

Southern Planning Committee

Agenda

Date:	Wednesday, 24th November, 2010
Time:	2.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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. 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 of Previous Meeting (Pages 1 - 8)

To approve the minutes of the meeting held on 3 November 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 individual 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. **10/1765C The partial demolition of the existing site (including modern agricultural buildings and existing dwelling) conversion of the remaining existing buildings to form 7 dwelling and the erection 11 additional dwellings within the curtilage of the existing residential property, Elworth Hall Farm, Dean Close, Elworth for Bell Developments Ltd (Pages 9 - 28)**

To consider the above planning application.

6. **10/2006C The Demolition of the existing Buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 26 dwellings and associated works, Elworth Hall Farm, Dean Close Elworth for Bell Developments Ltd (Pages 29 - 50)**

To consider the above planning application.

7. **10/2200N Proposed Extension of Existing Hotel and Complex Including a New Extension (Adding 68 Rooms), a New Reception Extension, Refurbishment and Extension to Existing Cabaret Room and Bar and Bunbury House Accommodation, New Courtyard Block (11 Rooms) and the Refurbishment and Extension of Existing Spa Facilities, Alvaston Hall Hotel, Peach Lane, Wistaston for Warner Leisure Hotels (Pages 51 - 64)**

To consider the above planning application.

8. **10/1269C Erection of 126 No. dwellings, provision of public open space and associated works, Bath Vale Works, Bath Vale, Congleton for Bovis Homes Ltd (Pages 65 - 84)**

To consider the above planning application.

9. **10/3808C Extension to time limit - redevelopment of former factory to provide 28 no. new homes to included 12 affordable homes provided by RSL, Former Cardboard Factory, Betchton Road, Malkins Bank for Jokaro Ltd (Pages 85 - 94)**

To consider the above planning application.

10. **10/3824N Extension to provide w/c and shower room for disabled person, Laburnum House, 8 Coppenhall Lane, Crewe, CW2 8TT for Mrs Julie Cartlidge**
(Pages 95 - 100)

To consider the above planning application.

11. **10/3903N Extension to Time Limit of P07/1478 - Residential Development Comprising Twelve Three Bedroom Town Houses, Richard Mullock & Sons Ltd, Wistaston Road, Crewe, CW2 7RL for Richard Mullock & Sons Ltd**
(Pages 101 - 106)

To consider the above planning application.

12. **10/3918N Proposed Residential Development Comprising of 9 no. 2 Storey Dwellings including Associated Parking & Vehicle Access, Former George Hotel 645 West Street Crewe for Mr F Lloyd- Jones, Thomas Jones & Sons**
(Pages 107 - 120)

To consider the above planning application.

13. **10/3966N New Two Bedroomed Bungalow on Land Adjoining 45 Holland Street and The Backlands, Land Adjoining The Backlands Crewe CW1 3TZ for Mr R Peart** (Pages 121 - 132)

To consider the above planning application.

14. **10/4054N Extension to Time Limit - for Approved Planning Application P07/1076 for Storage Building Four Silos and Two Waste Liquid Tanks, Laurels Farm, Crewe Road, Walgherton for Joseph Heler Ltd** (Pages 133 - 138)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 3rd November, 2010 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors W T Beard, D Bebbington, W S Davies, B H Dykes, B Howell,
J Jones, S Jones, A Kolker, R Walker, M J Weatherill and R Westwood

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors R Cartlidge, R Fletcher, M Martin and P Mason

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer)
Ben Haywood (Principal Planning Officer)
David Townsend (Interim Business Lead Development Management, South)

Apologies

Councillors S Furlong and S McGrory

96 DECLARATIONS OF INTEREST/PRE-DETERMINATION

Councillor J Jones declared a personal and prejudicial interest in respect of application number 10/3262N on the grounds that he lived in the vicinity of the application site and knew the owner of the site. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor S Jones declared a personal interest in respect of application number 10/3581C on the grounds that she was acquainted with the developer and was a member of Alsager Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillors G Merry, J Weatherill and R Fletcher declared personal interests in respect of application number 10/1269C, on the grounds that they had been appointed as Cheshire East Council representatives on Cheshire Fire Authority which had been consulted on the proposed development. In accordance with the code of conduct, they remained in the meeting during consideration of this item.

Councillor A Kolker declared that he had called in application number 10/3317C but had not expressed an opinion and had not fettered his discretion.

With respect to agenda item 10 (Section 106 Agreement for Planning Application P08/0728 for planning permission for the erection of 6 enabling dwellings and the creation of 52 car parking spaces together with other renovation works at The Badger Inn, Over Road, Church Minshull), Members who had been Members of the former Crewe and Nantwich Borough Council when it had approved planning application P08/0728 declared that they were approaching the application to amend the Section 106 Agreement without predetermination.

Councillor P Mason, who was in attendance at the meeting, declared a personal interest in respect of application number 10/1269C on the grounds that he was a member of Congleton Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

97 MINUTES

RESOLVED – That the minutes of the meeting held on 13 October 2010 be approved as a correct record and signed by the Chairman.

98 10/1269C ERECTION OF 126 NO. DWELLINGS, PROVISION OF PUBLIC OPEN SPACE AND ASSOCIATED WORKS, BATH VALE WORKS, BATH VALE, CONGLETON FOR BOVIS HOMES LTD

Note: Councillor P Mason (Ward Councillor), Mr R Blindell (objector) and Mr B Herrod (applicant) attended the meeting and addressed the Committee on this matter.

Note: Councillor J Jones declared that he 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 to allow negotiations to take place between the applicant and council officers regarding the possibility of siting the play area within the proposed development.

99 **10/3262N REDEVELOPMENT OF THE EXISTING RETAIL PREMISES "CREWE SADDLERY" AND THE ERECTION OF 11 DWELLINGS AND ASSOCIATED ACCESS, PARKING AND GARDEN AREAS, LAND ADJACENT TO 97 BROUGHTON ROAD, CREWE FOR FIELDCREST PARTNERSHIP**

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

Note: Councillor M Martin (Ward Councillor), Mr B Wilkinson (objector) and Mr N Thorns (applicant) attended the meeting and addressed the Committee on this matter.

Note: All Members declared that they 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 APPROVED subject to the following conditions:

1. Commencement within 3 years
2. Amended plans
3. Samples / details of external materials to be used in the construction of the dwellings to be submitted, approved and implemented.
4. Details of surface materials to be submitted, approved and implemented.
5. Details of boundary treatment to be submitted, approved and implemented.
6. Tree protection measures to be submitted, approved and implemented.
7. Tree on northern site boundary to be retained unless otherwise agreed in writing by the Local Planning Authority.
8. Existing hedges around the site to be retained unless otherwise agreed in writing by the Local Planning Authority
9. No close board or other similar fences to be placed against existing boundary hedgerows or new hedgerow provided on the western site boundary at any time.
10. If demolition or development commence in bird nesting season the site to be checked for nesting birds and protection afforded to any nests.
11. Details of measures for nesting birds to be submitted, approved and implemented.
12. No development to commence and no demolition until a scheme for the recycling and reuse of materials from the existing buildings/ structures on site has been submitted and approved. Works to proceed only in accordance with the approved details.

13. Full details of all sustainable development measures to be incorporated in the development to be submitted, approved and implemented.
14. Details of external lighting to be submitted, approved and implemented.
15. Construction hours and delivery hours to be limited to 0800-1800 hours Mondays to Friday and 0800-1400 hours on Saturdays with no working on Sundays and Bank Holidays.
16. Details of pile driving to be submitted, approved and implemented if required.
17. Contaminated land survey to be submitted with remediation if necessary and implementation of remediation.
18. Scheme for foul drainage to be submitted, approved and implemented.
19. Scheme for the control and storage of surface water run off to be submitted, approved and implemented. To be based on Sustainable Drainage solutions with use of permeable hard surfaces.
20. Details of levels to be submitted, approved and implemented.
21. Obscure glazing to be provided to the side elevations of plots 5, 6, 10 and 11.
22. Details of the boundary walls adjacent to plot 10 and in front of plot 7 to be submitted, approved and implemented.
23. No development shall take place until detailed drawings outlining the site's access; visibility splays and the road layout have been submitted to and approved by the LPA, and no part of the development shall be occupied until the access has been constructed in accordance with approved drawings and to CEC specification.
24. The proposed highway within the development shall be designed in accordance with Manual for Streets and constructed in accordance with the specification within the Cheshire County Council Design Aid Manual 1996.

100 10/3317C PROPOSED EXTENSION TO EXISTING DOUBLE GARAGE TO PROVIDE ANNEXE ACCOMODATION TO MAIN HOUSE, INCLUDING WORKSHOP, STUDY AND STORAGE AREA, 71 MAIN ROAD, GOOSTREY FOR CB HOMES LTD ON BEHALF OF MR R HART

Note: Mr W Owen and Mr J Betts (objectors) and Mr R Hart (applicant) attended the meeting and addressed the Committee on this matter.

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

Note: The meeting was adjourned from 3.25 to 3.35pm to enable the Interim Business Lead Development Management (South) to clarify details with respect to the history of planning applications on this site.

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

1. Standard three years
2. In accordance with plan numbers
3. Materials as per planning application
4. Removal of permitted development rights for alterations to building
5. The development shall not be occupied at any time other than for purposes ancillary to the residential use of 71 Main Road, Goostrey.

101 **10/3581C TO CONSTRUCT NEW DETACHED DWELLING ON PART OF GARDEN LAND AT 2 RYDAL WAY FOLLOWING GRANT OF OUTLINE PLANNING CONSENT 08/1734/OUT, 2 RYDAL WAY, ALSAGER, ST7 2EH FOR MR S PALFREYMAN**

Note: Councillor D Bebbington left the meeting prior to consideration of this application.

Note: Councillor R Fletcher declared that he had received correspondence from an objector in relation to this application.

Note: Councillor R Fletcher (Ward Councillor) and Mr A Pickersgill and Mrs A Gallagher (objectors) attended the meeting and addressed the Committee on this matter.

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

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

1. The proposal, by reason of its size, height, form and design, would be a cramped form of development that would be intrusive in the street scene and out of keeping with the character of the existing properties in the immediate vicinity of the site. The proposal is therefore contrary to Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review 2005.
2. The proposal, by reason of its size, height, design and position relative to the adjoining property number 176 Sandbach Road North, would be unduly dominant when viewed from that adjoining property, to the detriment of the residential amenities of the occupiers. The proposal is therefore contrary to Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.

102 **10/3185N DEMOLITION OF EXISTING BUILDING ON SITE AND THE PROVISION OF NEW WAREHOUSE FOR THE STORAGE AND DISTRIBUTION OF DRY GOODS TO COMPLIMENT EXISTING COLD STORAGE FACILITY ON NEIGHBOURING SITE - OWNED BY THE SAME COMPANY, UNITS 1-2 WRIGHTS PIES WAREHOUSE, FIRST AVENUE, CREWE, CW1 6BG FOR WRIGHTS PIES**

The Committee considered a report regarding the above planning application.

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

1. Standard time limit 3 years
2. External materials to be submitted to the LPA and approved in writing and implemented
3. Surfacing materials to be submitted to the LPA and approved in writing and implemented
4. Development to be completed in accordance with the approved plans
5. Car parking provision shown on the approved plans to be provided
6. Details of cycle parking to be submitted and approved in writing by the LPA and implemented
7. Details of shower facilities which are to be provided within the building to be submitted and approved in writing by the LPA and implemented
8. Details of bin storage to be submitted to the LPA and approved in writing and implemented
9. Details of boundary treatment to be submitted to the LPA and approved in writing and implemented
10. Consent for B8 use only
11. Details of external lighting to be submitted to the LPA and approved in writing and implemented
12. No external storage on the site
13. Details of drainage to be submitted to the LPA and approved in writing
14. Prior to the commencement of development a Contaminated Land Assessment shall be submitted to the Local Planning Authority and approved in writing and any remediation measures shall be implemented
15. Details of any pile driving to be submitted to the LPA and approved in writing
16. Details of any acoustic enclosure of any fans, compressors or other equipment to be submitted to the LPA and approved in writing and implemented
17. 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.

103 **SECTION 106 AGREEMENT FOR PLANNING APPLICATION P08/0728 FOR PLANNING PERMISSION FOR THE ERECTION OF 6 ENABLING DWELLINGS AND THE CREATION OF 52 CAR PARKING SPACES TOGETHER WITH OTHER RENOVATION WORKS AT THE BADGER INN, OVER ROAD, CHURCH MINSHULL**

The Committee considered a report and an update regarding proposed alterations to the requirements for a Section 106 Agreement for the erection of 6 enabling dwellings and the creation of 52 car parking spaces together with other renovation works at The Badger Inn, Over Road, Church Minshull which were the subject of planning application P08/0728.

RESOLVED – That permission in respect of the planning application P08/0728 for the development at The Badger Inn be issued, subject to conditions as detailed in the decision by the special council of the former Crewe and Nantwich Borough Council on 4 February 2009 and subject to the applicant completing and signing a Section 106 Agreement to secure that the repairs to The Badger Inn are completed before any new residential development is commenced on the application site.

104 **APPEAL SUMMARIES**

The Committee considered a summary of appeal decisions.

RESOLVED - That the appeal summaries be noted.

The meeting commenced at 2.00 pm and concluded at 4.10 pm

Councillor G Merry (Chairman)

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Planning Reference No:	10/1765C
Application Address:	Elworth Hall Farm, Dean Close, Elworth
Proposal:	The partial demolition of the existing site (including modern agricultural buildings and existing dwelling) conversion of the remaining existing buildings to form 7 dwelling and the erection 11 additional dwellings within the curtilage of the existing residential property.
Applicant:	Bell Developments Ltd.
Application Type:	Full Planning Permission
Grid Reference:	374382 361711
Ward:	Sandbach
Consultation Expiry Date:	5 th August 2010
Date for determination:	22 nd September 2010

SUMMARY RECOMMENDATION

APPROVE subject to the receipt of amended plans, an updated contaminated land report, the removal of the objections from the Strategic Highways Manager and the Contaminated Land Officer and conditions.

MAIN ISSUES

- Principle of Development
- Commercial Re-use
- Structural Condition
- Design,
- Amenity,
- Trees and landscape,
- Affordable housing,
- Flooding and drainage
- Highway safety.
- Contaminated land

REFERRAL

The application has been referred to planning committee because it involves the creation of more than 10 dwellings and is therefore a major development.

1. SITE DESCRIPTION

The application relates to a redundant farmstead on the edge of Elworth. The site comprises the farmhouse, a number of brick built agricultural buildings with more modern additions, the garden area to the farmhouse and associated farmyards. The site is bounded to the south, east and west by suburban residential development and by open countryside to the north.

There are two access points to the site from Dean Close and Wrenmere Close. The site is currently overgrown with a mixture of scrub, low shrubs and saplings, as well as a smaller number of more mature trees.

2. DETAILS OF PROPOSAL

The proposal is for the demolition of some of the existing buildings on site the retention and conversion of the existing farm buildings and the erection of 11 dwellings within the grounds. An alternative proposal for the redevelopment of the site with 26 dwellings and associated works is considered elsewhere on this agenda. (10/2006C refers)

3. RELEVANT PLANNING HISTORY

09/3245C 2008

additional dwellings within the curtilage of the existing residential property - Withdrawn

Part

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS23 Planning and Pollution Control
PPS25 Development and Flood risk.

Local Plan Policy

PS4 Towns
PS8 Open Countryside
GR21 Flood Prevention
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
BH15 Conversion of Rural Buildings
BH16 The residential re-use of rural buildings.
H4 Residential Development in Towns
H13 Affordable Housing and low cost housing

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy
Cheshire East Strategic Housing Market Assessment 2010

5. OBSERVATIONS OF CONSULTTEES

Highways

- The Strategic Highways Manager has assessed the proposed layout and expresses concern over the design detail.
- The proposed development does not provide suitable adoptable infrastructure to serve this number of units and is not acceptable to the Strategic Highways Manager.
- It is recognised that this site will support a development which can provide adoptable infrastructure, however the detail within this application can not be supported by the SHM.
- The Strategic Highways Manager recommends refusal on highway design grounds and in the interests of highway safety.

Housing Section

Our supply and demand analysis shows an outstanding shortfall of affordable units within Sandbach. There is a significant shortfall of 2 and 3 bedroom houses and it is this shortfall which we would be seeking to reduce. The housing waiting list shows a need for all property types in the Sandbach area but the number of 2 and 3 bed properties available for social rent are drastically below the demand on the waiting list. No units on the site are to be classed as Affordable Housing. This is not in line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) and as such is not acceptable to Housing Strategy team.

United Utilities

Have no objection to the proposal provided that the following conditions are met: -

- In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to watercourse and may require the consent of the Environment Agency.

Ecologist

The application is supported by a protected species survey which adequately addresses all potential issues at this site. Additional surveys/information has been submitted in support of this application in respect of bats and great crested newts and this information is acceptable and neither of these species present a constraint upon the proposed development.

To mitigate for any loss of habitat for breeding birds/foraging bats the submitted ecological assessment recommends the planting of native tree species and a native species hedge along the northern boundary of the site.

These proposals must be incorporated into the landscaping scheme for the site.

The following conditions are also required if planning consent is granted:

- 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.
- 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.

Environmental Health

Contaminated Land Comments:

Objects to the above application subject to the following comments with regard to contaminated land:

- The report submitted for application number 10/2006C on the same site was commissioned in November 2007 and may not represent current site conditions.
- In addition the report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated.

Therefore this section objects to the application on the basis of the information provided.

Environmental Health Comments:

1. Any external lighting of the proposed site should be submitted to and approved by the borough council before being installed, due to the close proximity of local residents.
2. Prior to development, detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin stores, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and available for use prior to the development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority. To protect the visual amenity of local residents and safe guard public health.

Environmental Health Advisory Notes:

1. 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.
2. 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.

6. VIEWS OF THE PARISH / TOWN COUNCIL

Sandbach Town Council has no objection.

7. OTHER REPRESENTATIONS

Letters of objection have been received from: 72 Grange Way; 7 and 8 Wrenmere Close; 10 Dean Close; 21 Boothsmere Close, Sandbach making the following points:

Highway Safety

- Turning right out of Wrenmere Close can be dangerous. The visibility from the left is limited due to the bend in the road and vehicles parked in Grange Way exacerbate this problem.
- There is a country lane shown on the plan which looks like it will continue into another development in the future, which of course means more traffic on Wrenmere Close
- The revised plans do not improve the highway safety aspects of the proposal
- Wrenmere Close has not the appropriate width to support the number of vehicles the new site will generate. Any visitors to residents on Wrenmere or delivery vehicles parking on the road would substantially restrict emergency services from accessing the site.
- The boundary of no.8 Wrenmere Close goes right up to the standard footpath and the other side are parking spaces allotted to the mews houses (which do keep cars off the road). The houses in Wrenmere Close also park cars on the road including by the corner so this will create a single flow of cars into the new estate and lack of visibility as you turn in off, or try to turn onto Grange Way. This is already a problem due to a property which has a camper van on the drive to the left of Grange Way- visibility is reduced for oncoming traffic if you try to turn left out of Wrenmere Close
- Grange Way at the bottom of the U shape up to Lawton Way becomes very congested with cars now, especially overnight, after 5pm and at weekends
- Often there is single traffic only passable and adding a minimum 30 and more likely 50 or more cars every day to this flow will create significant additional traffic flow and public safety issues. Most of the current Grange Way houses have at least 1 car on the road and some more, plus visitors, so unless you were to put yellow lines on the road, especially on the bends it would be dangerous and accidents inevitable.

Ecology

- Between the hours of 10.30pm and midnight residents have heard high pitched screeching and low hooting noises coming from behind the area of Boothsmere Close. These noises do not sound loud enough for larger animals such as foxes (or neighbours) calling and they seem to be in response to one another over a little distance, so they could well be made by owls and due to the different calls made possibly from Barn Owls and Tawny Owls. Whilst they may or may not be using the current empty Elworth Hall Farm buildings as shelter they are using the surrounding trees and any development on this site could have an effect on this environment. Especially as the land behind Boothsmere Close has been neglected for over a year by the current owners, which ironically has created a better hunting ground for these type of birds
- There are colonies of bats that live in the area

Amenity

- The privacy of properties on Wrenmere Close would be affected.
- There is concern about the proximity of plot 11 to the bungalows at 10 and 11 Deans Close. There should be 25 metres between the houses but this is not the case. A two storey house

would block out light to these properties. The bedrooms at no.10 are to the rear and could be overlooked

- The houses should be moved away and trees planted.
- The revised plans improve the level of privacy for residents but could be changed in the future
- The fence at the side of 8 Wrenmere Close cuts diagonally across the front window of this property within 5 ft and after the build that would allow someone to look directly into the front lounge window within 5 ft and into the bedroom.

Inaccurate Plans

- The plans omit a building at 8 Wrenmere Close (a double garage) and the placement of trees and the garage for plot 26 in the design may affect this property. The trees by the garage of plot 26 could become very large and affect the foundations of our garage (the building they haven't shown on the plans)
- The plan does not show the position of 8 Wrenmere Close after an extension and garage were built
- On the plans for 10/1765c there is an orchard next to 8 Wrenmere Close and there is writing concerning the future development on that plan that is ineligible.

Change of use of land

- An offer by the occupier of 8 Wrenmere Close to buy the land at the side was accepted by Bell Developments and they at first offered to sell and then withdrew that offer after the plans were passed.
- When Bell agreed to sell the land adjacent the occupiers of 8 Wrenmere asked the Planning Department if they would be able to apply to convert to a garden. The Planning department said no because it was countryside. How therefore can the Council now agree to dwellings being built on the site, or for the site to be used as garden to the barn conversions?

Trees and Landscape

- The very mature trees at the back of the houses on Grange Way going towards Lawton Way – will disappear. Other mature trees, including on property boundaries will be lost as well. Are there not preservation orders on these trees?

Other matters

- Developers have informed residents that they were only applying for the barn conversion so that this plan would be passed easier. So they have converted from countryside/greenbelt to an empathetic barn conversion, then sold the land, then bought it back, then reapplied for 26 dwellings, and clearly these plans have been there since 2007!
- There is an old building under the land immediately adjacent to 8 Wrenmere Close. It was the old pig sty (hence why the land is much higher). Excavating these will cause a problem for property foundations
- The Council has taken a minimalist approach to consultation. It has not written to every affected. No one will see the site notice in the cul de sac.
- When residents have applied for domestic alterations the council has written to everyone in the area and put up site notices.
- Bells have met with residents in Deans Close which has much better access from Lawton Way and it was agreed it was a narrow road and also the houses have been moved back as

a consequence. Why have Wrenmere Close residents not been offered the courtesy of a meeting or at least a decent consultation with named households.

8. APPLICANT'S SUPPORTING INFORMATION:

Tree Survey Report

- There are no trees on site which it is considered should be kept at all costs. The most prominent trees within the site are the poplars adjacent to the house. These trees are not exhibiting signs of defects, however given their age and species they have a limited life expectancy, and the species is not considered suitable for a development site.
- There are three prominent trees within the site, T3 Weeping Willow which is adjacent to the pond and Beech T9 and Oak T10 within the animal pens behind the house. These trees should be retained within the development if possible.
- The trees to the periphery of the site are generally not considered to be of individual merit, however they have some amenity screening value and will help create a green buffer to any development proposals if they can be retained.
- It is not known at present whether the site is subject to a tree preservation order, or if the site is located in a Conservation area. It is believed that 2 trees, (Oak and Sycamore), located within the field to the north of the boundary are covered by a Tree Preservation Order.

Ecological Survey and Assessment

- This Ecological Appraisal presents an assessment of the ecological, biodiversity and nature conservation status at the Elworth Hall farm site. An ecological survey was required in connection with proposals to develop the Site to housing involving the conversion of the existing barn, demolition of the remaining buildings and construction of new houses.
- The assessment presents the results of a desktop study and comprehensive ecological surveys of the site. The scope of the survey undertaken is sufficient to enable the identification and accurate assessment of any potential ecological constraints and opportunities associated with the development proposals.
- The ecological survey and evaluation have identified no significant wildlife interests or constraints that would affect the principle of development of the land at Elworth Hall Farm. None of the habitats present are representative of the UK Biodiversity Action Plan (BAP) for priority habitats and no rare or uncommon plant species were recorded.
- Surveys carried out in April 2010 found no evidence of roosting Bat Species, Great Crested Newt or Water Vole was recorded within the site. The report recommends the completion of nocturnal emergence surveys for bat activity at Buildings 5, 7, 8, 10, 12 and 15 prior to demolition/conversion. Badger activity is present within and around the site but no sett is present within the site; guidance with regard to the protection of Badger and their habitats is detailed within the Ecological and Survey Assessment Report.

- At least three UK BAP Priority Species of Bird nest within the site (Song Thrush, Dunnock and House Sparrow). Guidance with regard to the protection of breeding birds is present within the Ecological and Survey Assessment Report.
- All wild birds are protected under the Wildlife and Countryside act 1981 while they are breeding. It is mandatory that all buildings, trees, shrubs, Ivy cover, bramble scrub or suitable breeding bird habitat which are to be removed as part of the proposals are only to be removed outside the bird breeding season (March-August inclusive).
- If any buildings or shrubs are scheduled for removal in the bird breeding season it is advised that advice from an ecologist is sought. It may be necessary to carry out a walkover survey to adequately demonstrate that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared.
- If breeding birds are recorded the ecologist will issue guidance to the protection of the nesting birds in conjunction with the scheduled works. This may involve cordoning off an area of the site until the young birds have fledged.
- The ecological survey has confirmed that there are no Badger setts within the zone of influence of the construction site. However Badger, pass through the site and Badger activity is present in the wider area.
- It is considered that the presence of the proposed development will not sever any significant pathways/routes. It is likely that badgers enter the farmyard owing to the previous availability of food.
- It is essential to ensure the presence of Badger activity is taken into account during the construction of the site.
- Where possible, the ecological survey information has informed the site layout and guidance is provided to ensure the protection of wildlife and minimise any adverse effects on biodiversity.
- Where feasible and appropriate, opportunities to enhance the biodiversity and nature conservation value of the site have been identified, and proposals are outlined to sustain and add to biodiversity.
- It is considered that the measure outlined in Section 5 of the report work towards full compliance with the key principles of PPS9, the aims and objectives detailed in the publication 'Planning for Biodiversity and Geological Conservation: A Guide to Good Practice', local planning policy and guidance provided in the UK and Cheshire Biodiversity Action Plans.
- Based on the summary information presented in this ecological assessment, it is concluded that the principle of the proposed development at Elworth Hall Farm is feasible and acceptable. The proposals provide an opportunity to enhance and improve local biodiversity through landscape planting and habitat creation. This conclusion is valid providing that guidance detailed in Section 5 of this report is implemented.

Additional Survey Information -Great Crested Newts

- It is confirmed that there are no ponds within the Application Site.
- It is confirmed that there are no habitats suitable for the support of breeding amphibians within the Application Site.
- The likelihood of the proposals affecting Great Crested Newts (and other amphibians) and their habitats has been reasonably discounted.
- In accord with the guidance presented in Part IV section A paragraph 99 of the ODPM
- Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system there is no requirement to carry out a survey for Great Crested Newts and no further consideration of the presence of this species is required

Additional Survey Information - Bats

- It is considered that the survey effort applied in April and June 2010 is sufficient to assess the potential effects of the redevelopment proposals on bats and their habitats.
- No evidence of a significant bat roost (i.e. a maternity roost or roost of a bat species of rare or local distribution) was recorded. The redevelopment proposals are unlikely to have an adverse effect on any significant bat roosts (including a maternity roost). No significant opportunities for hibernating bats are present at the site. Works can proceed in accord with the guidance detailed below.
- A Natural England licence is not required to proceed with the proposed re-development works.
- The site is used by foraging and commuting bats (3 species). It is likely that the Common Pipistrelle bats entered the site from a roost(s) in the surrounding residential area.
- The proposals will involve the removal of some trees and habitats suitable for the attraction of foraging bats (as recorded in June 2010). Recommendations in relation to the maintenance of habitat connectivity and use of native species that will attract invertebrates and foraging bats were detailed in the April 2010 report and are reiterated in section 5.3.
- No evidence of use of the buildings by nesting or roosting Barn Owl was recorded.
- As reported in April 2010 the buildings are used by nesting birds and actions to protect nesting birds are detailed in section 5.

Preliminary Viability Appraisal

- Elworth Hall Farm is situated on the fringe of the urban settlement of Elworth. The property is approached through a residential housing estate and lies adjacent to a number of residential dwellings.
- The site suffers from a lack of main road prominence and the original farm buildings are in a very dilapidated condition and need substantial investment to bring them back to a usable condition.
- The proximity of the buildings to adjoining residential dwellings is such that a range of potential commercial uses is likely to be limited to Class B1.
- This limitation in terms of market potential will act as further deterrent to speculative developers as the market is effectively restricted for the end product.
- Taking all these factors into consideration, it is our opinion that there is very little prospect of any commercial developer taking on the refurbishment of the existing outbuildings for

commercial use. Equally the site is unlikely to be attractive to potential tenants or occupiers when compared to other sites in more suitable locations.

Supporting Planning Statement

- The proposed development represents a sensitive and considered conversion of existing buildings within the rural area combined with a small development of new build properties within the urban area. The part of the site within the urban area has been identified in the Councils emerging SHLAA as part of the future housing supply. The principle of residential development on this part of the site is fully in accordance with existing planning policies and proposals.
- The conversion of the adjoining existing buildings to a residential use has been demonstrated to be the only future for those buildings and a commercial use is both inappropriate and unachievable. The proposals therefore accord with the policies in the local plan on the conversion of existing buildings.
- The detailed design of both new building and conversion elements has been carefully considered and the resulting scheme represents an entirely appropriate and sensitive approach to the development of the site. The proposals fully accord with the design policies of the development plan.
- The detailed access arrangements are both logical and suitable in terms of connections to existing highway, the provision of access around the site and the access to the proposed dwellings. The site is in a highly sustainable location with good access to key facilities and services as well as public transport.
- The proposed development accords with the policies of the development plan. There are no material circumstances which would indicate that the application should be considered otherwise. It has been demonstrated that if it were to be requested, it would not be viable to provide any on site affordable housing as part of the development.
- On that basis, and in accordance with section 38(6) of the Planning and compulsory purchase Act 2004 it is therefore considered that planning permission should be granted for the proposed development.

Design and Access Statement

- The proposed development falls into two distinct parts. The conversion of the existing buildings has been proposed in a sensitive manner that accords with the principles established in the various advice and guidance documents together with the policies contained within the development plan relating to design and access.
- The new build element lies within the urban area and has been designed so as to respect the character of the existing development in the vicinity of the site whilst also respecting the setting of the proposed conversion scheme. This is more typical modern development of housing at a relatively high density. The proposed development is at a similar density. The interface distances set out in the guidance document published by the council have been incorporated. The materials to be used will be selected to respect the setting of the adjacent conversion scheme.

- In summary, the proposed development represents a sensitive proposal to the re-use and redevelopment of the site and will result in a scheme that enhances the character and appearance of the area.

Visual Inspection of Existing Farm Buildings

- The buildings are typical farm outbuildings in a general state of dilapidation. The buildings have been altered, damaged and repaired over many years to form the present arrangement. All of the buildings would be suitable for conversion into a habitable buildings and a typical schedule for conversion is included in section 5. Further investigations are required to confirm the precise extent of certain works.

- The foundations have not been exposed but have settled in certain locations. The site investigation of the area has shown fill up to 2 metres deep and running sand. If the same conditions are present below the buildings a piled underpinning system or raft foundation will be required to support to existing walls, new walls and ground floor slabs.

- The buildings are in a general state of dilapidation and essential maintenance is required to avoid further roof collapse. The current condition of the buildings is susceptible to storm damage due to the weak and dilapidated condition.

- A preliminary design should be performed to detail the full extent of the required refurbishment works. This will allow the most cost effective solution to be agreed.

9. OFFICER APPRAISAL

Principle of Development

The site is partially located within the Settlement Zone Line for Sandbach, where under Policies PS4 and H4 of the Local Plan there is a general presumption in favour of new development. The remainder of the site is within the Open Countryside as defined by the adopted Local Plan where Policy PS8 states that development will only be permitted if it is for one or more of a number of purposes including, inter alia, new dwellings in accordance with policy H6, subject to compliance with all other relevant policies in the local plan.

Policy H6 states that new residential development in the Open Countryside will not be permitted unless it falls within one of the following categories, including, inter alia, the conversion of an existing rural building into a dwelling.

The scheme comprises two elements, conversion of the remaining existing buildings to form 7 dwellings, and the erection 11 additional dwellings within the curtilage of the existing residential property. The proposed barn conversions are within the Open Countryside part of the site and therefore accord, in principle, with Policy H6. The proposed new build properties are located within the settlement zone line and therefore comply with Policy H4.

Therefore the proposal is acceptable in principle, subject to compliance with other relevant local plan policies.

Housing Land Supply

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. Following a review, the Council has established that it has a 4.58 years housing land supply, and approval of this application would help to deal with the shortfall, thereby reducing the pressure to develop green field sites elsewhere in the Borough.

Commercial Re-use

Policy BH16 deals with the conversion of rural buildings to residential use, and states that this will not be permitted unless every effort has been made to secure a suitable business re-use or residential conversion is a subordinate part of a scheme for business re-use or the location and character of the site is such that residential use is the only appropriate use.

The applicant has provided a supporting statement, including a report by estate agents Legat Owen, explaining that given its close proximity to both the urban and residential area, the site will not be attract to rural industries that are normally envisaged when agricultural buildings are re-used. The site will therefore be competing with established employment areas elsewhere within the urban areas of Sandbach. On that basis this development will not be able to command any premium over baseline rates for what are otherwise standard industrial premises. This is likely to make the conversion to commercial use unviable. Likewise if rental levels were set at a level to make the commercial scheme viable, then they would not be competitive with other premises.

This sites location in a residential area away from existing industrial areas where businesses perceive cost saving in terms of synergies with other industrial operators, irrespective of the foregoing issues the site will remain unattractive to potential occupiers,

Small scale industries often rely upon access directly to the strategic highway network for their commercial viability, for example for passing trade, advertisement and immediate accessibility. This is not available with this site which when approached reads as siting squarely within a primary residential area.

If the site were to be used for commercial or business purposes commercial vehicles would have to access the site from either Dean or Wrenmere Close, but also Lawton Way, St. Peters Rise or Grange Way all of which are relatively quiet residential roads. Any commercial traffic would have to navigate these roads which are unsuitable for commercial traffic

In summary the applicant considered that the premises are unsuitable for commercial use and that further marketing of the property for this use would be entirely pointless Furthermore the report considers that any use for holiday lets would be severely limited due to the nature of the accommodation, the surrounding area, its proximity to existing residential properties, and the sites general location. Whilst the site is technically in open countryside it is immediately adjoining the urban area and as a consequence will not attract rural industries (blacksmith etc.) and will have to compete with more typical commercial sites in existing industrial areas within Sandbach. Likewise a tourism related use, such as holiday lets will also be precluded by these locational issues.

On this basis it is considered that the applicant has adequately demonstrated that the development accords with the third criterion of policy BH16 which states that where the location and character of the site is such that residential use is the only appropriate use then re-use for residential purposes will be permitted.

Structural Condition

Policy BH15 of the Local Plan states that the conversion, reuse or adaptation of existing rural buildings to an alternative use will only be permitted where all of a number of criteria are satisfied, including, inter alia, the requirement that the building must be permanent and substantial and would not require extensive alteration, rebuilding or extension.

A structural report has been submitted with the application which concludes that the buildings have been neglected, which is not untypical for farm out buildings. However, the buildings are capable of being converted into dwellings with a full scheme of remedial and refurbishment works.

Building 1 will require re-tiling the roof, new ground floor slab and draining. Underpinning is likely to be required. The front wall door openings would require infill panels to form a new wall. Repairs would be required to the other three walls to deal with cracks and form an acceptable appearance. Building 2 will also require re-slating. It may be necessary to replace some timber in localized areas where historic water ingress has caused rot. The attic floor appears to have been formed with slender members and is likely to require strengthening or replacing with a new floor. The foundations have settled in this area and suitable underpinning may be required. Building 3 is to be demolished as part of the works.

In the light of the above it is considered that the buildings are permanent and substantial and would not require extensive rebuilding.

Design,

The proposed barn conversion is generally sympathetic to the rural character of the original buildings. Building 1 at present is a simple rectilinear structure, with an open sided lean-to section to the rear. It is proposed to demolish this lean-to and to construct a smaller outrigger, in a projecting gable form. This is considered to be an acceptable form of development, which will respect the character and appearance of both the original building, and the others within the complex. It will result in a reduction in the overall footprint of the building and is therefore not considered to constitute, significant extension or alteration. One new opening is proposed in the gable elevation and the building, which is currently, open fronted will be enclosed and a number of openings formed in the new wall. The front elevation will incorporate an overhanging canopy, typical of those found on many ancillary stable buildings. It is therefore considered to be in keeping with the overall character of the former farm complex.

In respect of building 2, only two new openings are proposed and a number of other openings are to be modified in terms of their size and shape. A number of roof lights are also to be added to the roof slope. This is considered to be acceptable, provided that they are "conservation style", which can be conditioned. The most significant alteration is the increase in ridge height and roof pitch, on a more modern, single storey, section to the south side. The increase in roof pitch will, help to give this modern portion of the building a more traditional appearance, which will be more in keeping with the older part of the building and will allow a traditional tile to be used. Therefore, whilst raising the roof of barn conversions is not

normally considered to be appropriate, in this case, given that it will facilitate an improvement to the overall appearance of the building, it is considered to be acceptable.

There is concern, however, regarding the two sun rooms, which the applicant proposes to, add to the eastern elevation of the more modern wing. These would introduce an overly “domestic” feature, and would detract from the simple, agricultural appearance of the building. This issue has been raised with the developer and they have agreed to provide amended plans showing a single gabled outrigger in place of the conservatories, which will be more traditional in construction and will reflect the character and appearance of the original building. Subject to the receipt of these amended plans it is considered that the conversion proposal will be acceptable in design terms and in accordance with Policies GR1, GR2 and BH15 of the Local Plan.

The new houses to be accessed from Dean Close, are small two storey semi detached houses, whilst the proposed new-build properties, fronting onto the former farmyard are larger two-storey, suburban detached houses. All of the properties would be finished in brick, with pitched roofs and incorporate architectural detailing such as arched window headers, bay windows, canopies, porches, gablets and string courses to add visual interest to the elevations. Overall, it is considered that these properties will be in keeping with the character of the adjacent suburban development in Dean Close, Wrenmere Close and other surrounding roads.

To turn to the layout of the site, amended plans have been secured, which show the larger detached houses forming a courtyard arrangement with the converted agricultural buildings. The area within this courtyard would create a hard and soft landscaped, public open space. This arrangement will allow the two most significant existing trees within the site to be retained (considered in more detail below) and will reflect the traditional form of the farmstead. It will also ensure that the open space benefits from natural surveillance and will help to create a sense of community for the development.

The four dwellings accesses from Wrenmere Close, will be laid out in a simple linear form, with frontage parking served from a shared surface private drive. Private garden areas will be provided to the rear. This reflects the layout of the existing estate and is therefore considered to be appropriate.

Amenity

The surrounding development comprises open countryside to the north and east, residential properties in Wrenmere Close and Lawton Way to the south and Dean Close to the west. The Council’s Supplementary Planning Guidance sets out minimum requirements in terms of space about dwellings. It stipulates that a minimum of 13.7m should be maintained between a flank elevation and the principal elevation of a neighbouring dwelling, and 21.3m should be achieved between opposing principal elevations. A distance of 13m, which is in accordance with the Council’s minimum standards, will be achieved between the side elevation of Plot 8 and the properties in Lawton Way, and a distance considerably in excess of the minimum will be maintained between the houses in Wrenmere Close and both the converted farm buildings and the new dwellings. A separation distance of 21.3m will be retained between the rear elevations of plots 8 and 9 and the rear of the dwellings in Deans Close

To turn to the standards of amenity within the site, 21m will be maintained between the rear of plots 8 -10, which are accessed from the former farmyard and plots 18 to 15, which are accessed from Deans Close. Distances of over 30m will be achieved between the new

dwelling and the former farm buildings. The majority of plots within the site will benefit from in excess of 65sq.m of private amenity space, which is the minimum standard set out in the Council's Supplementary Guidance. The smallest garden is that belonging to Plot17, which is approximately 60sq.m, which is not considered to be significantly deficient. However, it is considered to be appropriate to remove permitted development rights, on the smaller plots to ensure the retention of an adequate level of amenity space. On the basis of the above, whilst the comments of local residents are noted, it is considered that the proposal complies with the Council's policies in terms of residential amenity and that a refusal on these grounds could not be justified

Trees and landscape

Subject to protection measures, the amended layout should allow for the retention of the mature Beech and Oak trees in the centre of the site. These trees would provide an attractive feature within the development. The annotation on the plan suggests that the area beneath these trees would all be hard surfaced. Whilst hard surfacing would be necessary for the roadway, this could be carried out utilising special construction techniques. However it would not be acceptable (or necessary) to have the whole area hard surfaced. A condition could be applied require revised hard landscaping details to ensure that this was not the case.

Other than the above-mentioned Beech and Oak trees and trees to the east of the site, none of the existing trees on the site are shown on the plans. Adjacent to the former southeast yard area, the eastern boundary of the site is not clearly defined on site. It is not clear why certain trees on this eastern boundary are shown with dotted outline (normally associated with removal).The annotation states 'existing trees retained'. There is one large dying Sycamore which should be removed in this area but it is possible that some additional trees could be retained both on this boundary and across the remainder of the site. Whilst it would be preferable to clarify this issue pre-determination, it could be controlled by condition and assessed within landscape proposals.

The layout would provide opportunities for new planting to mitigate any tree losses. No proposed levels information has been provided. However, both of these could be secured by planning condition. In addition, planning conditions would be required to cover provision of a method statement to include special construction measures where hard surfaces are proposed within tree root protection areas, a full landscaping scheme and details of boundary treatment.

Affordable housing,

The scheme involves the creation of 18 units and therefore exceeds the threshold for affordable housing provision as set out in the Council's Supplementary Planning Document (SPD). However, the developer has not made provision within the scheme for any affordable housing, arguing that the Local Plan Policy sets a threshold for the provision of affordable housing at 25 dwellings or more. They argue that no weight should be afforded to the provisions of the SPD on the basis that PPS12 states that SPD's should not seek to amend policy. The Council's recently published Draft Interim Affordable Housing Policy has sets out similar thresholds. On this basis they consider that there is no requirement to provide affordable housing, as part of this scheme.

Notwithstanding this argument, the developers state in their submissions that, even if the Local Plan policy required the provision of affordable housing on site, it would not be viable to do so. They have put forward a viability appraisal, which demonstrates that the site does not

provide a reasonable level of profit. The anticipated return from the site is only 9.1% before interest and only 5.3% after interest charges. Whilst this is below the profit level that a developer would normally expect to make a scheme viable it is necessary for the site to be developed in this way in order to cover a deferred part of the original purchase price.

The applicant states that the only way that the viability of the scheme could be improved to a point where affordable housing could be provided would be if all the existing buildings were to be demolished and the entire site developed for new build housing. In those circumstances it is considered that the full 30% requirement for affordable housing could be met on site. (It is this logic which provides the justification for the application for the alternative scheme which is considered elsewhere on this agenda.)

In response the Council would argue that the SPD was drafted to be consistent with advice in PPS.3, which sets a threshold for the provision of affordable housing of 15 units, and is more up-to-date than the Local Plan Policy. Both the SPD and PPS.3 are important material considerations, which in this case, outweigh the provisions of the development plan policy in terms of affordable housing threshold. This approach has been supported by previous appeal inspectors and it is therefore considered that the site does trigger an affordable housing requirement.

However, with regard to the viability arguments, recent Appeals within the former Congleton Borough area have supported the view that the need to bring forward new housing developments, and to regenerate redundant sites, outweighs the requirement to provide the full percentage of affordable housing. Policy H13 makes provision for the reduction of affordable housing provision where economics of provision arguments are put forward. It is therefore considered on this basis, that the developer's argument in terms of viability should be accepted and the affordable housing requirement should be dropped in this case.

Flooding and drainage

United Utilities have raised no objection to the scheme subject to appropriate conditions. No response has been received from the Environment Agency. However, they have commented in respect of the parallel application for complete redevelopment and raised no objection subject to a condition requiring a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, to be submitted to and approved in writing by the Local Planning Authority with the approved details to be implemented before the development is first occupied. On this basis it is concluded that the proposal complies with GR21 (Flood Prevention) of the Local Plan First Review.

Highway safety.

Local residents have expressed concerns about traffic generation, as well as the safety and suitability of the proposed access through Wrenmere Close, Deans Close and the surrounding residential estate roads. The Strategic Highways Manager has examined the proposals and raised no objection on these grounds, and given the relatively small number of dwellings proposed, it is not considered that a refusal on these grounds could be sustained. However, the Strategic Highways Manager has expressed concerns about the design of the roads within the scheme and these matters have been brought to the attention of the developer. Suitable amendments have been agreed and an amended plan was awaited at the time of report preparation. Subject to receipt of this plan and the Strategic Highways Manager withdrawing his objection, it is considered that the proposal is

acceptable in terms of its impact on highway safety and that it complies with Policy GR9 of the adopted Local Plan.

Contaminated Land

With regard to contaminated land the Environmental Health department has objected on the grounds that the contamination report submitted with the application was commissioned in November 2007 and may not represent current site conditions. The report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated.

The developer has responded by stating that although the existing desktop investigation is three years old, bearing in mind the fact that nothing has changed on the site, it is unlikely that any new assessment would add value to the process at this stage. However, they are happy to undertake a full intrusive site investigation prior to the commencement of any other aspect of the development and would be happy to accept a condition to that effect.

Notwithstanding these points, given that the gasses have the potential to render the area unsuitable for residential development it is not considered appropriate to impose a condition requiring an updated assessment to be undertaken. At the time of report preparation negotiations were on-going between the Council's Contaminated Land Officer and the developer's consultants with regard to agreeing an appropriate course of action. A further update on this matter will be provided to members at committee.

11. CONCLUSIONS

In summary the proposals comprise two elements. These are the conversion of the existing buildings within the part of the site that is designated as Open Countryside and the construction of a number of new build properties within the settlement boundary. On this basis the proposal is considered to be acceptable in principle.

In accordance with advice contained within the Council's Supplementary Planning Documents, the Council's emerging interim affordable housing policy and PPS.3, all of which are important material considerations, the site generates a requirement for affordable housing. However, it is considered that the developer has put forward a convincing economics of provision argument which demonstrates that it is unviable to provide any affordable housing within this scheme. These arguments have been accepted on a number of occasions by inspectors at appeal. The applicant has also demonstrated that commercial re-use of the buildings are impractical, due to their location in the midst of a predominantly residential area, and that their structural condition renders them suitable for conversion.

Subject to the receipt of amended plans the proposals are considered to be acceptable in terms of design and highway safety and they will not have any adverse effects in terms of their impact on residential amenity, trees and landscape or flooding and drainage. Therefore, subject to negotiations in respect of contaminated land being adequately concluded, and the contaminated land Officer withdrawing her objection, it is considered that the proposal complies with the relevant local plan policies and accordingly it is recommended for approval.

However, in the event that amended plans are not forthcoming, or that the Contaminated Land Officers concerns cannot be addressed, the application should be refused.

12. RECOMMENDATION

APPROVE subject to the receipt of amended plans, an updated contaminated land report, the removal of the objections from the Strategic Highways Manager and the Contaminated Land Officer and the following conditions:-

- 1. Standard 3 year time limit**
- 2. Compliance with approved plans**
- 3. Submission and approval of materials**
- 4. Removal of permitted development rights plots 1- 7 and 15 – 18**
- 5. Provision of car parking**
- 6. Construction of Access**
- 7. Scheme of drainage**
- 8. No discharge of surface water to foul sewer**
- 9. Creation of habitat of breeding birds / bats**
- 10. Breeding Bird Survey prior to any work between 1st March and 31st August**
- 11. Approval of any external lighting**
- 12. Submission and approval of bin stores**
- 13. Construction hours limited 08.00 to 18.00 Monday to Friday and 09.00 to 14.00 on Saturday.**
- 14. Restriction of foundation piling to 9am to 5pm Monday to Friday and no works of this nature on Saturday, Sunday or Bank Holiday**
- 15. Submission and approval of boundary treatment**
- 16. Submission and approval of landscaping**
- 17. Implementation of landscaping**
- 18. Tree Protection Measures**
- 19. No works within protected areas**
- 20. Special construction measures for hard surfaces within protected areas.**
- 21. No consent for rebuilding of farm buildings**
- 22. The rainwater goods to the barn conversions to be cast metal and painted**
- 23. The roof lights to be “Conservation Rooflights” set as flush as possible with the roof covering.**
- 24. The doors and windows to the barn conversions to be fabricated in timber and set behind a 100mm brick reveal.**
- 25. Drawings, to a scale not less than 1:5, of specimen window frames to the barn conversions to including sections and clear indication of methods to be submitted**
- 26. The existing vents to the barn conversions to shall be filled by means of recessed Staffordshire Blue bricks, bedded in black dyed mortar.**
- 27. Any proposal to alter roof trusses to the barn conversions to be submitted to and approved in writing by the Local Planning Authority.**
- 28. All external timber in the barn conversions to be painted or opaque-stained in a colour to be approved with the local Planning Authority**
- 29. The doors of the garages to the barn conversions to be fabricated in timber and vertically boarded**
- 30. Contaminated Land Report / Remediation**

Or

In the event that amended plans are not received REFUSE for the following reasons:-

- 1. In the opinion of the Local Planning Authority, the proposed sunrooms would detract from the simple agricultural character and appearance of the former barns contrary to Policies GR2 (Design Standards) and BH15 (Conversion of Rural Buildings) of the adopted Congleton Borough Local Plan First Review.**
- 2. In the opinion the proposed development does not provide suitable adoptable infrastructure to serve this number of units. The proposal is therefore contrary to Policies GR9 (Accessibility, servicing and provision of parking) of the adopted Congleton Borough Local Plan First Review.**

Location Plan : Licence No. 100049045



Planning Reference No:	10/2006C
Application Address:	Elworth Hall Farm, Dean Close Elworth
Proposal:	The Demolition of the existing Buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 26 dwellings and associated works.
Applicant:	Bell Developments Ltd.
Application Type:	Full Planning Permission
Grid Reference:	374382 361711
Ward:	Sandbach
Consultation Expiry Date:	20 th October 2010
Date for determination:	26 th August 2010

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- Principle of Development
- Housing Land Supply
- Design
- Amenity
- Trees and Landscape
- Affordable Housing
- Flooding and Drainage
- Highway Safety
- Contaminated Land

REFERRAL

The application has been referred to planning committee because it involves the creation of more than 10 dwellings and is therefore a major development. It is also a departure from the Development Plan.

1.SITE DESCRIPTION

The application relates to a redundant farmstead on the edge of Elworth. The site comprises the farmhouse, a number of brick built agricultural buildings with more modern additions, the garden area to the farmhouse and associated farmyards. The site is bounded to the south, east and west by suburban residential development and by open countryside to the north. There are two access points to the site from Dean Close and Wrenmere Close. The site is currently overgrown with a mixture of scrub, low shrubs and saplings, as well as a smaller number of more mature trees.

2.DETAILS OF PROPOSAL

The proposal is for the demolition of all the existing buildings on site and the redevelopment of the site with 26 dwellings and associated works. An alternative proposal for the retention

and conversion of the existing farm buildings and the erection of 26 dwellings within the grounds is considered elsewhere on this agenda.

3. RELEVANT PLANNING HISTORY

09/3245C 2008

additional dwellings within the curtilage of the existing residential property - Withdrawn

Part

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS7 Sustainable Development in Rural Areas

PPG13 Transport

PPS23 Planning and Pollution Control

PPS25 Development and Flood risk.

Local Plan Policy

PS8 Open Countryside

GR21 Flood Prevention

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and provision of parking

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H4 Residential Development in Towns

H13 Affordable Housing and low cost housing

Other Material Considerations

Cheshire East Interim Housing Policy

Cheshire East Interim Affordable Housing Policy

Cheshire East Strategic Housing Market Assessment 2010

5. OBSERVATIONS OF CONSULTEES

Environment Agency

- Consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

▪ 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:

- 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.
- 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.
- 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.
- 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.
- Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
- Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Housing Section

Local Housing Need

Our supply and demand analysis shows an outstanding shortfall of affordable units within Sandbach. There is a significant shortfall of 2 and 3 bedroom houses and it is this shortfall which we would be seeking to reduce. The housing waiting list shows a need for all property types in the Sandbach area but the number of 2 and 3 bed properties available for social rent are drastically below the demand on the waiting list.

Affordability

In line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) I welcome the offer of 30.8% of the site to be classed as Affordable Housing. However, of this 30.8%, and in line with the recommendations in the Congleton Borough Council's Housing Needs Survey desktop review of 2006, I expect 50% to be social rented and 50% to be intermediate housing. The proposal does not include any social rented units and only includes intermediate units. As such at present I would not support this application.

Site layout

I would expect the affordable units to be 'pepper-potted' throughout the site.

United Utilities

No objection to the proposal provided that the following conditions are met: -

- In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse and may require the consent of the Environment Agency.

Ecologist

The application is supported by a protected species survey which adequately addresses all potential issues at this site. Additional surveys/information has been submitted in support of this application in respect of bats and great crested newts and this information is acceptable and neither of these species present a constraint upon the proposed development.

To mitigate for any loss of habitat for breeding birds/foraging bats the submitted ecological assessment recommends the planting of native tree species and a native species hedge along the northern boundary of the site.

These proposals must be incorporated into the landscaping scheme for the site.

The following conditions are also required if planning consent is granted:

- 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.
- 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.

Environmental Health

Contaminated Land Comments:

Objects to the above application subject to the following comments with regard to contaminated land:

- The report submitted for application number 10/2006C on the same site was commissioned in November 2007 and may not represent current site conditions.
- In addition the report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated.

Therefore this Section objects to the application on the basis of the information provided.

Environmental Health Comments:

1. Any external lighting of the proposed site should be submitted to and approved by the Borough Council before being installed, due to the close proximity of local residents.
2. Prior to development, detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including

details of any bin stores, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and available for use prior to the development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority. To protect the visual amenity of local residents and safe guard public health.

Environmental Health Advisory Notes:

1. 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.
2. 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.

Highways

The Strategic Highways Manager has assessed the revised layout for this application on Bell Developments Drawing No: RO49/1.1 and offers the following comments:

The primary access to this site is taken from Wrenmere Close which has a 5.5m wide carriageway and 2 footpaths. The proposal now shows the internal road infrastructure to narrow to 4.8 metres wide as required, with a mixed design of footway and shared surface areas for pedestrians.

The proposed site layout is both innovative and alludes to Manual for Streets principles, and whilst the SHM still considers that the design should be wholly of pedestrian priority design giving hierarchy to the pedestrian, it is recognised that the continuation of footways into the site to the arrival feature maintains pedestrian segregation to a sensible point within the site.

The highway authority will expect a 125mm kerb face for all footways and carriageway levels will be maintained where the narrowing occurs with an at grade rumble strip at the horizontal transition.

In principle, a development of this type is acceptable subject to detailed design, but the SHM would raise awareness to issues regarding connectivity and sustainable links for cycles and pedestrians for which the Authority will seek to negotiate provisional sums to be secured via a Section 106 agreement.

Locally there are many existing link footpaths which will provide sustainable links to the site. DfT (GoTA) guidance requires new sites to promote sustainable travel options and it is reasonable that development should provide monies for the maintenance of those existing footway links by Cheshire East Council.

Some of the footway links have poor surface condition and it is considered reasonable that they receive maintenance to help promote their more regular use.

Condition:- Prior to first development the developer will provide a detailed suite of plans to show construction details and levels for the proposed internal layout to the satisfaction of the LPA.

Condition:- The developer will contribute a sum of £10,000 towards local management and maintenance of existing sustainable footway links.

Informative:- The developer will enter into and sign a Section 38 agreement under the Highways Act 1980 for the adoption of new highway infrastructure.

6. VIEWS OF THE PARISH / TOWN COUNCIL

No objection, however Members expressed concern that the proposals will result in overdevelopment of the site and will increase traffic issues in the area. Members also questioned the possibility of planning gain if an application is approved on this site.

7. OTHER REPRESENTATIONS

Letters of objection have been received from: 7, 11, 17, 21 Boothsmere Close, 9 Ossmere Close, 7 Delamere Close, 5, 7, 9 and 10 Wrenmere Close, 10 Dean Close and 76 Grange Way, Sandbach, making the following points

Parking:

- The proposed development has allowed for 32 parking spaces, an increase of only 26 for an additional 25 dwellings. The Design & Access statement submitted with the application states that the proposal is for a mix of 2, 3 & 4 bedroom dwellings however the plot breakdown indicates 3 & 4 bedroom dwellings only. The size of these properties would therefore indicate a potential parking requirement of 70 plus, excluding visitors. Taking the figures to the extreme, with the number of bedrooms proposed, there could be a total of 122 people living in the new dwellings, all with their own vehicle.

Highways:

- The current condition of Grange Way, the main access route to the proposed development, is in dire need of repair and at certain times of the day is extremely congested. Assuming there are 3 vehicles per dwelling, this would add about 57000 journeys per year to and from an unsuitable main access road to the proposed development. Grange Way and its junction with Middlewich Road were not designed to take that volume of additional traffic. It would be interesting to know the thoughts of the emergency services with regards to un-obstructive access should it ever be required.
- Has a safety study been undertaken on the impact of the increase in vehicular traffic on this hazardous curved section of Grange Way?
- The proposed entrance to part of the site from Dean Close is totally inappropriate. Clearly the developer wishes to avoid creating a highway standard entry without which the junction with Dean Close would be dangerous.
- There is no indication of any physical barrier between the two areas of the site such as would prevent all properties accessing the site via the existing farm entrance.
- Have the views of the emergency services, particularly fire, been sought on the existing farm access as an access to residential properties?
- The road is too narrow and small for the additional houses and associated construction traffic.
- The extra traffic volume would present considerable hazards and fears for children's safety. In particular, Grange Way has to be crossed by children to access the play area situated just

off Grange Way (between Wrenmere and Boothsmere Close) and also young children coming to and from the local school would need to cross that road.

- The view of traffic exiting Wrenmere Close on to Grange Way is currently restricted to the left. The additional traffic which will be generated by the development proposal (up to 220 vehicles per day) will increase the possibility of accidents at this junction unless the sightlines are improved to the appropriate guidelines and standards as indicated in the Manual for Streets. The junction lies outside the red outlined site area and the submitted plans do not indicate any proposed amendments at this location.
- Grange Way at the bottom of the U shape up to Lawton Way becomes very congested with cars now, especially overnight, after 5pm and at weekends. Often there is single traffic only passable and adding a minimum 30 and more likely 50 or more cars every day to this flow will create significant additional traffic flow and public safety issues. Most of the current Grange Way houses have at least 1 car on the road and some more, plus visitors, so unless you were to put yellow lines on the road, especially on the bends, it would be dangerous and accidents inevitable.
- The houses in Wrenmere Close also park cars on the road including by the corner so this will create a single flow of cars into the new estate at the junction with Grange Way.

Foul & Surface water disposal:

- The application states that foul and surface water disposal will be via the mains. Has consideration been given to the suitability of the existing drains to accept the drainage requirements of the proposed development?
- Foul water drainage is planned to be via existing mains drainage. There is concern that the additional sewage this development will discharge to the existing pumping stations and their ability to cope with this as on a number of occasions within the last three years our property has been flooded with raw sewage.
- As the authority will no doubt be aware there have been considerable water drainage issues since the initial building of properties in Boothsmere Close and Wrenmere Close in the late 1980's. Indeed on more than one occasion the Council has had to conduct repair work to roads and pavements as a result of high water. Certainly with the problem of high water tables on the land, we wonder what impact the proposed development would have and could not find any mention of this in the application.

Planning Policy and Housing Land Supply Matters

- With the recent change in Government, local planning departments are not under the same pressure to accept applications for the demolition of existing dwellings to create space for larger developments and therefore this proposed development should be rejected.
- The planning application proposes to develop the existing residential and agricultural complex of Elworth Hall Farm which is designated a 'Brown field' site. Residents would like to be assured that any approval of this planning application will not set a precedent for allowing the future development of the remaining agricultural land that forms Elworth Hall Farm.
- Residents are also somewhat confused in the application by the developer's statements concerning availability of land for development within the local area. Whether they are being disingenuous or are simply misinformed a simple look at any of the local press will show the mention of : The Hop Yard; the Zan development; the Morris Homes plans at Homebase; the ongoing saga of the old Foden Works without mentioning the huge proposed development off Abbey Fields and the similar sized Richborough Estates plan for Hind Heath Road.
- In short this proposal will demolish the farm buildings at Elworth Hall Farm and leave the developers to return and argue that the agricultural status of the farm should be overturned so they can further develop the site.

- The Council, who have an ample supply of existing Brownfield sites available to developers, must resist this poorly thought out attempt to build on what is still agricultural land.
- The current open agricultural land bordered by Belmont Avenue, Middlewich Road and the existing Beazer Homes development provides a significant green lung in the general Sandbach development area. It should not be developed when other brown field sites still exist.
- It would be wholly inconsistent for the Authority to approve any application for development of existing green belt land. The Council has consistently over the last 10 years warned local residents against plans to procure any of this land as it is classified agricultural land and indeed has actively written to residents to block such initiatives.
- The citizens of Sandbach have a right to expect a consistent and joined up planning policy over the years from its Council, regardless of the name or boundaries that Council is serving, and it would be totally wrong to allow a corporate developer to undertake any such change of use, that they forbade and proactively denied of private individuals.
- Another key concern that we raised last year regarding the future of the farmland surrounding the proposed development site still exists. Again, whilst this submission does not propose any development on much of the existing farm land belonging to the site, and indeed it marks on one plan that much of this area will continue to be designated agricultural land, if the application were successful it would effectively render a situation where there is farmland – without an associated farm!
- This would make the surrounding land a target for future development. Residents could not find any written assurances as to the future protection of the designated agricultural land as part of this application.

Ecology, Trees and Landscape

- There are bats located in and around Ossmere and Boothsmere Close.
- Bats can be seen flying around nearly every evening and at times there can be up to 5 bats feeding on the insects found in our gardens and the field.
- The demolition of the agricultural buildings on Elworth Hall Farm will deprive bats of suitable roosts and foraging areas.
- The trees adjacent to Wrenmere Close and the rear of Grange Way are to be felled. Is there a possibility of planting mature trees and shrubs to replace them, as it is good for security and privacy
- The document showing the location and siting of trees is inaccurate. There was a considerable amount of tree felling activity on the farmland in January and February 2010, specifically to the north of the proposed development. This is not reflected in any of the charts or aerial photographs.
- The existing boundary to the south of the development proposal adjacent to 11 Wrenmere Close is composed of mature trees and hedgerow. The proposal would appear to remove this completely and there is no indication of any replacement fencing.
- The existing mature hedging and trees should be retained so that the environment will be protected and both the existing and new developments will enjoy the benefits of privacy.
- Very mature trees at the back of the houses on Grange Way going towards Lawton Way will disappear along with mature trees at the rear side of our house and it looks like these disappear as well.

Design Matters

- This revised application by the developers removes some of the more acceptable parts of their existing application (two methods of ingress / egress from the site and sympathetic

redevelopment of some of the existing farm buildings) and replaces them with a proposal to totally demolish the buildings

- Landscaping is proposed within the new estate but not between the new development and the existing houses.
- There were a number of pleasing aspects to the conversion of the existing buildings but that concept has now been dropped for this subsequent application and we feel that this proposed development is less in keeping with the current usage of the site than the original proposal. The change in approach is less desirable and less in keeping with the character of the area.

Residential Amenity

- The gardens of the new houses adjoin the boundaries of the existing bungalows.
- There is no indication of the distance between the new and existing houses.
- Currently the land adjacent to Wrenmere Close is considerably higher than then that of existing properties. Residents have concerns that as such anyone standing in gardens within the proposed plots would have an elevated view into their gardens and windows.
- Plot 24 is sited very close to the rear of our one of the existing properties and as such would somewhat compromise our privacy
- The distance from that garden to the kitchen window of 8 Wrenmere Close is below the required "main window" distance set out in planning regulations.
- The fence at the side of 8 Wrenmere Close cuts diagonally across the front window within 5 ft and after the build that would allow someone to look directly into the front lounge window within 5 ft and into our bedroom.

Inaccurate Plans

- The plans omit a building at 8 Wrenmere Close (a double garage) and the placement of trees and the garage for plot 26 in the design may affect this property. The trees by the garage of plot 26 could become very large and affect the foundations of our garage (the building they have not shown on the plans)
- The plan does not show the position of 8 Wrenmere Close after an extension and garage were built. On the plans for 10/1765c there is an orchard next to 8 Wrenmere Close and there is writing concerning the future development on that plan that is illegible.

Change of use of land

- An offer by the occupier of 8 Wrenmere Close to buy the land at the side was accepted by Bell Developments and they at first offered to sell and then withdrew that offer after the plans were passed.
- When Bell Developments agreed to sell the adjacent land to the occupiers of 8 Wrenmere asked the Planning Department if they would be able to apply to convert to a garden. The Planning Department said no because it was countryside. How therefore can the Council now agree to dwellings being built on the site, or for the site to be used as garden to the barn conversions?

8. APPLICANT'S SUPPORTING INFORMATION:

Tree Survey Report

- There are no trees on site which it is considered should be kept at all costs. The most prominent trees within the site are the poplars adjacent to the house. These trees are not exhibiting signs of defects, however given their age and species they have a limited life expectancy, and the species is not considered suitable for a development site.
- There are three prominent trees within the site, T3 Weeping Willow which is adjacent to the pond and Beech T9 and Oak T10 within the animal pens behind the house. These trees should be retained within the development if possible.
- The trees to the periphery of the site are generally not considered to be of individual merit, however they have some amenity screening value and will help create a green buffer to any development proposals if they can be retained.
- It is not known at present whether the site is subject to a tree preservation order, or if the site is located in a Conservation area. It is believed that 2 trees, (Oak and Sycamore), located within the field to the north of the boundary are covered by a Tree Preservation Order.

Ecological Survey and Assessment

- This Ecological Appraisal presents an assessment of the ecological, biodiversity and nature conservation status at the Elworth Hall farm site. An ecological survey was required in connection with proposals to develop the site to housing involving the conversion of the existing barn, demolition of the remaining buildings and construction of new houses.
- The assessment presents the results of a desktop study and comprehensive ecological surveys of the site. The scope of the survey undertaken is sufficient to enable the identification and accurate assessment of any potential ecological constraints and opportunities associated with the development proposals.
- The ecological survey and evaluation have identified no significant wildlife interests or constraints that would affect the principle of development of the land at Elworth Hall Farm. None of the habitats present are representative of the UK Biodiversity Action Plan (BAP) for priority habitats and no rare or uncommon plant species were recorded.
- Surveys carried out in April 2010 found no evidence of roosting Bat Species, Great Crested Newt or Water Vole was recorded within the site. The report recommends the completion of nocturnal emergence surveys for bat activity at Buildings 5, 7, 8, 10, 12 and 15 prior to demolition/conversion. Badger activity is present within and around the site but no sett is present within the site; guidance with regard to the protection of Badger and their habitats is detailed within the Ecological and Survey Assessment Report.
- At least three UK BAP Priority Species of Bird nest within the site (Song Thrush, Dunnock and House Sparrow). Guidance with regard to the protection of breeding birds is present within the Ecological and Survey Assessment Report.
- All wild birds are protected under the Wildlife and Countryside Act 1981 while they are breeding. It is mandatory that all buildings, trees, shrubs, Ivy cover, bramble scrub or suitable

breeding bird habitat which are to be removed as part of the proposals are only to be removed outside the bird breeding season (March-August inclusive).

- If any buildings or shrubs are scheduled for removal in the bird breeding season it is advised that advice from an ecologist is sought. It may be necessary to carry out a walkover survey to adequately demonstrate that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared.

- If breeding birds are recorded the ecologist will issue guidance for the protection of the nesting birds in conjunction with the scheduled works. This may involve cordoning off an area of the site until the young birds have fledged.

- The ecological survey has confirmed that there are no Badger setts within the zone of influence of the construction site. However, Badger, pass through the site and Badger activity is present in the wider area.

- It is considered that the presence of the proposed development will not sever any significant pathways/routes. It is likely that Badgers enter the farmyard owing to the previous availability of food.

- It is essential to ensure the presence of Badger activity is taken into account during the construction of the site.

- Where possible, the ecological survey information has informed the site layout and guidance is provided to ensure the protection of wildlife and minimise any adverse effects on biodiversity.

- Where feasible and appropriate, opportunities to enhance the biodiversity and nature conservation value of the site have been identified, and proposals are outlined to sustain and add to biodiversity.

- It is considered that the measure outlined in Section 5 of the report work towards full compliance with the key principles of PPS9, the aims and objectives detailed in the publication 'Planning for Biodiversity and Geological Conservation: A Guide to Good Practice', local planning policy and guidance provided in the UK and Cheshire Biodiversity Action Plans.

- Based on the summary information presented in this ecological assessment, it is concluded that the principle of the proposed development at Elworth Hall Farm is feasible and acceptable. The proposals provide an opportunity to enhance and improve local biodiversity through landscape planting and habitat creation. This conclusion is valid providing that guidance detailed in Section 5 of this report is implemented.

Preliminary Viability Appraisal

- Elworth Hall Farm is situated on the fringe of the urban settlement of Elworth. The property is approached through a residential housing estate and lies adjacent to a number of residential dwellings.

- The site suffers from a lack of main road prominence and the original farm buildings are in a very dilapidated condition and need substantial investment to bring them back to a usable condition.
- The proximity of the buildings to adjoining residential dwellings is such that a range of potential commercial uses is likely to be limited to Class B1.
- This limitation in terms of market potential will act as further deterrent to speculative developers as the market is effectively restricted for the end product.
- Taking all these factors into consideration, it is our opinion that there is very little prospect of any commercial developer taking on the refurbishment of the existing outbuildings for commercial use. Equally the site is unlikely to be attractive to potential tenants or occupiers when compared to other sites in more suitable locations.

Supporting Planning Statement

- As demonstrated above the proposed development represents a sensitive and considered conversion of existing buildings within the rural area combined with a small development of new build properties within the urban area. The part of the site within the urban area has been identified in the Councils emerging SHLAA as part of the future housing supply. The principle of residential development on this part of the site is fully in accordance with existing planning policies and proposals.
- The conversion of the adjoining existing buildings to a residential use has been demonstrated to be the only future for those buildings and a commercial use is both inappropriate and unachievable. The proposals therefore accord with the policies in the local plan on the conversion of existing buildings.
- The detailed design of both new building and conversion elements has been carefully considered and the resulting scheme represents an entirely appropriate and sensitive approach to the development of the site. The proposals fully accord with the design policies of the development plan.
- The detailed access arrangements are both logical and suitable in terms of connections to the existing highway, the provision of access around the site and the access to the proposed dwellings. The site is in a highly sustainable location with good access to key facilities and services as well as public transport.
- The proposed development accords with the policies of the development plan. There are no material circumstances which would indicate that the application should be considered otherwise. It has been demonstrated that if it were to be requested, it would not be viable to provide any on site affordable housing as part of the development.
- On that basis, and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 we therefore consider planning permission should be granted for the proposed development.

Design and Access Statement

- The proposed development falls into two distinct parts. The conversion of the existing buildings has been proposed in a sensitive manner that accords with the principles established in the various advice and guidance documents together with the policies contained within the development plan relating to design and access.
- The new build element lies within the urban area and has been designed so as to respect the character of the existing development in the vicinity of the site whilst also respecting the setting of the proposed conversion scheme. This is a more typical modern development of housing at a relatively high density. The proposed development is at a similar density. The interface distances set out in the guidance document published by the Council have been incorporated. The materials to be used will be selected to respect the setting of the adjacent conversion scheme.
- In summary, the proposed development represents a sensitive proposal to the re-use and redevelopment of the site and will result in a scheme that enhances the character and appearance of the area.

Visual Inspection of Existing Farm Buildings

- The buildings are typical farm outbuildings in a general state of dilapidation. The buildings have been altered, damaged and repaired over many years to form the present arrangement. All of the buildings would be suitable for conversion into habitable buildings and a typical schedule for conversion is included in section 5. Further investigations are required to confirm the precise extent of certain works.
- The foundations have not been exposed but have settled in certain locations. The site investigation of the area has shown fill up to 2 metres deep and running sand. If the same conditions are present below the buildings a piled underpinning system or raft foundation will be required to support to existing walls, new walls and ground floor slabs.
- The buildings are in a general state of dilapidation and essential maintenance is required to avoid further roof collapse. The current condition of the buildings is susceptible to storm damage due to the weak and dilapidated condition.
- A preliminary design should be produced to detail the full extent of the required refurbishment works. This will allow the most cost effective solution to be agreed.

9. OFFICER APPRAISAL

Principle of Development

The site is partially located within the Settlement Zone Line for Sandbach, where under Policy H4 of the Local Plan there is a general presumption in favour of new development. The remainder of the site is within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are very exceptional circumstances associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

The applicants have argued that this scheme, unlike the alternative policy compliant proposal (considered elsewhere on this agenda) for conversion of the existing buildings and partial new build, will enable them to deliver 30% affordable housing on the site, whilst remaining viable. The applicants are therefore of the opinion that the proposals recognise the importance Members place on affordable housing. They consider, given that some sites in the Borough are having difficulty providing affordable units because of viability, and that Inspectors are accepting these arguments at appeal, this site can help to deliver the Borough’s affordable housing requirement.

It is acknowledged that the site will provide 30% affordable housing. However, it should be noted that this is the minimum policy requirement within Local Plan Policy H13 and is expected of all new developments, including those within the Settlement Boundary and on brownfield sites where there is a presumption in favour of new development. It is acknowledged that viability arguments have been accepted in respect of some brownfield sites, where the immediate regeneration of those sites has been seen to outweigh the need for affordable housing. However, it is not considered that by default this renders a scheme, which provides the minimum amount of affordable housing in order to be Policy H13 compliant, so exceptional as to warrant a departure from the Local Plan in respect of development within the open countryside.

Housing Land Supply

The recent successful legal challenge by Carla Homes, to the Government’s abolition of the RSS, now means that they must continue to be taken into account as a material consideration.

Notwithstanding this point Cheshire East have always intended to continue to rely upon the figures contained within it until such time as the LDF Core Strategy has been adopted. The RSS proposed 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. The distribution apportionment of Congleton Local Plan Policy H2 equates to approximately 50 dwellings per annum for Sandbach.

A report was considered by the Council’s Cabinet on 18th October which recommended that the Council adopts a housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year 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. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for

Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

The above mentioned Cabinet report notes that following a review, the Council has 4.58 years housing land supply. Consequently the Cabinet has agreed that in order to address the lack of a 5 year housing land supply, an Interim Planning Policy on the Release of Housing Land should be approved for consultation purposes and that it be used in the determination of planning applications pending its adoption. This policy states that when it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by PPS3, subject to other saved policies of the relevant Local Plan being satisfied, the Council will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of previously developed land within settlements.

At the meeting of the Strategic Planning Board on 6th October 2010 a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe. PPS1 2005 in *The Planning System: General Principles* at para. 14, states that *"Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may be need to be taken into account."*

Furthermore, Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia, *"ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues."*

Paragraph 72 of PPS.3, states that LPA's should not refuse applications solely on the grounds of prematurity. However, PPS1 also deals with the question of prematurity to an emergent plan, and advises that in some circumstances it may be justifiable to refuse planning permission on the grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but has not yet been adopted. *This may be appropriate where a proposed development is so substantial, or where the cumulative effect is so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.*

The proposal does not reflect the spatial vision for the area both in terms of the adopted Local Plan which prohibits development on sites within the Open Countryside and the emerging Core Strategy. In addition, the proposal undermines wider policy objectives, such as achieving sustainable development, in close proximity to the more major town centres and sources of employment and supporting urban regeneration, in the parts of the Borough where it is most needed.

In addition, it is considered that priority should be given to the redevelopment of previously developed land. A key objective is that Local Planning Authorities should continue to make

effective use of land by re-using land that has been previously developed. At July 2010, there were over 753 dwellings with planning permission or under construction in Sandbach. These sites are with one exception brownfield or mixed brownfield and greenfield. One additional site for 100 houses is awaiting the signing of a S106 agreement. Based on the Congleton Local Plan housing distribution figure this equates to 13 years supply of housing land in Sandbach. Local Plan policy and PPS advice is that priority should be given to the redevelopment of previously developed land. It is understood that developers of the major sites have indicated that they are proposing to bring them forward for development within the next 5 years. It is considered that to release additional greenfield sites in Sandbach at present would prejudice the redevelopment of these sites.

According to Policy H2 of the Local Plan, approximately 25% of housing land supply for the former Borough of Congleton area should be apportioned to Sandbach. Currently approximately 43% of the housing land supply for the former Borough area is located within Sandbach. It is therefore considered that the existing brownfield sites are sufficient to address housing requirements within the Sandbach area, and that an imbalance in provision across the former Borough currently exists. To release further sites within the Sandbach area would exacerbate that imbalance.

Therefore, in summary, it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. However, the current proposal is not considered to be "suitable" as it is located on the periphery of Sandbach, and would be contrary to the Council's agreed position to manage the supply of housing land as set out in the Council's draft Interim Policy on the Release of Housing Land which directs the majority of new development towards Crewe. According to PPS1 these emerging policies are material considerations. Furthermore, to permit development of this scale within the vicinity of Sandbach would pre-determine decisions about the location of the remainder of the Borough's requirement for new development which are being addressed through the Core Strategy.

Design,

The new houses to be accessed from Dean Close are small two storey semi-detached houses, whilst the proposed new-build properties fronting onto the former farmyard are larger two-storey, suburban detached houses. All of the properties would be finished in brick, with pitched roofs and incorporate architectural detailing such as arched window headers, bay windows, canopies, porches, gablets and string courses to add visual interest to the elevations. Overall, it is considered that these properties will be in keeping with the character of the adjacent suburban development in Dean Close, Wrenmere Close and other surrounding roads.

To turn to the layout of the properties accessed from Wrenmere Close, amended plans have been secured, which show the detached houses to the western side of the site arranged around an area of open space, to form a courtyard arrangement. This will allow the two most significant existing trees within the site to be retained (considered in more detail below) and will reflect the traditional form of the farmstead which occupied the site previously. The dwellings to the eastern side of the site are also arranged around a central area of open space, but in a more informal curved layout, which reflects the suburban cul-de-sac development of the adjoining estate. The layout will also ensure that all the areas of open space benefit from natural surveillance and will help to create a sense of community for the development.

The four dwellings' accesses from Wrenmere Close will be laid out in a simple linear form, with frontage parking served from a shared surface private drive. Private garden areas will be provided to the rear. This reflects the layout of the existing estate and is therefore considered to be appropriate.

Amenity

The surrounding development comprises open countryside to the north and east, residential properties in Wrenmere Close and Lawton Way to the south, and Dean Close to the west. The Council's Supplementary Planning Guidance sets out minimum requirements in terms of space about dwellings. It stipulates that a minimum of 13.7m should be maintained between a flank elevation and the principal elevation of a neighbouring dwelling, and 21.3m should be achieved between opposing principal elevations. A distance of 13m, which is in accordance with the Council's minimum standards, will be achieved between the side elevation of Plot 3 and the properties in Lawton Way, and a separation distance of 21.3m will be retained between the rear elevations of plots 3 and 4 and the rear of the dwellings in Deans Close.

The required minimum distance of 13.7m will be achieved between the rear elevation of plot 24 and the side elevation of the adjoining dwelling at 8 Wrenmere Close. There is some potential for overlooking of the rear garden area of this property from the first floor rear windows of plots 23 and 24. However, some element of overlooking of garden space is acceptable within suburban situations and sufficient space will be maintained between these dwellings and the plot boundary to ensure that this does not reach an unacceptable level. It is not considered that these new dwellings will result in any overshadowing of the garden area at 8 Wrenmere Close, as they will be located immediately to the north. Whilst it is acknowledged that plot 25 will be set forward of no.8 Wrenmere Close, it is also located to the north and will not therefore result in any overshadowing of principal windows in the front elevation of this property. A distance of approximately 14m will be maintained between these dwellings at the closest point, but given the oblique angle between the principal windows in the rear elevation of plot 25 and the front elevation of 8 Wrenmere Close, it is not considered that any loss of privacy would occur.

With regard to the relationship between Plot 1 and 11 Wrenmere Close, the Council's guidance does not make provision for any minimum separation between 2 flank elevations. However, in this case a distance of approximately 6m will be maintained at the closest point. This is considerably more than would normally be expected within modern cul-de-sac developments of this nature. Whilst there would be some overlooking of the rear garden areas of 11 Wrenmere Close and the properties in Lawton Way, as stated above, some overlooking of garden space is expected within suburban areas and in this case it is not considered to be sufficiently detrimental to amenity as to sustain a reason for refusal.

To turn to the standards of amenity within the site, 21m will be maintained between the rear elevations of plots 3 - 7, which are accessed from Wrenmere Close and plots 8 to 11, which are accessed from Dean Close. Distances of over 30m will be achieved between the front of plots 2-7 and the rear of plots 1 and 2, as well as between the front of elevations of plots 1 and 2 and plot 25. Over 13.7m will be maintained between the front elevations of plots 21-25 and the flank elevation of plot 20. The majority of plots within the site will benefit from in excess of 65sq.m of private amenity space, which is the minimum standard set out in the Council's Supplementary Guidance. The smallest garden is that belonging to Plot 9, which is approximately 60sq.m, which is not considered to be significantly deficient. However, it is considered to be appropriate to remove permitted development rights on the smaller plots to

ensure the retention of an adequate level of amenity space. On the basis of the above, whilst the comments of local residents are noted, it is considered that the proposal complies with the Council's policies in terms of residential amenity and that a refusal on these grounds could not be justified

Trees and landscape

Subject to protection measures, the amended layout should allow for the retention of the mature Beech and Oak trees in the centre of the site. These trees would provide an attractive feature within the development. It is not clear how the area beneath these trees would be treated. Hard surfacing would not be appropriate, but these details could be conditioned.

A number of other trees would be removed within the site, including a large dead Sycamore on the eastern boundary. The site boundary is indistinct on the eastern boundary. However, no healthy TPO trees appear to be affected. Whilst the loss of trees within the site would be regrettable, the wider amenity value of the trees concerned is not outstanding and the layout would provide opportunities for new planting.

Conditions would also be required in respect of levels, tree protection, a method statement to cover special construction measures where hard surfaces are proposed within tree root protection areas, landscaping and boundary treatment. In particular treatment of the northern and eastern boundary of the site would need very careful consideration to ensure it is sympathetic.

Affordable housing,

As stated above, the proposal complies with the requirements of Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) and will provide 30.8% Affordable Housing. However, of this 30.8%, and in line with the recommendations in the Congleton Borough Council Housing Needs Survey desktop review of 2006, 50% should be social rented and 50% to be intermediate housing. The proposal does not include any social rented units and only includes intermediate units. The proposal therefore fails to adequately address the affordable housing need within the area contrary to the provisions of Local Plan Policy, the Council's supplementary planning document, PPS3 and the Council's recently published Draft Interim Affordable Housing Policy.

Flooding and drainage

United Utilities have raised no objection to the scheme subject to appropriate conditions. The Environment Agency have raised no objection subject to a condition requiring a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, to be submitted to and approved in writing by the Local Planning Authority with the approved details to be implemented before the development is completed. On this basis it is concluded that the proposal complies with Policy GR21 (Flood Prevention) of the Local Plan First Review.

Highway safety.

Local residents have expressed concerns about traffic generation, as well as the safety and suitability of the proposed access through Wrenmere Close, Deans Close and the surrounding residential estate roads. The Strategic Highways Manager has examined the proposals and raised no objection on these ground, and consequently it is not considered

that a refusal on these grounds could be sustained. Initially, the Strategic Highways Manager did express some concerns about the design of the roads within the scheme but these matters have now been resolved through the submission of an amended plan. Consequently, it is considered that the proposal is acceptable in terms of its impact on highway safety and that it complies with Policy GR9 of the adopted Local Plan.

Contaminated Land

With regard to contaminated land, the Environmental Health Department has objected on the grounds that the contamination report submitted with the application was commissioned in November 2007 and may not represent current site conditions. The report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated.

The developer has responded by stating that although the existing desktop investigation is three years old, bearing in mind the fact that nothing has changed on the site, it is unlikely that any new assessment would add value to the process at this stage. However, they are happy to undertake a full intrusive site investigation prior to the commencement of any other aspect of the development and would be happy to accept a condition to that effect.

Notwithstanding these points, given that the gasses have the potential to render the area unsuitable for residential development it is not considered appropriate to impose a condition requiring an updated assessment to be undertaken. At the time of report preparation negotiations were on-going between the Council's Contaminated Land Officer and the developer's consultants with regard to agreeing an appropriate course of action. A further update on this matter will be provided to members at committee.

8. CONCLUSIONS

In summary the site is located within the Open Countryside where according to the adopted Local Plan there is a general presumption against new residential development. It is not considered that the applicant's arguments in terms of the provision of affordable housing are sufficient material considerations to outweigh this development plan policy. Furthermore, given that the proposal does not make provision for any social rented units, it is not considered that it adequately meets the affordable housing need within the area contrary to the provisions of Local Plan Policy, the Council's supplementary planning document, PPS3 and the Council's recently published Draft Interim Affordable Housing Policy.

It is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. However, the current proposal is not considered to be "suitable" as it is located on the periphery of Sandbach, and would be contrary to the Council's agreed position to manage the supply of housing land as set out in the Council's draft Interim Policy on the Release of Housing Land, which directs the majority of new development towards Crewe. According to PPS1 these emerging policies are material considerations. To permit development of this nature within the vicinity of Sandbach would pre-determine decisions about the location of the remainder of the Borough's requirement for new development which are being addressed through the Core Strategy. Furthermore, given that Sandbach has some significant brownfield sites, with consent, it is considered that the release of a greenfield site would not only prejudice the overall spatial strategy for the Borough but also would impair the ability to develop major brownfield sites in a local context.

It is also considered that the applicant has failed to demonstrate that the site is suitable for residential development due to high levels of hazardous gas present on the site.

The proposals are considered to be acceptable in terms of design and highway safety and they will not have any adverse effects in terms of their impact on residential amenity, trees and landscape, or flooding and drainage. However, these are considered to be insufficient to outweigh concerns regarding the principle of development, the lack of social rented housing within the affordable housing provision and the concerns regarding land contamination. Accordingly the proposal is recommended for refusal.

10. RECOMMENDATION

REFUSE for the following reasons:-

- 1. The proposed residential development within the open countryside would be contrary to the provisions of Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review. Whilst it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing, the current proposal is not considered to be “suitable” as it is located on the periphery of Sandbach, rather than Crewe. It would undermine the spatial vision for the area and wider policy objectives as it would be contrary to the general thrust of the Core Strategy Issues and Options which directs the majority of new development towards Crewe, as well as the Council’s Draft Interim Planning Policy on the Release of Housing Land, which articulates the same spatial vision. This would be contrary to advice in PPS.3 and PPS1, which states these emerging policies are material considerations. For these reasons the Housing Land Supply arguments advanced by the applicants are considered to be insufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.**
- 2. The proposal does not include any social rented units and only includes intermediate units, consequently it will not adequately meet the affordable housing needs within the area, as set out in the Congleton Borough Council Housing Needs Survey desktop review of 2006. It is therefore contrary to policy H13 (Affordable Housing and Low Cost Housing) of the adopted Congleton Borough Local Plan First Review as well as the provisions of the Council’s Supplementary Planning Document 6 (Affordable Housing and Mixed Communities), PPS3 and the Council’s recently published Draft Interim Affordable Housing Policy.**
- 3. The Contaminated Land Report submitted with the application was commissioned in November 2007 and may not represent current site conditions. In addition the report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated. The proposal is therefore contrary to the provisions of Policies NR6 and NR7 (Reclamation of Land) and Policy GR6 (Amenity and Health) of the adopted Congleton Borough Local Plan First Review as well as PPS23 Planning and Pollution Control.**

Location Plan : Licence No 100049045



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Planning Reference No:	10/2200N
Application Address:	Alvaston Hall Hotel, Peach Lane, Wistaston
Proposal:	Proposed Extension of Existing Hotel and Complex Including a New Extension (Adding 68 Rooms), a New Reception Extension, Refurbishment and Extension to Existing Cabaret Room and Bar and Bunbury House Accommodation, New Courtyard Block (11 Rooms) and the Refurbishment and Extension of Existing Spa Facilities.
Applicant:	Warner Leisure Hotels
Application Type:	Full Planning Permission
Grid Reference:	366509 354585
Ward:	Crewe West
Consultation Expiry Date:	6 th October 2010
Date for determination:	26 th November 2010

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Principle of development
- Layout and Design
- Trees and Landscape
- Ecology
- Residential Amenity
- Highway Safety
- Other matters

REFERRAL

The application has been referred to planning committee because it is a major development.

1. SITE DESCRIPTION

Alvaston Hall is a half timbered Victorian country house which is now in use as a hotel. The building was rebuilt by Francis Massey in the early 1800's before being heavily altered again in 1896 by Manchester Industrialist, Arthur Knowles. The house is typical of the fashionable styles of the era and is characterised by its marked lack of symmetry, half timber framing, pinnacles, rested ridge tiles, clock tower and gargoyles above the porch. The building is not listed.

Since it's conversion to a hotel, the original building has been heavily extended in a number of phases. The complex is arranged in an L-shape, around a central parking area, Bowling Green and garden. To the south of the original hall is a large 2 storey bedroom extension, built in a mock half-timbered style, known as "The Limes". To the north side, is a range of former outbuildings, arranged around 2 courtyards, which have been converted into a number of uses including bedrooms and linked to the hall in an ad-hoc arrangement, by a large cabaret room. Beyond these buildings, adjacent to the northern boundary is a further series of linked buildings, which have developed in an incremental fashion to form a further function room, known as the Cheshire Barn, and a leisure club and swimming pool. A further modern detached bedroom block, known as Bunbury House, which is of poor architectural quality also stands on the north side of the car park in front of the Leisure Club.

2. DETAILS OF PROPOSAL

Planning permission is sought for a substantial programme of extension, alteration and refurbishment comprising the following. A new 68 bedroom extension is to be constructed at right angles to The Limes which will incorporate a new entrance / gateway feature to the site. A new reception area is to be constructed by infilling within the angle created by the original hall and the link building to "The Limes".

Internal alterations are proposed to the cabaret room to improve access, deal with structural issues and create a more useable space as well as general refurbishment. The existing courtyard rooms, within the converted outbuildings to the north are currently accessed via a covered walkway with open sides. This will be enclosed, the rooms refurbished and new landscaping provided within the courtyards. 11 new rooms will also be constructed in this area and The Cheshire Barn will be internally refurbished.

Consent is also sought for the refurbishment of Bunbury House to include covered terraces to the rear to overlook the central gardens. Elevational changes are also proposed to make the building more aesthetically pleasing and in keeping with the rest of the complex. The spa area is currently comprises a series of buildings, which along with the Cheshire Barn and Bunbury House, form a small external courtyard. The proposals seek to enclose this courtyard with a single roof structure which will enable the new space to be used for a variety of purposes. The existing changing facilities will be replaced and general internal refurbishment is also proposed.

The existing car park is to be removed and replaced by a landscaped garden and a new car park created away from the main building to the south west of the site.

3. RELEVANT PLANNING HISTORY

4/5/10054	Convert buildings to 8 room hotel
4/5/10115	Renovation and change of use of buildings to hotel accommodation
4/5/4035	Change of use to residential hotel
4/5/4241	Alterations and extensions
4/5/4662	Extensions to form dance hall
4/5/8489	Convert outbuildings for motel and letting accommodation
4/5/8907	Extension to dining room
7/03058	Extensions to hotel facilities to form toilet bloc
7/04388	conversion of outbuildings
7/05185	South wing extensions to form 16 bedrooms
7/08672	Extensions and alterations to existing banqueting hall

7/09012	Bedroom block and leisure facility
7/09476	Extensions to rear of kitchen area to form additional bedroom
7/09889	Bedroom block and leisure facility
7/10503	Revised siting of bedroom block
7/11002	Leisure complex – revised scheme
7/11667	Extensions to form kitchen and detached garage
7.12739	Walkway and staff bedroom block
7/14132	Alterations and extension to restaurant and covered way
7/16428	Extension to form 20 bedroom block
P04/0090	Three storey extension (12 Additional Bedrooms)
P93/0644	Extension to function suite
P94/1028	Walkway extensions
P96/0609	Dining Room extensions / widening car park access road
P97/0374	Covered way, office extension and alterations to elevations
P98/0227	Extension to form shop

4. PLANNING POLICIES

Local Plan Policy

NE.2 - Open Countryside
NE.5 - Nature Conservation and Habitats
NE.9 - Protected Species
NE.20 - Flood Prevention
BE1 - Amenity
BE2 - Design Standards
BE3 - Access and Parking
BE4 - Drainage Utilities and Resources
TRAN 9 - Car Parking Standards
RT6 - Recreational Uses in the Open Countryside
RT7 - Visitor Accommodation

National Policy

PPS1 - Delivering sustainable development
PPS4 - Planning for sustainable economic growth
PPS7 - Sustainable development in rural areas
PPS13 - Transport
PPS9 - Biodiversity and Geological Conservation

5. OBSERVATIONS OF CONSULTEES

Ecologist

- No objection
- No significant ecological issues are anticipated

United Utilities

- No objection to the proposed development.
- There are no public sewers in the area.
- The level of cover to the water mains and sewers must not be compromised either during or after construction.

- Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.
- United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -
 - The Local Authority takes responsibility for the maintenance of the pond
 - The freehold of the land on which the pond lies is transferred to the Local Authority
 - United Utilities is provided with a deed of "Grant of Rights" to discharge into the pond in perpetuity. Such a deed would necessarily contain provisions against development within the balancing pond, and against altering its topography, or making connections to it.
 - That measures have been taken to prevent flooding of properties
 - That a legal agreement is in place between all parties.
 - A section 104 (Water Industry Act 1991) agreement for the surface water sewers draining to the balancing pond, will not be entered into until every condition described above has been met.

The most up to date advice for water efficiency and water efficiency products can be found at Waterwise who have recently published a best practise guide on water efficiency for new developments. We would encourage utilisation of the following water efficiency activities:

- Installing of the latest water efficient products, such as a 4.5l flush toilet instead of the 6l type. Minimise run lengths of hot and cold water pipes from storage to tap/shower areas. This minimises the amount of waste during the time the water goes from cold to hot.
- Utilising drought resistant varieties of trees, plants and grasses when landscaping.
- Install water efficient appliances such as dishwashers, washing machines.

Highways

- Alvaston Hall Hotel is located from Peach Lane off the A530 in Willaston. The A530 is a red route with a reduction of around 40% in accidents over the past two years at this location.
- There will be no significant impact on the highways network at peak times as a direct result of this proposal.
- No highways objections

Sustrans

The site lies adjacent to the Connect2 greenway between Crewe and Nantwich, the first part of which is currently under construction.

Bearing in mind the scale of the extension, if it is approved, we hope the Planning Department will discuss the following with Warner Leisure Hotels:

1. A financial contribution to the construction of the Connect2 greenway, as it will greatly improve opportunities for people staying at the hotel to walk/cycle to Nantwich, for example.
2. Secure cycle parking under cover at a convenient location mainly for staff working at the site, but also, perhaps, for a few visitors.

6. VIEWS OF THE PARISH / TOWN COUNCIL

Wistaston Parish Council has no objections

7. OTHER REPRESENTATIONS

A letter has been received from the occupier of 13 Scott Avenue making the following points

- The issue of Developer Contribution towards the enhancement of Public Transport Infrastructure has been overlooked
- Two sub-standard Bus Stops exist on the A530 to serve this establishment at the end of the Lane (Peach Lane) to the Hotel
- This road junction also lacks “dropped kerbs” on its western footway.
- The west side (Hotel Side – Crewe bound) Bus Stop has a “Flag” indicating its presence attached to a Lamp Post at the back of the footway. On the east side of the A530 and directly opposite the Bus Stop (Nantwich bound) is unmarked having no “Flag” or Pole and an area “grubbed out” at road level just large enough for one person to stand, but difficult for Bus Drivers to judge to drop-off and a big step, even with a low floor equipped Bus.
- The Hotel of course has employees who no doubt are aware of these Bus Stops but the Hotel also attracts Coach Tour Operators, in connection with mini breaks or otherwise. People on a Coach Tour with an “afternoon free” part of their itinerary will want to use public transport to visit Crewe or Nantwich.
- These Bus Stops are served hourly, approx. 07.30 to 1800, Monday to Saturday by D&G service 45 usually with low floor vehicles. It is imperative that the potential increase in use at these Bus Stops by this expansion project be recognised and that they be upgraded with raised kerbs on the Hotel side, and opposite by a raised kerb/footway boarding and alighting point complete with pole and “Flag”. Timetables for Visitors at this point are crucial. Consideration should also be given to the provision of Shelters since these stops are some 300m from the Hotel’s main entrance.
- Cheshire East Highways need to liaise with their partners at Cheshire Integrated Transport for actual Bus Stop specifications. We must do everything in our power to attract Tourists towards the “greener use” use of Public Transport to visit our towns, in particular adjacent Nantwich and provide sustainability for these Bus Services and look forward to the reinstatement of the Sunday Service; which if run as the present 44/45 circular service could easily be diverted to run via Nantwich Rail Stn and adjacent to the Stapley Water Gardens back to Crewe.
- Sustrans in their response to this application point out that the new 4km Crewe to Nantwich Pedestrian Cycleway, “Connect2” passes nearby to Alvaston Hall (Peach Lane) and as such Cheshire East Local Transport Plan objective to link walking and cycling routes to bus stops, under the Public Rights of Way Improvement Plan should be taken into account. Alvaston Hall will be the mid-point of “Connect2” in the stretch between the popular Rising Sun Public House and Nantwich, and will be a natural break point for those wishing a shorter return to Crewe or Nantwich. Access to the Bus Stops and A530 exists today along Peach Lane which one would have thought must link up with “Connect2”. There may even be a commercial aspect here that could be exploited by the Hotel.
- The Developer should have produced a Travel Plan for a development of this size, or at least given an undertaking to review the existing.
- The Design and Access Statement states “ *We understand from our initial conversations with the planning office that discussions have taken place previously regarding the junction of and to this end we fully appreciate the requirements for a section 106 agreement under our planning conditions. We anticipate that this will require an alteration to the main*

junction and whilst we have made various attempts to discuss these implications with East Cheshire highways department to date this has not resulted in an agreed plan etc”

- This is not an acceptable way for Cheshire East to conduct its business and probably goes some way to describe the apathy of Cheshire East Highways in dealing with this high profile application, both internally and externally.

8. APPLICANT'S SUPPORTING INFORMATION:

Tree Survey

- It is the conclusion of this report that the overall quality and longevity of the amenity contribution provided for by the trees and groups of trees within and adjacent to the site will not be adversely affected as a result of the local planning authority consenting to the proposed development.

Ecological Survey

- No rare or unusual plants are observed, and all native species observed are common and widespread. The habitat present is of moderate wildlife value. Most of the survey area is dominated by amenity grassland which receives frequent mowing and intense use by the hotel's guests.

- The scattered trees are generally mature; several specimens support features such as woodpecker holes, fissures, peeling bark or broken limbs, which are attractive to nesting birds and/or roosting bats. In addition, bat boxes are sited on some of the trees that will be removed to facilitate the proposed development activity.

- The hedges and introduced shrub beds provided reasonable cover for nesting birds, whilst the dry-stone wall running along the site boundary provides refugia for amphibians.

- The buildings range from modern guest houses to much older original buildings and as such varied in potential for supporting bats. The older, main building features many dormer windows and hipped tiled roofs and a small clock tower that houses features suitable for roosting bats. However, the rest of the buildings are of an age and condition that would not be suitable for use as roosting sites by bats.

- Due to the wider local landscape, coupled with the habitats present on site, the whole site is considered suitable for roosting and/or commuting bats.

- The Habitat Suitability Index calculation demonstrates that no further surveys are necessary for the small pond located within 20m of the site boundary.

Design and Access Statement

New Entrance

- The new structure serves directly into the original reception area

- The original reception can now become a lounge area that will highlight the minstrels gallery and grand staircase as well as exposing the ornate stained glass window to the rear

- The new structure serves to link the limes and the main house in a more elegant solution than the existing corridor

- The entrance addresses the proposed coach drop points to enable direct access into the building

- This enables the existing entrance to address the newly landscaped garden area

- The installation of this building enables the removal of the existing conservatory and the use of a small courtyard area that currently serves as an external seating area during the summer months

Cabaret room,

- Improvements to access
- Remove some of the restrictive structure from previous buildings
- Reconfigure the space in order to maximise its internal function and extend the existing bar, lounge and toilet facilities.
- Move the toilets and bar facility to the rear wall. Enabling the main façade to maximise the views across the newly landscaped garden and across the golf course, fields, etc.
- The existing shop which to be relocated to the rear of the new entrance area
- Clear covered access way to link the main building to Cheshire barn and spa area.

Courtyard rooms

- Enclose the existing courtyard rooms
- Existing rooms to be refurbished,
- Existing courtyards are to be readdressed with new landscaping
- Hard landscaping mixed with soft areas and some water features.
- Eleven new rooms

Cheshire Barn

- Renovate and refurbish the interior
- Create an alternative restaurant area and entertainment space.

Bunbury House

- Most recently constructed part of the complex and poorest quality facilities
- Rooms to be expanded to become double aspect.
- Access ways to be reduced to one side only
- Creation of terraces to each of the rooms that overlook the new central gardens
- Full accessibility for wheelchairs etc.
- New gable to the centre of the main roof
- Rendering and timbering to the main façade

Spa and changing

- New modern design for a modern area
- Screened by Bunbury
- Enables formalising entrances
- Refurbishment of change and treatment

New accommodation

- Retains tree lined avenue
- Similar in architectural theme
- Large formal entrance way
- Enclosure of the u shape form
- Quality accommodation
- Quality materials
- Views of garden

External areas including Landscaping and Trees

- Water terraces
- Cascades
- Arboretum
- Rose gardens
- Secret garden

- Sunken garden

Car parking

- Existing car park relocated
- Proposed car park will accommodate in excess of 161 cars and 4 coaches
- Porous surfaces
- More opportunities for planting
- Remove the parking from around the existing entrance
- Address congestion issues

Highways - Transport and traffic assessment

- Requirements for a Section 106 agreement are appreciated.
- Anticipated that this will require an alteration to the main junction

9. OFFICER APPRAISAL

Principle of Development

The site is located within the Open Countryside where according to Policy NE.2 only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

However, Policy RT6 states that development proposals for recreational uses in the open countryside, as defined on the proposals map, will be permitted provided that, inter alia, they do not harm the character or appearance of the countryside; they do not harm sites of historic or archaeological importance; they can be integrated with existing visitor attractions in the borough or in the vicinity. Proposals should re-use existing buildings wherever possible. Any new buildings or structures should be sited close to any existing buildings and should blend into the surrounding landscape in design, siting, materials and landscape.

The proposal involves the extension and refurbishment of an existing hotel and leisure complex. It will therefore be integrated with an existing visitor attraction and involves the re-use existing buildings. The new build elements will be situated adjacent to the existing buildings. As a result there will be no encroachment beyond the curtilage of the hotel into undeveloped agricultural land, and the impact on the open character or appearance of the countryside will be minimal. There are no known features of historic or archaeological importance within the site.

Government Policy within PPS 4 is also very supportive of proposals for rural tourism and states that *"To help deliver the Government's tourism strategy, local planning authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features."* It continues to state that Local planning authorities should, *"support extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses"*

Therefore having regard to the provisions of Policy RT6 and PPS.4, the proposal is considered to be acceptable in principle, subject to compliance with the other criteria set out in Policy RT6. Specifically, the proposal should blend into the surrounding landscape in

design, siting, materials and landscaping, it should not harm sites of nature conservation, there must be safe vehicular access to the site, the access roads must be suitable for the likely traffic generation, car parking provision should be in accordance with adopted standards, and it should be accessible by a range of means of transport. These issues are considered in more detail below.

Layout and Design

The new reception area will be located in the existing courtyard area adjacent to the main house. The building form has been created to appear as an orangery with facing brickwork walls, large glazed windows, parapet walls and gauged brickwork arches and stone cills and copings seek to provide an element of luxury to the elevational detailing. Owing to the nature of the surrounding buildings it is proposed that a flat roofing system be used with a large glazed lantern to provide natural light to the foyer below. Whilst a flat roof would not normally be a desirable feature, it is in keeping with the overall “orangery” concept and the proposal will also result in the removal of an existing unsympathetic, conservatory structure, which has an overly “suburban” appearance and is not in keeping with the original building.

It is considered that the alterations to the courtyard rooms, the enclosure of the open sided walkways, and enhanced landscaping to the internal courtyards, will also improve the overall appearance of the complex and the setting of the original building.

Bunbury House is one of the most recently constructed parts of the complex unfortunately it also offers some of the poorest quality facilities. It is proposed to remove 10 of the 30 existing rooms and to enable the remaining rooms to be expanded to become double aspect rooms. By doing this it enables the concrete walkways which run around the building to be reduced to one side only. This will considerably enhance the appearance of this building, as well as the creation of terraces to each of the rooms that overlook the new central gardens. The access ways to the rear of the building will be incorporated into the new spa complex and will also no longer be visible externally.

A new gable to the will be added centre of the main roof along with rendering and mock timber framing to the main façade which will enhance the appearance of the building and will make it appear more in keeping with the other development within the site.

The area between the existing Bunbury House, Spa and the Cheshire Barn buildings is to be enclosed by a single roof structure. This single plane roof is to be constructed from a steel frame structure that stands between existing building but joins each building and encloses the space. The roof of Bunbury House is to be extended across to meet the roof of the lower areas around the Cheshire Barn. Therefore the new roof over the spa will not be apparent from the front of Bunbury House. This means that architecturally the view from the garden area will retain the half timbered appearance to reflect the original house, whilst the view from the rear which is restricted to a single viewing area can be of a modern architectural view that maximises the potential of light, in keeping with its use as spa complex.

In design terms, it is important that the entrance to a building or site is emphasised in architectural terms. This ensures that the building is legible, easy to understand and use and creates a sense of expectation and arrival. At Alvaston, this effect is partially created by tree lined avenue currently exists that runs from the entrance of the site through to the

main building. However, because of the unfortunate, positioning of the newest accommodation (the Limes block) it is an unassuming bedroom block, rather than a statement entrance building which greets the visitor on arrival.

The new bedroom block, however, which is to be constructed at ninety degrees to the limes block, runs across the tree lined avenue, and incorporates a “gateway” feature which will help to create the desired sense of arrival and anticipation on entering the courtyard within. By constructing this block a three-sided courtyard will be created with the existing building, which follows the same architectural pattern/theme as many traditional manor estates.

At present the building frontage and approach, is car dominated and characterised by a large expanse of tarmac and hard surfacing. Under the proposed plans the area in front of the entrance will become a drop off zone only and permanent parking will be provided away from the entrance point. This will be achieved through the relocation of the car parking to the outer parts of the site and will enable the areas immediately to the front of the building, and within the new central courtyard, to be landscaped as formal garden space. This will considerably enhance the overall appearance of the site, and the setting of the original building, particularly when viewed from the golf course to the west. The proposed car park will be porous surfaces that will ensure that surface water from these areas does not cause additional flooding problems within the site or surrounding areas. It will afford the opportunity to break up the continuous car park areas with planting and trees.

Changes to the Cabaret Room are largely internal and therefore do not raise any design concerns. Overall it is considered that the proposed alterations and extensions will considerably enhance the overall character and appearance of the existing development within the site, and the setting of the original building. Consequently, the scheme complies with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Local Plan.

Trees and Landscape

The new bedroom block runs across the tree lined avenue at the end and, this will require the removal of two trees. However, the trees are not protected and the Landscape Officer has concluded that this loss is acceptable as the loss will be more than compensated within the new landscaped garden.

Due to the numbers of trees being removed there is the opportunity to condition the replacement of a ratio of 2 to 1 heavy mature standards. There are plenty of opportunity from the site master plan to be incorporating new specimen trees and avenues of trees as shown in the new proposed landscape.

From a landscape perspective, drawing AP GA 001 shows the intension of a quality landscape but we are still missing detailed landscape information. The new car park can be further enhanced by boundary planting adjacent to the golf driving range. This can be secured through an appropriate landscape condition. The condition should make provision for the approval of hard and soft landscape details to include planting schedules, planting numbers, densities and specification. The latter can be included in the form of notes on the planting plan. Details of tree planting pits and appropriate 'staking' is required as heavy mature standards require larger and well drained tree pits to ensure the trees establish successfully. An appropriate condition to ensure that the trees are protected

during construction in accordance with the tree protection plan and method statement submitted should also be applied.

Ecology

The application involves the removal of a number of mature trees and works to a variety of buildings, some of which are old and in a poor state of repair. Consequently there is potential for disturbance to habitats. The applicant has submitted a protected species survey with the proposals and the Council's ecologist has examined the reports and is satisfied with their methodology and conclusions. He is of the opinion that there is no potential for any harm to protected species and as a result he has raised no objection. The proposal therefore complies with Local Plan policies NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species).

Residential Amenity

The nearest neighbouring residential property is located approximately 100m from the proposed new development. Therefore no adverse impacts on residential amenity are anticipated.

Highway Safety

Although the A530 is a busy main road, the existing access arrangements are well constructed and visibility is good in both directions. The majority of these proposals involve the improvement of existing facilities and will not result in a significant increase in the level of traffic generation from the site. Although a 68 bedroom extension is to be created, this increase will be partially off-set through the loss of a number of rooms elsewhere in the hotel. Any additional traffic generated is also likely to be in off-peak periods and the site is located on a main bus route between Crewe & Nantwich. The new car park will provide additional spaces for both cars and coaches and on this basis the Strategic Highways Manager has raised no objections to the proposals. Therefore it is not considered that a refusal on highways grounds could be sustained.

Other matters

The third party objector has raised concerns regarding the quality of the public transport infrastructure locally and, in particular, the bus stops outside the site. He has argued that conditions should be imposed or a contribution should be sought from the development to secure the upgrading of these facilities. Sustrans have also recommended a contribution towards sustainable transport infrastructure.

With regard to the provision of further off-site highway improvements including new bus shelters, advice on the use of conditions can be found in "Circular 11/95: Use of Conditions in Planning Permission". According to the circular, "*Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants.* As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42, which include, inter alia, "necessary" and "relevant to the development to be permitted".

Where highway works are concerned, the implication of this is that the extent of the works must be proportionate to the size and nature of the development proposed. Furthermore,

the works required by condition must be to deal with a highway problem, such as traffic congestion, which would be created by the development concerned. Developers cannot be asked to provide infrastructure improvements to deal with a problem which already exists, that has not been created, or would not be exacerbated by the development proposed. For the reasons detailed above, it is not considered that this proposal would result in significant additional traffic generation.

Circular 05/2005 (Planning Obligations) sets out key tests that must be met in order to require a developer to deliver off site works or contribute towards them. These, are similar to those relating to the use of conditions, as set out above and include the requirement for the works to be necessary to make the proposed development acceptable in planning terms. In this instance the Strategic Highways Manager has concluded that no works are necessary to ensure that the development complies with the Development Plan and therefore the proposal would not conflict with the local plan policies. Accordingly it is not therefore considered necessary or reasonable to require the applicant to provide additional contributions in this instance.

10. CONCLUSION

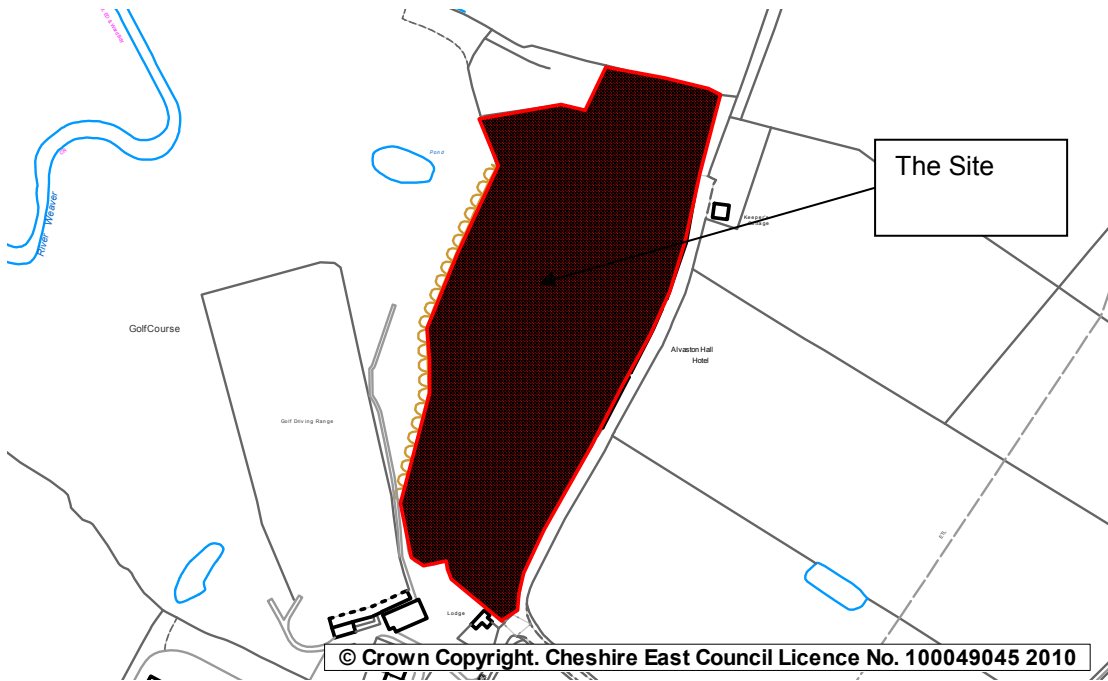
In summary, the proposal involves the redevelopment and expansion of an existing tourist, leisure and recreational facility in the open countryside, which is supported, in principle by the provisions of Policy RT6 of the adopted Local Plan and PPS4. The proposal will result in a considerable enhancement in the overall appearance of the site, and the setting of the original building and will not detract from the character and appearance the open countryside. It has been demonstrated that the proposal is acceptable in terms of its impact on Trees and Landscape, Ecology, Residential Amenity and Highway Safety and it therefore complies with Local Plan Policies NE.2 Open Countryside, NE.5 Nature Conservation and Habitats, NE.9 Protected Species, NE.20 Flood Prevention, BE1 Amenity, BE2 Design Standards, BE3 Access and Parking, BE4 Drainage Utilities and Resources, TRAN 9 Car Parking Standards, RT6 Recreational Uses in the Open Countryside and RT7 Visitor Accommodation. Therefore in the absence of any other material considerations and having due regard to all other matters raised, the proposal is considered to be acceptable and accordingly is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard**
- 2. Materials to be submitted and approved**
- 3. Provision of car parking prior to first occupation**
- 4. Cycle parking to be provided prior to first occupation**
- 5. Submission of and approval of landscaping scheme**
- 6. Maintenance of landscaping scheme for a five year period.**
- 7. Scheme of tree protection to be submitted and implemented.**
- 8. Arboricultural Method Statement to be submitted and implemented**
- 9. No works within protected areas**
- 10. Scheme of drainage to be submitted and implemented**
- 11. Details of creation of new habitats to be submitted and implemented**

Location Plan : Licence No 100049045



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Planning Reference No:	10/1269C
Application Address:	Bath Vale Works, Bath Vale, Congleton
Proposal:	Erection of 126 No. dwellings, provision of public open space and associated works
Applicant:	Bovis Homes Ltd
Application Type:	Reserved Matters
Grid Reference:	387429 363226
Ward:	Congleton Town East
Consultation Expiry Date:	20 th May 2010
Date for determination:	8 th July 2010

SUMMARY RECOMMENDATION

Approve subject to Section 106 Agreement and conditions.

MAIN ISSUES

- Principle of Development
- Design
- Layout
- Amenity
- Open Space
- Ecology
- Drainage and Flood Prevention
- Highways
- Tree Issues
- Landscape Matters
- Affordable Housing

REFERRAL

The application has been referred to Southern Planning Committee because it is for more than 10 dwellings and is therefore a major development. The application was deferred at the committee meeting on 3rd November 2010 for further negotiations with the applicant in respect of the siting of the play area.

1. SITE DESCRIPTION

The site is located approximately 1.5km to the north east of Congleton town centre in an area of open countryside. It is broadly rectangular and orientated in a north western – south eastern alignment. The existing buildings on the site were previously used for industrial purposes and covered most of the site. These have now been demolished and the site now comprises a large expanse of hardcore. The site itself, which slopes up gradually from the entrance, lies in a river valley, the sides of which are steeply sloping and heavily treed. The site area is approximately 10.07ha. It is accessed off Brookhouse Lane, which roughly follows the southern boundary of the site.

2. DETAILS OF PROPOSAL

Outline planning permission was originally granted in June 2008 for residential redevelopment of the site for 130 dwellings, with 20% affordable housing. (07/0596/OUT refers). A subsequent outline application (08/1317/OUT) for 130 dwellings was refused on 7th November 2008, because the developer sought to reduce the extent of affordable housing provision to 5%. A subsequent appeal against that decision was allowed, and outline planning permission granted, on 28th April 2010.

This is a reserved matters application seeking approval for details of access, appearance, landscaping, layout and scale. In addition the application seeks to address condition 17 of the outline approval which requires a statement setting out design principles and concepts and how these are reflected in the proposals for the development in the reserved matters application.

3. RELEVANT PLANNING HISTORY

07/0596/OUT Outline planning permission for up to 130 dwellings, provision of public open space, highway improvements and associated works – Approved 23rd June 2008.

08/1317/OUT Outline Planning Application for demolition of existing buildings and erection of up to 130 dwellings, provision of public open space, highway improvements and associated works.- Refused 7th November 2008 – Appeal Allowed

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS23 Planning and Pollution Control
PPS25 Development and Flood risk.

Local Plan Policy

PS8 Open Countryside
GR21 Flood Prevention
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths Bridleway and Cycleway Networks
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats

NR5 Habitats
H6 Residential Development in the Open countryside
H13 Affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

5. OBSERVATIONS OF CONSULTEES

Public Rights of Way Officer

The property is adjacent to public bridleway Congleton No.40 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way although advice notes should be added to the decision notice to ensure that developers are aware of their obligations to ensure that the right of way remains safe and unobstructed.

Environmental Health

Prior to commencement of development

- A contaminated land assessment should be submitted and approved
- 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.
- 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.

Natural England

- This proposal lies close to Dane-in Shaw-Site Pasture of Special Scientific Interest. They note that this site has previously been subject to planning applications and the site has received planning consent following an appeal made by the developer against refusal.
- Natural England has previously commented on the application, in particular in reference to protected species and the Site of Biological Importance (Bath Vale Woods) adjacent to the site as well as the SSSI which is west of the site. We note that the Construction Ecological Management Plan (CEMP) which accompanied planning application (08/1317/OUT) prepared by WSP Environmental and dated 2008, provided a site and habitat protection methodology for Bath Vale Woods Site of Biological Importance although no consideration of the SSSI was made but it is the opinion of Natural England that the proposed development will not materially or significantly affect it.
- They are also satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations.
- It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. They therefore assume that all relevant information relating to protected species has been provided to the local authority in relation to this site. If not, further information should be requested to ascertain any potential impact on protected species.

United Utilities

No objection to the proposal provided that the following conditions are met: -

- In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Foul drainage must be connected to Man hole SJ 8663 4201 in Brook Street. Surface water is to be discharged to Timbers Brook subject to the approval of the Environment Agency.
- If any sewers on this development are proposed for adoption then the developer should contact our Sewer Adoptions Team on 01925 428274.
- A water main crosses the site. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. We will require an access strip of no less than 5 metres 2.5 metres either side of the centre line of the main.
- Any necessary disconnection or diversion required as a result of any development will be carried out at the developer's expense. Under the Water Industry Act 1991, Sections 158 & 159, United Utilities have the right to inspect, maintain, adjust, repair or alter water mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not their property and they have no record of them. If a diversion is required the applicant must discuss this at an early stage with their Regional Mains Diversions Team
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.
- Should this planning application be approved, the applicant should contact Service Enquiries regarding connection to the water mains/public sewers.
- United Utilities water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991. Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.
- United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -
 - The Local Authority takes responsibility for the maintenance of the pond
 - The freehold of the land on which the pond lies is transferred to the Local Authority
 - United Utilities is provided with a deed of "Grant of Rights" to discharge into the pond in perpetuity. Such a deed would necessarily contain provisions against the development within the balancing pond, and against altering its topography, or making connections to it.
 - That measures have been taken to prevent flooding of properties
 - That a legal agreement is in place between all parties. A section 104 (Water Industry Act 1991) agreement for the surface water sewers draining to the balancing pond will not be entered into until every condition described above has been met.

Ecologist

Does not object to this application and no comments to make

Environment Agency

Following receipt of a FRA, we are now able to remove our objection to the stated application.

The Flood Risk Assessment (FRA) is acceptable in principle. Their response to the outline planning permission (Planning reference 08/1317/OUT, dated October 2008, requested that a number of conditions and informatives were attached to any planning permission.

They would request that their previous planning conditions and informatives relating to 08/1317/OUT are included on the decision notice for this reserved matters application.

Cheshire Fire Authority

Make the following comments

1. Access and facilities for the fire service should be in accordance with the Building Regulations
2. The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed
3. Means of escape should be in accordance with the Building Regulations.
4. The applicant should consider the inclusion of an automatic water suppression system.

Housing Section

Although PPS3 states that for sites over 15 units there should be 30% affordable housing provided, the affordable housing requirement to this site has been reduced to 5% following a planning appeal by the applicant which was upheld, and that these should be 2bed houses. Having looked at the plans submitted it is noted that there are 6no. 2bed houses identified as affordable.

The SHMA 2010 shows there is a small need for 2bed affordable houses in the Congleton & Congleton rural areas each year with a requirement for 2 per annum. However currently on CBL there are 34no. active applicants for 2bed houses in Congleton.

The SHMA 2010 also shows that the most demand is for social rented (68.6%), therefore the priority is for rented properties, so the tenure split for the 2bed houses should be 50% social rented and 50% intermediate housing.

They have also had a look at the site layout plan and do not have any issue with the proposed location of the affordable housing units.

Highway Authority

This application site offers a residential layout for 126 dwellings and bases the layout design on Manual for Streets principles.

The proposed layout has been the subject of a considerable amount of pre-application discussion and this has resolved many of the issues, however there are still some minor design alterations which need to be agreed.

During the design considerations, the proposed junction of the new estate road with Brookhouse Lane was reviewed and in order to resolve priority issues this junction has been re-designed so that the existing road runs directly into the development, becoming the major road and Brookhouse Lane will now come to a priority junction with it.

This change in priority matches the hierarchy of traffic flows and can be managed within the Section 38 Agreement for adoption purposes.

The Strategic Highways Manager has directed discussions on the design of the internal layout with regard to the use of Manual for Streets principles and the required quality of design. The required adoptable boundary detail has now been taken on board by the developer who is to provide an amended plan which satisfies the fine detail design requirements.

As a result, the SHM recommends that the following conditions and informatives be attached to any permission which may be granted for this application proposal:

Condition:- Prior to first development the developer will provide an amended plan showing the specific details of the internal layout with regard to Manual for Streets principles and the extent of the adoptable boundary, to include full service strip provision.

Informative:- The developer will enter into and sign a Section 38 Agreement under the Highways Act 1980, with respect to all new highway infrastructure which is agreed to be adopted by CEC Highway Authority.

6. VIEWS OF THE PARISH / TOWN COUNCIL

NO OBJECTION to Cheshire East granting approval but wish to comment as follows. Concerns were expressed regarding the location of the Play Area and the close proximity to the river. Members are sympathetic with the objections received from members of the public.

7. OTHER REPRESENTATIONS

Letters of representation have been received from Bath Vale Farm, 5 Bath Vale, 2 Bath Vale Cottages, 3 Bathvale Cottages, 1 Bath Vale Cottages making the following points:

- The car park appears to appropriate the garden wall and boundary hedge of Bath Vale Farm which the occupants have maintained and looked after since 1971
- The river bridge in the original plans was going to be widened but now it is not and instead a footbridge is to be installed alongside.
- The proposal will have a detrimental effect upon the character of the hamlet of bath Vale and residents amenity
- Bath Vale comprises a group of 6 early Victorian Mill Dwellings, enjoying a peaceful, semi-rural situation with little traffic and an absence of the usual features of suburbia
- The residents here supported the original outline planning application and generally welcome the proposals for the new housing, but with the following significant objections
- They most strongly object to the play park. The site is totally unsuitable. It would cause unacceptable noise and nuisance to Bath Vale, sited as it is, immediately adjacent and apparently encroaching upon residents' gardens. It is an inappropriate location for such a facility in terms of children safety, parents, convenience and potential for vandalism and other antisocial activities.

- It should be placed within the estate to maximize its potential use and to facilitate the necessary passive surveillance.
- The green belt site, outside the estate, should be left to develop naturally so that the sensitive biodiversity of the Dane-in-Shaw Brook and its banks can be maintained undisturbed.
- The sewerage and electricity stations are also unacceptable. They are ugly utilitarian structures and would be in full view of the entrance to the development. Why should Bath Vale be spoiled when there would appear to be ample room within the site to accommodate them.
- Residents are totally opposed to the construction of any such feature which would detrimentally alter the appearance and character of Bath Vale at its most crucial point, namely where both visitors and residents alike arrive at the hamlet.
- Residents' prime concern here is to maintain the amenity of the area for both its current residents and future neighbours.
- Residents value highly the wooded feel of the approach, the ecological importance of the Bath Vale Works Site of Biological Importance and the historical features linking the present with the industrial past.
- They are keen that the two large TPO Beech trees be retained unmodified and protected from the building activities, the old mill house gardens be preserved as much as possible and crucially the old stone mill wall be left in its current position, not least to act as a visual screen and sound barrier and to discourage traffic from entering Bath Vale proper at too greater a speed
- The road layout of the proposed estate seems mostly acceptable, but there is concern about the height of the 3 storey terrace and some brick colours will not match those in the buildings already in situ.
- The plans call for combined usage of the area and include an electrical substation, a sewage pumping station, a children's play area and a bat house. While all of these items are no doubt a necessity for the new housing estate, it seems incompatible to lump them all together in this small area and I feel that with the exception of the bat house, they could be more appropriately situated within the estate itself.
- Residents are opposed to putting a pumping station and an electrical substation in such a prominent location, as it will be the first thing people see as they arrive (either by foot or by vehicle) into Bath Vale, and as such it will ruin the natural beauty and historic hamlet feel of the area.
- The owner at Bath Vale Farm has pointed out, his orchard is lower than the area where the pumping station will be located and it will be flooded with sewage should there be a problem.
- The car park is also unsuitable for a children's play area for several reasons.
 1. Although it is now a quiet country lane, with the addition of upwards of 200 cars from the new housing estate, the children will have to cross what will be a busy road to get to the play area.
 2. The site is also bordered on two sides by a fast flowing, very deep river with areas of quicksand. The river rises very quickly when there is a heavy storm and according to my neighbour, the river has flooded the car park area at least three times in the last 20 years. Should a ball go in the river and a child goes in after it, it could be disastrous.
 3. Bath Vale Farm also keeps several colonies of honeybees (an endangered species). The beehives are situated on the boundary line of his property and the proposed play area. The proposed play area is also too far away from the houses and out of view from all but a couple. While I do understand that the children living in the estate will need somewhere to play, it would seem a much better idea to put the play area inside the estate as opposed to outside of it.

- With regard to the bat house, erecting it near a children's play area seems at odds with its purpose as bats naturally roost where it is peaceful and quiet. It appears as if this is a token gesture to satisfy environmental regulations, as it is unlikely that the bat house will be used.
- It would seem more appropriate to locate the play area in the middle of the new estate where it would be overlooked, on a cul-de-sac, away from the river and closer for the majority of children living on the new development.
- The previous plans were to use the area in question as a rural small park type area grassed, with shrubs and picnic tables, this would be far more appropriate. It would give a great first impression reflecting the semi-rural nature of the area.
- There is no provision for parking cars at the recreational site and this could cause inconvenience in the future, with parents dropping off and picking up their children. Children can not be monitored safely by their parents as it is sited too far from the new houses.
- The recreational site will draw the older children in for means other than recreational; it will be used for drink and drugs.
- The road leading to the main site crosses a single track bridge which will be a bottle neck and could lead to accidents to both motorists and pedestrians. Children will have to cross this road to access the recreational area.
- There is also the brook which flows across the rear of the proposed site. This brook is teeming with wildlife that will be damaged by the proposed plans.
- The original plans of the site had the old car park area being used as an area for ramblers to park. Maybe a couple of low maintenance picnic tables and the planting of some trees, to replace the trees that have already been sacrificed for the site. This would be a much better use of the land as parking is limited in the area anyway, and with another 130 houses (250 cars maybe) the extra parking will be well used.
- The electricity sub station did not feature on the original plans for the site. It seems like the builders want to pile all the unsightly items on the doorsteps of the existing residents' houses, keeping their new site free of all the ugly bits. Why can't the sub station be sited on the actual site of the new houses seeing as though it is those residents who will benefit from the sub station?
- Some of the houses on the new site we feel are a little too tall for certain areas. The area directly behind the row of 180 year old weaver's cottages has been designated for the building of three storey generic "town houses". This area is the highest area on the site and they chose to site their tallest buildings there. These buildings will cast a large shadow which will block out natural light from the existing cottages. Surely if the plans are to be passed there will be a maximum of two storey houses in this area previously mentioned.

8. APPLICANT'S SUPPORTING INFORMATION:

Design Statement

- The former Bath Vale Works is located on the edge of the town of Congleton, covering a total of 10.07 hectares. The site was formerly used for heavy industry producing steel components principally for the motor trade. The site went into receivership in 2004 and since then has lain vacant and been the subject of continuous vandalism. The site has now been acquired by Bovis Homes and demolition work and site clearance activities have commenced
- As part of the design process undertaken in the preparation of the outline planning application, key constraints and opportunities associated with the proposed development of the site were identified. These were identified on the constraints and opportunities plan included in the Design and Access Statement. Each of these constraints and opportunities has been reviewed again at this stage to inform other design principles and concepts incorporated into this reserved matters application.

- At the outline planning stage an illustrative master plan was submitted which has also informed this application
- The construction of 126 homes is proposed. They comprise a mix of 1,2,3,4 and 5 bedroomed units. Of these, 7 no. 2 bedroomed homes are to be affordable within the definition of such in the unilateral undertaking submitted at the appeal stage. In addition, 25% of the homes are to be constructed as low cost market houses compliant with condition 20 of the outline planning permission. Public Open Space and an equipped children's play area to NEAP standard are to be provided in accordance with the requirements of the unilateral undertaking.
- The illustrative master plan submitted with the outline application shows the proposed built form and public realm structure within the site. The site is accessed from Brookhouse Lane and the layout is to be focused on a single movement corridor connection as a series of squares, spaces and mews, designed in accordance with Manual for Streets. As a consequence the alignment of the access road though the site has been designed specifically to ensure that vehicle speeds are kept low in order to allow the street to be used as functional spaces as well as a movement corridor.
- Sufficient off street parking is to be provided within the development so as to reduce street congestion, in line with the guidance contained within Manual for Streets.
- The layout and built form of the development has been determined by a number of factors and constructs including
 - Restricting development to the previously developed part of the site, with the existing footprints of former buildings informing the amount of built form on the site
 - A single point of access into the site
 - Protection and enhancement of the Timbers Brook as a natural landscape feature and the protection and enhancement of the woodland surrounding the site through the implementation of a woodland management plan.
- The irregular, linear nature of the site combined with the single point of access and the need to provide frontages onto public spaces largely dictates the arrangement of built form, the disposition of homes and the spaces around them. As a result the development proposals are designed in such a way which provides for changes in street scene through the use of enclosed and open spaces with key landmark buildings forming visual stops. The layout has been designed with security in mind, orientation guidelines that overlook and front out onto public areas and private areas alike. Alleyways and paths to the rear of homes are avoided where possible and where parking courtyards are proposed they are overlooked.
- The scale, height and massing of the proposed buildings vary from 2 to 3 storeys which facilitates a variation in roof heights and articulation of the street scenes. This also ensures a range of house types can be accommodated across the site including apartments, mews, terraced units and detached homes. Due to the topography of the site and the extensive woodland cover, 3 storey buildings can be easily accommodated without any adverse impact on views into the site
- Elevations and materials of construction are based on a traditional palette utilising predominantly red brick and combinations of grey and red tiles. Some render facades will be introduced to provide visual interest. All fascias and bargeboards will be finished black with black rainwater goods.

Arboricultural Statement

- The retention of the category B trees on any site should be seen as a priority as these specimens are the most likely to make a continued contribution to the character and appearance of the new development

- Where tree removal is required to achieve the proposed development and demolition it should be mitigated for by undertaking replacement tree planting.
- A suitable landscaping scheme will give the opportunity to introduce better species and structural diversity in any development
- To achieve a satisfactory juxtaposition between new development and those trees selected for retention, the guidance contained within this report should be considered during the detailed design of the site.
- The proposed development of the site should take into account the presence of retained trees and should ensure that where possible all buildings and new surfaces are located outside of their Root Protection Areas
- Trees located along the northern, eastern and southern boundaries of the former works site are all in locations that prevent root growth extending into the central portion of the site. This is due to the presence of a high concrete retaining wall, existing areas of hard standing, Timbers Brook and a further steel retaining structure. Areas where root growth has been restricted by such structures are marked on the Tree Constraints Plan.
- As such any proposed development within the central portion of the site will not have an impact on tree root health.
- New development should not only take account of current tree sites and positions, but also of mature tree size.
- Tree protection areas should be established and appropriate protection measure implemented prior to construction. Specifications for erecting protective fencing have been provided in the report
- Guidelines contained within BS5837: 2005 Trees in Relation to Construction should be followed. Working methods and specifications should be followed to limit potential damage to trees through the construction period.

9. OFFICER APPRAISAL

Principle of Development

Given that the principle of development has been established by the granting of outline planning permission at appeal this application does not represent an opportunity to re-examine the appropriateness of the site for residential development. The key issues in question in this application are the acceptability of the access, appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the brook.

Design

The surrounding development comprises 19th century mill workers cottages and farmhouses, which are built in a traditional vernacular style. In terms of elevational detail, the proposed scheme comprises traditional pitched and hipped roof designs, finished in red brick with grey tiles, which will respect the character of the surrounding development. The applicant also proposes to use render and red roof tiles, to some properties. Whilst it is considered that the render element will help to add visual interest, red roof tiles are not considered to be appropriate in this location and this will be conditioned accordingly, along with a requirement to submit samples of actual materials for consideration.

Other features such as door pediments, arched headers to garages, brick headers to doors and windows and stone cill details are also reminiscent of traditional mill workers cottages and mill buildings themselves.

Building heights will range from two to three storeys, which will help to add visual interest to the new street scenes. Taller units will also help to emphasise key focal points such as corners, gateways and the end-stop to the development. Whilst many of the dwellings will be significantly taller than the original cottages in Bath Vale, they will be well screened from the surrounding development, the new properties will not be seen in the same context as the original cottages. Furthermore, given that the site lies within a valley, the 3 storey dwellings will not appear intrusive within the wider landscape. It is also necessary consider the substantial height of the industrial buildings that occupied the site previously. On this basis, the overall form and elevational details of the proposed buildings is considered to be acceptable.

Layout

With regard to layout, amended plans have been secured, showing plots 1 to 3 at the entrance to the site reorientated to face outwards onto Bath Vale, and to overlook the play area and open space at the entrance to the site. This creates an active frontage to Bath Vale, which adds visual interest, improves the security of this area, and provides an welcoming and interesting gateway to the development.

Moving though the development the linear site has been subdivided into a series of streets and squares, in accordance with current urban design and Manual for Streets thinking. The squares are overlooked by the properties, which ensures natural surveillance and creates a sense of place. The road meanders through the site, reflecting the haphazard nature of the original buildings and the course of the brook. It also helps to create a sense of anticipation as the visitor moves through the site from one square to the next and each space is gradually revealed. Amended plans have been secured to include a number of corner units to increase active frontage, add visual interest and better overlook the public spaces. A reduction in the amount of hard landscaping has also been achieved in these areas. The roads and squares will be lined with trees, which helps to compensate for existing trees that will have to be removed, and will create a more pleasant residential environment. Shared surfaces have been utilised in accordance with Manual for Streets best practice, to slow vehicle speeds, reduce the visual impact of highway over-engineering and to give pedestrians natural priority.

A number of residents have expressed concern about the positioning of a substation and sewage pumping station at the entrance to the development. Amended plans have been secured, which show the substation to be relocated within the estate itself, in an unobtrusive location. The pumping station remains in the same position but will be an under-ground chamber. The only external manifestations of which will be a manhole on the surface.

Amenity

The nearest neighbouring properties are Bath Value Cottages, Bath Vale Farm, Primrose House and the Coach House. The nearest neighbouring property is 1 Bath Vale Cottages, which stands directly behind the site of the proposed plots 113 to 109. However, given that the minimum separation distance of 21.3m, as set out in the Council's Supplementary Planning Guidance, will be achieved, it is considered that an adequate level of privacy and light will be maintained to both properties.

The remainder of the neighbouring dwellings are significantly more than 21m from the proposed houses and in view of the substantial degree of screening afforded by the

woodland and steep valley sides surrounding the site, it is considered that no other adverse effects on the amenity of existing dwellings will occur.

To turn to the standard of amenity within the site, the scheme falls substantially short of the recommended 21.3m between principal windows, 13.7m between principal elevations and flank elevations and 65sq.m of private amenity space per dwelling, as set out in the Supplementary Planning Guidance, in a number of cases. Between some plots, as little as 10m will be achieved between principal windows.

However, Government advice is PPS.3 indicates that local planning authorities should have regard to the need to make effective and efficient use of land in the consideration of planning applications, and if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. Furthermore, modern urban design principles encourage the tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements. It also reflects the narrow nature of Bath Vale itself, which is characterised by a shared surface road, with properties constructed up to the back edge of the highway. On this basis, it is considered that, where it is desirable in order to achieve wider urban design objectives, a reduction to 15m could be justified. Amended plans have therefore been secured to ensure a minimum of 15m is achieved across the site.

Open Space

The unilateral undertaking, which was accepted by the Inspector at the outline stage, states that the reserved matters should make provision for the Public Open Space within the development site. This area is located on the opposite side of Bath Vale to the main part of the development, adjacent to the site entrance.

A number of residents have expressed concern about the location of the play area at the entrance to the development on the grounds that it would not be overlooked, which may result in anti-social behaviour and a hazard to children who would have to cross the road from the development to reach the facility. However, the location of the play area was fixed within the unilateral undertaking, which was accepted by the Inspector. Therefore, the principle of the location of the play area has already been established and, whilst it may not be desirable, it cannot now be revisited. Furthermore, for this reason, the inadequate location of the play area would not provide sustainable grounds for refusal of the application.

At the request of Members, Officers have held discussions with the developer in order to ascertain whether they would be willing to voluntarily relocate the play area to within the main part of the development. The developers have investigated this possibility, but unfortunately it would not be possible because the number of dwellings that would need to be removed to make space for the play area would be greater than the number which could be accommodated in the current approved position for the play area. The result would be a net reduction in the number of units on site. This would further reduce the viability of the scheme, which would, in turn impact on the amount of affordable housing provision which could be offered. As has been stated above, this has already been significantly reduced below local plan policy requirements as a result of viability issues.

Furthermore, the developer considers that, given the long, narrow, shape of the site, the relocation of the play area to the middle of the development would split the estate in half,

which would make it harder to establish a sense of community, would be undesirable in urban design terms, and would make natural surveillance of the play area, even more difficult than in its current position.

Amendments to the highway design have been secured, which change the priority of traffic so that vehicles travelling along Bath Vale have to give way to traffic moving into and out of the new estate. This means that pedestrians from the estate visiting the play area can cross Bath Vale at the T-junction where vehicle speeds will be slower. Bath Vale is very lightly trafficked at this point. It severs only Bath Vale Cottages and a few other isolated dwellings. It is a public footpath and bridleway, and, as a result, cars have shared road surface has been shared with cyclists, walkers and pedestrians, for many years without incident. The Council's Greenspace Section is currently considering the installation of gates along Bath Vale to prevent access by unauthorised vehicles. Nevertheless the developer has commissioned a safety audit of both the play area, and the road junction outside it, to ensure that the design provides safe access for children to the play area and to identify any further safety improvements which could be made.

The unilateral undertaking also requires details of grading, drainage, layout, landscape, fencing, seeding and planting of the public open space to be agreed in writing with the Council. Some details have been submitted for illustrative purposes with the application, which initially included a Multi-Use-Games-Area (MUGA). The Council's Greenspace Section expressed concerns about these proposals and these have subsequently been amended to remove the MUGA. The developer has also clarified that the boundary treatment to the area will be bow-topped railings. These will be sufficient to ensure that there is no danger of young children falling into the adjacent brook, whilst, in the event of the area becoming flooded, they would allow water to pass through. Negotiations are still on-going with the developer in respect of the detailed layout of the play area. However, these are nearing a conclusion and a further up-date will be provided to Members at the Committee Meeting.

Notwithstanding this point, there is no requirement in either the unilateral undertaking or the conditions attached to the planning permission, for these to form part of the reserved matters application. Therefore, approval can be granted to this reserved matters application, without inferring any approval for the detail of the play area or jeopardising the Council's position in respect of those on-going negotiations.

Ecology

This proposal lies close to Dane-in Shaw Pasture Site of Special Scientific Interest, which is west of the site and is alongside the Site of Biological Importance (Bath Vale Woods). Natural England is of the opinion that the proposal will not impact on the SSSI. Conditions attached, by the Inspector. To the outline permission required the submission of a Construction Environmental Management Plan to include the measures identified in the Construction Ecological Management Plan Scope of Works, submitted at the outline stage. In addition protected species surveys and mitigation measures were also required by condition.

These were submitted prior to the commencement of demolition works and the relevant conditions have been discharged. The conditions attached to the outline consent will ensure that the construction works continue to proceed in accordance with the recommendations of those reports. Following the recent clearance of the site it has been covered with freshly laid hardcore. Therefore, any potential habitats for protected species within the site have now

been removed. In the absence of any objection from Natural England or the Council's Ecologist it is not considered that the proposed detailed design will have any adverse effect on ecology within or surrounding the site.

Drainage and Flood Prevention

The outline approval established the acceptability of a development of this scale in this location, in terms of its impact on the potential for on-site and off-site flooding. However, the applicant has submitted with the application, a detailed Flood Risk Assessment. The Environment Agency and United Utilities have considered the report and have continued to raised no objections subject to the imposition of appropriate planning conditions. They have also had the opportunity to examine the detailed layout plans and this also has not provoked any concern. Therefore, it is not considered that a refusal on flood risk or drainage grounds could be sustained.

Concerns have been raised in respect of the proximity of the sewerage pumping station to the brook. The applicant's engineer has responded by stating that the foul pumping station is proposed to be adopted by United Utilities. It will incorporate telemetry monitoring that will automatically dial out to United Utilities (or the applicant's maintenance contractor until adoption) for an Engineer to attend site if there are any breakdowns or high levels in the wet well. The pumping station also incorporates sufficient storage to allow time for an Engineer to attend site before it fills up. These pumping stations are standard on developments where a gravity outfall is not available. The foul pumping station is located outside the recognised flood plain for the 1 in 100 year flood event so there should not be any issues with it flooding. These issues have been taken into account on the siting of the foul pumping station and on this basis it is considered to be acceptable.

With regard to conditions, the Environment Agency have requested that their previous planning conditions and informatives relating to 08/1317/OUT are included on the decision notice for this reserved matters application. These included provision for a surface water regulation system and a scheme for the restoration of Timber Brook. They also included minimum levels for buildings, roads, parking areas and pathways. These conditions should also meet the requirements of United Utilities as set out in their consultation response. Given that the reserved matters are only operative by virtue of the outline consent, it is not considered necessary to reiterate those conditions.

Highways

The outline consent established the acceptability of the access arrangements, via Bath Vale, and the impact of the additional traffic on the local highway network. This application does not, therefore, present an opportunity to re-examine those matters. The highway issues in respect of this application are the acceptability of the detailed layout and design of the roads and footways within the development.

The Strategic Highways Manager has examined the plans and negotiated a number of improvements, including the priority change at the main access junction. He is now satisfied with the layout, which embraces Manual for Streets Principles and has raised no objections, subject to a condition, requiring the provision of an amended plan showing various agreed design details and the adoptable boundary of the highway. It is also considered that there is adequate parking provision throughout the development. On this basis the proposal complies with Policy GR9 of the adopted Congleton Borough Local Plan First Review.

Tree Issues

There are extensive areas of woodland and some scattered trees in the vicinity. The woodland areas to the south, east and north of the site form Bath Vale Woods Site of Biological Interest and are listed in Natural England's National Woodland and Trees Inventory, with the woodland to the north and north-east also being classed as Ancient Semi-Natural Woodland according to the Ancient Woodlands Inventory. Several trees within the site are protected by the Bath Vale, Congleton Tree Preservation Order 1984 - a group of trees adjacent to the Dane-in-Shaw Brook to the north of the site by plots 1-3 and an area of trees to the east of the brook on the side of the proposed play area.

The Senior Landscape Officer has commented that there are three Tree Constraints Plans (JMK 5800.01.01- 1/3: S2/3: and S3/3), but no accompanying tree survey report. Only three trees are shown on the site layout, located by the main access point and indicated by green circles, two of which have dashed lines. These significant mature trees are subject to TPO protection. Questions have been raised in the past concerning the health of these specimens. There is no indication that any other trees in the area would be retained, including the area of protected trees on the POS or trees in the wooded areas. She has therefore commented that tree retention / removal needs to be clarified and justified.

In response the applicant has provided a full Tree Survey which covers all trees that could impact on the 'development area'. The two mature *Fagus* trees on the entrance to the development have been assessed, and categorised under the BS Category Grading as C2 trees. Based on this grading and their Age Classification they have been retained within the development. As part of arboricultural enabling works the applicant proposes to carry out some works to this tree as recommended in the report. The report also justifies the removal of the 13 individual trees and 2 tree groups within the development area.

The areas of woodland outside the 'development area' will be covered by a separate Woodland Management Plan. The timing and the production of this Management Plan is set out in Condition 6 of the Outline Planning Permission. Any tree work or removal proposed in the Woodland Management Plan will be as part of the woodland management and not to facilitate the development. The scope and aims of the Woodland Management Plan will be agreed with the Council prior to commencement of work on the report.

Similarly, tree protection measures, an arboricultural method statement and restoration of water courses were also conditions of the outline permission and these details will need to be submitted to and approved in writing by the Local Planning Authority.

With regard to concerns about *the separation between proposed specimen tree planting and plots 24-30 & 78-83*, the applicant has stated that this appears to have been incorrectly plotted and an amended drawing which accurately shows the tree canopy after 25 years on the Tree Canopy Sketch has been provided. They state that they have carefully selected the trees for this location given their close proximity to the proposed build and to the highway. *Sorbus aucuparia* 'Streetwise' was selected for its neat compact upright habit.

The Senior Landscape Officer has examined the additional information and commented that she is satisfied that in principle, and subject to conditions relating to an Arboricultural Method statement, tree protection, tree works, woodland management etc. prominent trees and woodland in the vicinity can be retained successfully.

She recommends that Permitted Development rights be removed for any areas of the site adjacent to retained trees. It is not clear whether the parcel of land at the entrance to the site where the mature Beech trees would be conveyed a plot. I consider it essential that this part of the site be retained open in character.

The separation between proposed specimen tree planting and plots 24 – 30 and 78-83 has been improved on revised layout plan COBW/PC/200D. (The Landscape Proposals Tree Canopy adjustment plan COBS-03-109 does not match this revised layout and the detailed landscape scheme will need updating).

Landscape Matters

The Senior Landscape officer has examined the proposals and commented that they are generally acceptable with the exception that there are no landscape proposals provided for the play area. However, the unilateral undertaking only requires the Reserved Matters Application to make provision for the public open space. Any details for laying out and equipping, which would include landscaping and boundary treatment, are to be agreed separately with the Local Planning Authority pursuant to the S106 rather than any condition attached to the planning permission.

The provision of boundary treatment information relating to the properties themselves was not a condition on the outline application, as it would normally fall within the remit of landscaping, layout and appearance. It is not possible to accurately assess all proposed boundary treatments on the 1/500 site layout plan provided with the reserved matters application and therefore it is recommended that a condition be added to the reserved matters consent to require full details of boundary treatments to be submitted and approved. This is considered to be a suitable approach as Circular 11/95, The Use of Conditions in Planning Permission, permits the addition of conditions to reserved matters applications, which relate to the reserved matters under consideration, which in this case include, landscaping, layout and appearance.

Affordable Housing

The permission is the subject of a unilateral undertaking dated 27th March 2009, which requires 5% of the residential units to be provided as subsidised housing and to comprise 2 bedroomed terraced houses. These are appropriately identified on the submitted plans. In addition, condition 20 of the outline permission requires that the scheme submitted for a approval of reserved matters shall include the provision of 25% of the dwellings as low cost market houses. These are houses sold at open market value, with no element of subsidy, but which are within the lowest quartile of house prices. These are also shown on the layout.

The submitted details have been forwarded to the Council's Housing Section and they have commented that the size, type and location of the properties are acceptable. They have commented that the tenure of the dwellings should be 50% social rented and 50% intermediate housing. However, the unilateral undertaking specifies that the affordable housing should comprise 50% social rented and 50% discounted for sale housing. Therefore this issue cannot be revisited.

Section 106 Matters

The original unilateral undertaking included a requirement for the applicant to enter into a Section 106 undertaking as part of the reserved matters to include provision for public open space and affordable housing. This needs to be reiterated in the resolution.

10. CONCLUSIONS

The proposed development will provide 126 dwellings within the site which was granted outline planning permission at appeal. It will provide a development which will not detract from the character and appearance of Bath Vale. The development will ensure safe vehicular access to dwellings and adequate parking within the site. It will ensure that appropriate landscaping is provided to compensate for trees removed. Subject to safeguards imposed through the use of conditions, the siting, size and scale of dwellings proposed not considered to adversely impact on residential amenities at adjoining dwellings. The development complies with the requirements of the outline consent in terms of landscaping and the provision of affordable housing, drainage and ecology.

The proposal does not comply with the Council's Supplementary Planning Guidance in respect of space between dwellings within the new development. However, it is considered that, in this case, in order to achieve an efficient use of the site and a high quality of urban design, a deviation from these standards is justified.

It therefore complies with the relevant local plan policies as set out above and having due regard to all other material considerations, it is recommended for approval subject to conditions as set out below.

11. RECOMMENDATION

APPROVE subject to completion of a Section 106 Agreement to:

- 1. Make provision for the Public Open Space within the Application Site**
- 2. Make provision of the Subsidised Housing in a location within the Application Site to be previously approved in writing by the Council. Provided always that the Subsidised Housing must be developed as a integral part of the overall scheme**

And

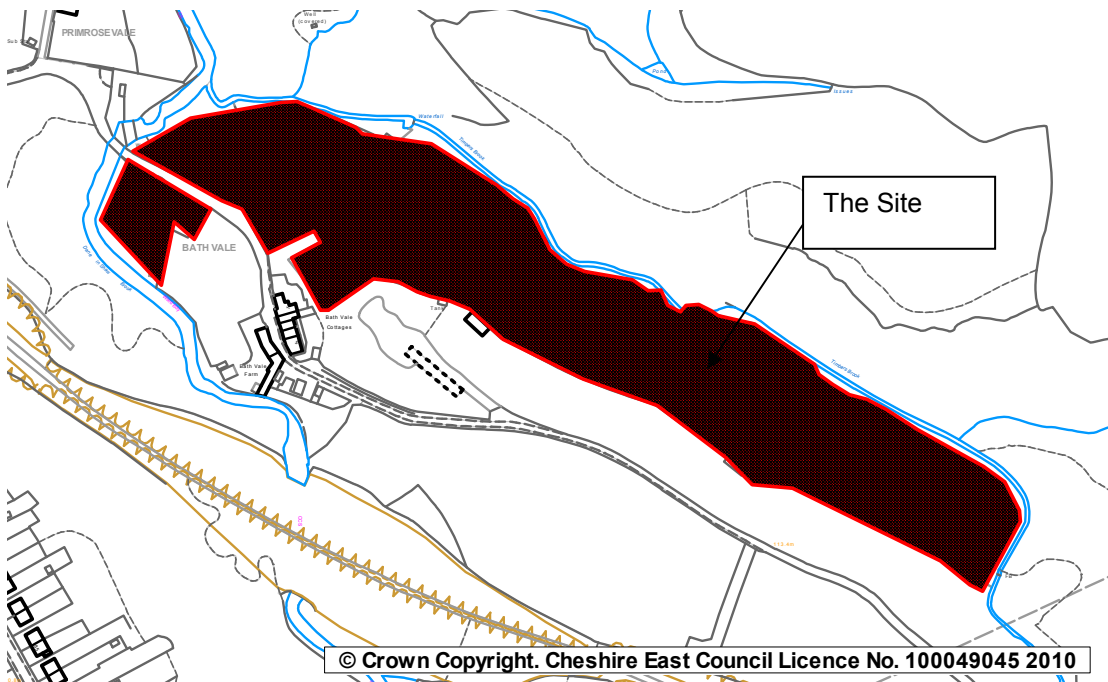
The following conditions

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Boundary Treatment**
- 5. Play Area Specification**
- 6. Plan showing the specific details of the internal layout with Regard to Manual For Streets Principles and the extent of the adoptable boundary to include full service strip provision.**
- 7. Arboricultural Method statement to include Tree protection, Implementation of tree protection Tree works and Woodland management**
- 8. Updated Landscape Proposals Tree Canopy adjustment plan**
- 9. Updated detailed landscape scheme**

10. Implementation of landscaping

11. Removal of Permitted Development Rights

Location Plan



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Planning Reference No:	10/3808C
Application Address:	Former Cardboard Factory, Betchton Road, Malkins Bank
Proposal:	Extension to time limit – redevelopment of former factory to provide 28 no. new homes to included 12 affordable homes provided by RSL
Applicant:	Jokaro Ltd.
Application Type:	Outline Planning Permission
Grid Reference:	376677 359044
Ward:	Sandbach East and Rode
Consultation Expiry Date:	4 th November 2010
Date for determination:	30 th December 2010

SUMMARY RECOMMENDATION

Approve subject to conditions and a Deed of Variation to the existing Section 106 Agreement.

MAIN ISSUES

- **Suitability of the Site for Residential Development**
- **Housing Land Supply**
- **Loss of Employment Site**
- **Ecology**
- **Character and Appearance**
- **Residential Amenity**
- **Highway Safety**
- **Other Matters**

REFERRAL

The application has been referred to planning committee because it is for more 10 dwellings and is therefore a major development.

1. SITE DESCRIPTION

This site comprises the eastern part of the former Jeffries Box factory at Malkins Bank, which has been vacant for some time. The western part of the site has recently been developed by Bett Homes for 27 dwellings for which outline permission was granted in 2000 and issued in 2002 following the completion of the legal agreement. The details of that scheme were approved by the Council on 16th December 2002.

2. DETAILS OF PROPOSAL

Planning permission was granted in 2003 for the redevelopment of the eastern part of the site to provide 20no. new houses and 800sq metres of rural business accommodation,

but this has never been implemented. Approval was subsequently given in 2005 to a revised application, for outline permission for the demolition of all buildings on site and the construction of 28 new houses, 16 of which would be open market for sale and 12 would be provided by a Registered Social Landlord. There was no provision within the scheme for any employment generating uses. All matters relating to access, siting, design, appearance and landscaping were reserved for further approval.

This application seeks to extend the time limit for the implementation of that permission under the new provisions introduced in October 2009.

3. RELEVANT PLANNING HISTORY

1999 (30979/1) Outline application for re-development of the whole 1.8ha factory site for residential purposes. This application was withdrawn by the applicant prior to its consideration by the Planning Committee

2001 (32235/1) Outline planning permission for re-development of the site to include an element of low cost/affordable housing.

2002 (32235/A) Approval of details for 27 dwellings.

2003 (35556/1) Outline application for residential redevelopment comprising approximately 30 dwellings on the eastern half of C.M Jefferies site, Malkins Bank. This application was withdrawn by the applicant prior to its consideration by the Planning Committee.

2003 (36412/1) Permission for redevelopment of former factory to provide mixed use scheme comprising 20no. new houses and 800sq metres of rural business accommodation. New houses to be maximum 2.5 storeys, business accommodation to be maximum 2 storeys.

2004 (37006/1) Residential development - outline application approx 20 dwellings, 2 and 3 storeys proposed, all existing buildings to be demolished. This application was withdrawn by the applicant prior to its consideration by the Planning Committee.

2005 (05/0680/OUT) Redevelopment of former factory to provide new housing, minimum 30 units, 30% of new homes to be affordable homes provided by registered social landlord. This application was withdrawn by the applicant prior to its consideration by the Planning Committee.

2005 (05/0822/OUT) Redevelopment of former factory to provide 28no. New homes to include 12 affordable homes provided by registered social landlord

4. PLANNING POLICIES

National Policy

PPS 1: Delivering Sustainable Development

PPS 3: Housing

Local Plan Policy

PS6 Settlements in the Open Countryside and Green Belt
H6 Residential Development in the Open Countryside and Green Belt
GR1 New Development
GR2 Design
GR9 Accessibility, Servicing and Parking Provision
E10 Redevelopment of Existing Employment Sites.
NR3 Habitats

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy
Cheshire East Strategic Housing Market Assessment 2010
Department of Communities and Local Government: Greater flexibility for planning permissions - Guidance

5. OBSERVATIONS OF CONSULTEES

Ecologist

This application is supported by additional ecological surveys. No evidence of any protected species was recorded on site during the surveys.

A detailed great crested newt survey has not been undertaken; however the submitted assessment concludes that the proposed development is not likely to have a significant adverse impact upon great crested newts provided no development is undertaken in the woodland/scrub area and that development is limited to the existing area of hard standing and bare ground. This approach is acceptable and is in accordance with my pre-application discussions with the applicant's ecologist.

As no plans have been provided in support of this application I am not able to determine the extent of the proposed development, however development should not take place within the scrubland area.

The original Phase One habitat Survey identified both the hedgerow along Betchton Road and the adjacent Trent and Mersey Canal as being features worthy of retention and protection as part of the proposed development. As hedgerows are a BAP priority habitat and a material consideration this recommendation should be implemented if at all possible.

The following condition should be attached to any permission granted to secure an enhancement for nature conservation 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 roosting bats and breeding birds including swifts. Such proposals to be agreed by the LPA.

Environmental Health

Make the following comments:

There is no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of use as a factory and therefore the land may be contaminated.
- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

As such, and in accordance with PPS23, it is recommended that conditions requiring contaminated land investigations and any necessary mitigation to be carried out should be attached to the permission.

The following conditions in respect of protection from noise during construction (hours of construction) should also be applied:

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.

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

No highways objections, subject to detail design and section 38 and footway improvements (including 278 agreement).

Cheshire and Wirral Badger Group

As part of the process of assessing the application they would ask that an independent environmental survey be completed to establish whether it is still occupied and if so this be considered by the planning committee when reviewing the application.

6. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

7. OTHER REPRESENTATIONS

A letter has been received from the occupier of 60 Betchton Road making the following points

- we have a BIG problem in the area with water pressure meaning that a morning shower sometimes is an impossibility. This is a must for addressing ahead of adding further stress to an already overloaded system. The water authorities are continuously monitoring this road for leakages and we have had many repairs over the last 2 years to try to help but this continues to be a problem. Apparently a new mains water supply is the only answer.
- we have power cuts several times a year in this area presumably to an aged system. Further stress on the system must be considered
- we have had a number of blockages of sewers in the neighbourhood since new houses in the area have been built and I have concerns that more houses will overload an already aged system plus the road has already sunk in a few areas where we seem to have had drain problems in the past. Therefore introducing more traffic to the road will make this worse
- consideration to the the 30MPH speed limit should be taken into account to ensure this development is within it as currently it is not

8. APPLICANT'S SUPPORTING INFORMATION:

Supporting letter

Whilst all buildings on the site have now been demolished down to slab level, development has not commenced. Demolition was undertaken solely to relieve the applicant of the many problems and costs associated with holding large empty buildings in a semi-rural area; i.e. vandalism, break-ins, trespass, security and insurance costs etc. The existing permission is outline only with all matters reserved for later approval, and as no such approvals have been applied for, the existing permission is not capable of immediate implementation. The applicants are not builders or developers but the owners of the business that ran this former factory for over 35 years. It is their wish to sell the site to a building company but this has not proved possible done to the economic downturn which has particularly affected new house building, hence the applicant is seeking an extension of time.

9. OFFICER APPRAISAL

Main Issues

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

The key issues relevant to the determination of this application are therefore whether there have been any changes in circumstances in respect of the sustainability of the site for further residential development; the impact of the proposed development upon housing land supply totals; and the loss of the employment site. In addition, consideration must be given to highway safety, ecology and protected species, the amenities of adjacent properties, and the character of the Canalside Conservation Area.

Suitability of the Site for Residential Development

Malkins Bank is identified as a Settlement in the Open Countryside in Policy PS6 of the adopted Congleton Borough Local Plan First Review. Within the infill boundary line of these settlements, limited development only in accordance with policy H6 will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

The site is previously developed and lies near to existing services and facilities. It is served by public transport and has good access either by foot or cycle. It is therefore sustainable, within the definition contained within PPS 3 and PPS 13.

Housing Land Supply

The proposal will maintain the number of market housing units at 16 and the number of subsidised affordable housing units at 12. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. Following a review, the Council has established that it has a 4.58 years housing land supply, given that this is an application for renewal of an existing consent, the proposed units will already have been taken into account in calculating the Borough's 5 year housing supply, and therefore, renewal would not help to deal with the shortfall. However, refusal of the application would exacerbate the under-supply, which would in turn increase pressure to develop green field sites elsewhere in the Borough.

Loss of Employment Site

The light of the previous employment use of the site and given that this proposal would result in the loss of the employment element of the committed scheme, it is considered that policy E10 is relevant. This states that the loss of the employment site can only be justified if it can be demonstrated that the site is not suitable for employment uses or that there would be significant planning benefit arising from the alternative use proposed.

The original approval for this site in 2003 included some rural business space in addition to housing. However, a marketing report, submitted by the applicant, in support of the 2005 approval, which this application seeks to renew, illustrated the considerable efforts which were made at that time to let or sell the proposed rural business space. Due largely to locational factors, these generated minimal interest from both the development industry and potential end users and it became increasingly apparent that there is little possibility of securing a viable commercial re-use of even part of the site. There is

nothing to suggest that the situation has changed in any way since that time. The locational issues cannot be resolved, and the downturn in the economic climate will have made such a development even less attractive than it was at the height of the boom, when this was last considered.

With regard to the second limb of Policy E10, at the time of the previous application, it was considered that the increase in the number of affordable dwellings, which the removal of the rural business space facilitated, would be a material planning benefit in permitting residential re-development of the site. The need for affordable housing within the rural areas of the Borough has also not diminished in the intervening period and therefore this argument continues to be as relevant now, as it was in 2005.

In the light of the above, it is still considered that the benefits arising from the additional subsidised affordable housing units would outweigh the loss of the employment element and that the proposal is in accordance with policy E10. However, it is necessary to enter into an appropriate Deed of Variation to ensure that the legal agreement applies to the new permission.

Ecology

The application site contains a variety of existing vegetation of varying quality and value. A short but vigorous length of hawthorn hedgerow defines the Betchton Road frontage at the north east end of the site. Extensive scrub and young tree growth exists in the eastern part of the site and a belt of vegetation fronts the canalside. In respect of previous applications, it was considered that, whilst this vegetation does not have significant landscape value, certain areas of the site may have nature conservation value. It was therefore considered that the detailed layout should retain existing features where appropriate, should respect the setting of the canalside Conservation Area and should provide an appropriate landscaped setting.

At the time of the previous applications local residents and wildlife groups identified the presence of protected species within this area and this was confirmed by a survey undertaken by specialist consultants. This application has been supported by updated ecological surveys, which have found no evidence of any protected species. The Council's ecologist has examined the reports and is satisfied with their methodology and conclusions. As a result he has raised no objection subject to appropriate conditions.

Character and Appearance

Although partially screened from the Canalside Conservation Area by vegetation, the existing vacant site does have a negative impact. The application is submitted in outline, and therefore no details are available in terms of the final design or layout of the scheme. However, it is considered that redevelopment of this site, including a carefully considered landscaping scheme, would improve the appearance of the canalside, and make a positive contribution to the regeneration of this corridor.

Residential Amenity

The eastern boundary of the site is shared with an adjacent property, Brock Barn, and is defined by mature vegetation. Historically the site has been used for manufacturing purposes and it is considered that, as a result of the change of use to residential,

neighbouring properties would experience an overall improvement in their level of residential amenity. Matters of siting and design are reserved for a subsequent application whereupon the detailed layout of the proposed development will need to be carefully considered to ensure a satisfactory relationship with the adjacent property. However, any privacy implications or visual impact of the development could be mitigated satisfactorily by the existing boundary screening, which could be supplemented by additional landscaping.

Highway Safety

Whilst the third party comments in respect of the speed limit are noted, access is a reserved matter, and, subject to the imposition of certain conditions, the Strategic Highways Manager raises no objection in principle to the proposed development. Therefore a refusal of the application on highway grounds would not be sustainable.

Other matters

Third party objectors have raised concerns regarding the additional pressure on electricity, water and drainage infrastructure. Whilst comments were awaited from United Utilities and the Environment Agency at the time of report preparation, it is not considered that circumstances have changed significantly in this respect since the previous application. The site falls below the threshold for a full Flood Risk Assessment as set out in PPS.25 and full details of drainage will be conditioned to form part of a reserved matters application. Furthermore, the developer will be required to fund an adequate connection to the existing mains water and sewerage systems in accordance with United Utilities requirements.

10. CONCLUSION

In summary, the site is located within the settlement boundary for Malkins Bank, where there is a general presumption in favour of development. It is not considered that the proposal would have an adverse impact in terms of the Borough's Housing Land provision. Furthermore, it is considered that the site is inappropriate for continued employment use and that there would be some material planning benefits resulting from complete residential redevelopment in terms of affordable housing provision. The proposal is acceptable in terms of its impact on the character and appearance of the area, highway safety and residential amenity.

Therefore, it is considered that there has been no material change in circumstances since the previous approval and it is considered that the proposal complies with the relevant policies of the adopted Local Plan. Accordingly, it is recommended for approval.

11. RECOMMENDATIONS

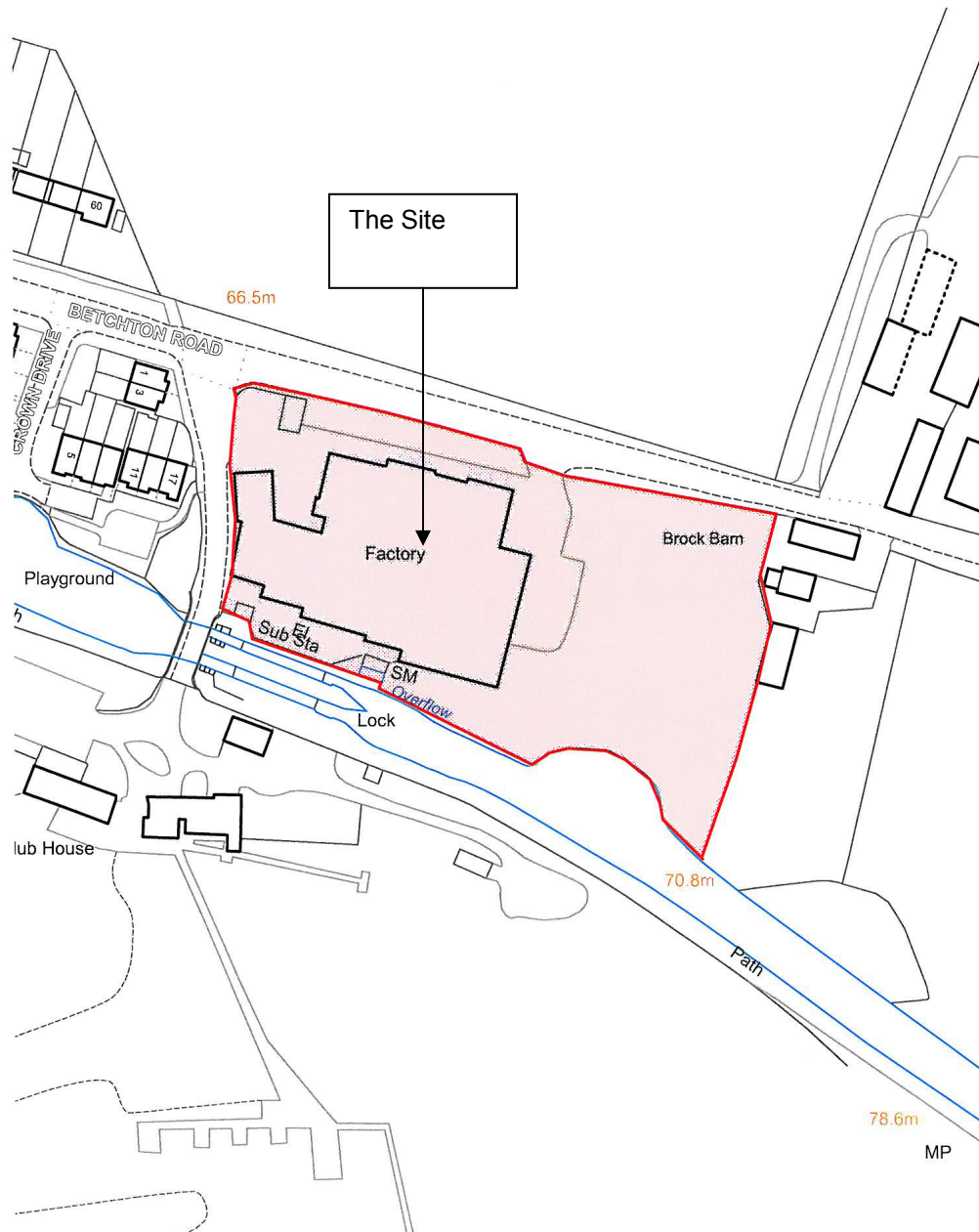
APPROVE subject to the completion of a Deed of Variation to the existing legal agreement and the following conditions:

- 1. Implement development within 2 years of approval of last reserved matter**
- 2. Submission of reserved matters within 3 years.**
- 3. Submission of tree survey as part of reserved matters.**
- 4. Submission of and approval of landscaping scheme as part of reserved matters.**
- 5. Maintenance of landscaping scheme for a five year period.**

6. Submission and approval of boundary treatment
7. Undertaking of ground and groundwater contamination report.
8. Access to CEC specification
9. Parking provision within the development to comply with CEC car parking standards.
10. Submission and approval of details relating to road construction
11. Submission for a scheme of drainage
12. Provision of visibility splays
13. Any reserved matters application to include provision for the retention and creation of natural habitats along the canal corridor and the eastern boundary of the site.
14. Suitable features for bats and breeding birds to be provided within the site
15. Development to take place in accordance with protected species report
16. To minimise disturbance to local residents during the construction period, no vehicles or service vehicles shall use the site between 18.00 and 08.00 Monday to Friday. Saturday working shall be limited to the hours of 08.00 and 13.00 and there shall be no construction activities on Sundays and Bank Holiday Mondays.
17. Provision of details relating to foundation or other piling on site it is recommended that these operations are restricted to:

Monday – Friday	08:30hrs – 17:30hrs
Saturday	07:30hrs – 13:00hrs
Sunday	Nil

Location Plan : Licence No 100049045



Planning Reference No:	10/3824N
Application Address:	Laburnum House, 8 Coppenhall Lane, Crewe, CW2 8TT
Proposal:	Extension to provide w/c and shower room for disabled person
Applicant:	Mrs Julie Cartlidge
Application Type:	Householder
Grid Reference:	368090 355874
Ward:	Crewe West
Earliest Determination Date:	22 nd October
Expiry Dated:	22 nd November
Date of Officer's Site Visit:	10 th November
Date Report Prepared:	10 th November
Constraints:	Within Settlement Boundary

SUMMARY RECOMMENDATION:

Approve with conditions

MAIN ISSUES:

- Principle
- Design
- Amenity

1. REASON FOR REFERRAL

This application is deferred to the Southern Planning Committee as the applicant is the wife of Councillor Roy Cartlidge.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is a two storey semi-detached dwelling situated along the cul-de-sac of Coppenhall Lane, off Sunnybank Road to the west of the Crewe Settlement Boundary.

To the rear of the application dwelling is a garden area bordered by 1.8 metre high timber panel fencing. An attached out building with mono pitch roof projects from the rear elevation by 3.6 metres, with a width of 2.4 metres and a height of 2.2 metres, it is this area which forms the basis of this application.

The outbuilding adjoins a similar attached building to the rear of the neighbouring dwelling (number 6 Coppenhall Lane).

3. DETAILS OF PROPOSAL

The application seeks permission to demolish the existing outbuilding and replace it with a single storey flat roof extension with similar dimensions to that of the existing. It will project from the existing rear elevation by 3.6 metres, have a width of 2.5 metres and a roof height of 2.5 metres.

A window and a door will be positioned in the south elevation of the proposal while the west elevation (rear) will be blank.

The proposed development will be constructed of facing brick to match that of the existing dwelling with a felt roof.

Internally access will be created through the existing kitchen wall.

4. RELEVANT HISTORY

None

5. POLICIES

Crewe & Nantwich Borough Council Local Plan Policy

BE.1 – Amenity

BE.2 – Design Standards

RES.11 – Improvements and Alterations to Existing Dwellings

Other Material Considerations

SPD – Extensions and Householder Development.

6. CONSULTATIONS (External to Planning)

None

7. VIEWS OF THE PARISH / TOWN COUNCIL:

N/A

8. OTHER REPRESENTATIONS:

None received

9. APPLICANT'S SUPPORTING INFORMATION:

Specification of works

10. OFFICER APPRAISAL

Principle of Development

The proposal is for a single storey rear extension to a dwelling within the settlement boundary for Crewe which is 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.

Design

Policy BE.2 (Design Standards) of the Crewe and Nantwich Replacement Local Plan 2011 states that proposals for new development should:

- Respect the pattern, character and form of the surroundings, and

- Not adversely affect the streetscene by reason of scale, height, proportions or materials used.

It is considered that the proposed development is of a scale that is appropriate for the size of the host dwelling and respects the pattern, character and form of the surroundings.

It will not be viewed from the highway, therefore it will not have a detrimental impact upon the streetscene of Coppenhall Lane.

As a result the proposed development is in accordance with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Amenity

Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan 2011 states that proposals for new development should not:

- Prejudice the amenity of future occupiers or the occupiers of adjacent property by reason of overlooking, overshadowing or visual intrusion.

Furthermore, Policy RES.11 (Extensions and Alterations to Existing Dwellings) states that development within the curtilage of a dwelling should not:

- Should not result in a loss of amenity to neighbouring properties by reason of its scale or location.

The proposed development will essentially replace an existing structure and occupy a similar footprint.

It will not be cause harm to the amenities of the neighbouring number 6 Coppenhall Lane as there is an existing outbuilding lying along side the application site.

Between the proposed development and the neighbouring property to the south (number 10 Coppenhall Lane) is a 1.8 metre high timber panel boundary fence. This fence will mitigate any possible loss of amenity caused by the proposal in terms of overlooking although in any case the window would be obscure glazed.

The 1.8 metre high timber panel fence to the west of the site will screen the proposed development from view from this aspect.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

11. CONCLUSIONS

The proposed single storey rear extension is of an appropriate design and will not have a detrimental impact upon the amenities of neighbouring dwelling.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Commence development within 3 years**
- 2. Development in accordance with approved plans**
- 3. Materials to match the existing dwelling as closely as possible.**



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Planning Reference No:	10/3903N
Application Address:	Richard Mullock & Sons Ltd, Wistaston Road, Crewe, CW2 7RL
Proposal:	Extension to Time Limit of P07/1478 - Residential Development Comprising Twelve Three Bedroom Town Houses
Applicant:	Richard Mullock & Sons Ltd
Application Type:	Extension to time limit
Grid Reference:	369694 355535
Ward:	Crewe South
Registration Date:	5 th October 2010
Earliest Determination Date:	10 th November 2010
Expiry Dated:	4 th January 2011
Date of Officer's Site Visit:	15 th October 2010
Date Report Prepared:	5 th November 2010
Constraints:	N/A

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Material Changes since the grant of Planning Permission

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the development relates to the extension in time to a major planning application.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located in a mixed commercial and residential area within the settlement boundary in Crewe, sited approximately 20-40m south of a railway line. The application site is currently occupied by a car sales business. There is an existing builder's yard located in between the application and the railway line to the north.

The north side of this area of Wistaston Road is characterised by commercial development and the south side comprises predominantly residential development including a few retail units inter-dispersed between the housing. The residential housing is characterised by traditional two storey terraced properties with long narrow rear gardens. The junction of Stewart Street and Wistaston Road, on opposite side of Wistaston Road to the application site, is an open, grassed area that provides a pedestrian pathway.

2. DETAILS OF PROPOSAL

This application is for the extension to the time limit condition to planning permission P07/1478. This permission relates to the erection of 12 three bedroom townhouses in the form of a 2.5 storey and 3 storey terraced row that would front Wistaston Road. The

proposed parking provision is sited to the rear of the development site along the rear boundary, and would consist of a row of parking spaces.

3. RELEVANT HISTORY

P07/1478 - Residential Development Comprising Twelve 3 Bedroom Town Houses – Approved 18th January 2008

P07/0782 - Twelve Town Houses and Two Flats – Refused 24th August 2007

P00/1100 - Extension of Existing Valeting Bay to Create Workshop – Approved 1st February 2001

P97/0846 - Erection of showroom and valeting bay and use of land for car sales – Approved 13th November 1997

P96/0613 - Retail Car Sales/ Construction of Valeting Bay Offices and car Wash – Approved 19th September 1996

P96/0111 - Retail car sales – Approved 4th April 1996

7/10135 - Change of Use from Workshop for pressing and packing light clothing to storage and textile workshop – Approved 14th July 1983

7/06363 - Use of premises for auto electrical repairs – Approved 21st January 1980

4. POLICIES

Local Plan policy

RES.2 (Unallocated Housing Sites)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

NE.9 (Protected Species)

NE.17 (Pollution Control)

National policy

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS9 (Biodiversity and Geological Conservation)

PPG13 (Transport)

PPS23 (Planning and Pollution Control)

Supplementary Planning Document on Development on Backland and Gardens

Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

Draft Interim Policy on the Release of Housing Land

5. CONSULTATIONS (External to Planning)

Highways: No objection

Environmental Health: Request conditions in relation to contaminated land, hours of construction and details of external lighting.

6. OTHER REPRESENTATIONS

No representations received at the time of writing this report. However publicity expires on 10th November, an update will be provided.

7. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Produced by Dobson Chapman and dated October 2007)

- The character of existing residential dwellings in the area has been borne in mind;
- The dwellings are traditional terraced housing built to the back of the footpath;
- With the upgrading of accommodation and the essential need for the storage of motor vehicles, we decided that they should be located to the rear of the site with hopefully no on-street parking. This principle has allowed us to set the dwellings back slightly from the back of the footpath and to provide small areas of garden to the front, enhancing the proposal and softening its street appearance;
- The principle of terracing has been pursued but with vehicular access to the rear of the site this meant a break in the street elevation;
- The external materials will consists of an acceptable facing brick with a slate (or slate simulation) roof and UPVC windows;
- The site of the proposed development abuts existing buildings on both sides and has a boundary to the rail system to the rear;
- It has been decided to redevelop the site to provide accommodation for the local community and to reduce the commercial activity in this commercial area;
- Wistaston Road is a long established public highway, with an approximate carriageway width of 7m with footpaths to either side of the carriageway;
- The access for the parking of vehicles is to the rear of the site with access from Wistaston Road. It should therefore be possible for vehicles entering and leaving the site to do so with ease given the width of the entrance carriageway;
- All parking bays have been provided to the rear of the site ensuring good visibility for vehicles and pedestrians to the front of the building;
- The main vehicular exit does have the required visibility distance and splay;
- Access for trade and refuse collection to the rear of the property has been taken into consideration and ample access provided;
- The site is the subject of very active use as a car sales outlet and there are certainly no bats or owls on the site;
- There is no still water within 250 m of the site without crossing either the railway or the public highway. Therefore no surveys of the above have been pursued.

Noise and Vibration Survey (Produced by Acoustic Control Systems and dated August 2007)

- It would be advisable to install glazing that gives a noise attenuation of more than the standard double glazing units in order to reduce the peaks in noise levels. Special acoustic glazing is available for this purpose. It is suggested that the selected glazing units

have noise attenuation to traffic of at least 35dB. These units would only be necessary for bedrooms facing Wistaston Road

- The road noise would be much reduced at the rear of the properties and standard double glazing would be adequate. Very little rail related noise was heard during the monitoring
- Noise attenuation ventilation would be required to habitable rooms facing Wistaston Road. The ventilation could be in the form of trickle vents or acoustic wall vents having similar noise attenuation to traffic noise as the glazing
- Due to the barrier effect of the new build, noise levels in the rear gardens should not exceed the World Health Organisation recommended 55dBA. The two end properties may need acoustic fencing to meet these criteria.

8. OFFICER APPRAISAL

Principle of Development

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area.

Since the original application was determined the Council has adopted a SPD on Development on Backland and Gardens. It is not considered that the proposed development would cause any significant conflict with the SPD as to warrant the refusal of this application.

The Council has recently adopted a Draft Interim Policy on the Release of Housing Land. It is not considered that the contents of this Policy would affect this application given that the originally approved scheme would have been considered in relation to the 5 years housing land supply for the Borough.

In this case the only circumstances on the site that may have changed since the last application is the impact upon protected species, however the Councils Guidance on Biodiversity and Geological Conservation Statements which was adopted in March 2008

does not identify this proposal as requiring any supporting information in relation to protected species. As a result it is not considered that the development would have any impact upon protected species.

Although an updated Noise and Vibration Survey has not been provided. It is not considered that there has been a significant change in noise from the railway or Wistaston Road since planning permission was granted in 2007. Furthermore the Environmental Health Officer has not raised an objection on these grounds.

The original application was subject to amendments in relation to the layout of the dwellings, access, parking spaces following the refusal of planning application P07/0782. It is considered that the layout, design of the buildings, access and parking provision which was accepted in 2007 is still acceptable in this location and will respect the character and appearance of the site and would not have a detrimental impact upon residential amenity.

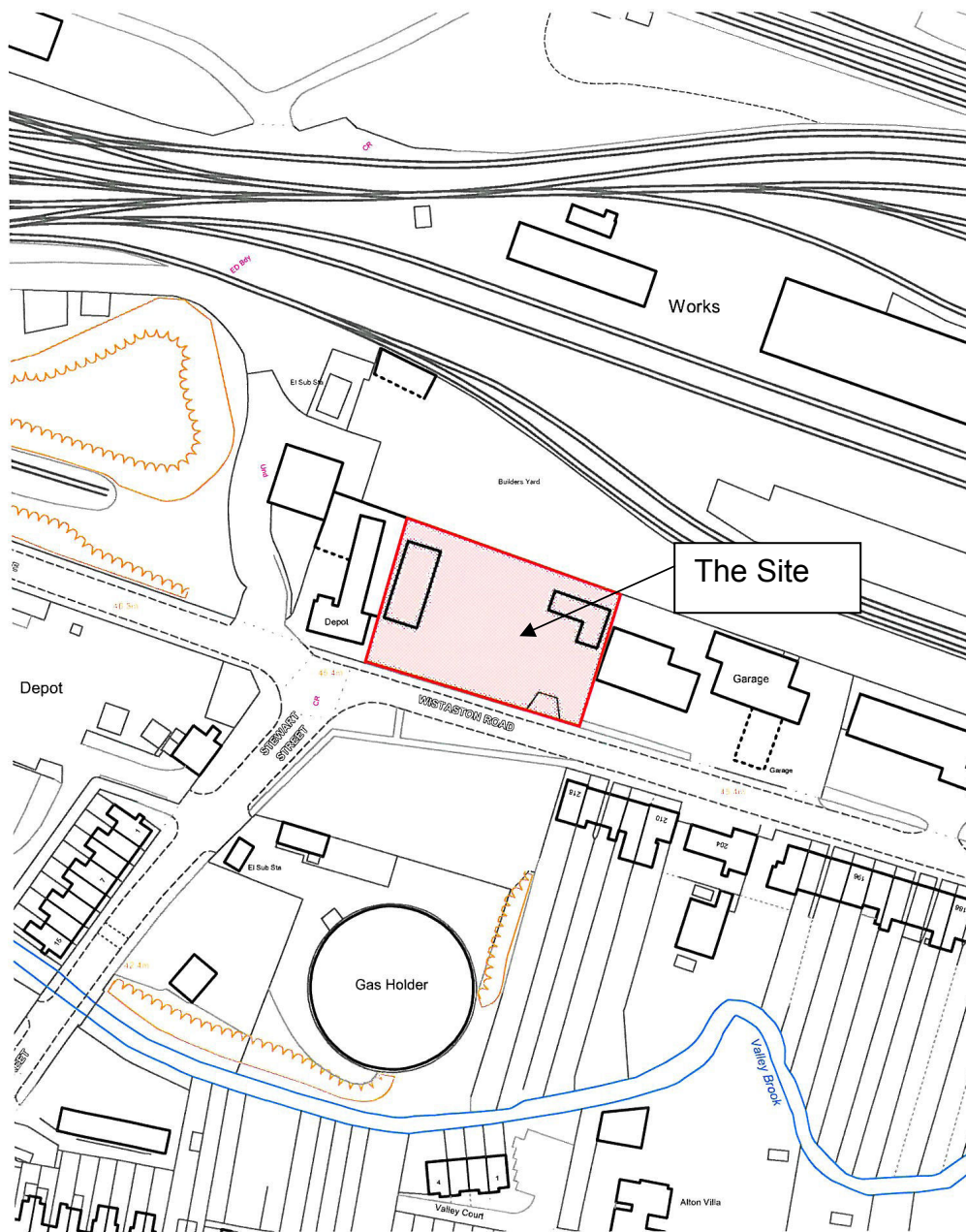
9. CONCLUSIONS

There have been no material changes in circumstance which would warrant a different decision on this application since the previous application was determined.

10. RECOMMENDATIONS

Approve subject to conditions

- 1. Standard time limit 3 years**
- 2. Materials to be submitted and approved in writing**
- 3. Surfacing materials to be submitted and approved in writing**
- 4. Boundary treatment to be submitted and approved in writing**
- 5. Landscape to be submitted and approved in writing**
- 6. Landscape to be completed in accordance with the approved details**
- 7. Drainage Details to be submitted and approved in writing**
- 8. Contaminated land survey to be submitted and approved**
- 9. Development to be carried out in accordance with the approved plans**
- 10. Remove PD Rights**
- 11. The car parking provision shown on the approved plans is to be provided prior to the occupation of dwellings**
- 12. Details of external lighting to be submitted and approved in writing**
- 13. 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 to safeguard the amenity of local residents**
- 14. Prior to the new dwellings first being occupied, the commercial buildings on the site shall be demolished and all material of demolition removed from the site**
- 15. Before the dwellings are occupied the noise attenuation glazing, ventilation and acoustic fencing shall be installed in accordance with the Noise and Vibration Survey received by the Local Planning Authority**



Planning Reference No:	10/3918N
Application Address:	Former George Hotel 645 West Street Crewe
Proposal:	Proposed Residential Development Comprising of 9 no. 2 Storey Dwellings including Associated Parking & Vehicle Access
Applicant:	Mr F Lloyd- Jones, Thomas Jones & Sons
Application Type:	Full Planning Permission
Grid Reference:	368157 355955
Ward:	Crewe West
Earliest Determination Date:	3 November 2010
Expiry Dated:	30 November 2010
Date of Officer's Site Visit:	22 October 2010
Date Report Prepared:	9 November 2010
Constraints:	Contaminated Land Wind Turbine Development Consultation Area

SUMMARY RECOMMENDATION:

APPROVE subject to receipt of amended plans and no objections from the Strategic Highways Manager:

Or

If amended plans not received or the Strategic Highways Manager objects to the amendments:

REFUSE

MAIN ISSUES:

- Principle of Residential Development
- Loss of Employment Site
- Amenity
- Design Standards
- Highway Safety
- Nature Conservation

1. REASON FOR REPORT

This application is included on the agenda of the Southern Planning Committee as it has been called in by Councillor Cartlidge

The reasons are as follows:

- Issues relating to highways and existing residents parking concerns and access to the new site for the new housing development
- Will affect the amenity of adjoining properties and affect the surrounding area and leave planning blight in its wake.

- Measures need to be implemented to give residents their own residents parking and parking restrictions and improvements needed via section106 funding on highway infrastructure along with double yellow lines.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to the site of the former George Hotel which is located on the northern side of West Street within the built up area of Crewe. The site is a little over 2km to the west of Crewe town centre. To the north of West Street is an extensive area of housing. To the south there is King George V Playing Fields and a Fitness First gym and Leisure Centre. Further to the south of Coppenhall Lane there is a further area of housing. Marshfield Bank Employment Park lies further to the west. There is also an extensive employment area, including the Bentley car plant, to the north of the residential area adjacent to the application site.

The site itself measures 0.41ha and did comprise a vacant public house, its car park and beer garden. This building, has however, since been demolished. The site is bounded by a low boundary wall to the front of the site, with concrete panelling to 2a Sunnybank Road and shrubs and hedging to 639 West Street. There was a willow tree located in the former beer garden area. However, this was removed after the determination of the previous application on the site.

The site of the former pub has been subdivided into three sections: the first section is a triangular area to the western end of the site, measuring 497 sq. m, which forms part of the application site. The middle section, measuring 1919 sq. m, has received permission for a supermarket and a smaller retail unit, and lies outside the area covered by this application. The third section, sited to the east, which measures 1842 sq. m also forms part of the application site. For ease of reference, the western section will be referred to as Site 1 and the eastern section will be referred to as Site 2.

3. DETAILS OF PROPOSAL

The proposals relate to a full application for proposed residential development comprising nine 2 storey dwellings and associated car parking and vehicle access.

It is proposed to position a pair of semi-detached two storey family houses on site 1 and 7 dwellings on site 2. The latter would comprise two pairs of semi-detached two storey houses fronting onto West Street and a row of 3 two storey terraced houses facing the supermarket and retail unit.

On site 1, the properties would have separate accesses onto Sunnybank Road over the existing verge with space to park one vehicle and a 'T' shaped turning head within the side gardens.

On site 2, facing West Street, two pairs of semi-detached properties are proposed. One pair lies adjacent to the site boundary with no. 643 West Street and projects 1.5m forward of the building line of this property. Two private drives and one new access point are proposed into the site off West Street. Plot 4 has two parking spaces proposed to the front of the plot with no manoeuvring space. Plot 3 shares a drive with plot 2 to the side of the properties which would provide four car parking spaces and no manoeuvring space and the two parking spaces for plot one are sited adjacent to the rear garden, accessed off the new private drive which is proposed. Four spaces are provided for plots 5-7 two of which

are sited in front of plot 2 and two more at right angles to plot 7. Tree planting and landscaping is proposed along the boundary with the supermarket/ retail unit site and along the Sunnybank Road/ West Street frontages.

The semi-detached properties would represent two storey three bedroom family houses arranged in a 'T' shaped, with a projecting front gable measuring 5.1m. The total width would be 10.2m. The depth of the properties would be 10.5m (excluding the joint porches). The dwellings would reach a height of 5.1m to eaves and 8.3m to ridge height. Detailing includes barge boards, a projecting front gable, steep roof pitch and joint front porches.

The terrace comprises three, three bedroom properties measuring 15.3m in length, 10.6m in depth (excluding porches) and 8.3m in height. The design includes two front gables one measuring 5.1m in width and the other 2.7m. This design also incorporates the bargeboards, steep roof and porch detailing. Components such as windows and doors also match the design proposed for the semi-detached dwellings.

Amended plans have been received which make provision for the following modifications; the ridge height of units 3 and 4 has been reduced to 8m and the building line has been set back by 1.5m. In addition the floorplans and elevations for plots 5-7 have been altered to correct a number of discrepancies.

4. RELEVANT HISTORY

10/0665N Two Retail Units Including Associated Parking, servicing and Site Access.
Approved 17 May 2010

10/0947N Proposed Residential Development Comprising of 9 no. 2 Storey Dwellings including Associated Parking & Vehicle Access approved 06 May 2010

5. POLICIES

Development Plan Policies

Regional Spatial Strategy

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP 4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

Local Plan

NE.5 Nature Conservation and Habitats

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.6 Development on Potentially Contaminated Land

TRAN.9 Car Parking Standards

RES.2 Unallocated Housing Sites

RES.3	Housing Densities
CF.3	Retention of Community Facilities
E.7	Existing Employment Sites

Other Material Considerations

PPS1: Delivering Sustainable Development

PPS3: Housing

SPD Development on Backland and Gardens

Draft Interim Planning Policy on the Release of Housing Land

Letter to Chief Planning Officers: Revocation of Regional Strategies

Letter to Chief Planning Officers: Abolition of Regional Strategies

6. CONSULTATIONS (External to Planning)

Strategic Highways and Transportation Manager:

On street parking is a problem at this location, especially along West Street (the dead end length). For this reason two parking spaces will be required for each dwelling. The flagged footway in this section of West Street is in a poor state of disrepair and should be replaced with black top across the entire frontage of the development.

In principal there are no highways objections subject to the following conditions:

Condition:

No development shall take place until detailed drawings outlining the site's access and vehicular crossing arrangements have been submitted to and approved by the LPA/HA, and no development shall be occupied until the access and vehicular crossings have been constructed in accordance with the approved drawings and to CEC specification.

A plan must be provided and approved by the LPA/HA for the upgrading of the footpaths in front of the proposed properties off West Street, these works must be completed before occupation and in accordance with the approved drawings and to CEC specification

Reason: In order to ensure safe and adequate access to the site for both pedestrians and vehicular movements.

Informative:

The applicant will need to obtain the consent of the highways authority (CEC) for any work in, or that may affect the public highway. The applicant should contact Crewe area office (CEC) before constructing or altering any access. This work should be carried out under a section 184 licence

Environmental Health (Contaminated Land):

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

The site investigation has shown that elevated Chromium levels are present within the proposed development area that will require remediation or further investigation.

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

The Phase 2 investigations have indicated that remediation is necessary, therefore 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.

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 BE6 of the Cheshire East Local Plan.

Environmental Health:

No objections but makes the following comments:

Any external lighting of the proposed site should be submitted to and approved by the Borough Council before being installed, due to the close proximity of local residents.

Environmental Health Advisory Note:

1. 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.
2. 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. To protect the amenities of nearby residents and the occupiers of nearby property.

Landscape Architect:

Although there is no objection to the scheme, there are several details that would need to be provided by condition;

- Detailed Landscape Plan showing hard and soft landscape details.
- Hard landscaping to include location and details of all fencing, paving and road surfaces as appropriate
- Soft landscaping to include a detail planting of public amenity planting shown on the outline plans, planting schedule and specification. Planting notes can be included on the drawing.

United Utilities:

Have no objection to the proposal provided that the following conditions are met:

- This site must be drained on a separate system in accordance with the previously agreed discharge rates as determined by United Utilities.
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

7. OTHER REPRESENTATIONS:

None received at the time of report preparation

8. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement received

9. OFFICER APPRAISAL

Principle of Residential Development

The principle of residential development was established under outline permission 10/0947N which was approved on 6 May 2010. There have however been a number of material changes in circumstance since this application was approved. PPS3 has been amended so that garden land is now classed as Greenfield rather than Brownfield, housing density targets have been deleted from PPS3 and the Council has published a Draft Interim Housing Policy. The Council has also acknowledged that it cannot demonstrate a five year supply of housing land.

This does not have any direct implications for the principle of development on this site given that it is still classified as a Brownfield site within the settlement boundary. Such sites represent the preferable locations for residential development as indicated by policy DP4 in the Regional Spatial Strategy and RES.2 in the Local Plan. Consequently this application does not present an opportunity to re-examine the suitability of the site for residential development.

Loss of Employment Site

The acceptability of the loss of an employment site and community facility was established under the previous approval. In summary, the public house had been vacant for some time, the value to the local community was limited and the provision of a supermarket and retail unit on the site would in any event provide alternative employment opportunities.

Amenity

The redevelopment of the site for housing was considered to be a compatible land use under the previous application as the site is surrounded by residential development.

The proposals have been assessed against the criteria within policy BE.1 and guidance within the SPD Development on Backland and Gardens which provides guidelines in respect of amenity considerations.

Overlooking

The orientation of plots 9 and 10 would ensure that these properties would not overlook properties on the other side of Sunnybank Road or to the rear. The distances between plots 1-4 and the properties on the opposite side of West Street would also negate any overlooking.

Plots 1-4 and 9 -10 utilise House Type A. On these house types, principal windows are proposed on the ground floor side elevations. Overlooking at ground floor level between units and to neighbouring properties could be prevented by securing appropriate boundary treatment. As details have not been submitted a condition requiring the submission of these details would be imposed in the event of approval. Bathroom windows in this house type are proposed on the side elevations at first floor level and in the interests of privacy, obscure glazing would be conditioned. Given that the side elevation on plot 10 is in close proximity to no. 2a Sunnybank Road and plot 4 has a similar relationship with 639 West Street, it is considered necessary to remove permitted development rights for new windows for plots 4 and 10 and also plots 2 , 3 and 5 to prevent overlooking between units. Plots 9 and 1 would face the future retail unit and access road and therefore the installation of bedroom windows in the gable ends to these properties would not result in overlooking.

Plots 1-4 would face the gable end of plot 5 and its curtilage which is 14m away at its closest point. This gable end contains a bathroom window at first floor level and a lounge window at ground floor level. Any overlooking impact could also be addressed by conditions requiring obscure glazing and boundary treatment.

Plots 5-7 would face the car parking, turning area and car parking for the retail unit and would therefore not result in overlooking, and the properties are sited over 10m from the boundary with the rear curtilage of no. 639 West Street and therefore these properties would not result in significant overlooking of this garden.

The amenities of future occupants of plot 1 would be adversely affected by the positioning of a ground floor lounge window on the gable end as pedestrians and members of the public would be able to see into this window. Furthermore noise and disturbance would be experienced as it abuts the access road for the supermarket which will be frequented by HGVs, service vehicles and private motorvehicles. Amended plans have therefore been requested to resolve this issue.

Overshadowing

As the proposed dwellings would have an overall ridge height of 8.3m, there could be an impact upon neighbouring properties and in particular no. 2a Sunnybank Road and no. 639 West Street. However given that no. 2a Sunnybank Road is a two storey property, approximately 7.5m high, and that there is a separation distance of 5-11m to between the dwelling and plot 10 there would be no overdomination or loss of light as a result. No. 639 West Street is a single storey bungalow and would be sited 3.5m from the side elevation of plot 4 which would be approximately 3m higher. Moreover plot 4 would also project forward of the established building line of this property. However, amended plans have been received which have reduced the height of units 3 and 4, recessing the building line back to match no. 639 West Street and providing a hipped roof to unit 4 to reduce the impact upon no. 639 West Street. This would reduce the overbearing impact of plot 4. There are no principal windows on the side elevation of no. 639 West Street which would be affected significantly by a loss of light.

Amenity Space

In respect of garden space requirements, the Supplementary Planning Document: Development on Backland and Gardens (SPD) stipulates at para 3.35 a minimum of 50 sq. m per dwelling although this should be proportional to the size of dwelling. The

amenity space per unit varies from 49.5 sq. m to 84 sq. m. These are modest family dwellings situated within walking distance of public open space. Only one unit would have marginally under the 50 sq. m per unit advocated by the SPD and therefore, on balance, it is considered that the amount of garden space provided would be sufficient to provide for a play area, bin storage and clothes line.

SPD para 3.15 requires that adequate provision for bin storage is made and that this should not be to the front of the site although access to the front is required. There is space within the site to accommodate a rear bin storage area within short walking distance of the properties and this would be conditioned accordingly.

Noise and Disturbance

Given that the existing predominant land use is residential and that the proposals relate to additional dwellings, the noise and disturbance associated with the everyday use of dwellings is acceptable. As there may be some disturbance during the construction period, it is considered reasonable to condition construction hours and pile driving in the event of approval in light of the comments from Environmental Health.

The issues relating to compatibility of the residential elements with the supermarket were duly considered in the determination of applications 10/0665N and 10/0947N. As the supermarket and retail unit would represent the source of noise, disturbance and odours, the application which dealt with these elements was conditioned accordingly to mitigate for these issues. No conditions in respect of the residential element put forward under this application other than described above, are required.

Design Standards

Both national, regional and local planning policies seek to encourage high quality, inclusive design which enhances local distinctiveness and reflects the character and appearance of the locality.

Policy BE.2 adds to this that proposals should respect the character, pattern and form of the surroundings, not adversely affect the streetscene and deter vandalism and crime. Therefore design is a particularly important consideration in this case.

The existing buildings surrounding the site are mostly residential and are of varying ages and architectural styles. Most of the houses are two storeys high with some single storey properties along West Street. There are more utilitarian buildings such as the Fitness First leisure centre within the locality.

The SPD states that *'a development which looks out of place and doesn't respect the positive characteristics of immediate surroundings will not be permitted. Although new development should have its own sense of identity this should not be at the cost of the surrounding built environment. Housing may take a similar form and appearance to that in the surrounding area, but it is equally possible that a design allowing a more or less dense development might be appropriate'*

The former George Hotel site is a gateway location and a corner plot making it highly prominent within its context. The surrounding area comprises predominantly semi-detached properties along Sunnybank Road, Victoria Avenue and the eastern end of West Street with a number of individual detached properties on infill sites. Within the wider

context there are terraces lining the north eastern end of West Street. As such the provision of three pairs of semi-detached properties and one terrace reflects the pattern of development within the locality.

The site is within an established residential area although dwelling styles are mixed. There are some inter-war semi-detached two storey hipped roof properties, a 1970s/1980s hipped roof dormer style bungalow lies adjacent to the eastern boundary, there are a number of Victorian terraces and detached properties nearby and more modern 1970s/1980s mews style properties set within cul de sacs.

Amount and Scale

The footprints largely reflect the size of properties within the locality and whilst the buildings will be tall at 8- 8.3m, this reflects the scale of the Victorian properties present within the area and also the scale of the former public house before it was demolished. There remains sufficient separation distance to properties along Sunnybank Road to ensure the height difference would not appear incongruous, and whilst plot 4 would be sited only 1.5m from the side elevation of no. 369 West Street the amended design reduces the ridge height (albeit marginally) and also incorporates a hipped roof to both reflect the hipped roof on the neighbour and reduce the bulk and massing of the roof form on this eastern elevation. As such it is considered that this would address any overbearing impact and ensure that the scale of the buildings is sympathetic to the surrounding area.

Appearance

The proposed dwellings incorporate design features reminiscent of Victorian properties; the scale and proportions are reflective of Victorian properties within the locality. The vertical emphasis of the dwellings, their symmetrical appearance, projecting gables, steep roof pitches and the presence of sill and window detailing and the proportions and casements of the windows are all Victorian in influence. However the canopy porches, bargeboard detailing, timber cladding and the design of the rear elevations are more modern in design. That said these elements are integrated within the design creating a form of development which respects the existing features of the area whilst avoiding the creation of a pastiche.

Whilst the design of the terrace would not have the same symmetrical appearance as the semi-detached properties, and at present, plots 3 and 4 are not symmetrical, the terrace is located to the rear of the site and would not be highly prominent. Moreover the design still retains a vertical and horizontal hierarchy reflective of Victorian properties which would ensure the terrace would not appear discordant. As stipulated above amended plans have been requested to amend the design of plot one to include a hipped roof on the gable end. This would represent a handed version of the design to plot 4 which would create symmetry across the site frontage. This would ensure these properties respect the rhythm of the street.

In terms of the relationship between the residential elements of the former George Hotel site and the retail element, as the residential development will be private buildings and the supermarket would be a public building the design of these structures need to be intrinsically different to provide legibility and clearly distinguish between public and private spaces. The scale and external appearances of the buildings juxtapose each other to demarcate these buildings and their associated uses. This distinction enhances the

legibility of the site and ensures that the design of the buildings is in keeping with the purpose that they would serve.

Permitted development rights for extensions and alterations would be removed in the event of approval in the interests of the appearance of the development.

Layout

As stipulated above, the formation of semi-detached and terraced properties respects the existing form and layout within the locality. The principle of nine dwellings on the two sites has also been established at the outline stage.

In terms of the arrangement of the site, the positioning of the supermarket and retail unit at the centre of the former George Hotel site is an important consideration. This is a large structure which would be open to members of the public. There is a potential conflict between members of the public using the supermarket and the occupants of the dwellings in terms of providing areas of identifiable character, increasing public safety, providing good quality hard and soft landscaping and deterring vandalism and crime.

Units 9 and 10 would directly abut the supermarket. However the western boundary of the supermarket would not be readily accessible by members of the public and access could further be discouraged by effective use of boundary treatments. Vandalism and crime could also be hindered by the provision of tall boundaries to the rear gardens of these properties and the provision of windows within the gable ends overlooking the side gardens. The design has incorporated ground floor windows in the gable ends which will provide natural surveillance.

Turning to plots 1-4, the layout submitted indicates that hard and soft landscaping would be utilised to define the front gardens as private areas without the need for defensive boundary treatments whilst the rear gardens would be fully enclosed to deter crime.

That said the treatment of the terrace and the rear proportion of the site including the access road raises issues in respect of the appearance of the development, legibility, and crime.

The turning head and access road appears to be an over-engineered and awkward arrangement of the car parking spaces provides a harden urbanised edge to the development which starkly contrasts with the greenspace historically on the site and within the surrounding area. The surrounding residential properties have clearly defined front gardens, large rear gardens with extensive grass verges and there is informal public open space peppered through the locality. The greenspace provided adjacent to the car parking area for the retail units and between car parking spaces would appear as barren, unusable spaces which have no clear ownership. They would not discourage patrons of the retail units to enter the residential section of the site which would have implications in terms of crime, vandalism, the appearance of the development and highway safety. Moreover the absence of any feature or structure at the end of the turning head would create a visual hole in the development disaggregating the appearance of the site.

Whilst the layout would be unacceptable in design terms, these issues could be mitigated by an amended layout which provided usable greenspaces, tree planting at the end of the access road, and the effective use of hard and soft landscaping, boundary treatment and

hardsurfacing and a more imaginative approach to the layout of the highways infrastructure. Amended plans in this regard have been requested.

Highway Safety

Access

The Strategic Highways Manager has indicated that the Council has no objections to the access road proposed for the terrace or the individual access points for plots 2-4 and 9 and 10. The access road is proposed to be constructed to adoptable standards as it is 5.5m wide and provides a turning head with service strip and footpaths and whilst plot 2-4 and 9-10 would reverse onto West Street this would reflect the existing highways arrangement for residents in this location at present. This would therefore not make the existing highways conditions materially worse.

However, as it would serve only 3 dwellings it is not necessary for the access to be constructed to adoptable standards. Manual for Streets indicates that a private drive 4.1m wide is acceptable and the provision of a shared surface would encourage lower vehicle speeds, discourage public access to the residential elements and enable a greater amount of space to be utilised for hard and soft landscaping. Moreover there is no requirement to provide a turning head as refuse vehicles could turn in the supermarket entrance and would not need to enter the private drive. Amended plans have been requested on this basis.

Visibility

The acceptability of the central access point was established in the determination of the outline application and the provision of the existing wide verges and footpaths to the front of the site ensures that adequate visibility can be achieved from the entrance points to plots 2-4 and 9 and 10.

Car Parking

Appendix 8.1 of the Local Plan stipulates that a minimum of two car parking spaces per dwelling should be provided.

The proposals provide 14 spaces for 9 units which represents 155% provision. The Strategic Highways Manager has indicated that on street car parking within the locality is saturated and that this development at present would exacerbate the existing situation. Whilst due regard has been given to the fact that this is a sustainable location, these are family dwellings and the occupants are likely to have more than one vehicle per household. As such, 200% car parking is required.

The site layout could easily be altered to accommodate this, and this was demonstrated by the indicative layout plan submitted at the outline stage. As such amended plans have been requested requiring the provision of two spaces per dwelling.

Whilst the comments from Councillors in respect of requiring measures to provide parking for existing residents and improvements to highways infrastructure via a planning obligation are noted, such a contribution would not address the concerns in respect of the inadequate car parking to be provided. Moreover if 200% car parking spaces were to be provided, the impact of the development on highway safety over and above the existing

conditions would be limited. Therefore it would be unreasonable to require the developer to provide funds to alleviate an existing parking problem.

Other Highways Matters

The impact of the additional vehicle movements generated by the development of existing traffic flow was duly considered under the previous applications. Consequently the Strategic Highways Manager has raised no objection subject to relevant conditions relating to the submission and approval of access details including crossings and footways.

Nature Conservation

There was a large and prominent willow tree located in the north east corner of the site however this has since been removed. The building has also been demolished. As a result there are no existing nature conservation interests on the site.

In light of the comments received from the Landscape Architect, if amended plans are submitted and considered to be acceptable a hard and soft landscaping scheme would be conditioned accordingly.

Other Matters

Given that residential development is a sensitive end use and in accordance with the comments received from Environmental Health, it is considered necessary to condition a further Contaminated Land Assessment as elevated Chromium levels are present.

United Utilities has requested that this site must be drained on a separate system. It is considered necessary to condition drainage details if the scheme is approved.

The sustainability implications of the development are a consideration under policy BE.2 within the Local Plan, policies within the RSS and national guidance included within the PPS1 Climate Change Supplement. It is therefore considered necessary to condition details in respect of energy efficiency measures if the scheme is to be approved.

10. CONCLUSIONS AND REASONS FOR DECISION

Provided that satisfactory amended plans are received and no objections are received from the Strategic Highways Manager, it is recommended that the application be approved subject to conditions. The principle of residential development on the site is acceptable as the site lies within the settlement boundary of Crewe where there is a presumption in favour of development. This has been established by the outline permission. The amended plans ensure that the development respects the prevailing character and pattern of development within the locality. In addition the proposals will not raise any concerns for neighbouring amenity, highway safety or nature conservation.

If amended plans are not received, the proposals would raise serious concerns for highway safety, amenity and have an adverse impact upon the character and appearance of the area, and accordingly they should be refused.

11. RECOMMENDATION

APPROVE subject to receipt of amended plans and no objections from the Strategic Highways Manager:

Conditions

- 1. Standard time condition**
- 2. Materials to be submitted**
- 3. Approved plans**
- 4. Contaminated land**
- 5. Construction hours**
- 6. Pile driving**
- 7. Landscape scheme**
- 8. Landscape implementation**
- 9. Access details including formation of footway to frontage**
- 10. Car parking, access and turning space to be provided and retained**
- 11. Obscure glazing to bathroom windows**
- 12. Boundary treatment details**
- 13. No new windows**
- 14. Permitted development rights for extensions and alterations and hardstanding removed**
- 15. Bin storage details**
- 16. Energy efficiency measures to be provided**
- 17. Drainage details**

Or

If amended plans not received or the Strategic Highways Manager objects to the amendments:

REFUSE for the following reasons:-

- 1. The proposed development by reason of its awkward layout and appearance would fail to achieve a high standard of design and would fail to respect the character and appearance of the area. As such it would have an adverse impact upon the streetscene, the character of the area and would not enhance public views and vistas, deter crime and vandalism or create areas of identifiable character. As such the proposals would be contrary to policies DP2 (Promote Sustainable Communities) and DP7 (Promote Environmental Quality) within the North West of England Plan Regional Spatial Strategy to 2021 and policies BE.2 (Design Standards) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 2. The proposals fail to provide 200% car parking on the site and as such they would not accord with the car parking standards within the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposed development would significantly exacerbate existing on street car parking problems within the immediate area and therefore to allow the development would be contrary to policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**

Location Plan : Licence No 100049045



Planning Reference No:	10/3966N
Application Address:	Land Adjoining The Backlands Crewe CW1 3TZ
Proposal:	New Two Bedroomed Bungalow on Land Adjoining 45 Holland Street and The Backlands
Applicant:	Mr R Peart
Application Type:	Full Planning Permission
Grid Reference:	370087 356898
Ward:	Crewe North
Earliest Determination Date:	17 November 2010
Expiry Dated:	6 December 2010
Date of Officer's Site Visit:	22 October 2010
Date Report Prepared:	9 November 2010
Constraints:	Wind Turbine Development Consultation Area

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- Principle of Residential Development
- Design Standards
- Listed Building Considerations
- Amenity
- Nature Conservation
- Drainage
- Highway Safety
- Contaminated Land

1. REASON FOR REFERRAL

This application has been called in to the Southern Area Planning Committee by Councillor Beard on the following grounds:

'Issues relating to highways principally access also the relationship to other buildings and the impact on the neighbouring area, with these taken into consideration that a previous application for this site was refused.'

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located within a residential estate in Crewe North approximately 300m to the west of the northern railway line which runs from Crewe to Liverpool Lime Street. There are two areas of designated public open space within 250m walking distance of the site and the site lies within the settlement boundary of Crewe although it is an unallocated site within the Local Plan. The predominant land use within the surrounding area is residential and the site is surrounded by a mix of interwar semi-detached properties along Evans Street and Holland Street with 1970s/ 1980s bungalows along The Backlands and no's 51 and 53 being 1980s mews style properties. The Backlands is a small cul de sac located off Evans Street. Whilst the site in question is

accessed off The Backlands the existing dwelling on the site is known as 45 Holland Street; this property lies perpendicular to the road frontage.

The overall site area measures 1052 sq. m with the plot containing an existing dwelling and its residential curtilage which has been subdivided with a concrete post and close board panel fence. The piece of land which would host the proposed dwelling measures 262 sq. m and is sited directly to the rear of the gardens of no. 51 and 53 Holland Street. At present, this section of the site is bounded by a mix of panel fencing and shrubs and hedgerow and is utilised for the storage of domestic paraphernalia including a pre-fabricated concrete garage. The existing dwelling at 45 Holland Street is a Grade II listed building; the structure is two storey, rendered and as mentioned above is perpendicular to Holland Street to the south and The Backlands to the north.

3. DETAILS OF PROPOSAL

The proposals relate to the demolition of the existing pre-fabricated garage and the proposed erection of a single storey bungalow.

The bungalow would be 'L' shaped with the gable end facing north measuring 7.5m wide, the total width of the building visible from this aspect would be 12m and this elevation would contain a visible chimney breast facing towards the access point off The Backlands. The chimney would project 0.29m above the overall ridge height of the bungalow which would measure 5m to the ridge of the pitched roof. Patio doors and a covered porch are also proposed within the northern elevation. The western elevation also contains a gable although this gable would be recessed below the ridge height of the north-south section of the property by 0.5m. The length of the gable on the western elevation would be 6m and the total length of this elevation would be 10m. The eastern elevation contains no gable and only one ground floor window which would serve bedroom 2; this elevation measures 10m in length. The southern elevation which would face the rear of no's 51 and 53 measures 12m in width and contains four ground floor openings and two rooflights which would serve the utility room and kitchen.

4. RELEVANT HISTORY

10/ 0203N Construction of Three Bedroom Dormer Bungalow withdrawn 29 March 2010

5. POLICIES

The relevant development plan policies are:

Regional Spatial Strategy

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP 4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

Local Plan Policies

RES.2 (Unallocated Housing Sites)
RES.3 (Density)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities & Resources)
BE.2 (Design Standards)
NE.5 (Nature Conservation and Habitats)
BE.6 (Development On Potentially Contaminated Land)
BE.9 (Listed Buildings – Alterations and Extensions)

Other Material Considerations

PPS1 Delivering Sustainable Development
PPS1 Climate Change Supplement
PPS3 Housing
PPS5 Planning for the Historic Environment
PPG13 Transport
PPS22 Renewable Energy
PPS23 Planning for Pollution Control

SPD Development on Backland and Gardens
Draft Interim Planning Policy on the Release of Housing Land
Letter to Chief Planning Officers: Revocation of Regional Strategies
Letter to Chief Planning Officers: New Powers for Local Authorities to Stop 'Garden Grabbing'
Biodiversity and Geodiversity Guidance Document
Letter to Chief Planning Officers: Abolition of Regional Strategies

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: no response received at time of writing report

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

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

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.

Environmental Health Advisory Note:

1. 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, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. To protect the amenities of nearby residents and the occupiers of nearby property.

Conservation Officer: no response received at time of writing report

7. OTHER REPRESENTATIONS:

None received at time of writing report

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Heritage Statement

9. OFFICER APPRAISAL

Principle of Residential Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

Regional Spatial Strategies are shortly to be abolished however at present, the policies still constitute part of the Development Plan. Policy DP4 provides a hierarchy for the development of sites and prioritises Brownfield sites above Greenfield sites.

On 9th June 2010 the Coalition Government amended PPS3; Garden land was classed as Greenfield rather than Brownfield land. As such the application site represents a Greenfield site within the settlement boundary. At Table 7.1 within the RSS provides Greenfield and Brownfield land targets for areas across the North West region. The Local Planning Authority is currently above the 60% indicative target proportion of housing provision to use Brownfield land & buildings and therefore permitting development on Greenfield sites would not at present prejudice the Council's compliance with this target. In addition it should be noted that the Draft Interim Planning Policy on the Release of Housing Land stipulates that the Local Planning Authority cannot currently demonstrate a five year housing land supply.

PPS3 states that failure to demonstrate five years housing land supply is a material consideration and recent appeal decisions have indicated that this could justify residential development on Greenfield sites outside of settlement boundaries. The Draft Interim Planning Policy on the Release of Housing Land seeks to direct such development firstly to Brownfield sites and Greenfield sites in and around Crewe given the anticipated investment in infrastructure likely to come forward.

In terms of the implications for these proposals, whilst RSS policy indicates that Brownfield sites are preferable to Greenfield locations, there is a defined need for additional housing development within the Borough, and if permission were granted this development would not prejudice the Council's position in respect of the Brownfield land targets.

Turning to Local Plan policies, the application site is situated within the settlement zone line of Crewe as defined on the adopted Local Plan where there is a general presumption in favour of new development as indicated by policy RES.2. The policy makes no distinction between Brownfield and Greenfield Land.

In terms of other material considerations, a SPD entitled 'Development on Backland and Gardens also reiterates the presumption in favour of residential development within urban areas.

In terms of density, the proposals would result in a development density of 50 dwellings per hectare which is at the upper limit of the density standards contained in policy RES.3. That said, PPS3 as amended no longer includes density standards and this is a material consideration.

The main emphasis of the changes put forward by the Government is to emphasise that it is for local authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas.

As such the principle of residential development on the site is therefore accepted provided that the proposals accord with all other relevant policies within the Development Plan.

The key issue is therefore whether the dwelling would respect the character of the area without raising issues in respect of amenity, highway safety, drainage or any other relevant planning matters. This is considered below.

Design Standards

The Backlands is a cul de sac, which serves two bungalows built in the 1970's/80's and the parking area for 45 Holland Street. The cul de sac is tucked behind the properties fronting nearby roads such as Holland Street, Evans Street and Warrington Avenue. 45 Holland Street is the only two storey property accessed off The Backlands and as such this listed building is prominent within the immediate locality. It is therefore an unusual setting when compared to the wider architectural characteristics of the area, which is predominantly two storey semi-detached housing set within large plots set back from the road frontage.

Policy BE.2 seeks to encourage high quality design which reflects characteristics of the area and would not detract from the streetscene.

The design of the dwelling reflects the scale, proportions and features of the existing bungalows along The Backlands. Whilst the footprints are different, with the existing bungalows having rectangular footprints, the proposed dwelling would reflect existing characteristics of these bungalows such as the front-facing chimney on the gable end. In addition the overall height of the property would be similar to the existing bungalows and the construction materials and external appearance of this property would be similar. That

said, it is considered necessary to condition details of materials. If this were not controlled effectively the choice of materials could render the entire development inappropriate or unsympathetic. This would ensure that the proposed dwelling would respect the existing character of The Backlands. Whilst the site is only partially visible from surrounding roads, as the dwelling would be single storey this would reduce the visual prominence of the dwelling, ensures that it would not screen the elevations of the listed building from existing vantage points and ensure the bungalow would remain subordinate and thus not detract from the listed building. This accords with guidance within the SPD which states at para 3.12 that 'buildings should generally be subordinate in height or no taller than those of the frontage development.'

Replicating the existing bungalows would also serve to augment the environs of the listed building as the site currently is in an untidy state and detracts from the listed building.

Car parking to the front of the property could result in a car dominated frontage however as this site is not prominent from public vantage points and both the existing bungalows have similar parking arrangements, it is unlikely that the proposed position of the car parking would have a detrimental impact upon the character of the area.

Listed Building Considerations

PPS5 seeks to ensure that historic assets are retained and enhanced. In this regard, policy BE.9 states that proposals should respect the significant features of the building and should not detract from the character or setting of the building concerned.

The list description records some of the special features of the building. The description is as follows:

SJ 75 NW FORMER BOROUGH OF CREWE HOLLAND STREET 2/52 No.45 (The Old Farm) II Former farm house, now a dwelling, probably C16 in origin but with C17 additions and C19 and C20 alterations. Formerly timber framed, now rendered brick with slate roof. "T" shaped plan, 2 storeys and attic, 4 bays. An area of close studding in a former external wall is now hidden by a brick lean-to. Flush casements, gable barge boards, gable end stacks. Interior: Two inglenooks, moulded or bevelled beams and exposed ceiling joist in most ground floor rooms. Timbers in internal walls. Ledged and battened doors on ground floor. Jacobean staircase and two-panel doors. Oak floor boards at first floor level and in attic. Simple strutted trusses and oak purlins.

The existing listed building has been altered considerably in the past and has been largely severed from its former curtilage.

The proposed bungalow has been designed to reflect the existing bungalows within The Backlands in part to ensure that the design and scale of the proposed dwelling remains subordinate to the listed building and does not compete with it.

In terms of the impact on the curtilage of the property, this is in an untidy and unkempt area which makes little contribution to the character of the listed building. The construction of a modern bungalow in this location would have a limited additional impact on the setting of the building partly because of the poor quality of the surroundings but also because the land which formed the original setting of the farmhouse has already been built upon in the recent past.

Whilst the proposed bungalow would be located close to the rear section of the listed building there are already properties at no. 51 and no. 53 which lie close to its front

section, hence the impact of the proposed new dwelling would have a similar impact on the setting of the listed building.

In summary the proposed new dwelling would have no adverse impact upon the listed building or its curtilage.

Amenity

The SPD acknowledges that backland development typically involves constrained sites and this can result in amenity issues.

Overlooking

In terms of overlooking, the northern elevation would overlook the private drive known as 'The Backlands' and the curtilage of no. 16 Warrington Avenue beyond which is bounded by 1.8m high hedging and shrubs. This boundary treatment would however prevent overlooking of the rear amenity space for this dwelling. The existing boundary treatment to the east, south and west would also prevent overlooking, however as improvements to these boundaries are proposed it is considered necessary to condition details of this in the interests of neighbouring amenity.

The proposed rooflights are over 2.7m above floor level and therefore future occupants would not be able to use these windows to gain an outlook and therefore the presence of these windows within the development would not result in overlooking to no. 51 and 53 Holland Street. That said, as these windows would be 11.5m from the rear elevations the principal first floor windows would be able to see into the kitchen/dining room of the proposed dwelling which would have an adverse impact upon the amenities of future occupants. This could be mitigated by repositioning the windows to the front elevation.

Overdomination

The proposals would result in a 5m high gable wall 1.4m from the rear gardens of no. 51 and 53 Holland Street. That said, this would not result in a significant loss of light to the private rear amenity space of these properties as the gardens are north facing and 10m in length and therefore the garden would not be overshadowed. This elevation would not be overbearing to no. 51 and no. 53 Holland Street as the bulk and massing of this is broken up by the 'L' shape of the roof form which involves part of the roof pitching away from these properties and because the dwelling would be single storey with a relatively shallow roof pitch. Whilst a 2.7m section of gable wall would project above the fence line, the garden is 10m in length and the wall would be sited 1m off the boundary therefore whilst there would be an impact, it would not be significant.

The private amenity space for no. 45 Holland Street would be unaffected by the proposals as this is sited to the front of the plot adjacent to Holland Street and the scale of the dwelling ensures it would not breach the 45 degree code for neighbouring properties.

Amenities of Future Occupants

It should be noted that the bedroom windows to the property would be sited 1m from the site boundaries. As such these windows would receive a limited amount of light and virtually no outlook. Whilst light could be achieved through rooflights it is considered that the lack of an outlook is an indication that the proposals represent an overdevelopment of

the site, and would result in a very poor standard of amenity. This issue could not be addressed by reorientating the property or altering the internal layout which would raise other amenity/ privacy issues. As such this is considered sufficient justification to refuse the application.

Noise and Disturbance

Given that the existing predominant land use is residential and that the proposals relate to residential, the noise and disturbance associated with the everyday use of a dwelling is acceptable. As there may be some disturbance during the construction period, it is considered reasonable to condition construction hours in the event of approval in light of the comments from Environmental Health.

Amenity Space and Bin Storage

SPD para 3.15 requires that adequate provision for bin storage is made and that this should not be to the front of the site although access to the front is required. As the proposals provide a rear bin storage area and passageway from this area to the front of the site, the proposals accord with this guidance.

In respect of garden space requirements, the SPD stipulates at para 3.35 a minimum of 50 sq. m per dwelling although this should be proportional to the size of dwelling. In this regard, the proposals provide 70 sq. m for this modest two bedroom bungalow which is considered a sufficient amount of amenity space. In addition the existing dwelling will retain far in excess of 50 sq. m which would provide space for a play area, bin storage and clothes line. As such the proposals would not have an adverse impact upon the private amenity space of the existing dwelling.

Nature Conservation

There are a number of existing mature trees and shrubs on the site however none of these existing trees and shrubs are required to be removed to facilitate the proposals. As such the development would not have an adverse impact upon existing trees provided that these are effectively protected during the construction period. This will be conditioned accordingly.

As the existing trees will not be disturbed and given that the existing garage is prefabricated with a flat roof, the site is highly unlikely to contain habitats associated with protected species and therefore no mitigation or further information is required as indicated by the Biodiversity and Geodiversity Guidance Document.

Drainage

The dwelling would be connected to the existing mains sewer and surface water would be disposed of via soakaways and the main sewer. It is unclear whether there is a main sewer along The Backlands and therefore it would be considered necessary to condition details of the drainage scheme in the event of approval.

Highway Safety

The proposals provide an area for the parking of vehicles measuring 47 sq. m. However it is unlikely that two vehicles would be able to utilise this area without overhanging the

highway. As this could represent a highway safety hazard it is considered necessary to condition details of the car parking layout to ensure that the layout discourages vehicles from overhanging the highway. As a consequence, this area could only comfortably provide space for one vehicle. Whilst this is below the two off street car parking spaces per dwelling within the car parking standards at Appendix 8.1 of the Local Plan, this is a sustainable urban location in close proximity to bus links. As such diminished car parking provision can be justified on sustainability grounds. However as the proposals would not accord with the car parking standards it is considered necessary to condition bicycle storage to further encourage sustainable transport choices.

In terms of the car parking available for the existing dwelling at no. 45 Holland Street, the remaining curtilage would provide an area measuring approximately 120 sq. m which would provide sufficient car parking and manoeuvring space for two vehicles.

Turning to visibility, the entrance point to the proposed dwelling would measure 4m wide; as details of boundary treatment are to be conditioned, the Local Planning Authority ensure that the southern boundary treatment would not impede visibility. The existing access point to no. 45 will be retained and no alterations to this are proposed.

Contaminated Land

Residential development is considered an end use sensitive to contamination. Whilst the land is currently utilised as garden this does not necessarily indicate that the land is not contaminated. As such and in accordance with the recommendations from Environmental Health, it is considered necessary to condition the submission of a Contaminated Land Survey. Whilst Environmental Health has provided a suggested wording for the condition, in light of recent guidance from DCLG it is suggested that the wording reflect the best practice guidance issued from central government.

Other Matters

Given the constrained nature of the site it is considered necessary to remove permitted development rights for extensions and outbuildings in the interests of neighbouring amenity, the amenity of future occupants, highway safety and on design grounds.

11. CONCLUSIONS

The proposals represent an overdevelopment of the site. The proposed dwelling may satisfy the Council's requirements in terms of separation distances to neighbouring dwellings and amenity space and issues surrounding highway safety and loss of light could be addressed, the proposals would result in a substandard form of development which would have a significant adverse impact upon the amenities of future occupants of the unit.

12. RECOMMENDATIONS

REFUSE

1. The proposed development represents an unacceptable form of development. The siting of the bedroom windows within 1m of the site boundaries would have a significant adverse impact upon the amenities of future occupants by reason of poor outlook and lack of natural light which is an indication that the proposed

dwelling is too large and constitutes an overdevelopment of the site. In so doing the proposals are contrary to policies RES.2 (Unallocated Housing Sites), BE.1 (Amenity) within the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance with the SPD Development on Backland and Gardens and recent amendments to PPS3 Housing.

Location Plan : Licence No 100049045



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Planning Reference No:	10/4054N
Application Address:	Laurels Farm, Crewe Road, Walgherton
Proposal:	Extension to Time Limit - for Approved Planning Application P07/1076 for Storage Building Four Silos and Two Waste Liquid Tanks
Applicant:	Joseph Heler Ltd
Application Type:	Extension to time limit
Grid Reference:	368831 347136
Ward:	Doddington
Registration Date:	13 th October 2010
Earliest Determination Date:	17 th November 2010
Expiry Dated:	12 th January 2011
Date of Officer's Site Visit:	10 th November 2010
Date Report Prepared:	9 th November 2010
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Material Changes since the grant of Planning Permission

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the development relates to the extension in time to a major planning application.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is Laurel Farm a cheese making business within the open countryside. The site is located approximately 120 metres to the east of Crewe Road along a private access drive. The existing complex contains a mix of brick and large green steel commercial buildings, with a number of silos and waste liquid tanks.

2. DETAILS OF PROPOSAL

This application is for the extension to the time limit condition to planning permission P07/1076. This permission relates to a new storage building which would have a width of 26 metres, a length of 39 metres and a ridge height of 10.5 metres. The building would be positioned on an existing area of hard-standing to the south-west of the application site. An existing waste liquid tank is to be relocated to the south of the site with a new tank being sited adjacent to the repositioned tank. Four silos of 10.5 metres in height are proposed to be sited to the north of the application site.

3. RELEVANT HISTORY

10/3546N - Extension To Time Limit - Extension to Form Cheese Grating Preparation Area, Plant Rooms and Extension to Vehicle Hardstanding Area – Approved 4th November 2010

P05/1064 - Extensions to Form Cheese Grating Preparation Area, Plant Rooms and Extension to Vehicle Hardstanding Area - Approved 30th September 2005

P04/0279 - Two Milk Product Silos - Approved 19th April 2004

P03/0610 - Demolition of Silage Store for Proposed Cheese Storage - Approved 22nd July 2003

P02/0402 - Extension to form Staff and Office Accommodation - Approved 25th June 2002

P01/0256 - Erection of a Visitor Centre and Additional Offices - Approved 22nd May 2001

P00/0182 - COU of agricultural buildings to cheese and ancillary storage, workshop and energy centre - Approved 14th September 2000

P98/0725 - Replacement effluent tank, hardstanding and earth mounding - Approved 28th October 1998

P96/0582 - Whey processing building four silos, cooling plant, conversion of silage shed to cold store, replacement cattle shed and electricity sub-station extension - Approved 19th September 1996

P95/0901 - Evaporator and drying plant with external silos - Refused 8th February 1996

P94/0677 - Office extension - Approved 6th October 1994

P94/0587 - Extension to form offices and laboratories - Approved 25th August 1994

7/18890 - Building to house new cheese making plant - Approved 29th November 1990

7/17705 - Cold store - Approved 16th November 1989

7/16908 - COU agricultural building to offices - Approved 18th May 1989

7/03134 - Steel framed cattle building and open silage clamp - Approved 1st September 1977

4. POLICIES

Local Plan policy

NE.2 (Open Countryside)

E.6 (Employment Development in the Open Countryside)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

NE.9 (Protected Species)

NE.17 (Pollution Control)

National policy

PPS1 (Delivering Sustainable Development)

PPS4 (Planning for Sustainable Economic Growth)

PPS7 (Sustainable Development in Rural Areas)

PPS9 (Biodiversity and Geological Conservation)

PPG13 (Transport)

PPS23 (Planning and Pollution Control)

Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

5. CONSULTATIONS (External to Planning)

Highways: No comments received at the time of writing this report

Environmental Health: No objection

Environment Agency: No objection

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

Mid-Cheshire Footpaths: No comments received at the time of writing this report

Open Space Society: No comments received at the time of writing this report

Ramblers Association: No comments received at the time of writing this report

United Utilities: No comments received at the time of writing this report

6. OTHER REPRESENTATIONS

No representations received at the time of writing this report. However publicity expires on 17th November, an update will be provided.

7. APPLICANT'S SUPPORTING INFORMATION

No supporting information received

8. OFFICER APPRAISAL

Principle of Development

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area.

In terms of national policy, PPS4 has been published since the original application was determined. Policy EC10.1 of Planning Policy Statement 4 states that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Policy EC10.2 provides a list of impact considerations that the application should be considered against. It is not considered that the contents of PPS4 would alter the view which was taken on this proposal as part of application P07/1076 because the proposals form only a minor part of a long established and much bigger commercial operation.

In this case the only circumstances on the site which may have changed since the last application is the impact upon protected species. However the Councils Guidance on Biodiversity and Geological Conservation Statements which was adopted in March 2008 does not identify this proposal as requiring any supporting information in relation to protected species. As a result it is not considered that the development would have any impact upon protected species.

It is considered that the position and design of the building, silos and tanks and the highway implications of the development which was accepted in 2007 are still acceptable in this location. They will not have a detrimental impact upon the character and appearance of the Open Countryside and would not have a detrimental impact upon residential amenity.

9. CONCLUSIONS

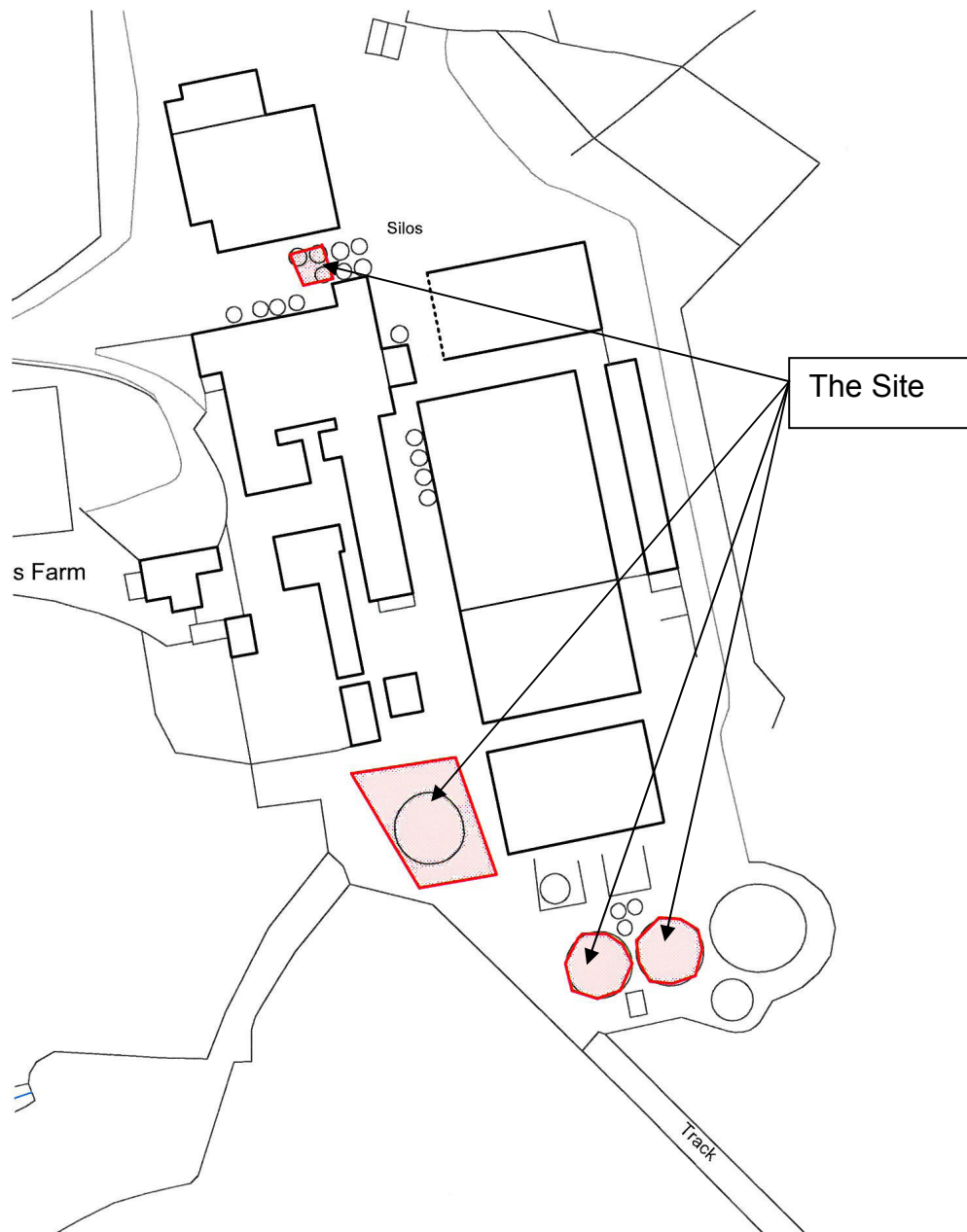
There have been no material changes in circumstance which would warrant a different decision on this application since the previous application was determined.

10. RECOMMENDATIONS

Approve subject to conditions

- 1. Standard time limit 3 years**
- 2. Materials to be submitted and approved in writing**
- 3. Development to be carried out in accordance with the approved plans**
- 4. Buildings, silos and waste liquid tanks to be green in colour unless otherwise agreed**
- 5. Landscape to be submitted and approved in writing**
- 6. Landscape to be completed in accordance with the approved details**
- 7. Details of external lighting to be submitted and approved in writing**

Location Plan : Licence No 100049045



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