the boundary treatment along the northern boundary there would be no visual intrusion resulting from the proposed development.

Given the siting of the proposed extension to the Public House it is not envisaged that there would be any amenity issues arising.

Impact on Highway Safety

The proposed guest accommodation would be accessed from the existing public house access from Crewe Road. There has been no objection raised from the Strategic Highways Manager with regard to the access proposals which has acceptable visibility in either direction. The scheme includes a net increase in the number of car parking spaces of 14 to accommodate for the maximum demand for the public house and guest accommodation operations. In the absence of Strategic Highways Manager objections it is considered that the access and parking arrangements are acceptable.

11. CONCLUSIONS

Policy RT.7 allows developments for visitor accommodation within settlement boundaries providing they are appropriately located and of a suitable design. In this instance it is considered that, as conditioned, the proposed development would not have a significantly detrimental impact on the amenities of neighbouring properties. The siting and overall design and appearance of the building would not have a detrimental impact on the character and appearance of the streetscene. Access to the site and the proposed parking provision is considered to be appropriate. There are no issues arising from the construction of the single storey extension to the Public House.

12. RECOMMENDATIONS

Approve subject to conditions

- 1. Commence Development within 3 years**
- 2. Development in Accordance with Approved Plans**
- 3. Materials to be submitted and approved**
- 4. Details of hard and soft Surfacing Materials to be submitted and approved**
- 5. Scheme of Landscaping to be submitted and approved**
- 6. Scheme of Landscaping to be implemented**
- 7. Scheme of drainage to be submitted and approved**
- 8. Notwithstanding submitted information details of boundary treatment to be submitted**

9. Parking to be provided prior to first occupation of the Guest Accommodation
10. Noise Impact Assessment to be submitted to the Local Planning Authority and approved. Any Noise Attenuation Measures to be implemented prior to development being first brought into use
11. Scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise, to be submitted to, and approved by prior to the commencement of development.
12. Hours of Construction to 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 on Saturdays and not at all on Sunday or BH Monday
13. Details of Pile Driving to be submitted
14. Details of any floodlighting or security lighting to be submitted and approved
15. Details of Cycle Storage to be submitted and approved

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/1746C
Application Address:	Owls Hoot, Blackden Lane, Goostrey, CW4 8DG
Proposal:	Demolition of the existing dwelling, garage and brick wall/piers and the erection of a new four bedroom detached dwelling with a detached double garage.
Applicant:	Coventry Building Society
Application Type:	Full Planning Permission
Ward:	Congleton Rural
Registration Date:	13 th May 2010
Earliest Determination Date:	24 th June 2010
Expiry Date:	8 th July 2010
Date report Prepared	11 th June 2010
Constraints:	Open Countryside, previous enforcement history.

SUMMARY RECOMMENDATION: Grant planning permission with conditions.

MAIN ISSUES:

- Principle of the development
- Highways
- Appearance
- Scale
- Layout
- Impact on amenity of neighbouring properties

1. REASON FOR REFERRAL

Called in by Councillor A Kolker for the following reason:

“This site has a very high profile past, since the current house has been built without planning permission. Consequently the Council's Planning Enforcement Department has ordered the demolition of this house.

The proposed replacement house is large and the architecture is unlike surrounding properties. The committee should therefore consider:

The design, scale, character and/or relationship of existing buildings and proposed buildings,
and

The effect of the proposal upon the character or amenity of adjoining land and buildings and/or the impact on the surrounding area.”

2. DESCRIPTION AND SITE CONTEXT

The application site is occupied by a property that fronts onto Blackden Lane and is set back into the site by approximately 20 metres. The site was previously occupied by a white rendered cottage typical of the local farmhouses within the area and is designated in the adopted local plan as being within the Open Countryside.

In 2005, planning permission was granted for 2 storey side and rear extensions to the original dwelling (05/0800/FUL) and in addition consent was granted for a detached garage (05/1083/FUL). The garage was not constructed in accordance with the approved plans and was subject to enforcement action. A subsequent amended design was approved however this was not implemented in compliance with conditions and therefore it remains unlawful and subject to the enforcement notice which requires its demolition. In 2006 an application was submitted for a replacement dwelling (06/0197/FUL). This was necessitated because the majority of the original dwelling was demolished and only the front wall remained. The application for the replacement dwelling took an identical form to that which had been approved for the extensions to the original dwelling and was approved. Later in 2006 an application for a revised replacement dwelling was submitted which included the addition of a conservatory. This was refused due to inappropriate design and size.

In 2008 the Council issued enforcement notices as the dwelling constructed at the site was not as approved, in that it was significantly larger and differed in design terms and a retrospective application was refused (08/0429/FUL). The refusal was issued because the dwelling was significantly larger than the original dwelling and because the bulk, design and materials were inappropriate to its location in the open countryside.

An appeal was dismissed in 2009 and required that the building be demolished. The property subsequently reverted to the ownership of the mortgage holders and this application seeks to gain consent for a replacement dwelling more appropriate in size and design to the area.

Members should be aware that the previous owner has no interest in the site and this application is being made by the Coventry Building Society. This is in order that the site can be marketed successfully. The enforcement notice runs with the land therefore it will be incumbent on any new owner to meet its requirements, ie demolish the unauthorised dwelling. In addition it will be necessary for them to comply with the enforcement notices, which require demolition of the unauthorised garage and front boundary walls and piers.

3. DETAILS OF PROPOSAL

The proposal seeks full planning permission for the demolition of the existing dwelling, garage and brick walls and piers and replacement with a four bedroom detached dwelling with detached double garage to the rear.

4. RELEVANT HISTORY

09/0004/ENFAPP	2008	Enforcement action appeal dismissed	2009
08/0429/OFUL	2008	Refusal for replacement dwelling	
06/0562/FUL	2006	Refusal for replacement dwelling	
06/0197/FUL	2006	Approval for replacement dwelling	
05/1083/FUL	2005	Approval for detached garage	
05/0800/FUL	2005	Approval for extensions to dwelling	

5. POLICIES

National Guidance

PPS1 – Delivering Sustainable Development

PPS3 – Housing

Congleton Local Plan 2005

PS8 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H6 – Residential development open countryside

6. CONSIDERATIONS (External to Planning)

Environmental Health:

None received at the time of report writing.

Highways

None received at the time of report writing.

7. VIEWS OF TOWN/PARISH COUNCIL

None received at the time of report writing.

8. OTHER REPRESENTATIONS

No other representations have been received at the time of report writing

9. APLLICANT'S SUPPORTING INFORMATION

- Design and Access Statement, which highlights the fact that the proposed dwelling would represent a modest increase of 30% when compared to the original dwelling on the site and that the layout and traditional design and materials to be used would enhance the quality of the appearance of the area.

10. OFFICER APPRAISAL

Principle of Development

The principle of allowing a replacement dwelling on this site was established under application number 06/0197/FUL in 2006. This was following the approval for extensions that resulted in the almost total demolition of the original building, the replacement as approved was identical to the original building with the additional extensions. The building subsequently constructed was significantly different and larger to that approved and a retrospective application for the building as constructed was refused in 2008. Enforcement action was taken and an appeal against this was dismissed in 2009. The appeal decision required the dwelling to be demolished and the current owners (Coventry Building Society) approached the Council for advice as to how to proceed. The applicants were advised that

if the building were demolished prior to an approval being granted, it would be unlikely that consent would be granted for a new dwelling in the open countryside.

Highways

No response has been received relating to this application, however there were no highways objections to previous applications for replacement dwellings on this site and there is adequate space for the parking of at least 4 vehicles and safe access and egress.

Appearance

The submitted proposal is the result of prolonged discussions between the applicants and the Council and the applicants have clearly heeded the advice given at officer level. The dwelling would have an Oak timber frame with render infill, brick chimneys and plinth, timber casement windows and a slate roof finish. The garage would be sited to the rear of the dwelling in the northwestern corner of the plot and would be constructed of a brick plinth, stained timber weatherboard and a slate roof finish. Whilst the proposal does not seek to copy the various styles of properties in the locality, it is considered to be of an appropriate and sympathetic scale and design. The proposal is therefore considered to be in compliance with Policy GR2 in terms of appearance.

Scale

The application for extensions to the original building was determined in the light of Policy H16 of the adopted local plan that states that modest extensions in the range of a 30% increase in volume are acceptable. The Council approved these extensions and the subsequent replacement dwelling, and these represented an increase of approximately 178%. The unauthorised dwelling that was constructed on site and will be demolished represents an increase of approximately 412% in volume to that of the original dwelling house. It should be noted that the replacement dwelling that was approved in 2006 could not be constructed because that consent has now expired.

The original dwellinghouse on the site had a total building volume of 393.91 cubic metres and the proposed replacement dwelling would have a total building volume of 521.75 cubic metres. This would represent an increase in volume of 127.84 cubic metres or 32.4%. It is therefore considered that this proposal would represent an acceptable increase in volume, not being significantly larger than that of the original dwelling, in compliance with Policy H6 of the adopted local plan. The height of the new building would be 6.4 metres, which is considered acceptable and is a reduction of 1.8m from that currently on site.

Layout

The new dwelling would be set back approximately 19.5 metres from the boundary with Blackden Lane, and would be in a similar position to the unauthorised dwelling on the site. The original dwelling was also in a similar position. The proposal is considered to be acceptable. The proposed garage would be sited to the rear of the proposed dwelling, which is considered to be an improvement on the existing layout at the site.

Impact on the Amenity of Neighbouring Properties

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking. There are residential properties in the vicinity of the site, however all are in excess of 75 metres away. As such it is considered that the proposed dwelling would have no adverse impact on their amenities. In fact the demolition of the existing dwelling would

improve the appearance of the area, which would represent a benefit in terms of visual intrusion. The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan provided that conditions are imposed to limit hours of demolition, construction and piling.

11. CONCLUSIONS AND REASONS FOR THE DECISION

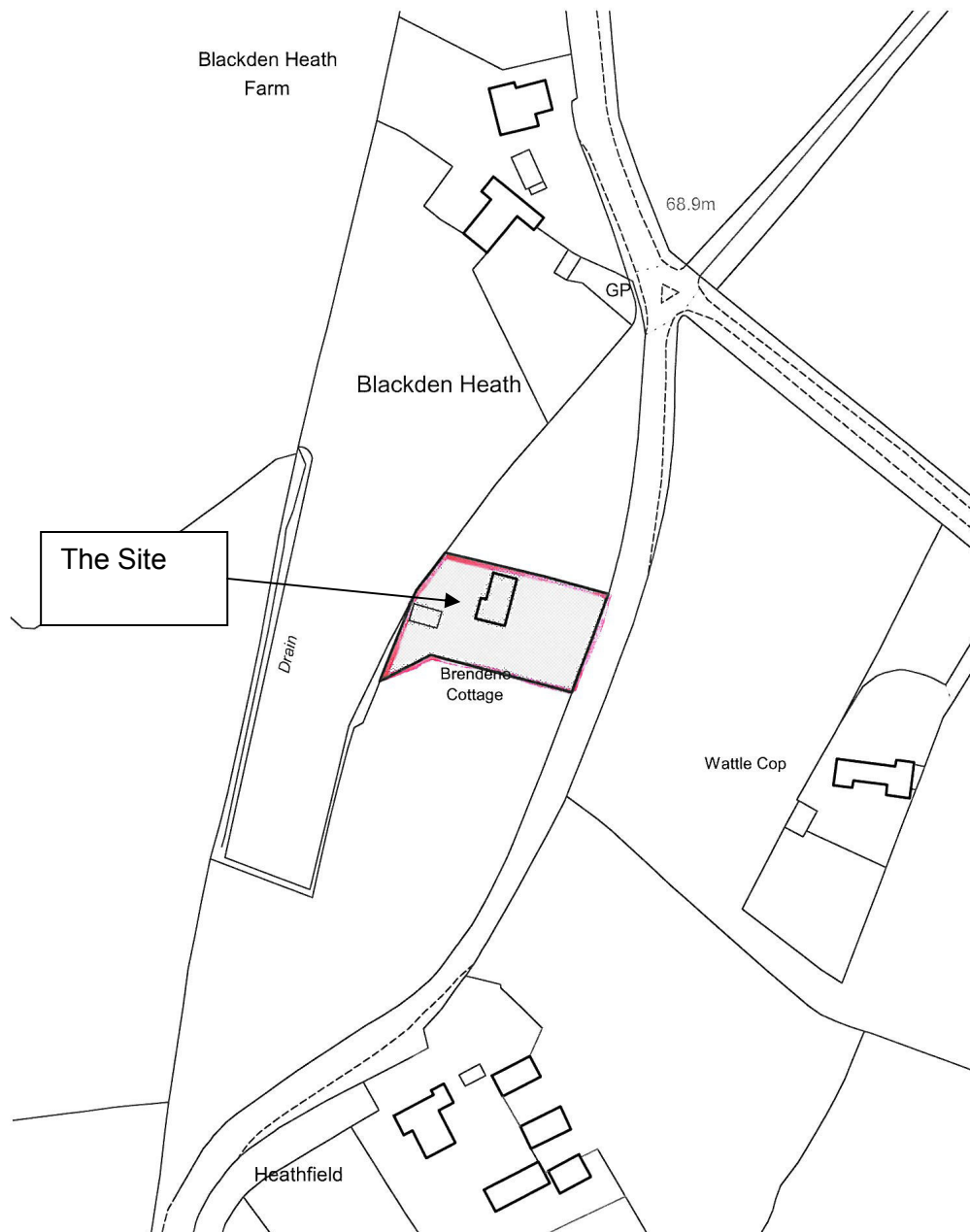
In conclusion it is considered that the development, subject to the suggested conditions, would not be detrimental to the visual amenities of the area, or the living conditions of adjacent occupiers, and would, upon its implementation bring a successful resolution to the ongoing enforcement issues relating to the site.

12. RECOMMENDATION:

Approve subject to the following conditions

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials including driveway**
- 4. Submission of full details of boundary treatments**
- 5. Limit on hours of demolition**
- 6. Limit on hours of construction**
- 7. Limit on hours of piling**

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/1865C
Application Address:	6, Rowan Close, Sandbach, CW11 1XN
Proposal:	Proposed Detached Dwelling (4 Bed) within the Garden of 6 Rowan Close, Sandbach
Applicant:	Mr Flowers
Application Type:	Full Planning
Grid Reference:	374676361100
Ward:	Sandbach
Earliest Determination Date:	28-Jun-2010
Expiry Dated:	09-Jul-2010
Date of Officer's Site Visit:	17-Jun-2010
Date Report Prepared:	18-Jun-2010
Constraints:	

SUMMARY RECOMMENDATION

Delegated Authority to APPROVE subject to conditions and subject to no objections from the Council's Landscape Architect and Ecologist.

MAIN ISSUES

- Principle of Residential Development
- Drainage
- Flood Risk
- Sustainability and Climate Change
- Protected Species
- Nature Conservation and Habitats
- Trees
- Amenity
- Design
- Highway Safety
- Contaminated Land

1. REASON FOR REFERRAL

This application has been called in to the Southern Area Planning Committee by Councillor B Moran for the following reasons:-

"1. The proposed development would result in the erection of a dwelling in close proximity to house no.7 Rowan Close which may have a harmful impact to residential amenity by reason of the residents' enjoyment of their property may be adversely impacted, and that this aspect should be assessed, in due course. Policy GR1[iii] is designed to afford protection.

2. The proposed dwelling could be unsympathetic to the character and form of the small development of 7 houses and should be assessed against Policy GR2 [i].

3. The proposed dwelling may not respect or enhance the area. Policy GR5 should be reviewed to assess any adverse impact.

4. Visual intrusion impact, and any detrimental effect, should be assessed against Policy GR6 [iii].

5. Any adverse impact on wildlife in the pond should be reviewed carefully against Policy NR3.
6. Appropriate flood mitigation measures should be assessed against Policy GR21 in view of the expected part pond infill to effect the development, and the subsequent, possible effect on other nearby ponds.”

2. DESCRIPTION OF SITE AND CONTEXT

The application site measures 1023 sq. m and comprises an existing two storey detached dwelling and its residential curtilage known as no. 6 Rowan Close which contains half of a large pond which is shared with the neighbour at no. 7 Rowan Close and a number of mature deciduous trees. The site is a Greenfield site located within the settlement boundary of Sandbach. The site backs onto Sandbach golf course which is a designated recreational facility located in the open countryside.

3. DETAILS OF PROPOSAL

The proposals relate to the infilling of half of the existing pond and the construction of a four bedroomed, two storey detached dwelling on garden land forming part of the residential curtilage of 6 Rowan Close, Sandbach. The dwelling would have a footprint of 304 sq. m. The existing dwelling on the site has a floor area of 334 sq. m. The overall area of the site is 1023 sq. m and the revised size of the plot which would serve the existing dwelling would be 896 sq. m.

The area of private garden space to be provided to serve the proposed dwelling would amount to some 150 sq. M.

The house would be sited in the garden to the north east of the host dwelling utilising the part section of the garden pond which is within the applicant's ownership. The proposed dwelling would front towards and have its own dedicated vehicular access onto Rowan Close.

The following is to occur:

- subdividing of existing pond with a York stone wall and infilling of existing pond and planting of a proposed reed bed
- proposed retaining structure
- proposed driveway
- proposed tree root protection measures and bridge
- 2m high fencing and hawthorn hedging to boundaries
- proposed wildlife pond
- waste/recycling storage area.
- turning area
- The dwelling would measure 15.3m x 11.8m reaching a height of 9.6m to the ridge of the pitched roof. The design incorporates a half hipped roof, gabled dormers, projecting gables, bay windows and integral garage, chimney breast, Juliet balcony and tile cladding.
- The front garden area would provide car parking space, turning space and a driveway approach across a short landscaped bridge

4. RELEVANT HISTORY

10/1987T Fell Maple And Prune Other Trees not determined

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Congleton Borough Local Plan First Review 2005.

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

DP7 – Promote Environmental Quality

DP9 – Reduce Emissions and Adapt to Climate Change

L2 – Understanding Housing Markets

L4 – Regional Housing Provision

Local Plan Policy

PS3 Settlement Hierarchy

PS4 Towns

GR1 New Development

GR2 Design

GR6 Amenity and Health

GR9 New Development

GR17 Car Parking

NR1 Trees and Woodland

NR3 Habitats

NR5 Non Statutory Sites

H1 Provision of New Housing Development

H2 Provision of New Housing Development

H4 Residential Development in Towns

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 3 (Housing)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

Planning Policy Guidance 13 (Transport)

Planning Policy Statement 23 (Planning and Pollution Control)

SPG2: Provision of Private Open Space in New Residential Developments

6. CONSULTATIONS (External to Planning)

Cheshire Wildlife Trust; objects on the following grounds

- Incomplete ecological survey and assessment

The Report on Great Crested Newts etc does not include 3 ponds that are within 500m of the proposed site; one on the opposite side of the Middlewich Road and two on Sandbach Golf Course. Best practice requires that ponds within this range should be included in GCN surveys in order to ascertain the presence of local populations and their potential movements between water bodies.

The ponds have not been surveyed for protected invertebrate species.

The use of the site by bats has not been acknowledged – however, bats are anecdotally known to forage across this site

The Report itself contains several inconsistencies with other documentation:

- Para 3.2.1 refers to 'two mature trees scheduled for removal' – however, the Arboricultural Implication Assessment (March 2010) states that no trees will be removed or pruned to facilitate the development (para 9.6 page 6)

- South and North are confused in the Executive Summary (third paragraph) and para. 4.2

- Lack of assessment of potential impact on local hydrology

The application fails to consider and make provision for the potential hydrological implications of backfilling this area of open water on:

- Water supply and levels in the surviving retained area of open water (on adjacent property, under different ownership)

- Ground water levels in general on the site and adjacent property

- Run-off to adjacent land (Golf Course)

- Loss of historical pond and inadequate replacement

Review of earlier Ordnance Survey and Tithe Maps indicates that there has been a substantial pond in this location since at least the mid-C19th.

The replacement of the major part of a substantial well-established natural pond with a new, much smaller, semi- formal pond is not considered to be acceptable either with regard to maintaining/enhancing biodiversity or to retaining local natural amenity.

- Conflict with local planning policy

This proposal is contrary to Policies H12 (Tandem/Backland development), GR2 (Design) and NR3 (Habitat – ponds) of the adopted Congleton Local Plan 2005.

With regard to backland development, the Government's Coalition Agreement of 20th May 2010 includes a commitment to 'giving councils new powers to stop 'garden grabbing' – an indication of the importance now placed on this subject.

Environmental Health: no objections

Environmental Health Advisory Notes:

- Where piling of foundations is necessary this is to be undertaken between 9am – 5pm Monday to Friday and no works of this nature to be undertaken on Saturday, Sunday or Bank Holidays.

- Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.

Contaminated Land Comments:

This section has no objection to the above application subject to the following comments with regard to contaminated land:

The application is for a new residential property which is a sensitive end use and could be affected by any contamination present.

Please ensure the following condition is attached to the above planning application to ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.

Prior to the commencement of development:

(a) A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).

(b) Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.

(c) If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.

(d) Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Forestry and Landscaping section;

Policy NR1 of the Adopted Congleton Borough Local Plan First Review provides protection for trees.

The site lies within Area A4 of the Middlewich Road No 2. Sandbach TPO 1988.

There is insufficient information within the submission to allow full consideration of the impact on the protected trees:

1. The site layout plan does not provide a true representation of the crown spread of trees on the site. (The plans in the Lowther tree survey report are not reproduced to scale therefore comparison is not possible).

2. The levels data does not show how levels would alter in the vicinity of the pond in relation to the banking to the north and east of the site and trees thereon. (In addition to datum points, site sections showing existing and proposed levels may assist).

3. The Tree Data table is missing from the tree survey report.

4. The tree report states that the driveway access bridge would provide access to the property once construction is complete and that the bridge would not be used for construction access. If this is the case, information needs to be provided on how the site would be accessed and managed for construction without breach of tree root protection zones or threat to trees.

In the absence of the above, the application could be refused. Please re consult should further information be obtained.

Strategic Highways Engineer: No objection

Environment Agency: No objection

Ecology: no comments received at time of writing report

7. VIEWS OF THE PARISH COUNCIL

No comments received at time of writing report

8. OTHER REPRESENTATIONS:

Letter of objection from Sandbach Golf Club on the following grounds:

- Increased flood risk
- Loss of habitat

Letter of representation received from the occupants of 4 and 7 Rowan Close The main concerns are as follows:

- Loss of habitat/ environmental quality
- Removal of trees
- Drainage/ flood risk
- Amenity
- Protected species
- Access and highway safety
- Works associated with infilling of pond
- Development of Greenfield site
- Impact on structural stability of adjacent dwellings
- Unwanted precedent
- Inaccuracies in submission
- Design

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement; summary

- Background and Site History
- Use
- Amount
- Layout
- Scale
- Landscape and Ecology
- Appearance and Design
- Access
- Sustainability and Climate Change

Protected Species Survey; summary

- Would result in loss of habitat but not significant disturbance to Great Crested Newts
- There is some potential impact in the short term which can be addressed with reasonable avoidance measures (RAMs)
- Creation of additional habitat features during development would be desirable and is an ideal opportunity to improve the wildlife value of the area
- No evidence of bats or barn owls or breeding birds

Protected Species survey Addendum; summary;

- No evidence of bats, breeding birds, barn owls or water voles

Response to Cheshire Wildlife comment; summary;

- Based on local and national requirements only ponds within 100m are required to be surveyed
- The 3 ponds mentioned have major problems which would limit their value to Great Crested Newts

- Conditions of pond unsuitable to Lesser Silver Water Beetles

Tree Report; summary

- Survey identified and recorded 11 trees which could potentially be affected by the development of the site
- 4 trees recorded as category A those of high quality and value
- 4 trees recorded as category B those of moderate quality and value
- 2 trees recorded as category C those of low quality and value
- 1 tree recorded as category R due to the presence of white rot
- No trees would be removed or pruned
- Trees 945 and 949 require crown lifting
- The proposed driveway would enter the site between trees. The access road would be bridged over the root protection area of these trees with no excavations or ground disturbance within these areas.
- Recommends all trees protected by semi-permanent barriers
- For traffic movements in root protection areas (RPAs), the ground protection should be designed by a likely engineer to accommodate the likely loading.
- The bridge would be sited on beams located outside of the RPAs- this would prevent any damage to the tree root system
- The bridge would then be lowered into place in sections

Supporting Information in respect of land levels and historical maps

10. OFFICER APPRAISAL

Principle of Residential Development

The site is situated within the settlement zone line of Sandbach as defined on the adopted Local Plan where there is a general presumption in favour of new development as indicated by policy PS4 of that Plan. In terms of the acceptability of the principle of constructing a new dwelling, policy H1 states that the structure plan requirements for additional dwellings will be met through completions, commitments, windfall sites and the development on allocated sites. The proposal, if approved, would constitute a windfall site and therefore would accord with this policy.

It should be noted that the structure plan figures referred to in the text for policy H1 are not up to date. More recent figures in respect of housing targets have been published within the North West of England Plan: Regional Spatial Strategy to 2021. Whilst Eric Pickles recently announced the government's intention to abandon Regional Spatial Strategies, the housing figures included are nevertheless the most up to date and represent the latest guidance in respect of housing targets.

PPS3 states that Local Development Documents and Regional Spatial Strategies policies should be informed by a robust, shared evidence base, in particular, of housing need and demand, through a Strategic Housing Market Assessment and land availability, through a Strategic Housing Land Availability Assessment.

The draft Strategic Housing Land Availability Assessment for the Congleton Area has been produced in consultation with the Cheshire East Housing Market Partnership and its Congleton Area sub group. The Partnership endorsed the draft document for stakeholder consultation on the 17th March 2009. This indicated that in terms of existing commitments

the supply figure exceeds both the Local Plan and Regional Spatial Strategy targets although this does not take into account deliverability.

The RSS proposes a dwelling requirement of 5,400 dwellings for the former Borough for the period 2003 to 2021, which equates to an average annual housing figure of 300 dwellings per annum. This document forms part of the 'Development Plan' for the former Borough and supersedes the figures in both the Structure Plan and the Local Plan. Since 2003 1,443 (net) dwellings have been completed leaving a further 3,957 dwellings to be provided for the period to 2021, equating to approximately 330 dwellings per annum for the remaining period. In order to achieve a 5 year supply against the RSS provision taking into account up to date completions, a supply of 1,650 is required.

This therefore indicates that there is a demand for additional housing land. Policy H2 indicates that housing should be evenly distributed between the five subdivisions of the borough and indicates that 25% of permissions should be provided in the Sandbach area. Of the permissions granted, the monthly housing update indicates that approximately 42% of recent permissions were located within the Sandbach area. Whilst this is above the 25% target in policy H2, it should be noted that the purpose of this policy is to prevent development being concentrated in particular areas; given that there is still a distribution of housing supply across the five areas and given that the supply and demand of housing within the area has changed considerably since the publication of this policy, it is not considered that the provision of one additional dwelling on the site would prejudice the provision of sufficient housing in the right locations.

Notwithstanding the comments from Cheshire Wildlife Trust, policy H12 within the Local Plan has not been saved and therefore does not comprise part of the statutory development plan.

With regard to backland development, the Government's Coalition Agreement of 20th May 2010 includes a commitment to 'giving councils new powers to stop 'garden grabbing'. In this regard the update to PPS3 (9 June 2010) has re-classified garden land as Greenfield rather than Brownfield land. However it should be noted that this is in response to concerns mainly in the South East of England about the extent to which developers are redeveloping existing domestic curtilages.

Table 7.1 within the RSS states that at least 80% of housing provision within the former Congleton borough area should be provided on Brownfield sites. The former Congleton Borough Council area achieved 82% on Previously Developed Land last year.

In any event, the development plan includes policies which allow the development of windfall sites within settlement boundaries subject to a number of criteria. There is nothing in these policies to restrict windfall developments only to proposals on previously developed land. It should also be noted that the classification of sites as Greenfield has not been used to resist barn conversions which are considered acceptable in principle. As such, the proposals should be determined on their own merits.

The site lies within the settlement boundary of Sandbach where there is a presumption in favour of development and as the RSS housing targets have not currently been met, it is considered that the redevelopment of the site for housing is acceptable in principle.

Drainage

Foul sewerage would be disposed of via the mains sewer and surface water would be disposed of via soakaways. Neighbours and Cheshire Wildlife Trust have expressed concerns in respect of the impact that infilling the pond would exasperate drainage issues within the area.

However in terms of the implications for drainage to the adjacent golf course the topographical levels of the golf course are some 1.44m below the actual water level within the pond and therefore any drainage issues surrounding run-off or a high water table would ensue in any event.

As the proposals would undoubtedly affect the amount of porous surface areas available for water percolation, it is considered reasonable and necessary to condition sustainable urban drainage measures.

A replacement albeit smaller pond would be provided as part of the proposals which would help to mitigate for the loss of the existing pond as a water storage area.

No comments have been received from United Utilities and therefore in the absence of this it is considered prudent to condition drainage details.

Flood Risk

The site is not within a designated area of flood risk.

Notwithstanding the comments received, the Environment Agency has no objections to the proposals; whilst residential development is sensitive development and should therefore not be encouraged within areas at risk of flooding, the site is not situated within a flood plain. There are no known issues in relation to flooding associated with drainage issues and in any event drainage details are to be conditioned accordingly as stipulated above.

Sustainability and Climate Change

The site is within easy cycling and walking distance of Sandbach town centre and is accessible by public transport. As such the occupants of the proposed dwelling would have the opportunity to travel to and from the site by more sustainable modes of travel and thus the proposals would contribute to reducing emissions of carbon dioxide.

The proposed dwelling would have a regular shaped floor plan which would help in minimising heat loss through external wall areas.

The house would be constructed to reach code For Sustainable Homes Code 4. Wherever possible sustainable sources of materials, particularly for timber and joinery products, would be used and waste materials from the construction process would be recycled. The structure would be insulated 44% in excess of the requirements of Part L of the current Building Regulations and all new windows would be double glazed using low E class. Water use would be reduced by the installation of aerated taps so as to reduce flow rates and dual flush toilets with reduced capacity cisterns would be installed. A water meter would be installed which discourages excessive consumption.

Rainwater would be collected in underground water harvesting tanks and would overspill to soakaways. This water would be recycled for flushing wc's and also outside watering of plants. Permeable surfacing would be employed where possible and a significant proportion of the plot would be available for soft landscaping which would reduce surface water run off during periods of heavy rain.

The fenestration to the rooms of the house has been designed to ensure that a good level of natural daylight would reach all the principal rooms and thus the requirement to use artificial (and energy consuming) light sources would be reduced.

Energy efficient light fittings for both internal and external illumination would be installed as too would a high efficiency gas boiler.

Protected Species

Ponds are suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the existing mature trees on the site are suitable habitats for Bats, Barn Owls and Breeding Birds. Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

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 nesting 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.

Local Plan Policy NE.9 (Protected Species) seeks to prevent harm to protected species and their habitats.

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.

Notwithstanding neighbours’ comments, the document Guidance on Local Requirements for the Validation of Planning Applications: Biodiversity and Geodiversity Conservation Statements March 2009 states that the impact of development on Great Crested Newts is highly variable and site specific. The distances stated in the document are for guidance only. For large developments it may sometimes only be necessary to survey ponds 250m away. Conversely, for minor developments it may be necessary sometimes to consider ponds further than 100m. An impact assessment in the absence of a full survey may be appropriate in some circumstances.

The Council’s ecologist has confirmed that due to the site circumstances a 100m radius of the site will suffice.

As proposed tree work (felling or lopping) is to occur, the protected species survey has surveyed bats, breeding birds and barn owls. The guidance document also indicates that Water Voles, Great Crested Newts and Lesser Silver Water Beetles should have been surveyed.

The results section of the survey as originally submitted however omitted the results for bats, barn owls and breeding birds. Further information has since been received in respect of these indicating that the development will have no impact on these species. This information has been forwarded to the Council’s ecologist for comment.

The ecologist’s report explains that following detailed survey work the existing garden pond divided between no. 6 and no. 7 Rowan Close was found to have a very low ecological value. A purpose designed and suitably planted and populated wildlife pond would by way of contrast add to local biodiversity.

In conclusion the proposals if conditioned to be in accordance with the recommendations of the protected species survey and addendums would not have an adverse impact upon protected species provided that there are no objections from the Council’s ecologist.

Nature Conservation and Habitats

As recommended above, the rear garden of the new dwelling would feature a purpose designed and suitably planted and populated wildlife pond which would assist in increasing the habitats and biodiversity of the locality, as would the planting of native species hedgerows to define the side boundaries of the rear garden and the creation of a marsh/wildflower area in the space enclosed beneath the proposed bridge in the front garden.

The proposed pond would be partially infilled with a reed bed and common reed being planted, and the hedging proposed would incorporate hawthorn and blackthorn hedging. Whilst the replacement pond would be smaller, it would be possible to enhance the wildlife value of this in comparison to the nature conservation value of the existing pond.

Notwithstanding the comments from Cheshire Wildlife Trust the applicant has demonstrated that the existing pond is man made. Whilst this does not necessarily diminish its conservation value, the pond contains fish, ducks and has been domesticated considerably all of which have adversely affected its conservation value.

Whilst policy NR3 seeks to protect against the loss of nature conservation resources, in this instance the existing pond has limited nature conservation value and the proposals offer an opportunity to improve the nature conservation value of the site. As such the proposal would not conflict against nature conservation objectives at a local or national level.

Trees

The site contains a number of trees which are protected by area A4 of the Middlewich Road II Sandbach Tree Preservation Order which came into effect on 22 June 1988. The first schedule to the order describes the trees concerned as mixed deciduous and coniferous trees. A Maple and Silver Birch have been felled with the benefit of tree preservation order consents and a further application will be made to fell a Maple tree infected by honey fungus. Tree planting is proposed within the hedgerow along the north eastern boundary of the new property using native species which are known to be more resistant to honey fungus. The tree survey also suggests some crown lifting to trees 945 and 949. However, this is not as a result of the proposals but due to the presence of crossing branches and encroachment to adjacent trees. A further tree (952) contains white rot and potentially honey fungus but it is not proposed to remove it at this stage.

The comments from the Council's Landscape Architect indicate that there is insufficient information within the submission to allow full consideration of the impact on the protected trees. The applicant has submitted additional plans in response to this, and these have been passed to the Council's Landscape Architect for comment.

In conclusion the proposals if conditioned accordingly would not have an adverse impact upon the protected trees provided that the additional information submitted overcomes the objections from the Council's ecologist.

Amenity

Overlooking/ Overshadowing

The principle windows would all be contained within the front and rear elevations of the house in order to avoid overlooking and any consequent loss of privacy to adjoining dwellings. The windows in the front elevation of the proposed house would face across its own front garden and have a view beyond that along the length of the close. This latter view would be filtered by the existing trees on the house frontage which are protected and would remain. The minimum distance between the front elevation of the proposed dwelling and that of the nearest house it faces towards no. 8 measured corner to corner would be in the region of 38m. The windows to the rear elevation of the proposed dwelling would face north eastwards over the Sandbach Golf Course. There would be no windows at all in

the side elevation of the proposed house nearest to no. 7. In any event that elevation would not directly face the frontage of no. 7 and is at its nearest point some 27m from the side elevation of the proposed house. The side window serving the kitchen/ dining room would be at ground floor level and face away from the host dwelling at an oblique angle. At its nearest point the window would be approximately 14m from that property and would be screened from it by the proposed boundary treatment. The layout and design of the proposed dwelling would thus ensure that no mutual overlooking or loss of privacy would be occasioned between it and any of the existing adjoining dwellings.

Conditions relating to boundary treatment and removal of permitted development rights for alterations should be imposed in the interests of safeguarding amenity.

Amenity Space Requirements

Even allowing for the space to be taken by the proposed wildlife pond, sufficient useable private garden area would be available to the occupiers of the proposed dwelling.

The area of amenity space to be provided for the purposes of the dwelling, excluding the hardstanding and garden area to be provided at the front of the property and the pathways on either side of the dwelling, is above the minimum 65 sq. M in the former Congleton Borough Council's SPG 2 private open space.

The area of private amenity space which would remain attached to the parent dwelling would be approximately 265 sq. M ,excluding the side/ front garden.

The rear garden lengths of both the proposed house and the parent dwelling at no. 6 would be in excess of the 10.7m minimum set out in SPG2.

Noise/ Disturbance

The use of the site for residential development is considered compatible with the existing surrounding land use which is predominantly residential.

Noise and disturbance associated with domestic use would not have a detrimental impact upon neighbouring amenity.

Traditionally, noise and disturbance associated with the construction phase of development is not considered to have a significant adverse impact upon neighbouring amenity as it is for a finite period and disturbance can be controlled under Environmental Health legislation. However due to the complexity of the works associated with the redevelopment of the site, Environmental Health has recommended that conditions be imposed in respect of construction hours and piling of foundations. These will be conditioned accordingly.

Design

The properties of Rowan Close, having been built by the same builder and being part of one development, have a consistency of architectural style and size. They are all executive detached houses of contemporary appearance having 4 bedrooms or more and are set in their own gardens. Usually the boundaries to the front gardens are marked by low walls or hedges or remain open. The scale, massing and design of the proposed house seek to respect these characteristics of the locality.

The proposed dwelling would be set back on a building line similar to that of no. 5 and 6 Rowan Close and slightly further back from the frontage private drive of no. 8 Rowan Close.

The proposed siting of the dwelling would ensure that an appropriate continuity of built frontages would be maintained around the head of the cul de sac and that the new building would not appear incongruously positioned in relation to the other dwellings in the locality. The new house would form an appropriate visual end stop to the built development on Rowan Close.

The proposed footprint of the new dwelling is similar to the parent dwelling at no. 6. The proposed dwelling would have a ridge height of 9.6m which is above the ridge height of the neighbour which is 9.4m. However because the ground floor level of the proposed house would be some 850mm lower than that of the host dwelling there would be a visible step down in the ridge heights of the respective dwellings of 650mm when viewed from the close. Having regard to its setting and the screening provided by existing and proposed landscaping and because of the congruity in size and appearance between the dwellings in the close and that now proposed, it is not considered that the proposed house would appear either prominent, over dominant or inappropriate within the streetscene because of its scale or appearance. The proposed size of the dwelling is synonymous with the size of the existing dwelling.

The design of the dwelling incorporates existing design features on properties within Rowan Close including 45 degree pitched roof, brick plinth details, projecting bays and gables, vertical tile hanging to give architectural emphasis, simple vertically proportioned windows set in dark frames, and shed stone lintels and stone step, quoin and cill details to give visual articulation to the main entrance area to the dwelling.

Permitted development rights for alterations and extensions should be removed to ensure that the property remains sufficiently respectful to its context and does not become increasingly overdominant or prominent within the context of the existing properties along Rowan Close.

In summary the design of the dwelling has been informed by its context and would sit comfortably within the close. As such the proposals would not have an adverse impact upon the appearance of the streetscene, the existing dwelling on the site or surrounding properties and such is considered to accord with the relevant local and national policies in respect of design considerations.

Highway Safety

The existing access drive to no. 6 Rowan Close from the public highway would be retained and adapted to serve both the parent dwelling and the proposed dwelling. Intervisibility between the two private access drives and also onto the public highway would be good and the proposals would provide a safe and convenient means of vehicular and pedestrian access for both the existing dwelling at no. 6 and the proposed dwelling.

There would be very little additional traffic generated onto Rowan Close arising from the addition of one dwelling and the capacity of the public highway would not be exceeded.

The layout provides for vehicles to enter and exit the front drive of the proposed dwelling in a forward direction. The visibility for users of the proposed access entering and leaving the site is good and it is also the case that vehicular speeds for traffic manoeuvring at the cul de sac head will of necessity be low. It is not considered that the proposal will result in any danger to users of the public highway or the private driveway leading to the property.

Emergency access would be readily available from the kerbside of Rowan Close to the proposed house and to the parent dwelling.

The scheme would fully comply with part M of the Building Regulations; paths would be at least 900mm wide and have cross-falls no greater than 1 in 40. Level access would be provided from the front drive and the main entrance would be ramped.

The Highways Authority has indicated that they have no objections to the proposals.

In light of the sustainable nature of the location and the provision of appropriate access and car parking facilities for both the existing dwelling and the proposed dwelling, it is considered that the additional vehicle movements associated with the development would not have a significant adverse impact upon highway safety.

Contaminated Land

PPS23 states that the presence of contamination in land can present risks to human health and the environment, which adversely affect or restrict the beneficial use of land but development presents an opportunity to deal with these risks successfully; contamination is not restricted to land with previous industrial uses, it can occur on Greenfield as well as previously developed land and it can arise from natural sources as well as from human activities.

Despite there being no known contaminants on the site, given that the site already has been developed for residential use and housing is a sensitive land use, it is appropriate to follow national guidance and adopt a precautionary approach to contaminated land issues. In light of the above and the comments from Environmental Health it is considered necessary to impose the conditions suggested in respect of contaminated land.

Other Matters

Inconsistencies

The comments received indicate that there are several inconsistencies within the protected species survey report and the other documentation. Clarification from the applicant has been sought in this regard.

11. CONCLUSIONS

The provision of an additional dwelling on this Greenfield curtilage site within the settlement boundary of Sandbach and within an established residential estate is acceptable in principle. The proposed development as conditioned, will not have an adverse impact upon neighbouring amenity, highway safety, nature conservation, protected species, protected trees, land contamination issues, drainage, flood risk and

represents a sustainable form of development which accord with the relevant development plan policies.

12. RECOMMENDATIONS

Delegated Authority to APPROVE subject to conditions and subject to no objections from the Council's Landscape Architect and Ecologist.

- 1. Standard**
- 2. Materials to match existing**
- 3. Approved plans**
- 4. Permitted development rights removed**
- 5. Drainage details including sustainable urban drainage measures**
- 6. Pond infilling details**
- 7. Replacement pond details**
- 8. Mitigation as suggested in protected species survey**
- 9. Tree protection measures**
- 10. Landscaping scheme to be submitted**
- 11. Landscaping implementation**
- 12. Recommendations of tree report to be implemented**
- 13. Construction hours**
- 14. Foundation pilling**
- 15. Contaminated land**
- 16. Boundary treatment**
- 17. Access and parking and visibility splays**
- 18. Bridge details**



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Planning Reference No:	09/4240C
Application Address:	Marsh Farm, Newcastle Road, Congleton.
Proposal:	Residential development of 52 units on Marsh Farm, Congleton.
Applicant:	JS Bloor (Wilmslow) Ltd & Jane Lowe
Application Type:	Full Planning Permission
Ward:	Congleton Town West
Registration Date:	18 th December 2009
Earliest Determination Date:	26 th February 2010
Expiry Date:	28 th April 2010
Date report Prepared	16 th June 2010
Constraints:	Tree Protection Orders

SUMMARY RECOMMENDATION: Delegate power to the Head of Planning and Policy to approve the application with conditions, subject to the signing of a Section 106 Agreement relating to affordable housing and public open space provision, should there be no objections arising from the impact on the public right of way on the site.

MAIN ISSUES:

- Principle of the Development
- Highways and Parking
- Amenity
- Design and Layout
- Landscaping and Trees
- Flood Risk, Contamination and Drainage
- Tree Protection
- Contributions – Affordable Housing and Open Space/Play Area

1. REASON FOR REFERRAL

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

2. DESCRIPTION AND SITE CONTEXT

The application site comprises an area of land approximately 1.66 hectares in size and is situated on the eastern side of Newcastle Road, Congleton. To the north and east is the Astbury Mere Country Park; the village of Astbury is to the south and Congleton town centre to the north. The site is within the Settlement Zone Line of Congleton as defined in the adopted local plan.

The site includes the farmhouse and associated agricultural buildings, which would be demolished and an area of greenfield land. It is level adjacent to Newcastle Road and then slopes upwards to the northern and eastern boundaries. There are existing trees and hedgerows on the boundaries of the site.

3. DETAILS OF PROPOSAL

The proposal is for the development of 52 houses and the layout would take the form of a central spine access road leading to 2 offshoots north and south with turning heads at both ends. An area of public open space is proposed in the centre of the site, opposite the junction as you enter the site.

There are a variety of house types included in the scheme, providing, 2, 3, 4 and 5 bedroom dwellings. These would take the form of detached, semi-detached and terraced dwellings; the detached and semi-detached would be interspersed within the site with the terraced properties facing onto Newcastle Road.

The proposal includes an undertaking to provide 15 affordable homes within the site comprising 8no. social rented and 7no. for open market sale at a discount of 30% to the open market value at the time of marketing. The social rented properties would comprise 5no. two bed homes and 3no. three bed home and the open market discount sale properties would comprise 7no. three bed homes.

4. RELEVANT HISTORY

No relevant planning history relating to this site.

5. POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS23 Planning and Pollution Control
PPG24 Planning and Noise

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Make the Best Use of Existing Resources and Infrastructure
DP7 Environmental Quality

Congleton Local Plan 2005

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

PS4 Towns
H1 & H2 Provision of New Housing Development
H13 Affordable and Low Cost Housing
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
GR10 New Development & Travel
GR18 Traffic Generation
NR1 Trees & Woodlands

GR22 Open Space Provision

SPG2 Provision of Private Open Space in New Residential Developments

SPD6 Affordable Housing and Mixed Communities

CONSIDERATIONS (External to Planning)

Housing:

Our supply and demand analysis shows a shortfall of over 116no 2 bedroom houses and 41no 3 bedroom houses.

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

The proposal for affordable housing in this application put forward by Bloor Homes is therefore acceptable under the current planning policy. On housing sites where an element of affordable housing is to be provided and the applicant is a registered social landlord planning permission will normally be granted subject to a condition restricting the occupation of the houses to persons who meet the objectives of the registered social landlord. Where the applicant is not a registered social landlord planning permission may be granted for the whole scheme providing the applicant enters into a legal agreement whereby there are secure arrangements to ensure that the benefits of the affordable housing will be enjoyed by subsequent occupiers as well as the initial occupiers.

It is therefore my preferred option that the developer undertakes to provide the social rented element through an RSL who becomes a signatory to the section 106 agreement

Spatial Planning

The site lies within the Settlement Zone Line Space as identified in the adopted Congleton Borough Local Plan. The proposal is for the erection of 52 dwellings.

ACCORDANCE WITH THE DEVELOPMENT PLAN

The statutory development plan comprises the Congleton Local Plan First Review and the Regional Spatial Strategy (RSS) for the North West. However, the Secretary of State for CLG has recently announced that the RSS will be abolished in the near future, returning decisions on housing land supply to LPAs and this intent should be a material consideration in the determination of planning applications

Regional Spatial Strategy

The NW **RSS** (2008) proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. It should be noted that these requirement figures are average annual figures to be achieved during the overall period covered by this RSS, from 2003 to 2021 rather than an absolute annual target, and may be exceeded where justified by

evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies. It should be noted that this RSS document supersedes the figures in both the Structure Plan and the Local Plans for the former Districts. 7,449 dwellings have been completed for Cheshire East for the period 2003-2009 (AMR 2009).

Policy **DP4** refers to a sequential approach for making the best use of existing resources and infrastructure, whereby development should accord with the following sequential approach:

1. First, use existing buildings (including conversion) within settlements and pdl within settlements;
2. Second, using suitable infill opportunities within settlements, where compatible with other RSS policies;
3. Third, the development of other land where this is well-located in relation to housing, jobs, other services and infrastructure and which complies with the other principles in DP1-9.

The site is mainly greenfield but could be classed as an infill opportunity within a settlement.

Policy **EM18** of the RSS requires that "...residential developments comprising of 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, with regard to the types of development involved and its design, that this is not feasible or viable." No information has been submitted in respect of this within the application and thus the proposal is not in accordance with this policy.

Local Plan

With regard to policy **H4**, the proposal needs to satisfy the following relevant criteria:

1. The proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan – the site has not been allocated or committed in the Local Plan;
2. The proposal does not give rise individually or cumulatively, to housing supply totals significantly at variance with the provisions of policies H1 and H2 – Housing figures superseded by RSS;
3. Various sustainability criteria – (see below);
4. The proposal accords with other relevant policies of the Local Plan.

The various sustainability criteria are:

- A. The availability of pdl sites and empty or underused buildings and their suitability for housing use;
- B. The location and accessibility of the site to jobs, shops and services by modes other than the car and the potential for improving such accessibility;
- C. The capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;
- D. The ability to build communities to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities;

E. The physical and environmental constraints on the development of the site such as the level of contamination, stability and flood risk taking into account that this risk may increase as a result of climatic change.

In assessing the proposals' conformity with the above criteria it is found that:

- A. The site is mainly greenfield;
- B. The site is located within the SZL of Congleton and close to bus routes;
- C. There is insufficient information to assess this criterion;
- D. There is insufficient information to assess this criterion;
- E. The site is not within an area of flood risk.

In light of the above policies, therefore, it is found that the proposal is not in accordance with the Development Plan.

MATERIAL PLANNING CONSIDERATIONS

Housing Supply

Both National and Regional policy guidance state that Local Authorities should manage their housing provision to provide a five years supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. With the introduction of **PPS3** if the Council does not have a five year supply it should consider favourably suitable planning applications for housing. Cheshire East has a 5.14 years supply (AMR 2009). This figure takes into account any backlog or over delivery of dwellings over the last 5 year period. Notwithstanding the existence of a 5 year supply, this does not preclude other, suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives.

Affordable and Low Cost Housing

According to **SPD6** 'Affordable Housing and Mixed Communities', in accordance with policy GR3 of the Local Plan, the Council will normally require any new housing development of 10 dwellings or more to provide an element of its market housing units as unsubsidised low-cost market housing. The proposal is for 52 dwellings and therefore the Council can expect a provision of Low Cost housing. The SPD also requires a proportion of 30% to be affordable housing. The applicant proposes 28%.

Open Space

In line with **SPG1** almost all new housing developments will be expected to provide or contribute towards youth and adult needs in terms of outdoor informal public open space or relaxation space and children's play space. Therefore in terms of this proposal the Borough Council would expect that a financial contribution in lieu of the actual provision of Public Open Space on site, if it is not practical or desirable to provide it within the site.

CONCLUSION

Taking the above into account, the proposal is not in accordance with the Development Plan, there hasn't been any low cost housing proposed and there is a lower affordable housing proportion proposed than is required from SPD6. Therefore the proposal should be refused.

Environmental Health:

United Utilities:

No objections to the proposal providing 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 the flow may be required to be attenuated to a maximum discharge rate determined by United Utilities.

Highways:

The Strategic Highways Manager has assessed this application and offers the following comments:

This site has been the subject of extended negotiations with the applicants and now has an amended layout which has been agreed in principle by the LPA.

The proposed development offers a new junction with the A34 to access the site and has a ratified Transport Assessment which has been scrutinised and validated by the S.H.M.

There have been discussions regarding the accessibility of the site as much of this was made in the Design and Access Statement. Given the claims of accessibility to this site, it would be more appropriate for the proposed layout to better support the optional accessibility modes through better provisional measures. To this end the S.H.M. requires some additions to the proposed site provisions and these are covered by attached conditions and informatives.

As a result there are few comments to make on the proposed layout and it remains for the S.H.M. to recommend conditions and informatives to the LPA which should be attached to any permission which may be granted.

Informative:- A 2.0 metre wide footpath will be provided for the full frontage of the site with the A34 Newcastle Road. The new footway will include for a tactile paved desire line across the A34, with tactile paving and dropped kerbs to both sides of the A34, at the northern most point along the site frontage. This will form part of the off-site highway works.

Informative:- The A34 Newcastle Road carriageway will be re-surfaced with a new wearing course in the vicinity of the junction, for a distance of 25 metres to either side of the centre-line of the access road into the proposed development. This will form part of the off-site highway works.

Informative:- Any identified and necessary alterations to the system of street-lighting on the A34 Newcastle Road will be undertaken by the developer as part of the S278 work. This will form part of the off-site highway works.

Condition:- Prior to first development the developer will enter into and sign a Section 278 Agreement under the Highways Act 1980 with regard to all related off-site highway works.

Condition:- Prior to first development the applicant/developer will provide a suite of plans detailing the design and construction specifications for the new junction with and re-surfacing of the A34, to the satisfaction of the LPA. This suite of plans will be utilised for the basis of the S278 Agreement.

Condition:- The service strip on the western side of the northern cul-de-sac will be replaced with a 2.0 metre wide footpath to provide a permanent link to the pedestrian access into the grounds of the church.

Condition:- The two lateral deflections – one on each cul-de-sac, will be omitted from the layout.

Conclusion.

The Design and Access Statement for the proposal suggests that: ‘an opportunity exists to produce a unique development proposal that reflects current Government guidance on improving the design quality of the urban environment.’

Unfortunately, whilst the D&A St. goes on to claim interface with the Astbury Mere Country Park and the local wooded areas – and this may be the case, the internal highway infrastructure does not align with the current Government guidance in Manual for Streets and only offers a design which reflects the older and superceded principles of Design Bulletin 32 and the Cheshire County Council Design Aid 1996.

The Strategic Highways Manager acknowledges that this format of road design does offer clear adoptable boundaries to the Highway Authority. It does not however, satisfy the need for innovative design under the principles of Manual for Streets. Manual for Streets design could offer distinct adoptable boundaries at the same time as offering; a better quality design and layout intended to support all forms of accessibility and the encouragement of wider modal choice by the Public Highway user, from pedestrian to vehicle driver.

To this end the Strategic Highways Manager expresses mild concern that full opportunity for quality design has not been taken by the developer, but recognises that the site has restrictions which lend itself to design under the 1996 Cheshire County Council Design Aid – a document still in use locally.

As a result the S.H.M. can not offer any reason to refuse this development and recommends the above listed conditions and informatives be attached to any permission which may be granted for this site.

Senior Landscape and Tree Officer:

24th February 2010

There are a number of trees within the site and on its boundaries. The submission includes a tree survey report and a plan indicating recommended tree root protection zones. There is also an outline plan for soft layout proposals.

None of the trees on site are subject to TPO protection. Nonetheless, some specimens are prominent in the landscape, in particular the lines of Poplar trees on the Astbury Mere boundary and three mature trees close to the farm buildings. In addition there are sections of hedgerow which would be affected, including lengths fronting Newcastle Road.

Whilst all annotated as 1:500 scale, when compared the submitted site layout plan MF/PL-01 does not appear to be the same scale as the Tree Root protection zones plan 3720.02 or the sketch highway/drainage layout 09011/SK1 SS. The discrepancies need to be addressed.

On the basis of the tree survey data and the layout indicated the 1:250 Outline Soft Layout proposals 09/264/-01, I am concerned that the layout does not take sufficient account of the presence of existing trees. My principal concerns relate to plots where retained trees are likely to have a strong influence on the amenity of future residents, are likely to cause nuisance to residents or are likely to suffer damage during construction. Such plots include:

- Plots 6 & 7 where three existing mature trees would dominate the gardens (only two trees are shown) and the root protection area is not sufficient. I am aware that the bat survey recommends the retention of these trees and that the Council's Nature Conservation Officer is of the same view. In these circumstances, the layout needs to ensure that the trees can be retained successfully.
- Plot 11 where the garage is too close to the boundary hedge
- Plot 15 where the house and garage would be within the root protection area and crown spread of trees,
- Plots 21,22,24,25,26 27 and 28 which would be heavily influenced by Poplar trees on adjacent land. These lines of trees are prominent skyline features and publicly visible. Nonetheless, the species is not suitable for retention in close proximity to dwellings. I would not recommend the siting of dwellings so close to this species. Careful consideration needs to be given to the long term proposals for these trees and if necessary to secure alternative planting.
- Plot 29 where the garage is within the root protection area and crown spread of a tree.

There appears to be no intention to attempt to retain or reinstate the Newcastle roadside boundary hedge, which I consider to be a typical boundary treatment in the area. On the adjacent development sites, the retention of the roadside boundary hedge was considered important. As the hedge has formed the boundary to agricultural land it should be assessed in accordance with the criteria in the Hedgerow Regulations 1997. If the hedge is found to be 'important' under the Regulations, this would be a material consideration.

It may be possible to address some of my concerns through an amended layout and I would be happy to discuss options. Should an acceptable form of layout be achieved, a detailed landscape and tree protection scheme would be required. I also consider boundary treatment will require further consideration. I am not convinced all the boundary treatment proposed is appropriate.

10th June 2010

Amended plan Rev D + additional tree survey data.

As far as I am aware, notwithstanding the varying levels on site, no levels data has been supplied.

The amended plan makes some improvement to the relationship between plots and retained trees/hedgerows and it should be possible to provide recommended tree root protection areas.

Although separation distances have increased, plots 21 – 25 inclusive remain likely to be influenced by Poplar trees on adjacent land. The later tree survey dated 7/4/10 proposes that these trees are either felled if 3rd party consent is secured, or their branch spread over the site is reduced. Whilst prominent landscape features due to their height, I am not convinced these trees are in keeping with the local landscape character or suitable for long term retention. If they were removed, the development would be visible when viewed from the north/north east in particular. Therefore if screening is considered important, and development of the site is deemed acceptable, I suggest it would be important to secure suitable additional planting along the boundaries in question, either on or off site. (If the Poplars remain, on site planting opportunities would be limited).

As far as I am aware, the original landscape plan has not been updated. In addition to the layout revisions and the issue above, the landscape treatment of the frontage needs further consideration. A revised landscape scheme will be necessary. This element and a tree protection scheme could be covered by condition. Boundary treatment will also require further consideration.

Archaeology Planning Advisory Service

Thank you for your enquiry to the Cheshire Historic Environment Record. I have checked this hedgerow against the Cheshire Historic Environment Record under the following criteria as defined in Schedule 1, Part II of the Hedgerow Regulations:-

Paragraph 1: *The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township.*

Paragraph 2: *The hedgerow incorporates an archaeological feature which is*

(a) included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979; or

(b) recorded at the relevant date in a Sites and Monuments Record.

Paragraph 3: *The hedgerow*

(a) is situated wholly or partly within an archaeological site included or recorded as mentioned in Paragraph 2 or on land adjacent to and associated with such a site; and

(b) or is associated with any monument or feature on that site

Paragraph 4: *The hedgerow*

(a) marks the boundary of a pre-1600 AD estate or manor recorded in a Sites and Monuments Record or in a document held at that date at a Record Office; or

(b) is visibly related to any building or other feature of such an estate or manor.

Paragraph 5: *The hedgerow*

(a) is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts; or

(b) is part of, or visibly related to, any building or other feature associated with such a system, and that system –

(i) is substantially complete; or

(ii) is of a pattern which is recorded in a document prepared before the relevant date by a local planning authority, within the meaning of the 1990 Act, for the purposes of development control within the authority's area, as a key landscape characteristic.

I can confirm that these hedgerows are not covered under the stated criteria. Further advice on the hedgerows status, as defined by the above criteria, will be required from the Record Office as stated in the 1997 Regulations.

Nature Conservation Officer:

3rd February 2010

Bats

The submitted bat survey has been undertaken to a high standard and whilst bats are active on the site there is no evidence of a roost being present.

To avoid the loss of any foraging habitat the submitted report recommends the retention of three specific trees. From the lay out plan for the site it appears that this recommendation has not been adopted by the applicant and only two of the three trees appear to be retained. I recommend that the submitted plan be amended to show retention of all three trees and preferable shows increased native species planting in this area to increase the available bat foraging habitat.

To secure an enhancement of the site for roosting bats I recommend that a condition is attached that features for bats are incorporated in the new buildings. Wording of this condition is given in the breeding bird section below.

Breeding Birds

I recommend that the following two conditions are attached to any permission granted to ensure birds are not disturbed during the breeding season and to secure the provision of replacement nesting opportunities.

Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

Reason:- to safeguard protected species in accordance with PPS9.

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

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

Badgers

Badgers are active across the site, however the level of foraging activity is likely to be low enough that the proposed development of the site would not have an adverse impact on the species. No active setts have been recorded; however there is one mammal burrow which may possibly be used by badgers and the submitted survey report recommends that this is resurveyed to determine its current usage. I advise that this burrow should be re-inspected to confirm its usage by badgers and an updated report together with any mitigation required should be submitted prior to the determination of the application.

Phase One Habitat map

I do not appear to have a full copy of the phase one habitat map produced as part of the submitted survey.

Whilst the habitats present on site do not appear to be particularly important in ecological terms it would be useful to have a full colour copy of the habitat plan prior to making final comments.

3rd March 2010

The updated badger survey is acceptable. No evidence of a badger sett was recorded on site and the site only appears to be used occasionally for foraging/commuting purposes. I advise that this species does not present a constraint on the proposed development.

My original comments in relation to other nature conservation issues and suggested conditions still stand.

Greenspaces:

If the development were to be granted planning permission (in accordance with the submitted details on the plans submitted by Bloor Homes dated November 09 for 53 dwellings varying in size) there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision.

Amenity Greenspace

Following an assessment of provision of Amenity Greenspace accessible to the proposed development, it has been identified that there will be a quantitative deficiency in this type of provision in the event that planning permission is granted.

Due to the size of the proposed development site rendering it inappropriate for the on site provision of public open space, subject to discussion and negotiations with the Astbury Country Park Trust, an opportunity has been identified whereby there is the potential to increase the capacity of the existing amenity space at Astbury Mere Park adjacent to the development site by linking public rights of way to permissive path ways around the park.

The upgrading of this site by the improvement of access links to and around Astbury Mere would expand the Country Parks capacity via accessibility of the site and also connectivity to other areas that are open to the general public. Improvements to wildlife habitats, infrastructure and management service would also be beneficial to wildlife and the public.

With reference to the above suggestions to increase the Country Parks capacity and the revised site layout, it is felt that the footpath link indicated on the South West side of the development site on to the A34 would be better relocated to the North West of the site to adjoin the access road to Astbury Country Park. Although a footpath link in the above mentioned preferred location is indicated on the site plan, the path currently appears to stop on the boundary of the site and Greenspaces would prefer that consideration be given for enhancements of this existing public right of way to increase accessibility to the Park. In addition there is also the potential to construct pedestrian access from the South West of the site to the lane that leads to the sailing centre.

Greenspaces would also be in favour of the opening up of a link path between the development site and the newly constructed Care Home to improve accessibility for elderly residents by providing a quieter and safer access route to the Country Park.

Clarification as to the landscape impact of the development site on the Country Park and how the existing vistas will be affected, including information relating to any proposed screening is something that requires consideration by the Country Park and Greenspaces.

The proposed landscaped buffer strip adjacent to Newcastle Road is not an area that would be considered useable open space and would not therefore off set the amount of Amenity Greenspace available on site. Additional information relating to the type of landscaping proposals intended to shield the traffic noise would be required so that comment can be provided as to whether existing maintenance regimes could accommodate any new designs requirements.

Whilst potential exists for the enhancement of the Country Parks amenity spaces via path work improvements, opportunities to improve CE maintained PROW in the vicinity of the new proposed development also exist, thereby providing ample opportunity for the deficit in Amenity Greenspace on the development to be off set by improvements in other areas. It should be noted that Greenspaces would need to be involved in any discussion relating to PROW improvements and specifications for new paths, and it would be anticipated that any new paths should become PROW or be to adoption standards by highways.

Given that an opportunity has been identified for enhancing the capacity of existing Amenity Greenspace to serve the development based on the Council's Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhanced Provision:	<u>£ 9,033.93</u>
Maintenance:	<u>£20,220.75</u>

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. Whilst Bloor Homes have agreed to provide on site provision due to the absence of any in the local vicinity, the proposed location of the play area on the revised site layout is something that may need to be reconsidered.

The Revised Supplementary Planning Guidance Notes states that in relation to the location of public open space in new residential developments that; *“The open space should not adjoin a main road or estate distributor road”*. Due to the T-junction of the main estate in-road occurring directly to the front of the POS the relocation of the play area or the redirection of the traffic may be something for consideration.

A small Local Equipped Area for Play (LEAP) is to be provided and will contain at least 3 items of equipment (including a multi-unit) for the 6 and under age range.

This would take into account play area infrastructure, equipment including elements of DDA equipment, safer surfacing and safety inspection. We would request that the final layout and choice of play equipment be agreed with CEC, and obtained from a supplier on the Councils select list; the construction should be to the council's specification. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works.

Given that an opportunity has been identified for increasing the quantity of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

New Provision: Bloor Homes to provide LEAP
Maintenance: £51,044 (25 years)

Environment Agency:

The proposed development will only be acceptable if the following planning conditions are imposed:

Condition:

The development hereby permitted shall not be commenced until such time as a scheme to; limit the surface water run-off generated by the proposed development so that it will not exceed the run-off from the undeveloped site, has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

The Flood Risk Assessment (FRA) explains that the discharge of surface water from the proposed development is to be via a soakaway system, which is acceptable in principle. The system is to be designed for up to the 1 in 100 years design event.

Condition:

The development hereby permitted shall not be commenced until such time as a scheme to; manage the risk of flooding from surface water overland flow so that it will not cause flooding on-site and not increase the risk of flooding off-site, has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To reduce the increased risk of flooding.

During a severe rainfall event overland flow of surface water could cause a flooding problem. This flood risk is not to affect proposed buildings and is to be contained within the site.

Condition:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason:

To ensure a safe form of development which poses no unacceptable risk of pollution.

Based on the information provided it would appear that the site will pose a low risk to controlled waters. However, a number of areas require further investigation as stated in section 23 of the report. Therefore it is recommended that the above condition is specified to enable the risk to controlled waters to be re-assessed once the additional works have been completed.

The following informatives should be included on the decision notice.

Informatives:

We are promoting, with help of Local Planning Authorities, Sustainable Urban Drainage Systems (SuDS). It would be beneficial for nature conservation and biodiversity to have sustainable urban drainage systems including swales and ponds.

The Environment Agency recommends the use of native species with any landscaping scheme. If there are distinct local varieties where the local gene pool should be maintained, then stocks of local provenance should be used. British forms tend to be more resistant to frost and damp than their European counterparts, and flower and fruit at times more appropriate to the British animals that depend on them.

7. VIEWS OF TOWN/PARISH COUNCIL

Recommend approval of the application subject to any highway concerns being taken into consideration.

8. OTHER REPRESENTATIONS

Astbury Mere Trust:

The Trustees are concerned with the density of the development and the possible visual impact from the Country Park, particularly from the north eastern section of the development. There is also the view that because there is a pre-existing public footpath which runs through the site on to the southern entrance to the Country Park, in effect, the park will be used as an amenity provision. As we would presume those residents will make full use of our facility and as the Trust is running this country park at a significant loss we request that if there is an S106 provision that the Astbury Mere Trust is granted this to cover some of its running cost.

Sustrans:

We note the application for the residential development at Marsh Farm, Congleton.

Should this land use be approved our comments are as follows:

- 1) The estate should be designed for slow speed re 20mph or less.
- 2) The new estate should be integrated with existing residential areas/facilities for both walking and cycling.
- 3) There should be a contribution from a development of this scale toward encouraging more walking and cycling in this area of Congleton such as to the town centre.
- 4) We suggest travel planning for a site of this size.

8 other representations have been received relating to this proposal expressing concern over the following issues:

- Highway Safety
- Impact of increased traffic especially combined with traffic from the church and care home
- Ecological impact
- Loss of wild plants
- Impact on trees
- Increased pressure on drainage
- Flooding
- Increase in noise levels
- Impact on local infrastructure
- Scale and density of the development

- Disruption during construction
- Loss of pleasant rural fields
- Impact on Astbury Country Park
- Light Pollution
- Poor living conditions due to road noise

9. APPLICANT'S SUPPORTING INFORMATION

- Contaminated Land Survey
- Tree Survey Report with Update
- Design and Access Statement
- Affordable Housing Statement Including Draft Heads of Terms
- Transport Assessment
- Assessment of Traffic Noise Impact
- Air Quality Assessment
- Protected Species Surveys
- Flood Risk Assessment

10. OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Settlement Zone Line of Congleton where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town. Although the site is largely Greenfield in appearance and nature, one of the key considerations is whether the Council is in a position to meet its five year land supply targets.

The Strategic Planning Officer has stated that as a whole Cheshire East has 5.14 years supply; however this does not preclude other suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives. The Secretary of State for Communities and Local Government has recently announced that the Regional Spatial Strategy will be abolished in the near future; returning decisions on housing land supply to Local Planning Authorities and this intent should be a material consideration in the determination of planning applications.

On this analysis, the principle of housing development within the Settlement Zone Line of Congleton would be difficult to resist as the regional housing targets are set as a minimum, not a maximum limiting the amount of development that can take place.

Having regard to the density of the development, there would be 32 dwellings per hectare, which is slightly above the target set out in PPS3. This density is similar to that existing at the housing estate on the northern side of Astbury Mere Country Park, and not unusual within Congleton as a whole. This density is therefore considered to be acceptable.

Having regard to the greenfield character of the site, it should be noted that this is a relatively small area of private land, sandwiched between development. It is not considered that its loss would cause significant detriment to the character and appearance of the area.

Adjacent to the existing farmhouse and running along the western boundary of the site, there is Public Footpath 10 and this footpath appears to be within the application site where

Plot 1 would be sited. This has been advertised and advice from the Public Rights of Way unit is awaited, however the application should not be determined until after the advertisement has expired. An update will be provided to Members prior to the meeting.

Highways and Parking

The Highways Officer has assessed the application and negotiated amendments to the layout in combination with the Planning Officers advice. The amended design does not comply with advice given in 'Manual for Streets', however due to the constraints of the site this would be difficult to achieve and the Strategic Highways Manager states that the site has restrictions which lend themselves to design principles under the 1996 Cheshire County Council Design Aid, which is a document still in use locally. In addition the level of parking provision for each of the dwellings is considered to be acceptable. It is therefore considered that a refusal on these grounds could not be sustained.

A Transport Assessment was submitted with the application and the Strategic Highways Manager has assessed this and verified its findings. The Assessment concludes that the site is considered to be accessible by a range of non-car modes of travel, is in close proximity to the existing public transport infrastructure and that the development would not have a detrimental impact on the local highway network, including the nearby junction of Newcastle Road and Padbury Lane.

The Strategic Highways manager requests a condition requiring a footpath leading to the pedestrian link with the church, this however has been included in the amended layout, and therefore this would not be necessary.

Taking into account the issues covered above it is considered that the proposal is in compliance with Policies PPG13, GR9, GR10 and GR18 and acceptable in terms of highway safety, traffic generation and parking provision.

Contributions

The application includes an undertaking for the provision of 15 affordable homes within the site as agreed following negotiations with the Housing Officer. These would consist of 5 two bedroom and 3 three bedroom homes for social rent and 7 three bedroom homes for open market discount (30%) sale. Supplementary Planning Document 6: Affordable Housing and Mixed Communities, requires 30% of the development to be classed as affordable housing in line with the definition in Planning Policy Statement 3: Housing and the Housing Manager is satisfied with the level of provision put forward. In addition the proposal also meets the requirement to be 50% social rented and 50% discounted for sale.

The Strategic Planning Officer states that the proposal does not provide the level of affordable housing required by Supplementary Planning Document 6, (Affordable Housing and Mixed Communities). The level to be provided would be 28%, however as the Housing Officer is satisfied with the level of provision and given the current economic climate, it is considered that this small shortfall (2%) is acceptable.

Provided that the developers and the Registered Social Landlord chosen to manage the social rented properties enter into a Section 106 Agreement securing the provision and retention of the affordable housing, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing.

The Greenspaces Officer has assessed the proposal and states that due to the size of the development, it would be inappropriate to provide a large enough area of public open space within the development to offset the deficiency of provision set out by the adopted local standards in the Council's Open Space Study for both Amenity Green Space and Children and young Persons provision. As such commuted sums would need to be secured by Section 106 Agreement and these are fully explained in the consultation response from the Greenspaces Officer. In summary they would comprise a sum of £9,033.93 for enhanced provision of Amenity Greenspace, with £20,220.75 for maintenance and £51,044 for maintenance of a small Local Equipped Area for Play, the specification of which should be agreed with the Council.

The Astbury Mere Trust has requested that they are granted Section 106 monies to offset the running costs of the Trust; however as the Trust is a private Limited Company and a registered charity and is not part of the development site, it would not meet the requirements of the Act. As such it would not be possible to acquiesce to this request.

Ecology - Protected Species & Nature Conservation

Reports have been submitted with the application relating to the ecology of the site and protected species and the site have been assessed by the Nature Conservation Officer. He concludes that the development would not have a significant impact on protected species subject to the retention of three trees within the site and conditions relating to the prevention of disturbance of breeding birds and the enhancement of the site for roosting bats.

Having regard to the three trees mentioned, they are a in a group consisting of two Sycamores and one Ash. An updated Tree Survey undertaken in April of this year recommends the felling of the Ash as it is situated between the two Sycamores, resulting in it having a suppressed crown and being in decline with the western stem dead and an estimated remaining contribution of ten years. It is therefore considered that allowing this tree to be felled would benefit the two sycamores and provided that these trees are retained there would still be a foraging area on the site for bats.

It is recommended that conditions be imposed relating to the protection of breeding birds and features to enhance the area as a habitat for bats and breeding birds.

Amenity

The development would meet the requirements required by Supplementary Planning Document 2 (Private Open Space), in that the private amenity space provided to the dwellings would be acceptable as would the separation distances between the individual properties. It is therefore considered that the residential amenities of future occupiers would be acceptable. It is considered however, that Permitted Development Rights should be removed from Plots 4 and 5, 32 to 41 inclusive, and 44 to 52 inclusive, as future extensions could have the potential to be detrimental to residential amenity.

Design and Layout

The layout of the site would take the form of a main spine road entering the site with two offshoots forming a curved 'T' shape with turning heads at either end, the majority of the dwellings would be arranged around the route of the roads, with nine of the dwellings facing onto Newcastle Road, creating an active frontage to this part of the site adjacent to Astbury Care Home. The spine road has footpaths on both sides and in the northern part of the site a footpath is proposed leading to a pedestrian link through to the rear of the adjacent

church. An area of public open space is proposed at the entrance to the site, at the junction of the spine road, which it is considered would create an attractive feature for people entering the development.

The dwellings would consist of detached, semi-detached and terraced properties of a design that is considered to be acceptable, subject to the use of appropriate materials in their construction and this could be controlled by condition should the application be approved.

Landscaping and Trees

None of the trees within the site are subject to Tree Preservation Orders; however some of the specimens are very prominent. The layout as originally submitted caused concerns in relation to the impact that retained trees would have on the future amenities of the proposed dwellings and where buildings would be within tree root protection zones or too close to boundary hedges, as such an amended layout was sought. The amendments have increased the separation distances between the properties sited near the lines of Poplar trees on the boundary with Astbury Mere Country Park. The Senior Tree and Landscape Officer still has concerns over the impact that these trees would have on the amenities of these properties but accepts that the relationship has been improved. She considers that these trees are not in keeping with the local landscape character or suitable for long term retention but do provide valuable screening to the site. They are not within the control of the applicants so it will be important to ensure that appropriate planting is secured by condition should planning permission be granted.

The planting proposed on the frontage of the site, adjacent to Newcastle Road is not considered to be an appropriate replacement for the existing hedgerow and it is recommended that alternative landscaping is secured by condition. The hedgerow does not fall under the relevant criteria of the Hedgerow Regulations 1997 in archaeological terms and a response is awaited from the Cheshire Record Office in relation to the Hedgerow Regulations.

On balance it is considered that suitable landscaping for the proposal can be achieved and it is recommended that this be controlled by conditions should the application be approved.

11. CONCLUSIONS

In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

12. RECOMMENDATION:

Approve subject to the signing of a Section 106 Agreement and the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission and of details/samples of external materials**
- 4. Submission and implementation of a scheme of tree protection measures**

- 5. Submission and implementation of a method statement for construction in relation to trees and landscaping on the site**
- 6. Submission and implementation of a scheme of landscaping of the site**
- 7. Submission and implementation of details of boundary treatments**
- 8. Submission of a detailed drainage scheme**
- 9. Limits on hours of construction**
- 10. Limits on hours of piling**
- 11. Submission of detailed access and junction plans**
- 12. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details**
- 13. Omission of the lateral deflections on the submitted layout plan**
- 14. Submission of surveys and mitigation methods for the protection of breeding birds**
- 15. Submission of details of features for breeding birds and bats**
- 16. Submission of details of Local Equipped Area of Play**
- 17. Submission of scheme to limit surface water run-off**
- 18. Submission of a scheme to manage flood risk**
- 19. Submission of a scheme to deal with the risks associated with contamination on the site**

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	10/0999N
Application Address:	Church Minshull Village Hall, Muslin Row, Church Minshull, Nantwich, CW5 6EW
Proposal:	New roof covering, replace windows and rear store room and construct new store room
Applicant:	Church Minshull Village Hall Committee
Application Type:	Full Planning
Grid Reference:	366576, 360475
Ward:	Cholmondeley
Earliest Determination Date:	26/05/2010
Expiry Dated:	08/06/2010
Date Report Prepared:	25/05/2010
Constraints:	Open Countryside, Conservation Area and Area of Special County Value

SUMMARY RECOMMENDATION:

Approve with conditions

MAIN ISSUES:

- Principle of Development
- Character and appearance of the Conservation Area/Open Countryside/ASCV
- Residential Amenity
- Parking and Access

1. REASON FOR REFERRAL

The application has been called in by Councillor Stan Davies due to concerns over the impact the development would have on the character of the local area and the impact on the Conservation Area.

2. DESCRIPTION OF SITE AND CONTEXT

The application site comprises a single storey former army hut which is utilised as a village hall within the village of Church Minshull. The site is located within the Open Countryside, the Church Minshull Conservation Area and Weaver Valley Area of Special County Value, as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011. The hut is set back from the edge of the public highway with an area of car parking to the front. The building is timber boarded with a later brick extension to the front.

3. DETAILS OF PROPOSAL

The application seeks retrospective consent for the replacement of the roof with light grey cladded panels and the replacement of the original metal framed windows with uPVC windows. The application also includes an extension to the front of the village hall as a replacement store room.

4. RELEVANT HISTORY

7/03280 - Installation of flush toilets with drain and septic tank approved 13th October 1977

P00/1011 - Replacement Toilet Block and Store, Front Porch Extension and Disabled Access Ramp - Approved 4th January 2001

P02/1044 - Ground Floor Extensions and Alterations - Approved 13th November 2002

09/2099N - New Roof Covering, Replace Windows, Replace Rear Storehouse, Construct New Storehouse - withdrawn 14th September 2009.

5. POLICIES

The development plan includes the Regional Spatial Strategy for the North West (RSS), (formally RPG13), and the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The relevant development plan policies are:

Local Plan

NE.2 (Open Countryside)

NE.3 (Areas of Special County Value)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

CF.1 (Community Facilities)

Other relevant planning guidance includes:

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

6. CONSULTATIONS (External to Planning)

None received at the time of report preparation

7. VIEWS OF THE PARISH / TOWN COUNCIL

A consultation response has been received from Church Minshull Parish Council which raised the following points:

-Accuracy of dates on the application form i.e. work commenced 27/7/2010

-Loss of car parking

8. OTHER REPRESENTATIONS

19 letters have been received from residents of Church Minshull in support of the light grey roof colour.

2 letters have been received against the present colour of the roof.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access/Heritage Statement

The Design and Access/Heritage statement outlines the need for extra storage space as the reason for the proposed front extension and the fact that the rear store room is no longer safe.

The applicant has designed the proposed development to preserve and enhance the appearance of the existing village hall.

10. OFFICER APPRAISAL

Principle of Development

The proposed development is considered to be acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties, or the character and appearance of the Open Countryside, Conservation Area or the Area of Special County Value (ASCV). It is also necessary to consider the highway safety implications of the proposals.

Character and Appearance / Open Countryside, Conservation Area / ASCV

Policy NE.3 (Areas of Special County Value) states that development should not have an adverse impact upon the character or features for which the Area of Special County Value has been designated.

At present an attached single storey store room constructed of corrugated metal, which has been condemned as structurally unsound, is located to the rear of the building. It is proposed that this should be removed and replaced with a new attached store room to be clad in wood to match the existing building. With the addition of 4 small windows to the rear elevation and one to each of the sides.

The existing structure to be demolished is of no historic or architectural value and the replacement structure to the rear will be more in keeping with the existing building and will give a more aesthetically pleasing appearance when viewed from the fields to the rear. It will not be visible from the front of the hall. Consequently, it is considered that this part of the proposed development will not have a detrimental effect upon the amenities of the Open Countryside, Conservation Area of the Area of Special County Value.

The proposed single storey extension to the front of the hall will project from the front of the existing building by 3.2 metres, which is slightly short of the existing extension. It will have a length of 5.4 metres with a roof ridge height of 3.2 metres. This part of the proposed development will have a dual pitch roof with gable end to match the pitch of the existing roof, albeit with a lower ridge height. It is to be clad in timber matchboard to match that of the original building with the roof being covered in the same material as the rest of the building.

This part of the proposed development will respect the scale, form and character of the building and the use of timber cladding will allow it to blend it with the original hall. As a result, it will not have an adverse impact upon the Open Countryside, Conservation Area of the Area of Special County Value.

Approval for the replacement windows is applied for in retrospect. The former metal frames have been replaced by white uPVC. Whilst the use of white uPVC windows within a Conservation Area is not normally permitted, it has been noted that properties on the other side of the road also have white uPVC windows. Furthermore, although the building

is located within the Conservation Area, in itself it is of little historic or architectural merit and, given its utilitarian appearance, it is not considered appropriate to the refuse the application for this reason.

The replacement roof is also applied for in retrospect, the material being a metal cladding coloured in light grey. Policy BE.7 (Conservation Areas) states that extensions and alterations should reflect the scale, form and character of the building and use materials that are traditionally characteristic of the area. However, the roofing material is not considered to be a material traditionally found within the area. The light grey colour gives it an overly prominent and “industrial” appearance, which is considered to be harmful to the Conservation Area and the Area of Special County Value.

Given the modern and utilitarian nature of the building, it is not considered to be appropriate to re-clad the roof with traditional material such as slate or tile. However, it is considered that the effect of the actual roofing material upon the Conservation Area and Area of Special County Value could be mitigated if a darker colour were used. This would be more akin to the colour of the traditional materials and less noticeable when viewed within the wider context of the Conservation Area, Area of Special County Value and the Open Countryside to the rear.

It is important that this issue of the colour of the roof is addressed to ensure that the building preserves the integrity of the designations which the surrounding area enjoys. It is therefore recommended that a condition be attached requiring the roof to be repainted in a colour to be agreed with the Local Planning Authority.

Residential Amenity

The area surrounding the application site is a mixture of differing styles of residential properties and it is considered that the proposed development will not have an adverse effect upon any neighbouring dwellings.

The proposed development represents a small addition to the existing building in terms of volume with two new windows being included in the front extension. The application site is approximately 38 metres from the nearest property facing on to the site and the side elevation on the proposed front extension is blank.

Therefore the proposed development is in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Parking and Access

It has been suggested that the proposed front extension will lead to a loss of car parking spaces. Whilst the car park will lose one space there will still be space available to the front of the proposed extension in an area which is not currently used for parking.

Therefore the proposed development will not result in a loss of parking and is in accordance with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

11. CONCLUSIONS

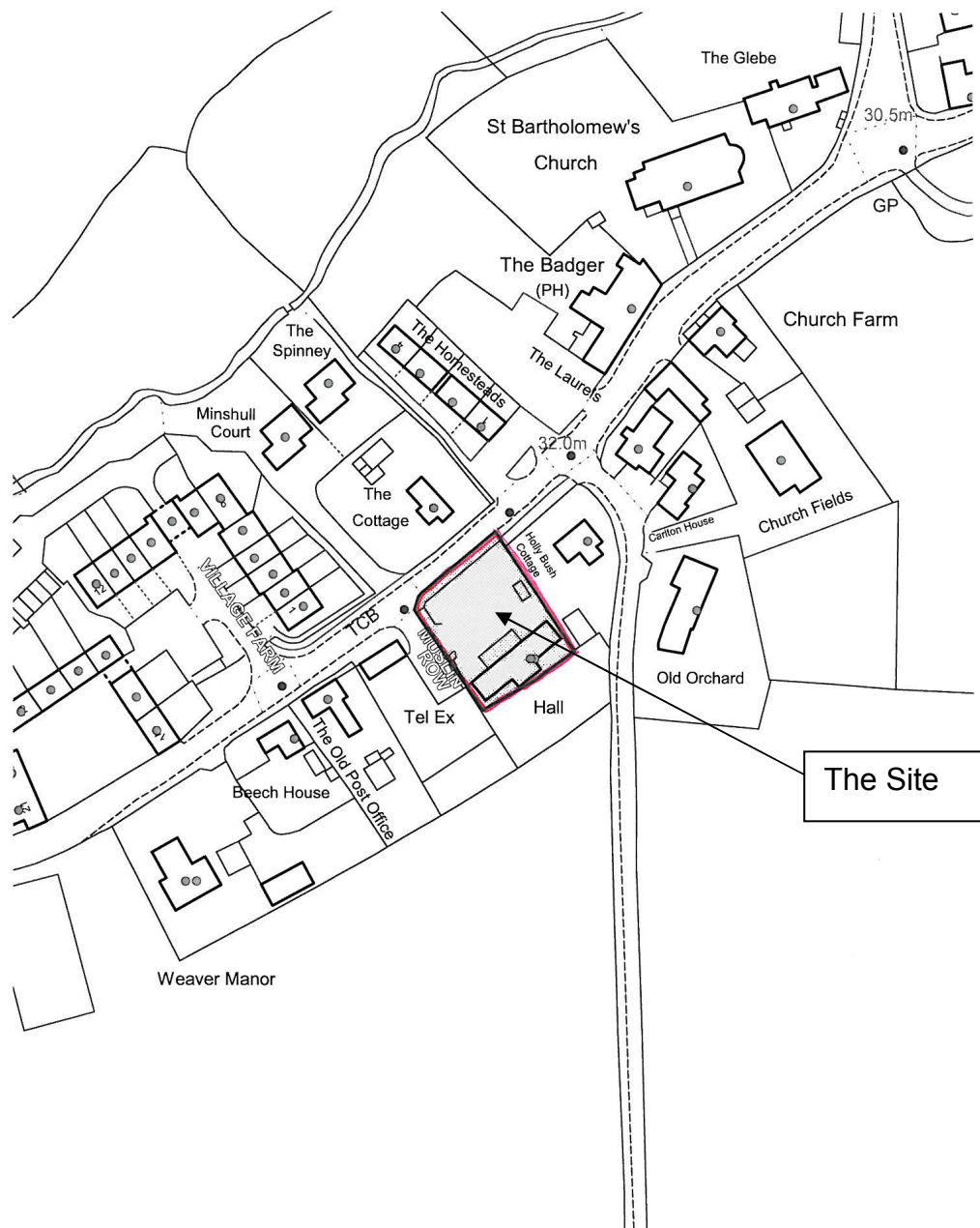
Overall the principle of the development is acceptable within the context of the site and the surrounding area. However, it is considered that the combined material and colour of the roof will detract from the visual appeal of the Conservation Area and Area of Special County Value, and the use of darker grey colour should be applied in order to lessen the visual impact of the development.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Commence development within 3 years**
- 2. Development in accordance with approved plans**
- 3. Details of external materials**
- 4. Colour of roof to be repainted in a colour to be agreed in writing by the LPA and retained thereafter**

Location Plan: Cheshire East Council Licence No. 100049045



Planning Reference No:	10/1179C
Application Address:	14 Smithfield Lane, Sandbach.
Proposal:	Demolition of existing house and erection of 7No. 3 and 4 bedroom houses. Resubmission of application No. 09/3069C (determined 13 th November 2009).
Applicant:	Mr S Bourne, Brighthouse Homes (Sandbach) Ltd
Application Type:	Full Planning Permission
Ward:	Sandbach East and Rode
Registration Date:	26 th April 2010
Earliest Determination Date:	14 th June 2010
Expiry Date:	21 st June 2010
Date report Prepared	18 th June 2010

SUMMARY RECOMMENDATION: Approve with conditions.

MAIN ISSUES:

- Principle of the development
- **Highways**
- Design, layout and scale
- **Density**
- Impact on the amenities of neighbouring properties
- **Amenities of future occupiers**
- **Landscaping**

1. REASON FOR REFERRAL

Called in by Councillor E Alcock on the grounds that:

“The previous application failed under GR1, GR2, GR6 and GR9. The new application still contravenes GR1, especially i. design, ii. landscape, v. traffic generation, vii. open space provision. GR2, especially i. A and D, ii. A, B, C and D and all of iii and greatly contravenes GR6.

The significant concerns are as follows:

Overdevelopment, no open space provision, not in character with surrounding properties, height is a great concern, overbearing to adjoining properties, loss of privacy, sunlight and daylight, visual intrusion, noise and pollution, traffic, extra parking on well used road.”

2. DESCRIPTION AND SITE CONTEXT

The application site is currently occupied by a bungalow with a large rear garden situated on the eastern side of Smithfield Lane. It is located within the Settlement Zone Line of Sandbach. The surrounding development is residential.

3. DETAILS OF PROPOSAL

The proposal is for seven dwellings, five to the rear of the site and two facing onto Smithfield Lane. Access would be taken from Smithfield Lane. A block of three garages would be sited to the rear of 12 Smithfield Lane. A small area between the access road and 12 Smithfield Lane is proposed for placing bins and recycling on collection day.

Plots 1 and 2 would face onto Smithfield Lane and would be semi-detached dwellings. Plots 3 to 7 would be five bedroom properties, with four bedrooms at first floor level and the master bedrooms accommodated in the roof space.

4. RELEVANT HISTORY

09/3069C 2009 Refusal for demolition of existing house and erection of 7 dwellings

5. POLICIES

National Guidance

PPS3 – Housing

Regional Spatial Strategy

DP1 – Spatial Principles

DP7 – Promote Environmental Quality

L4 – Regional Housing Provision

Congleton Local Plan 2005

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

PS4 – Towns

H1 & H2 – Provision of New Housing Development

GR1 – New Development

GR2 & GR3 – Design

GR6 – Amenity and Health

GR9 – Parking and Access

SPG2 – Provision of Private Open Space in New Residential Developments

6. CONSIDERATIONS

Environmental Health:

I have taken the opportunity to examine the above application and would like to make the following comments:

Prior to commencement of development

Contaminated land observations

(a) A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).

(b) Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.

(c) If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.

(d) Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development and to comply with Policy NR6 of the adopted Congleton Borough Local Plan First Review

Construction phase of development:

Protection from noise during construction (hours of construction)

The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

Reason: To protect the amenities of nearby residents and the occupiers of nearby property in accordance with Policies GR2 and GR6 of the adopted Congleton Borough Council Local Plan First Review 2005.

Pile Driving

Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

Reason: In the interests of amenity, having regard to the location of the site in accordance with policies GR2 and GR6 of the adopted Congleton Borough Council Local Plan First Review 2005.

Vehicle Movements

Due to the development taking place amongst residential properties, heavy goods vehicles should be restricted and shall only access the site from 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday. Therefore prohibiting overnight parking and early morning deliveries so reducing any unnecessary disturbance.

Highways:

The Strategic Highways Manager has assessed this application and offers the following comments:

Condition: Prior to first development the developer will provide a detailed design and construction specification plan of the proposed access for the approval of the LPA.

Condition: Prior to first development the developer will substantially construct the access (to exclude wearing course) so that an appropriate level of access is provided for the site construction. This will form part of the off-site highway works.

Condition: Prior to first occupation the proposed access will be completed and any remedial works to the partially completed access will be rectified. This will form part of the off-site highway works.

Informative: Prior to first development the developer will enter into and sign a Section 278 Agreement under the Highways Act 1980 to protect CEC Highway Authority against Part 1 Claims.

Senior Landscape and Tree Officer:

The layout has only minor amendments to the layout from the previous submission 09/3069C and therefore my previous comments are replicated below with some minor changes. The site contains a number of trees and there are some lengths of hedge. The submission includes a tree survey report, which covers the site and adjacent land. (The survey is dated August 2008. I suggest the consultant arboriculturalist be requested to provide a statement confirming whether or not the findings are still valid). The majority of the trees and hedges are given relatively low ratings in the report although it is important to note that two Oak trees in the north eastern corner (one off site, one in the site), are given higher grades.

As a minimum the development as proposed would require the removal of some existing lengths of hedgerow and an Apple tree of relatively low value. The lengths of hedge which would be lost are not significant and subject to replacement planting I have no objection. Plot 7 and the adjacent garages are very tight to the southern boundary and greater separation would be preferable to ensure retention of the boundary hedge.

Whilst a young Oak is shown for retention in the garden of plot 3, (Grade B1), I consider this tree could not reasonably be retained in the long term in the situation. The loss of this tree would be regrettable although I do not consider it to be so prominent to wider public view as to merit TPO protection.

The form of development proposed appears to be out of keeping with the character of the surrounding area.

In the event the application is deemed acceptable, I recommend tree and hedge protection conditions together with landscape conditions.

Nature Conservation Officer;

No significant impacts identified.

Spatial Planning:

None received at the time of report writing.

7. VIEWS OF TOWN/PARISH COUNCIL

Members were unanimous in **objecting** to this application as it contravenes Policies GR1 and GR2 through detracting from the character and appearance of the area. In addition the proposed development would result in the erection of new dwellings in close proximity to, and directly overlooking, rear gardens of the adjoining properties. The proposed development would therefore result in overbearing development and loss of privacy thereby having a harmful effect on residential amenity. The proposals are therefore contrary to the Congleton Borough Local Plan as policy GR6 seeks to ensure that proposals would not have an unduly detrimental effect on amenity due to i) loss of privacy and iii) visual intrusion.

8. OTHER REPRESENTATIONS

15 representations have been received relating to this proposal expressing concern over the following issues:

- Highway safety
- Increase in traffic movements
- Drainage
- Loss of light
- Loss of privacy
- Visual intrusion
- Overdevelopment
- Size of the dwellings
- Density
- Out of character with the area
- Lack of need for the dwellings
- Loss of a green space
- No provision of open space
- Impact of construction traffic
- Increase in noise levels
- Loss of trees
- Inadequate parking provision
- Extra bins creating disruption on pavements
- Proposed bin area could lead to smells and vermin

9. APLLICANT'S SUPPORTING INFORMATION

- Design and Access Statement, detailing the design rationale supporting the application
- Tree Survey Report
- Report on Bat Survey

10. OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Settlement Zone Line of Sandbach where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town. One of the key considerations is whether the Council is in a position to meet its five year land supply targets.

The Strategic Planning Officer has stated that as a whole Cheshire East has 5.14 years supply; however this does not preclude other suitable sites being released for housing development, subject to it not undermining the achievement of housing policy objectives. On this analysis, the principle of housing development within the Settlement Zone Line of Sandbach would be difficult to resist as the regional housing targets are set as a minimum, not a maximum limiting the amount of development that can take place.

The Secretary of State for Communities and Local Government has recently announced that the Regional Spatial Strategy will be abolished in the near future; returning decisions on housing land supply to Local Planning Authorities and this intent should be a material consideration in the determination of planning applications.

The development would be on garden land and the Government has recently made an announcement stating that this would no longer be classified as brownfield. However the development should still be determined against the criteria set out in the adopted Congleton Borough Local Plan First Review that does not have a saved policy relating to backland development.

Highways

Several of the objectors have expressed concerns relating to highway safety, traffic generation and parking provision. It is noted however that the Strategic Highways Manager has not objected to the proposal, subject to conditions being imposed. These conditions would ensure that detailed drawings of the access should be approved prior to the commencement of development, the access must be substantially constructed prior to the construction of the dwellings and the access must be completed prior to the occupation of the dwellings. It is therefore considered that a refusal on the grounds of adverse impact on highway safety could not be sustained.

Design, Layout and Scale

The proposal is for seven dwellings; five to the rear of the site and two facing onto Smithfield Lane. Access would be taken from Smithfield Lane. A block of three garages would be sited to the rear of 12 Smithfield Lane. A small area between the access road and 12 Smithfield Lane is proposed for placing bins and recycling on collection day.

Plots 1 and 2 would face onto Smithfield Lane and would be semi-detached dwellings. Plots 3 to 7 would be five bedroom properties, with four bedrooms at first floor level and the master bedroom accommodated in the roof space.

Following the refusal of the previous application, some changes have been made to the proposal and a detailed assessment of the character and style of the properties, in relation to those in the surrounding area, has been submitted. This highlights that there are properties in close proximity to the site that consist of many different designs and a variety of sizes. These include the two new dwellings at the end of Mill Row that are situated on the southern boundary of the site. These are large detached dwellings with rooms in the roof. To the east Booth Avenue contains detached properties and Smithfield Lane contains a mixture of bungalows and two storey properties.

Density

The proposal would provide a development equivalent to a density of 40 dwellings per hectare. Following the Ministerial announcement on 9th June 2010 PPS3 no longer

specifies a minimum density for housing development. Local authorities now have the flexibility to decide what density would be appropriate. Having regard to this proposal, the surrounding development does not have a uniform density of development and therefore the density of the proposal is considered to be acceptable.

Impact on Existing Amenity Levels

Having regard to neighbouring amenity, the properties at the rear of the site would face the rear elevations on Booth Lane. All of five of these dwellings would be in excess of 23 metres away from the properties on Booth Avenue, which exceeds the requirements set out in SPD2 (Private Open Space). These are the dwellings that would have the master bedroom in the roof, however the rear roof slope would only contain a rooflight, which would not cause detriment to residential amenity through overlooking.

The dwellings proposed for Plots 1 and 2 would be adjacent to 16 Smithfield Lane, and this property has two small windows in the ground floor, side elevation. The proposed dwelling on Plot 2 would have a landing and a hall window facing this side elevation and it is not considered that these would have any significant impact on the residential amenities of this property.

Amenity Levels of Future Occupiers

Having regard to the amenities of future occupiers of the proposed dwellings, it is considered that the usable amenity space provided for each dwelling would be in compliance with SPD2 and would be acceptable.

As discussed above, the new dwellings would be sited in such a way as to meet the required separation distances set out in SPD2. It is considered however, that Permitted Development Rights should be removed from the proposed dwellings, as future extensions could have the potential to be detrimental to residential amenity.

Landscaping

The application contains a Tree Survey Report which gives relatively low ratings to the majority of trees and hedges on the site, other than two Oak trees in the north eastern corner, one of which is not in the control of the applicants. Some lengths of hedgerow would be lost, as would an Apple tree, however it is considered that subject to the submission of an acceptable landscaping scheme the site could be landscaped successfully. It is therefore considered that conditions should be imposed requiring the submission of details of tree protection, landscaping and boundary treatments in order to ensure appropriate landscaping of the site.

11. CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

12. RECOMMENDATION:

Approve subject to the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Removal of permitted development rights**
- 4. Submission of details/samples of external materials**
- 5. Submission of detailed drainage scheme**
- 6. Submission of a Phase 1 contaminated land survey**
- 7. Limits on hours of construction**
- 8. Limits on hours of piling**
- 9. Submission of detailed access and junction plans**
- 10. Submission of landscaping scheme**
- 11. Implementation of landscaping scheme**
- 12. Submission of details of boundary treatments**
- 13. Tree protection scheme**

Location Plan: Cheshire East Council Licence No. 100049045



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Planning Reference No:	10/1492N
Application Address:	Fields Farm, Sydney Road, Crewe
Proposal:	Construction of a Noise Attenuation/Screening Bund
Applicant:	VWJ Earthmoving Ltd
Application Type:	Full Planning
Grid Reference:	372447 355844
Ward:	Doddington
Earliest Determination Date:	14 th June 2010
Expiry Dated:	23 rd June 2010
Date of Officer's Site Visit:	9 th June 2010
Date Report Prepared:	15 th June 2010
Constraints:	Green Gap & Open Countryside

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle
- Amenity
- Design
- Highways
- Ecology

1. REASON FOR REFERRAL

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

'The Committee need to consider concerns regarding the effects of the proposal upon the visual character and amenity of the surrounding open countryside due to the location of the site within the Green Gap. This particularly relates to Policies NE.2 and NE.4'

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located within the Crewe-Haslington Green Gap and the Open Countryside. Fields Farm consists of a modern detached dwelling, a traditional brick barn, and a number of smaller stable buildings, with a manege located to the east of the dwelling. Directly to the east of the site is the A534 Haslington Bypass and this boundary is currently formed by a 2 metre high timber fence and sparse vegetation. The area is relatively open with some variation in land levels.

3. DETAILS OF PROPOSAL

The proposal relates to the construction of a 1.5 metre high noise attenuation/screening bund that would be sited onto the boundary with the A534. The bund would be 135 metres in length.

4. RELEVANT HISTORY

10/0748N – Barn conversion to create one dwelling (extension to time limit condition) – Refused 22nd April 2010

P04/1393 - Barn Conversion to Create One Dwelling – Approved 28th February 2005

P04/0939 - Change of Use from Agricultural Use to Commercial Premises – Refused 29th September 2004

P03/0336 - Demolition of Existing House and Replacement Detached Dwelling – Approved 22nd August 2003

P02/1186 - Change of Use from Agricultural Use to Offices and Storage – Refused 30th December 2002

5. POLICIES

Local Plan policy

NE.2 – Open Countryside

NE.4 – Green Gaps

NE.9 – Protected Species

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

6. CONSULTATIONS (External to Planning)

Ecology: Do not anticipate there being any significant ecological issues associated with the proposed development, recommends the use of native landscaping only.

Highways: Providing that the bund does not restrict the existing visibility splays, the highways authority has no objections.

7. VIEWS OF THE PARRISH COUNCIL

Crewe Green Parish Council: The Parish Council have no objection to the proposals on condition that the bund is constructed with inert material and that the proposed planting scheme is implemented within the first planting season following the creation of the bund.

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

8. OTHER REPRESENTATIONS

No representations received

9. APPLICANT'S SUPPORTING INFORMATION

Supporting Statement (Produced by the applicant)

- The applicant understands that when the A534 was constructed the adjacent landowners had the option of a bund or fencing. The current tenant opted for fencing and the fencing is not very high, is not double thickness, is not acoustic fencing and there is no planting

- The A534 is a major route linking Crewe and the M6. The road carries a high volume of traffic during all times of the day and there is a high level of noise pollution

- Due to the level of the fencing, 4 x 4 vehicles and HGV's can clearly see over the boundary fence which causes a security risk
- As the area of land immediately adjacent to the A534 is a paddock; there is a concern that when young cattle and horses are on the paddock traffic noise may scare the animals and they may escape onto the main road
- The proposed bund would provide an acceptable environmental improvement and a substantial improvement to Fields Farm in terms of noise pollution and as a visual improvement
- The bund is to have a 1 in 2 slope and there would be a post and rail fence constructed with landscaping that would be sympathetic to the surrounding landscaping
- The bund is to be formed of imported inert subsoil/clay (spoil) material, the work is likely to take less than 12 months
- The only excavation work involved in this proposal is the temporary removal of topsoil
- No watercourses are affected and the site is not part of a flood plain. Drainage of the proposal will be by the falls formed by the structure which will be collected by the existing watercourses
- Road access to the site is good as haulage vehicles will approach the site via Sydney Road, Crewe then travel down the drive approximately 0.5 miles long of which there are 2 passing points
- The landscaping will be implemented in the first available planting season and will integrate into the existing landscaping along the road and will include a diverse mix of grassland, hedges and tree planting

10. OFFICER APPRAISAL

Principle of Development

The application site is located within the Open Countryside and Green Gap and the principal issue is whether the development would result in the erosion of the physical gaps between the built up areas or adversely affect the visual character of the landscape. The proposed development will need to comply with policies BE.1, BE.2, BE.3, NE.2, NE.4 and NE.9.

Amenity

The application site is located in an isolated position with no near neighbouring residential properties. Given the scale of the proposal and its location it is considered that the proposed development would not have a detrimental impact upon residential amenity.

Design

In terms of development within the Green Gap, policy NE.4 states that the construction of new buildings or the change of use of the existing buildings or land should meet the following criteria;

- it should not result in the erosion of the physical gaps between the built up areas
- it should not adversely affect the visual character of the landscape

Once the bund has been completed it would be finished with a landscaping scheme which would be conditioned to include native species only. It is not

considered that the construction of a landscaped bund of 1.5 metres in height would result in the erosion of the physical gaps between the built up areas.

The land levels vary on the adjacent land to the north and south of the site and it is accepted that there are other areas of landscaped mounding along the A534. Given the variation in land levels adjacent to the site it is not considered that a 1.5m high bund would harm the visual character of the landscape especially when the landscaping scheme becomes established.

The proposal is also subject to Policy NE.2 and it is not considered that the development would have a detrimental impact upon the character and appearance of the open countryside.

Highways

The proposal would not impact upon highway visibility and as a result the Highway Authority has raised no objection to the proposed development. The development is therefore considered to be acceptable in terms of its highway safety implications.

Ecology

It is not considered that this development would impact upon protected species and this view is supported by the Council's ecologist. A condition will be attached to ensure that the landscaping scheme is made up of native species only and that if any protected species are found during construction works that a qualified ecologist is contacted.

11. CONCLUSIONS

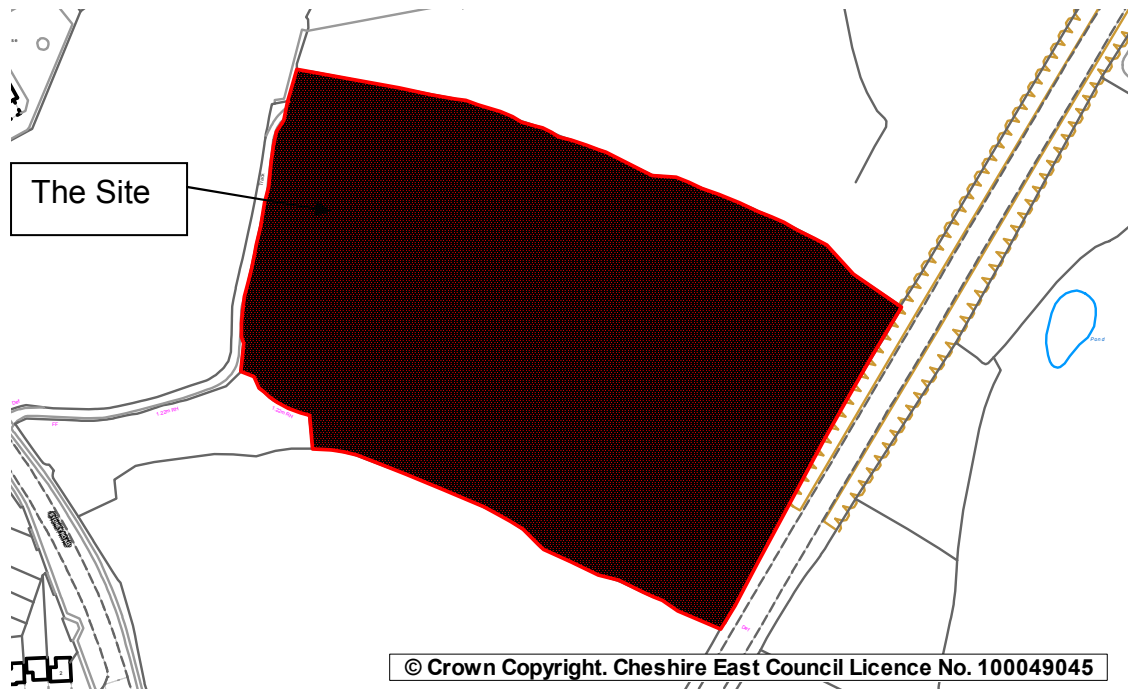
The proposal would not result in erosion of the physical gaps between the built up areas and would not adversely affect the character of the landscape. The development would not raise any amenity, highway safety or ecological issues and is therefore considered to be acceptable.

12. RECOMMENDATIONS

Approve subject to the following conditions;

- 1. Standard 3 years**
- 2. Development in accordance with the approved plans**
- 3. Landscaping scheme including native species only to be submitted**
- 4. Landscaping to be completed**
- 5. Details of fencing required to be submitted and approved**
- 6. Works to stop if protected species are found**

Location Plan



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Planning Reference No:	10/1852C
Application Address:	62 Princess Drive, Sandbach
Proposal:	Two Storey Side Extension
Applicant:	Mr & Mrs S Gunay
Application Type:	Householder
Grid Reference:	375029361523
Ward:	Sandbach
Earliest Determination Date:	23 June 2010
Expiry Dated:	8 July 2010
Date of Officer's Site Visit:	18 June 2010
Date Report Prepared:	18 June 2010
Constraints:	

SUMMARY RECOMMENDATION

APPROVE subject to conditions and subject to receipt of satisfactory amended plans

MAIN ISSUES

- Principle of Development
- Amenity
- Design
- Highway Safety

1. REASON FOR REFERRAL

This application is to be determined by the Southern Area Planning Committee because the applicants are related to I Bunn (Building Control Manager) and L Bunn (Technical Advisor - Planning).

2. DESCRIPTION OF SITE AND CONTEXT

The application site measures 277 sq. m approximately and comprises an existing semi-detached dormer bungalow and its residential curtilage located off Princess Drive which is sited within the settlement boundary of Sandbach. The site is unallocated within the Local Plan.

3. DETAILS OF PROPOSAL

The proposal relates to a two storey side extension.

The following is to occur:

- New dormer at first floor to west elevation (front) measuring 2.6m wide, 1.2m to eaves and 2.1m to ridge height maximum projection 3m

- Two storey side extension measuring 5.7m deep, 2.5m wide, 0.3m set back from front elevation and 1.9m set back from rear elevation reaching a height of 2.6m to eaves and 6.1m to ridge height
- Dormer at first floor of side extension measuring 2.2m wide, 1.4m to eaves and 2.2m to ridge height maximum projection 3m
- The extension will facilitate the provision of an additional two bedrooms and a staircase
- The conservatory is not shown on the floorplans but is shown on the proposed elevations and it has been confirmed that this is to be retained.

4. RELEVANT HISTORY

None relevant

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Congleton Borough Local Plan First Review 2005.

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

DP7 – Promote Environmental Quality

DP9 – Reduce Emissions and Adapt to Climate Change

Local Plan Policy

PS3 Settlement Hierarchy

PS4 Towns

GR1 New Development

GR2 Design

GR6 Amenity and Health

GR9 New Development

GR17 Car Parking

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 3 (Housing)

6. CONSULTATIONS (External to Planning)

None consulted

7. VIEWS OF THE PARISH COUNCIL

No comments received at time of writing report

8. OTHER REPRESENTATIONS:

No comments received at time of writing report

9. APPLICANT'S SUPPORTING INFORMATION

None submitted

10. OFFICER APPRAISAL

Principle of Residential Development

The site is situated within the settlement zone line of Sandbach as defined on the adopted Local Plan where there is a general presumption in favour of new development as indicated by policy PS4 of that Plan. In terms of the acceptability of the principle of constructing an extension, there are no specific saved policies which deal explicitly with extensions to dwellings within the settlement zone lines.

The proposals will therefore be determined in accordance with the general policy requirements relating to design, amenity and highway safety.

Amenity

The boundary to the property is located at an angle and the extension would be between 4-6m from the neighbour at no. 60. Moreover the neighbour at no. 60 is at a higher topographical level than the application site. Whilst this property does have windows on the side elevation (ground floor obscure glazed window and first floor bedroom window), as the extension is situated away from the boundary, at an angle and to the north of the windows affected, it is not considered that the erection of the extension would have a significant adverse impact upon the amenities of this property by reason of overdomination/ overshadowing.

As no windows are proposed on the side elevation, this negates any overlooking between the two properties. Permitted development rights for new windows should be removed to ensure the extension would not overlook no. 60.

The front and rear elevations of the extension would not project beyond the rear and front building lines of the existing dwellinghouse and would therefore not exacerbate the existing situation in respect of overlooking to the front and rear.

The property will retain ample amenity space.

Design

Princess Drive is a cul de sac comprising semi-detached dormer bungalows in a regimented piano key arrangement set back from the road frontage. The dormer elements of the property differ considerably in size and design as these have been later additions.

In terms of the scale and proportions of the extension, its modest width and depth, the set back from the front and rear elevations and the reduced ridge height ensure the extension would be subordinate despite its unusual asymmetrical appearance from the side and rear.

In addition, whilst the rear elevation has not been articulated and therefore it follows function rather than form, its impact nevertheless would be limited given the scale of the

extension and given that the rear elevation would not be prominent within the streetscene or other public vantage points.

Whilst from an urban design perspective, the parking of vehicles in front of the façade of buildings makes for a car dominated environment, as this occurs already at many of the properties along Princess Drive, it is not considered that this arrangement at the application site would set an unwanted precedent or have a material adverse impact on the character of the area either cumulatively or in its own right.

In terms of the detailing, the dormer windows would differ slightly in size and style; whilst there is a degree of variation in dormer style and size between properties there is not normally such a degree of variation when the properties are taken as individual units. Amended plans to ensure a more consistent approach across the property are therefore required.

Highway Safety

The construction of the extension would remove the existing car parking provision to the side of the property. That said, there is sufficient space at the front of the property to park two vehicles and if additional space is required by the applicant this can be provided through utilising permitted development rights.

In addition it should be noted that there are no on street car parking restrictions.

Other Matters

It is not considered necessary to re-consult on the amended plans as the alterations requested would not have a greater impact upon neighbouring properties.

11. CONCLUSIONS

The proposed development as amended and as conditioned, will not have an adverse impact upon neighbouring amenity, highway safety and represents a sustainable form of development which accord with the relevant development plan policies.

12. RECOMMENDATIONS

APPROVE subject to conditions:

- 1. Commence the Development Within 3 Years**
- 2. Materials To Match Existing**
- 3. Development in Accordance with the Approved Plans**
- 4. Permitted Development Rights Removed for New Windows**



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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 30th June 2010
Report of: Head of Planning and Policy
Title: Report in Relation to Section 106 Agreement for Planning Application 08/2059/OUT for Outline Application for Renewal of Approval 06/0069/OUT for the Demolition of Existing Youth Centre and Erection of a Single Dwelling at Goostrey Youth Centre, Main Road, Goostrey.

1.0 Purpose of Report

- 1.1 To seek a resolution for the terms of the S106 Agreement relating to the demolition of the existing Goostrey Youth Centre and the erection of a single dwelling on the site which was the subject of planning application 08/2059/OUT considered by the former Congleton Borough Council.

2.0 Decision Required

- 2.1 Members need to decide whether the terms of the S106 Legal Agreement drafted by the former Congleton Borough Council should be progressed as a departure from Policy RC12 of the adopted Congleton Borough Local Plan First Review (2005).
- 2.2 The principle of the development was established by the resolution of the former Congleton Borough Council to approve the development and this report does not provide an opportunity to revisit that issue. A copy of the delegated officer report is included at Appendix 01 to this report. This report relates solely to details of the Section 106 Agreement (referred to hereinafter as S106).

3.0 Background and Report

- 3.1 Planning permission was granted in 2006 (ref; 06/0059/OUT) to demolish the existing youth centre and to erect a dwelling on the site. Policy RC12 of the adopted Congleton Borough Local First Review (LPFR) states that planning permission will not be granted for any proposed development, which would result in the loss of any community facility, which makes a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made. To ensure that suitable alternative provision was made, the approval was subject to a condition requiring the applicant

(the Parish Council) to enter into a S106 legal agreement. The condition stated that the replacement youth centre had to be '*substantially complete and ready for occupation*' prior to the start of development on the existing youth centre site.

3.2 In the meantime, planning permission was granted for a replacement youth centre on a site elsewhere within the village and it is the Parish Council's intention to implement that permission (ref: 07/984/FUL) which is due to expire on 15th November 2010.

3.3 In order to secure the necessary funds to begin the replacement facility, the Parish need to help generate the revenue by commencing the new dwelling and selling the existing youth centre site. In doing so, the Parish Council would not be able to comply with the original condition relating to the legal agreement and as such they sought a variation to the terms by submitting a further application ref; 08/0547/MOD.

3.4 The effect of the revised agreement was to ensure that all the moneys generated from the sale of the existing site were ring fenced to the new replacement youth centre whilst enabling development to commence on the existing youth centre site. The only exception to this would have been a sum of money (the residual value of the land without planning permission), which would have been given to Goostrey Parish Council.

3.5 In 2008, the Parish Council submitted the application subject of this report (ref; 08/2059/OUT) to renew the previous 06/0059/OUT consent, as this was about to expire. The former Congleton Borough Council considered a report under Delegated Powers on 13th March 2009 (Appendix 01). The application was recommended for approval subject to the applicant completing and signing a Section 106 Agreement on the same terms specified above.

3.6 More specifically, the S106 Agreement required the Parish Council to use its 'best endeavours' to provide the replacement youth centre by agreeing to the following terms:

- a. Within seven days of legal completion of the sale by the Owner of the Application Site, the Owner shall deposit the Proceeds of sale in a separate bank account in its name and shall hold the proceeds of sale therein.
- b. The owner shall withdraw the proceeds of sale from the bank account and expend them only for the purposes of defraying the construction costs of the replacement youth centre.
- c. The owner shall use its best endeavours procure the construction and completion of the replacement youth centre and the bringing of it into community use within 2 years of legal completion of the sale of the application site.

- 3.7 Whilst the above terms were agreed with the Parish Council, it was never signed and completed by the former Congleton Borough Council and was therefore transferred to Cheshire East Borough Council. However, the previously agreed terms have not come to fruition as Cheshire East Borough Council's legal services consider that to duplicate the previous s106 agreement in relation to this new application would be unacceptable as they consider that this would not ensure the completion of a new youth centre.
- 3.8 The main concern is that if the S106 Agreement is completed in the same terms as the previous agreement completed by Congleton Borough Council, there is the prospect of the existing youth centre being demolished, a new house being built on its site and the sale proceeds being insufficient to provide the replacement youth centre. Cheshire East could then be criticised by members of the public for allowing the demolition of the old centre without securing a replacement for it in accordance with policy RC12.
- 3.9 To avoid this situation and to word the agreement more tightly, the Borough Solicitor has recommended that the heads of terms proposed to the parish council's solicitor are:
- a. that occupation of the dwelling to be erected on the site of the current youth centre shall be prohibited until a replacement youth centre has been erected on the new site and is ready for use
 - b. to construct the replacement youth centre on the new site in accordance with planning permission 07/0984/FUL
- 3.10 Compliance with the above would require the Parish Council to complete the lease of the new site from the Cheshire East Borough Council at the same time as the s106 agreement and to synchronise development of both sites (perhaps by using the same developer or constructor) and to ensure through valuations and contract that the sale proceeds are fixed and sufficient to ensure the new youth centre can be built and any shortfall identified early so that fund raising is carried out or grant funding is applied for in order to address it.
- 3.11 The Parish Council do not believe that this would be feasible and have therefore confirmed that they would not be willing to enter into a S106 Agreement under the proposed terms set out above.
- 3.13 As such, discussions with the Parish Council have been inconclusive. Therefore the current position is that the existing youth centre building is not fit for purpose, is not in use and there is no likely prospect of the new youth centre building being built as the Parish Council cannot generate sufficient funds without selling the existing site. The Parish Council has indicated that they intend to deliver a new facility, however, without an agreement between both parties, the village could be without such facility for the foreseeable future, which would result in the loss of a community facility.

- 3.13 The new facility has already been permitted by virtue of planning ref: 07/0984/OUT and it is considered that the provision of this new centre would significantly enhance the community provision in the village. The Parish Council has indicated that they still wish to proceed with this scheme but the failure to agree terms of the S106 agreement is preventing them from doing so. The current youth centre building is no longer fit for purpose and is not currently in use.
- 3.12 It must be noted that the applicants (the Parish Council) are themselves a Local Authority that represents and serves the local resident population of Goostrey. You would expect therefore that they have the genuine interests of the village in mind and are not seeking personal gain by selling off the existing youth centre site. In the interests of providing a resolution and enabling the new youth centre facility to be provided, the key issue is whether Members would be willing to agree to a lesser standard of commitment in terms of the S106 by agreeing to the terms set out by the former Congleton Borough Council?
- 3.13 The risk with this approach is that if the s106 agreement is completed in the same terms as the previous agreement completed by Congleton Borough Council, there is the prospect of the existing youth centre being demolished, a new house built on its site and the sale proceeds being deposited in a bank account but being insufficient to provide a replacement youth centre. Cheshire East could then be quite rightly criticised by members of the public for allowing the demolition of the old centre without securing a replacement for it, in accordance with policy.
- 3.14 If Members do not wish to progress the terms agreed by the previous Congleton Borough Council, and risk the chance of the new youth centre not being provided, then the only available option would be to refuse the application as a departure from Policy RC12. The Parish Council argue that this would prevent the new replacement facility from being provided and as the existing youth centre building is not being used, the village would lose this valuable community provision.

4.0 Conclusions

- 4.1 The principle of a new dwelling on the site had already been established by virtue of approval 06/0069/OUT and a resolution was made under Delegated Powers by the former Congleton Borough Council to renew the permission subject to the completion of a S106 Legal Agreement under the same terms as the previous S106 Agreement (as modified by application 08/0547/MOD). The effect of this agreement would be to ensure that all the moneys generated from the sale of the existing site are ring fenced to the new replacement youth centre and by requiring the Parish Council to use their 'best endeavours' to provide the new replacement facility approved by virtue of planning ref: 07/984/FUL.

- 4.2 Cheshire East Borough Council's legal services consider that to duplicate this previous S106 Agreement in relation to the new application 08/2059/OUT would be unacceptable as they consider that this would not ensure the completion of a new youth centre as there is the prospect of the existing youth centre being demolished, a new house built on its site and the sale proceeds being insufficient to provide a replacement youth centre. This would result in the loss of an existing youth centre and would be contrary to local plan policy RC12. This could leave the Council open to criticism from local residents for allowing the loss of a community facility that offers a positive contribution to social and cultural wellbeing of the Village of Goostrey.
- 4.3 The Parish Council has rejected the proposed changes to the terms of the S106 Agreement offered by Cheshire East Council's legal services and as such discussions have been inconclusive. In the interests of the residents of Goostrey and to assist the Parish Council with delivering a new replacement youth centre, Members need to decide whether they are prepared to accept a lesser standard of commitment by accepting the terms of the previous agreement entered into with the former Congleton Borough Council or whether they refuse to accept them as a departure from Local Plan Policy RC12.

APPENDIX 01

DEVELOPMENT	Renewal of existing approval - 06/0069/OUT for erection of single dwelling
LOCATION	Goostrey Youth Centre Main Road Goostrey Crewe
Earliest Determination Date Check Weekly list, Site Notice, Neighbour Notification, Advert Expiry Dates	23rd February 2009
<u>Expiry Date</u>	16th March 2009

Description of Site

The application site comprises a detached building that is currently used as Goostrey Youth Centre and is located on the southern side of Main Road in Goostrey. The building is built of brick, timber and corrugated metal with a felt roof, however it is in a poor state of repair. The site is located within the Settlement Zone Line of Goostrey as designated in the adopted Congleton Borough Local Plan First review (LPFR).

Site history

PEROUT	24/03/2006	06/0069/OUT T	Erection of one dwelling.
PERCON	15/10/2001	33505/3	DEMOLITION OF EXISTING REDUNDANT TIMBER YOUTH CLUB AND REPLACEMENT WITH A NEW BUILDING FOR USE BY THE YOUTH ORGANISATIONS OF THE VILLAGE

Policies

Relevant National Planning Legislation:

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPS9 - Biodiversity & Geological Conservation

Relevant Policies of adopted Congleton Borough Local Plan First Review:

- PS5 - Villages Inset in the Green Belt
- GR1 - General Requirements for New Development
- GR2 - Design
- GR6 - Amenity and Health
- GR9 - Accessibility, Servicing and Parking Provision
- H1&2 - Provision of New Housing Development
- H5 - Housing Development in Villages
- NR1 - Trees & Woodland
- NR2 - Wildlife & Nature Habitats
- SPG2 - Provision of Private Amenity Space in New Residential Developments

Consultations & Representations

Consultees:-

Environmental Health Section	05/02/2009	No objection subject to conditions restricting hours of construction, piling, and delivery by construction vehicles. Conditions relating to contaminated land are recommended.
Congleton Area Highways Office		No objection
Parish Or Town Council		N/A
Planning Policy Section		No comments received.
Senior Landscape and Tree Officer	24/02/2009	The Senior Landscape and Tree Officer has no objection in principle to the proposed development subject to the retention and protection of the trees and the existing boundary hedges.

Representations:-

None received.

Observations

Outline planning permission is sought for the demolition of the existing Goostrey youth centre and the erection of a single detached dwelling on the site. All matters are reserved for subsequent approval. The principle of a dwelling on the site was established by virtue of approval ref; 06/0069/OUT, however, this is due to expire shortly and therefore the applicant (Goostrey Parish Council) wishes to establish a new permission. Whilst there does not appear to have been any material change in policy terms, there are key issues that need to be revisited. These are considered to be; the principle of the development; loss of a community facility; residential amenity; ecological implications and trees.

Principle of the Development

The application site is located within the settlement zone line of Goostrey, which is a small settlement inset within the Open Countryside. Policy PS5 states that within these areas, development will be permitted where it is appropriate to the local character in terms of use; intensity, scale and appearance whilst not conflicting with other relevant development plan policies. With regard to housing development, policies H1, H2 and H5 are of relevance. At the present time, approval of the proposed dwellings would not exacerbate an oversupply of housing in the area; however, Policy H5 outlines a series of criteria to be met when assessing residential development. This includes the sustainability of the site and compliance with other Local Plan policies. The site is within close walking distance of local convenience stores and a bus stop is located nearby which serves the wider area. There is train station serving the settlement and there is a nearby Primary School. As such it is considered that this rural settlement is capable of sustaining further small-scale residential development.

Loss of a Community Facility

Policy RC12 of the adopted Congleton Borough Local First Review (LPFR) states that planning permission will not be granted for any proposed development, which would result in the loss of any community facility, which makes a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made. It has not been demonstrated that the future use of the facility is unviable or that its loss would not be detrimental to the locality. As such it is considered that the facility

retains an important function in the Village and provides a positive service to the local resident population. Consequently, the Local Planning Authority would seek to secure the retention of such a facility.

Whilst the scheme would involve the loss of the existing youth centre building, the proposal would enable the provision of a new youth centre building elsewhere within Goostrey and would provide a modern facility to replace the existing outdated building. The new facility has already been permitted by virtue of planning ref; 07/0984/OUT and it is considered that the provision of this new centre would significantly enhance the community provision in the village. However, the new health care centre cannot be built until the funds from the existing site are released. Thus, in order to safeguard the retention of a youth centre within the village, it is recommended that a S106 legal agreement is used to secure this provision whilst enabling commencement of development on the existing Youth Centre site. The effect of this agreement will be to ensure that all the moneys generated from the sale of the existing site are ring fenced to the new replacement Youth Centre. The only exception to this will be a sum of money (the residual value of the land without planning permission), which should be given to Goostrey Parish Council. Goostrey Parish Council has confirmed that they would be willing to enter into such agreement and therefore subject to signing and completion, the scheme would comply with Policy RC12 of the LPFR.

Residential Amenity

As matters of appearance and layout are reserved for subsequent approval, full regard cannot be given to the amenities afforded to the nearest neighbouring property (no. 218 Main Road) insofar as the proximity of principal windows in relation to neighbouring windows is unknown. Nonetheless, it is considered that a dwelling could be accommodated on the site without materially harming the amenities of neighbouring occupiers. In reference to private amenity space, the dwelling would benefit from an adequate provision of rear garden space.

Ecological Implications

As the development would involve demolition of the existing building, the application is supported by a protected species survey that was carried out by a suitably qualified person. The survey appears to be comprehensive and concludes that the building is not used by barn owls and there is no evidence of current or historic use of the building by bats. As such, at this stage the LPA is satisfied that the proposal would not harm species protected by law.

Trees

There are a number of trees situated along the western boundary of the site that are protected by a Tree Preservation Order. Whilst landscaping is reserved for subsequent approval, it is important to consider whether such proposal could be accommodated without causing harm to the specimens. The Senior Landscape Officer (SLO) has been consulted on the application and considers that a new dwelling could be provided on the site without harm resulting to those trees covered by the TPO. As such, the SLO offers no objection subject to the retention and protection of the existing trees and hedges.

Conclusion

It is concluded that the proposed development is acceptable in principle subject to the signing and completion of a S106 legal agreement; to secure the provision of the replacement youth centre building. The provision of a dwelling would be acceptable in terms of the use and intensity and would not harm species protected by law. The proposal is deemed to be in compliance with relevant development plan policies and is therefore recommended for approval.

Recommendation

Approve subject to completion of a S106 Legal Agreement and the following conditions:

Conditions:-

- 1 Approval of the details of the access, appearance, landscaping, layout and scale (the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2 Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.
- 3 The development to which this permission relates must be begun not later than whichever is the later of the following dates:
(a) The expiration of three years from the date of this permission OR
(b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 4 No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site including trees which are the subject of a Tree Preservation Order currently in force has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme, which shall be in place prior to the commencement of work. The approved protection scheme shall be retained intact for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the local planning authority.
- 5 The hedges surrounding the application site shall be retained intact for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the local planning authority.
- 6 The development hereby permitted shall not be occupied until the provision of two parking spaces have been constructed in accordance with details to be submitted to and approved by the Local Planning Authority. These areas shall be reserved exclusively for the parking and turning of vehicles and shall not be obstructed in any way.
- 7 No development shall commence until a desktop assessment to identify and evaluate all potential sources and impacts of land and/or groundwater contamination affecting the site has been carried out by a suitably qualified person and submitted to the Local Planning Authority.

If following examination of the desk top assessment, the Local Planning Authority is of the opinion that there is the potential for contamination of the site by substances and/or landfill gas, in on or under the land or from sites in close proximity to the site in question, then a full investigation shall be carried out by a suitably qualified person to ascertain the nature and extent of contamination together with a detailed Method Statement which shall specify:

- (i) the precise form of any remediation works; and
- (ii) arrangements for the supervision and monitoring of the remediation works, which shall require a minimum of 3 days notice to be given to the Council's Scientific Officer prior to the works commencing.

The Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation works commencing. No development shall commence until the remediation works have been completed in accordance with the approved scheme and the Local Authority has confirmed the completion in writing.

- 8 Hours of construction shall be restricted to the following times:

Monday - Friday	08.00 - 18.00
Saturday	08.00 - 13.00
Sunday	Nil
Bank Holidays	Nil

9 Should the development hereby permitted require a piling foundation system then construction shall be restricted to the following times:

Monday - Friday	09.00 - 17.00
Saturday	Nil
Sunday	Nil
Bank Holidays	Nil

Reasons:-

- 1 This is an outline planning permission with these matters reserved for subsequent consideration.
- 2 To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 3 For the avoidance of doubt and to ensure that the permission and the Legal Agreement are read in conjunction with one another in compliance with Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review.
- 4 To protect existing trees and other vegetation in the interests of visual amenity, and to comply with Policy GR1 of the adopted Congleton Borough Local Plan First Review.
- 5 In the interests of visual amenity and to comply with Policy GR1 of the adopted Congleton Borough Local Plan First Review.
- 6 In the interests of highway safety and to comply with Policy GR9 of the adopted Congleton Borough Local Plan First Review.
- 7 In the interests of public safety and the future occupants of the site and to comply with Policy GR7 of the adopted Congleton Borough Local Plan First Review.
- 8 To protect the amenities of neighbouring properties and to comply with Policies GR1 and GR6 of the adopted Congleton Borough Local Plan First Review.
- 9 To protect the amenities of neighbouring properties and to comply with Policies GR1 and GR6 of the adopted Congleton Borough Local Plan First Review.

Reason(s) for Decision

- 0 Having regard to the relevant provisions of the development plan, namely policies GR1, GR6, GR7, GR9, H1, H5, NR1 and NR2 of the adopted Congleton Borough Local Plan First Review, it is considered that subject to compliance with the conditions attached to this permission the proposed development would be acceptable.